

# FAMILY FORWARD POLICIES

## What Makes a Workplace Policy Family Forward?

Each policy recommended in this guide is supported by research that shows positive business impact for employers and a positive impact on the employee and children’s health and well-being. Each policy is described in detail throughout this section, with benefits identified for employers, children, and employee/parents. There are also sample policies outlined that we encourage employers to consider adding to their employee handbooks. Policies in this guide fall into five categories:

<b>Leave</b>	FMLA, HFWA, parental, family and medical, PTO, sick & safe, parental involvement
<b>Flexible Work &amp; Scheduling</b>	Flextime/compressed schedule, working from home/telecommuting, job sharing/part time work, predictable scheduling
<b>Health Benefits &amp; Coverage</b>	Health insurance, wellness benefits, FSA, HSA
<b>Childcare</b>	Backup/emergency, subsidized/reimbursed, referral
<b>Accommodations and Support</b>	Workplace Accommodations for Nursing Mothers Act, breastfeeding support, Pregnant Worker Fairness Act, pregnant worker accommodations, babies at work

## LEAVE

Benefits to Employers	Benefits to Children	Benefits to Employees/Parents
Increases/does not decrease productivity	Increases birthweight	Improves family incomes
Improves recruitment	Reduces infant mortality	Increases initiation and length of breastfeeding
Increases likelihood that new mothers will come back to work (and to same employer)	Improves health care	Decreases depression and stress
Increases likelihood that new fathers will stay employed	Increases immunization rates	Increases engagement in caregiving
Reduces turnover costs through increased retention	Builds healthier parent-child relationships	Builds healthier parent-child relationships
Improves morale and job satisfaction	Supports child development	Increases job satisfaction
Increases loyalty and commitment	Increases educational attainment	Builds healthier parent-child relationships
Reduces employee absenteeism	Increases grades, IQ, and test scores	Reduces wage gap between women and men
Provides healthier work environment	Reduces behavioral/mental health problems	Increases gender equality
Reduces health care costs	Reduces stress	Workers are more likely to remain in the workforce, increasing family economic security
Quicker recovery from temporary disability, illness, or injury	Improves regular school attendance	Increased autonomy and flexibility
	Early identification of learning problems	Better work/life balance
	Improves likelihood of high school graduation and attending college	Encourages use of preventative health care
	Encourages use of preventative health care	Quicker recovery from disability, illness, or injury
	Quicker recovery from illness and injury when parents are available to care for them	Lowers risk for spread and worsening of illnesses
	Lowers risk for spread and worsening of illnesses	Allows workers to care for themselves and their children while in crisis situations, when children and parent health and well-being can be severely impacted
	Increases the likelihood that children are in a safe home environment and supervised by an adult when they are sick	
	Allows workers to care for themselves and their children while in crisis situations, when children and parent health and well-being can be severely impacted	

## Colorado FMLA

Currently, Colorado employers with more than 50 employees who have worked for at least 20 weeks in the current or previous year must comply with the provisions of the Family and Medical Leave Act (FMLA). Additionally, to be eligible for FMLA leave, an employee must have worked for the company for at least one year, have worked 1,250 hours in the previous year, and work at a location with at least 50 employees in a 75-mile radius. The law requires that employers provide employees with 12 weeks of unpaid leave in a 12-month period for the following reasons:

- Birth of a new child
- Issues related to the adoption or fostering of a child
- Serious health condition
- To care for an immediate family member with a serious health condition
- Issues related to military deployment

Paid parental leave taken under most policies will run concurrently with leave under the FMLA.

Proposition 118 was approved by Colorado voters in 2020, which will allow employees to take 12 weeks of paid family and medical leave beginning **January 1, 2024**. Employees with pregnancy or childbirth complications will be eligible for an additional 4 weeks. A payroll tax will fund the leave, which employers and employees will split 50/50. The premium pay will begin on January 1, 2023. Businesses with fewer than 10 employees would be exempt from the employer premium, and companies could apply to use a private leave program instead of participating in the statewide program if it meets set criteria approved by the Division of Family and Medical Leave Insurance within the State Department of Labor.

