



LEGAL ALERT

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New Leave Requirements are Scheduled to Accompany the Upcoming Fall School Year

by Elizabeth J. McNamee, Esq.

On June 1, 2009, Colorado's Governor, A. William Ritter, signed into law the Parental Involvement in K-12 Education Act ("Act"). House Bill 09-1057, now codified at C.R.S. § 8-13.3-101 et seq., takes effect on August 5, 2009, unless a referendum petition is filed before this date. According to the General Assembly Bill Information Office, referendum petitions are rarely filed, meaning employers should plan accordingly to ensure they are prepared to comply with the Act's requirements this fall.

Under the Act, Colorado employers with 50 or more employees must allow nonsupervisory and/or nonexecutive employees, who are parents or the legal guardians of children attending public or private school in grades K-12, up to eighteen (18) hours of leave per academic year (defined as not exceeding a 12-consecutive-month period) to attend parent-teacher conferences, participate in special educational or intervention services as defined by Colorado statute, or to attend meetings related to dropout prevention, attendance, truancy, and/or disciplinary issues.

Employers may limit the leave to six (6) hours per month and may require that employees take the leave in periods not to exceed three (3) hour increments. Employers may also require that employees provide them with one-week's notice and submit written documentation from the school of the academic activity



before taking time off, unless emergency circumstances related to the employee's receipt of notice of the academic activity otherwise prohibit the employee from providing the employer with a one-week notice. Under such circumstances, the employee is required to provide notice as soon as is practicable.

The leave provided for in the Act may be unpaid, and either the employee or the employer may elect to substitute accrued paid vacation, sick, personal, or other paid leave for the unpaid leave provided for in the Act. Last, employees who work less than full-time schedules are eligible to take advantage of the leave provided under the Act, in direct proportion to the percent of full-time schedule that employee works.

What preparations should employers consider? If you are subject to the Act's requirements, take the next few weeks to review your leave policies to: 1) Determine how your company will handle any such request; 2) Develop a policy to address the Act's requirements; 3) Assign a point person within your company to handle related leave requests; and 4) Implement measures to minimize any stumbling at the starting gate.

If you have any questions about this article, please feel free to contact the author, Elizabeth J. McNamee, Esq., at 303.634.2092 or emcnamee@swlaw.com.



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