

Colorado Addendum – For Colorado Employees Only

To our Colorado employees: please note that wherever Colorado law provides for or offers greater protections to our employees, Colorado law will govern. All of the policies set forth below may not be applicable to all employees. Please contact a member of the Human Resources Department if you have any questions about any policies in this Addendum.

Healthy Families and Workplaces Act

Public Health Emergency Leave (“PHEL”)

All employers in Colorado are required to provide employees with additional paid sick leave during a public health emergency (for the reasons discussed below under “Reasons for Leave”). Specifically, on the date a public emergency is declared, all employers must supplement each employee’s accrued PSST as necessary to ensure that an employee can take the following amounts of PHEL:

- For employees who normally work 40 or more hours a week: at least 80 hours of PHEL; or
- For employees who normally work fewer than 40 hours in a week: the greater of (a) the amount of time the employee is scheduled to work in a 14-day period or (b) the amount of time the employee actually works during an average 14-day period.

Employers may count an employee’s unused, accrued PSST toward the supplemental PHEL required. Employees are entitled to PHEL one time during the entirety of a public health emergency (even if it is amended, extended, etc.). Employees may use PHEL under the Act until 4 weeks after the official termination or suspension of the public health emergency. Employers may not require documentation for taking PHEL.

Qualifying Reasons for Leave

Eligible employees may use the one-time allotment of PHEL for the following reasons:

- an employee’s need to self-isolate (or to care for a family member who is self-isolating) because the employee or family member is diagnosed with, or experiencing symptoms of, the communicable disease that caused the public health emergency;
- to seek or obtain (or to care for a family member who needs) medical diagnosis, care, or treatment if experiencing symptoms of a communicable disease that is the cause of the public health emergency;
- to seek (for the employee or a family member) preventive care concerning a communicable disease that is the cause of the public health emergency;
- if it has been determined by a local, state, or federal public official or health authority having jurisdiction, or by the employee’s or family member’s employer, that the presence of the employee, or the employee’s family member needing care, on the job or in the community would jeopardize the health of others because of exposure to the

- communicable illness or because the employee or family member is exhibiting symptoms of the illness (regardless of diagnosis);
- to care for a child or other family member when the 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 due to a public health emergency—including if the school or place of care is physically closed but providing instruction remotely; or
 - if an employee is unable to work because the employee has a health condition that may increase susceptibility to, or risk of, a communicable disease that is the cause of the public health emergency

Unused PHEL is not paid out at termination.

Verification

If an employee uses PSST for 4 or more consecutive work days, an employer may require “reasonable documentation” that the PSST is for an authorized purpose. Employers may not require disclosure of details relating to domestic violence, sexual assault, or stalking, or the details of an employee’s or family member’s health information, as a condition of providing PSST. Employers may not require documentation for an employee’s use of the one-time allotment of PHEL.

Paid Family and Medical Leave Insurance Act (FAMLI)

The FAMLI creates a state-run program for providing job protection and paid leave to eligible Colorado employees (including full-time, part-time, or seasonal, etc.). The Company complies with all laws and requirements of Colorado FAMLI, but does not review or process employee applications for Colorado Paid FAMLI benefits. The Colorado Division of Family and Medical Leave Insurance, (the “Division”), not the Company, determines whether an employee’s application is approved and the employee may receive benefits. If you have questions regarding your FAMLI application or benefits, please contact the Division by email at [CDLE FAMLI info@state.co.us](mailto:CDLE_FAMLI_info@state.co.us).

This policy is intended to comply with the requirements of The Colorado FAMLI Program. In the event of a conflict between the Colorado FAMLI Program and this policy, the Colorado FAMLI Program controls.

Beginning January 1, 2024, FAMLI will provide Colorado employees with twelve weeks of paid family and medical leave funded through a payroll tax paid half by employers and half by employees. Employees who take leave for pregnancy or childbirth complications may receive up to sixteen weeks of FAMLI leave.

FAMLI Payroll Tax

Through the end of 2024, premiums will be 0.9 percent of the employee’s wage (0.45 percent to be paid by the Company and 0.45 percent to be paid by the employee). Beginning in 2025, the premium may be adjusted by the Division up to a maximum of 1.2 percent of each employee’s wages. The premium is based on wages up to the federal Social Security wage cap.