### Sample add-in to the parental leave policies when concurrent with FMLA:

Any leave taken that falls under the definition of circumstances qualifying for leave due to the birth or placement of a child due to adoption or foster care, the leave will be counted toward the 12 weeks of available FMLA leave per a 12-month period. All other requirements and provisions under the FMLA will apply. In no case will the total amount of leave—whether paid or unpaid—granted to the employee under the FMLA exceed 12 weeks during the 12-month FMLA period, with the exception of additional weeks given for pregnancy or childbirth complications.

## Colorado HFWA

A recently signed law will require employers to provide at least 1 hour of paid sick leave for every 30 hours an employee works, adding up to 48 hours per year. Employees may use the leave as soon as they accrue hours. They can also carry over 48 hours per year, but employers do not have to allow employees to take more than 48 hours in one year. Starting January 1, 2021, employers with 16 or more employees will be covered by the paid sick leave requirements. On January 1, 2022, ALL employers in Colorado, excluding the federal government, will be required to provide paid sick leave. Sick leave must be paid at the same hourly rate or salary as the employee normally earns, not including overtime, bonuses, or holiday pay. The employer has no obligation to pay employees for unused sick leave upon separation or at any other time. Paid sick leave must be available for use in hourly increments at a minimum.

### REASONS FOR USE OF PAID SICK LEAVE

Employees may use paid sick leave for any of the following needs:

- The employee's mental or physical illness, injury, or health condition that prevents him or her from working
- Obtaining preventive medical care, or medical diagnosis, care, or treatment of any mental or physical illness, injury, or health condition
- Caring for a family member who has a mental or physical illness, injury, or health condition.
- The employee or family member has been a victim of domestic abuse, sexual assault, or criminal harassment, and needs leave for related medical attention, mental health care or other counseling, victim services (including legal services), or relocation
- Due to a public health emergency, a public official having closed either (A) the employee's place of business, or (B) the school or daycare provider of the employee's child, requiring the employee to be absent to care for the child

In addition to regular paid sick leave, full-time employees will be allowed up to 80 hours of paid sick leave, and part-time employees an amount equal to their average hours in a fourteen-day period, for a public health emergency.

# Unpaid Parental Leave

Unpaid parental leave for the birth, adoption, or acceptance of foster placement of a child that is separate from vacation or sick leave. The American Academy of Pediatrics recommends 12 weeks of parental leave for its family health benefits and correlation with increased early childhood checkups and immunizations. However, research indicates that parental leave is better the longer it is.

## Sample Policy

It is the policy of EMPLOYER to provide up to 12 or x weeks of unpaid, job protected parental leave to eligible employees. The parental leave policy exceeds any legal requirements as, currently, there are no state or federal requirements to provide any parental leave for employers with fewer than fifty employees. *However, Proposition 118 was approved by Colorado voters in 2020, which will allow employees to take 12 weeks of paid family and medical leave beginning January 1, 2024.*

The purpose of the policy is to give parents additional flexibility and time to bond with their new child and adjust to their new family situation. Flexibility and family-friendly policies are essential to cultivating an atmosphere where employees can thrive professionally without sacrificing essential family obligations.

Parental leave can be taken for the following reasons:

- Birth of a new child
- Issues related to the adoption or fostering of a child
- Serious health condition
- To care for an immediate family member with a serious health condition
- Issues related to military deployment

Employees who plan to take parental leave shall initially notify their supervisor of the need for parental leave and include the estimated timing and duration of such leave at least 60 calendar days in advance of the need for parental leave. EMPLOYER will attempt to work with employees that want to come back on a part-time basis prior to x weeks.

Any benefits earned up to the day when leave begins are kept by the employee; however, paid time off and holidays will not be earned during this period. If you are covered by the medical plan at the time of leave your coverage will continue. *\*Employers should check with their health care insurer to determine the impact of unpaid parental leave.*

# Paid Parental Leave

Paid leave for the birth, adoption, or acceptance of foster placement of a child that is separate from vacation or sick leave.

