

## SURVIVOR STATE EMPLOYMENT GUIDE

# COLORADO

### **INTRODUCTION**

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

### **ANTI-DISCRIMINATION PROTECTIONS**

Under Colorado law ([Colo. Rev. Stat. 24-34-402.7](#)), an employer cannot discriminate or retaliate against an employee who is the victim of domestic abuse, sexual assault, stalking, or other domestic-violence-related crimes for taking time off work to seek a civil protection order, obtain medical care or counseling, locate safe housing or make their home secure, or seek legal assistance or prepare for court-related proceedings. This only applies to employers who employ 50 or more employees and employees who have worked for the employer for twelve months or more.

Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

### **REASONABLE ACCOMMODATIONS**

At the time of publication, Colorado has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

### **LEAVE/TIME OFF WORK**

In Colorado survivors of domestic violence, sexual assault and stalking have several options for taking time off work to address the abuse:

- **Leave to Address Domestic Violence, Sexual Assault or Stalking:** Under Colorado law ([Colo. Rev. Stat. 24-34-402.7](#)), employers who employ 50 or more employees must permit an employee of twelve months or more who is a victim of domestic abuse, sexual assault, stalking, or other domestic violence-related crimes to take up to three days of leave per calendar year, with or without pay, to:
  - seek a civil protection order;
  - obtain medical care or counseling;
  - locate safe housing or make their home secure; or
  - seek legal assistance and prepare for or attend court-related proceedings.

Prior to taking this leave, the employee must exhaust annual or vacation leave, personal leave, and sick leave, unless the employer waives this requirement. The employee shall provide appropriate advance notice “except in cases of imminent danger to the health or safety of the employee” and may be required to provide documentation. The employer cannot discriminate against or take retaliatory action against an employee who exercises these rights.

- **Paid Sick Leave:** Under Colorado law (**Colo. Rev. Stat. 8-13.3-401**), all employers must provide paid sick leave. Employees begin accruing sick leave when they begin employment and accrue one hour of paid sick leave for every 30 hours worked, up to 48 hours. Employees can use sick time as soon as it is accrued, may take leave in hourly increments, and can carry over unused hours to the next calendar year. Employers can require documentation if an employee uses four or more consecutive paid sick days.

Sick leave may be used for:

- The employee has a mental or physical illness, injury or health condition; needs a medical diagnosis, care or treatment related to such illness, injury or condition; or needs to obtain preventive medical care.
  - The employee needs to care for a family member who has a mental or physical illness, injury or health condition; needs a medical diagnosis, care or treatment related to such illness, injury or condition; or needs to obtain preventive medical care.
  - The employee or family member has been the victim of domestic abuse, sexual assault or harassment and needs to be absent from work to:
    - seek a civil protection order;
    - obtain medical care or counseling;
    - locate safe housing or make their home secure; or
    - seek legal assistance and prepare for or attend court-related proceedings.
  - A public official has ordered the closure of the school or place of care of the employee's child or the employee's place of business due to a public health emergency, necessitating the employee's absence from work.
- **Family and Medical Leave:** In Colorado (**C.R.S. 8-13.3-501 et seq.**), eligible individuals can access safe leave through Colorado's family and medical leave insurance program. Under this law, safe leave is defined as leave for a covered individual or the covered individual's family member if they are a victim of domestic violence, a victim of stalking, or victim of sexual assault or abuse. It specifically covers the following:
    - Seeking a civil protection order;
    - Obtaining medical care or mental health counseling or both for himself or herself or for his or her children to address physical or psychological injuries resulting from the act of domestic violence, stalking, or sexual assault or abuse;
    - Making his or her home secure from the perpetrator of the act of domestic violence, stalking, sexual assault or abuse, or seeking new housing to escape said perpetrator; or
    - Seeking legal assistance to address issues arising from the act of domestic violence, stalking, sexual assault or abuse, or attending and preparing for court-related proceedings arising from said act or crime.

To receive this benefit, individuals must have earned at least \$2,500 in wages and meet certain requirements. If they do qualify, an individual can receive up to 12 weeks of leave. **Benefits do not begin until January 1, 2024.**

- **Time Off For Crime Victims:** Under Colorado law ([Colo. Rev. Stat 24-4.1-303\(8\)](#)), an employer can't discharge or discipline an employee who is either a victim of a crime or a member of a victim's family for responding to a subpoena or participating in preparation for a criminal proceeding. Under Colorado law ([Colo. Rev. Stat. 24-4.1-302.5\(n\)](#)), crime victims also have a right to "employer intercession services" to help encourage the employer to cooperate with the criminal justice system and minimize the employee losing their job, pay, or benefits related to the court proceedings.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, and personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

## **UNEMPLOYMENT INSURANCE**

Under Colorado law ([Colo. Rev. Stat. 8-73-108\(4\)\(r\)](#)), leaving a job because of domestic violence may qualify a worker for full benefits. To qualify, the worker must reasonably believe that staying at that job would jeopardize the safety of the worker or any member of his or her immediate family. Immediate family is defined as an "individual's spouse, a partner in a civil union, parent, or minor child under eighteen years of age; a sibling of the individual who is under eighteen years of age and for whom the individual stands in loco parentis; or a sibling of the individual who is incapable of self-care due to a mental or physical disability or a long-term illness." See [Colo. Rev. Stat. 8-70-103\(14.5\)](#).

- *Do I have to show proof of domestic violence?* No. As of January 2021, Colorado no longer requires documentation of domestic violence to qualify for unemployment insurance benefits. See [Colorado Senate Bill 20-170](#).