



## Colorado Expands Parental Leave

*On June 1, Colorado Governor Bill Ritter signed into law the Parental Involvement in K-12 Education Act ([H.B. 1057](#)). The new law, which will apply to the upcoming school year, requires covered employers to provide unpaid leave for parents to attend certain academic activities for or with their children. This law reflects a growing trend among states to expand employee leave entitlements for other than health-related reasons.*

### Background

The federal Family and Medical Leave Act (FMLA) generally requires employers with 50 or more employees to provide unpaid, job-protected leave to eligible employees for their own medical reasons, the birth or adoption of a child, the care of a seriously ill family member, or certain circumstances related to military service. (See our January 15, 2009 [For Your Information](#).) Beginning in August, Colorado will require employers covered by FMLA to provide additional parental leave to their employees for school-related activities.

**BUCK COMMENT.** *Over the past few years, a number of states have enacted some form of parental leave law for parent-teacher conferences or other school-related activities. Most recently, Nevada expanded leave entitlements for employees to attend their children's school-related activities or events or to volunteer at private as well as public schools, and will now require employers with 50 or more employees to allow up to four hours of leave per school year per child for that purpose.*

### New Leave Requirement for Colorado Employers

The Parental Involvement in K-12 Education Act requires employers with 50 or more employees to allow “nonexecutive” and “nonsupervisory” employees time off to participate in certain academic activities for or with their children. Under the new law, parents with children enrolled in grades K -12 in public school, private school, or home school, will be entitled to take up to 18 hours of leave each academic year to attend parent-teacher conferences or meetings related to special education services, interventions, dropout prevention, attendance, truancy or disciplinary issues. Such leave is limited to six hours in any month, and employers may require that it be taken in increments of no more than three hours. Employees who work less than full-time are eligible for a pro-rated share of the leave entitlement.

Employees are required to make a “reasonable attempt” to schedule academic activities outside regular work hours. When leave must be taken during work hours, employees must generally provide the employer with at least one calendar week’s notice. If the employee is not aware of the need for leave a week in advance, notice

must be given as soon as possible after the need arises. In either situation, the employer may require written verification of the academic activity from the school. Leave may be limited “in cases of emergency” or other situations involving health and safety concerns, or when the employee’s absence would stop service or production.

**BUCK COMMENT.** *Because the law does not define what constitutes a “reasonable attempt” or an “emergency” and fails to specify how the new mandate will be enforced, employers are left to decide whether leave can properly be limited on a case-by-case basis pending further guidance.*

Either the employee or the employer may elect to substitute accrued paid leave for the new parental leave. Alternatively, the employer may allow the employee to take paid leave to attend the academic activity and then to make up the time missed within the same work week. The employer is not required to provide additional leave if it already provides employees comparable paid or unpaid leave that can be used to attend school-related activities.

**Effective Date.** The new leave law is slated to take effect on August 5, 2009.

## Conclusion

Colorado’s new parental involvement leave law will be effective for the upcoming academic year. Colorado employers should revise their leave policies and procedures, update their employee handbooks, and train their supervisors and human resources representatives on the new leave entitlement before the next school year begins. Buck’s consultants are available to assist you in this process.

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*This FYI is intended to provide general information. It does not offer legal advice or purport to treat all the issues surrounding any one topic.*