## Sample Policy

EMPLOYER will provide paid parental leave, concurrent with FMLA, to employees following the birth of an employee's child or the placement of a child with an employee in connection with adoption. The purpose of paid parental leave is to enable the employee to care for and bond with a newborn or a newly adopted child. Flexible and family-friendly policies are essential to cultivating an atmosphere where employees can thrive professionally without sacrificing essential family obligations.

Eligible employees must meet the following criteria:

- Have been employed with the company for at least a year
- Have worked at least 1250 hours during the previous year

In addition, employees must meet one of the following criteria:

- Birth of a new child
- Issues related to the adoption or fostering of a child

It is the policy of EMPLOYER to provide up to x weeks of paid parental leave to eligible employees per year. The fact that a multiple birth or adoption occurs (e.g., the birth of twins or adoption of siblings) does not increase the 12-week total amount of paid parental leave granted for that event. In addition, in no case will an employee receive more than 12 weeks of paid parental leave in a rolling

12-month period, regardless of whether more than one birth or adoption occurs within that 12-month time frame, with the exception of additional weeks given for pregnancy or childbirth complications.

Each week of paid parental leave is compensated at x percent of the employee's regular, straight-time weekly pay. Approved paid parental leave may be taken at any time during the six-month period immediately following the birth or adoption. Paid parental leave may not be used or extended beyond this six-month time frame. Employees must take paid parental leave in one continuous period of leave and must use all paid parental leave during the six-month time frame indicated above. Any unused paid parental leave will be forfeited at the end of the six-month time frame. Upon termination of the individual's employment at the company, they will not be paid for any unused paid parental leave for which they were eligible.

In no case will the total amount of leave—whether paid or unpaid—granted to the employee exceed 12 weeks. Available paid time off (PTO) cannot be used to extend leave. Employees are not required to exhaust PTO before taking paid leave. EMPLOYER will maintain all benefits for employees during the paid parental leave period just as if they were taking any other paid leave such as paid holidays or PTO. PTO will not accrue during paid leave. If an organizational holiday occurs while the employee is on paid parental leave, such day will be charged to holiday pay; however, such holiday pay will not extend the total paid parental leave entitlement period.

The employee will provide their supervisor with written notice of the request for leave at least 60 days prior to the proposed date of the leave (or if the leave was not foreseeable, as soon as possible). The employee must complete the necessary forms and provide all documentation as required by EMPLOYER to substantiate the request. As is the case with all company policies, the organization has the exclusive right to interpret this policy.

"The attrition rate for women after childbirth was twice our average attrition rate...After making the change in leave, the difference in attrition rates vanished. And moms told us they were often using the extra two months to transition slowly back to work, making them more effective and happier when the leave ended. When we eventually did the math, it turned out this program cost nothing. The cost of having a mom out of the office for an extra couple of months was more than offset by the value of retaining her expertise and avoiding the cost of finding and training a new hire." – Laszlo Bock, Former Senior VP of Google's People Operations.

## Paid Family and Medical Leave

Family and medical leave allows employees to take paid time off to care for a long-term medical issue for themselves, their children, or a loved one or to address needs during a long-term absence from work.

### Sample Policy

EMPLOYER is committed to a culture that helps our employees meet the demands of family and employment responsibilities. Offering our employees the option of taking paid time off when they or a family member is sick is not just good for our employees and their families, it's good for our business. Therefore, it is our policy to provide up to x weeks of paid family and medical leave in a 12-month period, concurrent with FMLA, to eligible employees as defined below.

To be eligible for Paid Family and Medical Leave (PFML), an employee must:

- Have been employed with the company for at least a year
- Have worked at least 1250 hours during the previous year

In addition, employees must meet one of the following criteria:

- Birth of a new child
- Issues related to the adoption or fostering of a child
- Serious health condition
- To care for an immediate family member with a serious health condition
- Issues related to military deployment

Generally, employees are entitled to take up to x weeks of leave in a single 12-month period for the reasons specified above. For the purposes of this policy, EMPLOYER will calculate the amount of PFML available to an employee using a "rolling" 12-month

period. Available leave is determined by subtracting the number of weeks of PFML taken during this 12-month “look back” period from the x-week total allowed.