Leave under FAMLI

FAMLI provides eligible employees (who meet the legally established earnings requirement) with up to 12 weeks of job-protected family leave during any rolling 12-month period:

- to care for a child following birth adoption, or placement through foster care;
- to care for a family member with a serious health condition;
- to care for the employee's own serious health condition;
- to take "qualifying exigency leave," meaning the employee's family member is active duty military service or has notice of an impending call to active duty; and/or
- to take "safe leave."

An eligible employee who experiences a serious health condition caused by pregnancy complications or childbirth complications may take an additional 4 weeks of job-protected family leave during the rolling 12-month period (for a total of up to 16 weeks).

To qualify for benefits under the act's "safe leave" provision, an employee must be using the leave from work to: (1) obtain a civil protection order; (2) receive medical care or mental health counseling for themselves or a family member; (3) secure the home from the perpetrator; or (4) seek legal assistance to address issues that arise from domestic violence, stalking, sexual assault, or abuse.

For purposes of FAMLI, "Family Member" includes a child (whether biological, adopted, a stepchild, a child of a domestic partner or a child to whom the individual stands in loco parentis), a parent, a person to whom the covered individual is legally married or a domestic partner, a grandparent, grandchild or sibling of the covered individual or the covered individual's spouse or domestic partner, and any other individual with whom the individual has a significant personal bond that is or is like a family relationship.

Benefits under FAMLI are capped, but the caps adjust year to year. Employees are permitted to take leave in increments of one hour. FAMLI leave may be taken continuously, intermittently, or in the form of a reduced work schedule.

Employees may apply for and receive benefits from the State of Colorado if they are eligible by contacting the Colorado Department of Labor – Division of Family and Medical Leave Insurance at: <https://famli.colorado.gov/individuals-and-families>

Employees must make a reasonable effort to schedule FAMLI leave so as not to unduly disrupt business operations. When the need for FAMLI leave is foreseeable, employees must provide at least 30 days-notice. When the need for leave is not foreseeable, or 30 days-notice is not possible, employees must provide notice as soon as practicable.

Leave taken under FAMLI, regardless of whether the employee receives paid benefits from the State of Colorado, runs concurrently with other leaves, including but not limited to the FMLA. In addition, where employees elect to use accrued paid time off (including but not limited to time covered by the Colorado Healthy Families and Workplaces Act) during a period of absence

covered by FAMLI, such absences will run concurrently under the Colorado Healthy Families and Workplaces Act.

Generally, an employee who has worked for the Company for at least 180 days and has taken family or medical leave under FAMLI is entitled to return to the employee's previous position or to an equal position, with the same status, pay, benefits, length of service credit and seniority as the of the date of leave. If the employee would have lost their position even if they had not taken the leave, then there exists no reinstatement right. For example, if the employee's position is eliminated because of a reduction in force, then no reinstatement right exists.

Overtime

Overtime Rate: non-exempt employees will be paid time and one-half of the regular rate of pay for any work in excess of:

- 1) Forty (40) hours per workweek;
- 2) Twelve (12) hours per workday, or
- 3) Twelve (12) consecutive hours without regard to the starting and ending time of the workday (excluding duty free meal periods), whichever calculation results in the greater payment of wages.

Meal Periods

Non-exempt employees who work five (5) or more hours in a day are entitled to take a 30-minute duty-free unpaid meal period. Employees are completely relieved of their job responsibilities during their meal periods. For this reason, unless there is a valid written agreement for an on-duty meal period, employees must clock in and out for their meal periods, or record the beginning and ending time of the meal period on their timesheet every day. Employees may be required to sign a certification providing, among other things, that they have taken all of their daily meal periods during the pertinent pay period.

In limited situations, certain designated employees may be required to work an on-duty meal period due to the nature of the employee's duties. Unless the employee's supervisor directs the employee to take an on-duty meal period due to the nature of job duties and the employee agrees to an on-duty meal period in writing, the employee will not be permitted to work an on-duty meal period.

Rest Periods


The Company provides non-exempt employees with the opportunity to take a 10-minute paid rest period for every four (4) hours worked (or major fraction thereof), which should be taken as close as practicable to the middle of each four-hour work period. No work should be performed during a rest period. Employees are expected to schedule their rest periods at their own discretion under

these guidelines unless instructed otherwise by a supervisor. Rest periods may not be combined with meal periods.

Colorado Overtime and Minimum Pay Standards Order

The Company incorporates Colorado Overtime and Minimum Pay Standards Order (“COMPS”) into the Colorado State Addendum. Please see written notice below. By signing the Employee Handbook, employees are also acknowledging receipt of this written notice.

Please reach out to Human Resources with any questions.



COLORADO OVERTIME & MINIMUM PAY STANDARDS ORDER
“COMPS Order” #38, POSTER & NOTICE

*Effective 1/1/23; must update annually;
 new poster available each mid-December*

Colorado Minimum Wage: \$13.65/hour, or \$10.63 for Tipped Employees, in 2023 (Rule 3)

- The minimum wage is adjusted each year for inflation, so the above amounts are for only 2023
- 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 (\$17.29 in 2023)

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 employees 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 audit/notice)
- 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

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 \$50,000 in 2023 (\$55,000 in 2024, then inflation-adjusted), except \$31.41/hour for highly technical computer work
- Other highly compensated, non-manual-labor employees paid at least 2.25 the above salary (\$112,500 in 2023)
- 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, cdle_labor_standards@state.co.us, 303-318-8441 / 888-390-7936

COLORADO HEALTHY FAMILIES AND WORKPLACE ACT

Please be advised that the Company intends to ensure that all eligible employees who work in Colorado will receive and be permitted to use paid sick and safe time (“PSST”) in accordance with the Colorado Healthy Families and Workplaces Act (“HFWA”), up to the maximum annual accrual and usage amount of 48 hours. Additionally, during the course of a public health emergency, associates who wish to use personal protection equipment (“PPE”) in addition to PPE provided by the Company, if any, are permitted to do so if the additional PPE provides more protection than the Company’s provided equipment, is recommended by a government health agency, and does not result in an inability to perform a work task.



Colorado Workplace Public Health Rights Poster: PAID LEAVE, WHISTLEBLOWING, & PROTECTIVE EQUIPMENT

Updated July 14, 2023
may be updated periodically

THE HEALTHY FAMILIES & WORKPLACES ACT (“HFWA”): Paid Leave Rights

Coverage: All Colorado employers, of any size, must provide paid leave

- All employees earn 1 hour of paid leave per 30 hours worked (“accrued leave”), up to 48 hours a year.
- Employees are required to be paid their regular pay rate during leave, and the employer must continue their benefits.
- Up to 48 hours of unused accrued leave carries over for use during the next year.
- For details on specific situations (irregular hours, non-hourly pay, etc.), see Wage Protection Rule 3.5, 7 CCR 1103-7.
- Up to 80 hours of supplemental leave applies in a public health emergency (PHE), until 4 weeks after the PHE ends.*

Employees can use accrued leave for the following safety or health needs:

- (1) a mental or physical illness, injury, or health condition that prevents work, including diagnosis or preventive care;
- (2) domestic abuse, sexual assault, or criminal harassment leading to health, relocation, legal, or other services needs;
- (3) caring for a family member experiencing a condition described in category (1) or (2);
- (4) grieving, funeral/memorial attendance, or financial/legal needs after a death of a family member;
- (5) due to inclement weather, power/heat/water loss, or other unexpected occurrence, the employees needs to either (a) evacuate their residence, or (b) care for a family member whose school or place of care was closed, or
- (6) in a PHE, a public official closed the workplace, or the school or place of care of the employee’s child.

Employer Policies (Notice; Documentation; Incremental Use; Privacy; and Paid Leave Records)