Any PFML taken for the birth/adoption/foster care placement of a child must be completed within 6 months after the date of birth or placement.

Full-time employees will be compensated at the employee’s regular, base weekly rate of pay. Part-time employees’ compensation will be pro-rated based on an average number of hours worked in the x months before leave begins.

If the reason for PFML also is covered by the EMPLOYER’s short-term benefits policy (or other policies), benefits will run concurrently. However, EMPLOYER will supplement the employee’s pay so that the employee receives 100 percent compensation during the period of leave.

To the extent applicable, PFML will run concurrently with federal FMLA, and any leave provided under state or local law.

If an employee is enrolled in group health insurance or other insurance benefits, these benefits will continue as if the employee had not taken leave. However, the employee is responsible for their portion of the premiums due on the coverage.

If an employee requests leave for a reason that the employee believes qualifies under this policy, the employee must comply with EMPLOYER’s absence notification policy [include reference to handbook page here]. Failure to comply with EMPLOYER’s absence reporting policies and procedures or to provide documentation or information requested may result in delay or denial of requested time off and/or discipline.

In support of the need for PFML, the employee must provide a complete and sufficient certification form [include reference to handbook page here] to EMPLOYER within 15 calendar days after EMPLOYER requests it.

If an employee timely returns from PFML and used the leave for the stated purpose, the employee will be reinstated to the same position held when leave began, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment.

Before returning to work from PFML for the employee’s own serious health condition, the employee may be required to submit certification from a health care provider that the employee is able to resume work.

## **Paid Time Off (PTO)**

Paid time off provides employees with the flexibility to use their time off to meet their personal needs, while reducing unscheduled absences and the need for supervisory oversight.

### **Sample Policies**

Employees will accumulate a specified amount of PTO each pay period worked and it is up to the employee to allocate how you will use it – for vacation, illness, caring for children, school activities, medical/dental appointments, volunteerism, emergencies, or any other activity of the employee’s choice. The amount of PTO earned will depend on your length of service with the EMPLOYER and the number of hours worked in a week as outlined in the “Accrual Schedule” below.

Each full-time employee will accrue PTO bi-weekly in hourly increments. PTO is added to the employee’s PTO bank when the bi-weekly paycheck is issued. PTO is not earned in pay periods during which unpaid leave, disciplinary leave, short- or long-term disability leave, or workers’ compensation leave are taken.

Employees may use time from their PTO bank in hourly increments. Employees may only use as many PTO hours as available to be accrued under the “Accrual Schedule” for that year and cannot use PTO that they will earn in the following year. That is, an employee at times may have used more PTO than has yet been accrued for the year, but the used amount may never exceed the annual accrual amount as determined under the “Accrual Schedule”.

You are required to provide your supervisor with reasonable advance notice (typically at least fourteen 14 days) and obtain approval prior to using PTO. This allows for you and your supervisor to prepare for your time off and assure that all staffing needs are met.

Employees must use the Paid Time Off form [include reference to handbook page here] to request PTO. EMPLOYER appreciates as much notice as possible when you know you expect to miss work for a scheduled absence.

PTO is subject to supervisory approval and not every employee may take accumulated time around the holiday season. Generally, PTO will be granted on a first come, first-serve basis unless determined otherwise by your supervisor/HR.

There may be occasions, such as sudden illness, when you cannot notify your supervisor in advance. In those situations, you must inform your supervisor of your circumstances as soon as possible.

Any employee who misses three (3) consecutive days of work without notice to their supervisor may be considered to have voluntarily quit their job.

Employee will be paid for the accrued, unused PTO if you leave the EMPLOYER. If an employee has used PTO time not yet accrued, and employment terminates, the PTO taken is deducted from the final paycheck. Employees who give two-weeks' notice of employment termination must work the two weeks without utilizing PTO. *\*Colorado employers must pay out accrued and unused vacation time upon an employee's separation. Any policy or agreement that purports to forfeit an employee's accrued but unused vacation pay upon the employee's separation is now void and unenforceable.*

95% of HR leaders blame employee burnout for the inability to retain staff. (SHRM, 2017)

## Sick and Safe Leave

Sick and safe leave refers to paid leave for employees to care for themselves or a family member during a temporary, short-term medical issue, such as illness; to attend to a critical safety need, such as domestic violence or sexual assault recovery; or for preventative health care, such as an annual well visit or a prenatal doctor appointment.