- **Written notice and posters.** Employers must (1) provide notice to new employees no later than other onboarding documents/policies; and (2) display updated posters, and provide updated notices to current employees, by end of year.
- **Notice for “foreseeable” leave.** Employers may adopt “reasonable procedures” in writing as to how employees should provide notice if they require “foreseeable” leave, but **cannot deny paid leave** for noncompliance with such a policy.
- **An employer can require documentation to show that accrued leave was for a qualifying reason only if leave was for four or more consecutive work days** (i.e. days when an employee would have worked, not calendar days).
- **Documentation is not required to take accrued leave,** but can be required as soon as an employee returns to work or separates from work (whichever is sooner). **No documentation can be required for PHE leave.**
- **To document leave for an employer’s (or an employee’s family member’s) health-related need,** an employee may provide: (1) a document from a health or social services provider /services were received and a document can be obtained in reasonable time and without added expense; **otherwise (2) the employee’s own writing.**
- **Documentation as to domestic abuse, sexual assault, or criminal harassment** can be a document or writing under (1) above (e.g. legal or shelter services provider) or (2) above, or legal document (restraining order, police report, etc.).
- **If an employer reasonably deems an employee’s documentation deficient,** the employer must: (A) notify the employee within seven days of either receiving the documentation or the employee’s return to work or separation (whichever is sooner), and (B) give the employee at least seven days to cure the deficiency.
- **Incremental Use.** Depending on employer policy, employees can use leave in either hourly or six-minute increments.

- **Employee Privacy.** Employers cannot require employees to disclose “details” about an employee’s (or their family’s) HFWA-related health or safety information; such information must be treated as a confidential medical record.
- **Records must be retained and provided upon request.** Employers must provide documentation of the current amount of paid leave employees have (1) available for use, and (2) already used during the current benefit year, including any supplemental PHE leave. Information may be requested once per month or when the need for HFWA leave arises.

Retaliation or Interference with HFWA Rights

- **Paid leave cannot be counted as an “absence”** that may result in firing or another kind of adverse action.
- **An employee can’t be required to find a “replacement worker” or job coverage when taking paid leave.**
- **An employer cannot fire, threaten, or otherwise retaliate against, or interfere with use of leave by,** an employee who: (1) requests or takes HFWA leave; (2) informs or assists another person in exercising HFWA rights; (3) files a HFWA complaint; or (4) cooperates/assists in investigation of a HFWA violation.
- **If an employee’s reasonable, good-faith HFWA complaint, request, or other activity is incorrect,** an employer need not agree or grant it, but cannot *act against* the employee for it. Employees *can* face consequences for misusing leave.

PROTECTED HEALTH/SAFETY EXPRESSION & WHISTLEBLOWING (“PHEW”): Worker Rights to Express Workplace Health/Safety Concerns & Use Protective Equipment

Coverage: All Employers and Employees, Plus Certain Independent Contractors

- PHEW covers not just “employers” and “employees,” but all “principals” (an employer or a business with at least 5 independent contractors) and “workers” (employees or independent contractors working for a “principal”).

Worker Rights to Oppose Workplace Health/Safety Violations:

- It is unlawful to **retaliate against, or interfere with,** the following acts:
 - (1) **raising reasonable concerns,** including informally, to the principal, other workers, the government, or the public, about workplace violations of government health or safety rules, or a significant workplace health or safety threat;
 - (2) **opposing or testifying, assisting, or participating** in an investigation or proceeding about retaliation for, or interference with, the above-listed conduct.
- A principal need not address a worker’s PHEW-related concern, but it still cannot fire or take other *action against* the worker for raising such a concern, as long as the concern was reasonable and in good-faith.

Workers’ Rights to Use Their Own Personal Protective Equipment (“PPE”):

- A worker must be allowed to **voluntarily wear their own PPE** (mask, faceguard, gloves, etc.) if the PPE (1) provides **more protection** than equipment provided at the workplace, (2) is **recommended** by a government health agency (federal, state, or local), and (3) does not make the worker **unable to do the job.**

COMPLAINT RIGHTS (under both HFWA & PHEW)

- Report violations to the Division as complaints or anonymous tips, or file in court after exhausting pre-lawsuit remedies.

This Poster summarizes two Colorado workplace public health laws: C.R.S. § 8-13.3-401 et seq. (paid leave), and C.R.S. § 8-14.4-101 et seq. (healthy and safety whistleblowing) including amendments current as of the date of this poster. It does not cover other health or safety laws, rules, and orders, including under the federal Occupational Safety and Health Act (OSHA), from the Colorado Department of Public Health and Environment (CDPHE), or from local public health agencies. Contact those agencies for such health and safety information.

*In a PHE, employees gain additional hours of leave for inability to work, testing, quarantining, caring for family in such situations, and related needs. No PHE is now in effect; this poster will be updated if one is declared.

This poster must be displayed where easily accessible to workers, shared with remote workers, provided in other languages as needed, and replaced with any annually updated versions.

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