CO HFWA General Paid Sick Leave (PSL): Starting in 2022, all employers are required to provide up to 48 hours of sick pay per year (this is unrelated to the pandemic). All employees receive 48 hours of paid sick leave per calendar year. Employers can elect an accrual method of tracking or can choose to provide a lump sum at the beginning of each year.

Colorado Revised Statutes 24-34-402.7 permits an employee to request or take up to three working days of leave from work in any twelve-month period, with or without pay, if the employee is the victim of domestic abuse, stalking, sexual assault, or any other crime related to domestic abuse.

### Sample Policy

Eligible employees are entitled to accrue up to x days of paid time off per year for the illness of the employee or a family member, or to help ensure the safety of the employee or a family member as provided below.

Employees begin to accrue leave under this policy at the start of employment and can use leave anytime thereafter.

One hour of paid sick or safe time accrues for each x hours worked by the employee, up to a maximum of x days per year. All employees are eligible to accrue and use sick and safe time leave regardless of whether they are full-time, part-time, or temporary workers once they meet the eligibility requirements.

Sick or safe time can be used for the employee's own illness, injury, or medical condition, the employee's need to obtain diagnosis or treatment or preventive care (i.e., doctor's appointments), the employee's need to care for a family member, and/or an absence resulting from the employee or a family member becoming a victim of stalking, domestic violence, or sexual abuse.

For more information about which absences qualify for sick or safe time leave, please contact \_\_\_\_\_.

A "family member" includes a spouse, including a domestic partner, parents, parents of a spouse, children (including foster children and grandchildren), spouses of children, brothers and sisters, spouses of brothers and sisters, a child who lives with an employee and for whom the employee permanently assumes and discharges parental responsibility, and/or a person with whom the employee shares or has shared, for not less than the preceding 12 months, a mutual residence and with whom the employee maintains a committed relationship.

For more information about who counts as a “family member,” please contact \_\_\_\_\_.

Sick or safe time leave under this policy carries over at the end of each calendar year. However, an employee cannot use, in any one calendar year, more than their maximum annual accrual of x days. Sick or safe time leave is not paid out on termination of employment.

In the case of an unforeseen need to take leave, for example, the illness of an employee or their family member or in the case of an emergency, no written request for leave is required. Notice should be given as soon as possible, either prior to the start of the next work shift or within 24 hours of the onset of an emergency. If a request for leave is foreseeable, an employee should request the leave in writing stating a reason for the absence and its expected duration. This request should be made as early as possible or at least 10 days prior to the absence.

No documentation will be required before three consecutive days of absence. Employees who take sick or safe time leave for three or more consecutive days may be required to provide reasonable certification of the need for leave including, for example, a signed document from a health care professional. An employer may not require disclosure of information relating to domestic abuse, sexual assault, or stalking, or the details of an employee’s medical condition as a condition of providing paid sick and safe time leave. If an employer possesses such information, it shall be treated as confidential, as shall the employee’s request for paid sick and safe time leave.

When providing certification, no health care provider shall be required to provide information protected by the Social Security Act or the Health Insurance Portability and Accountability Act (HIPAA). Employees will not face retaliation or reprisal for requesting or using leave or asserting rights under this policy.

## Parental Involvement Leave

Short-term paid leave that allows a parent to take an afternoon or a day off to attend a school performance or athletic event, volunteer at a child’s school or otherwise take care of a child’s needs.

### Sample Policy

Employees who have children in childcare/preschool, primary or secondary school may take up to 16 hours of paid time off for school activities per calendar year.

Employees must request time off for a child’s school activity at least seven days in advance. In the event of an emergency school meeting, at least 24 hours’ notice is required if possible.

The time off will be given in increments of no less than one hour and no more than four hours. Employees are not required to make up lost time. An employee may be requested to provide documentation for the time off for school activities.