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Frequently Asked Questions: Colorado's Paid Family and Medical Leave Insurance Program ***(Benefits to Begin in January 2024)***

Colorado's state-run Paid Family and Medical Insurance Program (FAMLI) was established after the historic passage of Proposition 118 in November 2020. Voters from across the state and from all political parties supported Prop. 118, leading to its passage by a margin of more than 15 percentage points. By enacting FAMLI by ballot, Colorado became the first state to pass a paid family and medical leave law by a popular vote. Including Colorado, there are now 11 states with paid family and medical leave laws on the books, plus Washington, D.C.

While FAMLI is now law, *the program's benefits have not yet gone into effect.* Once they do, FAMLI will provide job-protected paid leave benefits to covered workers in Colorado, when qualifying life situations arise. These include the need to bond with a new child, provide care for one's own serious illness or a family member's, address specific safety needs related to domestic violence, sexual assault and stalking, or respond to military deployment and other military family needs.

Covered workers will be able to take up to 12 weeks of paid leave (with an additional 4 weeks available for qualifying pregnancy or childbirth complications). Once FAMLI goes into effect, 2.6 million hardworking Coloradans will no longer have to choose between caring for themselves or their families and their paychecks.

Frequently Asked Questions About FAMLI

When does the law go into effect?

On **January 1, 2023**, FAMLI premium collection will begin for employers and workers. Employees will start to see small payroll deductions that fund the program's benefits, and most employers will begin contributing to the program's costs as well.

On **January 1, 2024**, covered workers (including self-employed individuals who have opted into the FAMLI program) will be eligible to receive FAMLI benefits when they have a qualifying need.

Who is covered by FAMLI?

Individuals who work in Colorado as employees are probably covered, whether they are a **full-time, part-time,** or **temporary**, if they meet the earnings requirement described in the next question.

While all employees of the State of Colorado are covered by FAMLI, the law treats local governments differently. Employees of local governments *may* be covered. Local governments can choose to opt out of the FAMLI program — but if a local government does opt out of FAMLI, their employees can still choose to individually elect FAMLI program coverage. Later this year, A Better Balance will provide more information for local government employees to better understand how the program will work for them.



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Federal government employees and certain railroad employees are NOT covered by the FMLI Act.

What is the earnings requirement for FMLI coverage?

In order for a Colorado worker with a qualifying need for FMLI leave to qualify for FMLI benefits, the individual must have earned at least \$2,500 in total wages (including among different jobs) in the State of Colorado within a set period of time.

Will employees have access to health coverage while on FMLI leave?

If a covered employee receives healthcare coverage through their employer, they also have the right to keep their healthcare coverage while on leave under the same conditions, regardless of how long that employee has been employed.

Will employees' jobs be protected while on FMLI leave?

Yes, covered employees will be entitled to return to work (to their job or an equivalent job with equivalent pay and benefits) as long as they have been employed with their current employer for at least **180 days**.

Does the law protect employees from retaliation for exercising or attempting to exercising their rights under FMLI?

All covered employees, regardless of how long they have been employed, are protected against retaliation under the FMLI law.

For what purposes can a covered worker take FMLI leave?

Beginning January 1, 2024, a covered worker will have the right to take paid family and medical leave and receive FMLI benefits for the following purposes:

- (1) Care of their child during the first year after the birth, adoption, or foster placement of that child;
- (2) Care for their family member with a serious health condition;
- (3) For their own serious health condition;
- (4) Because of military family needs if a family member is called or ordered to active duty service (for example, providing for the care or other needs of the servicemember's child or family member, making financial or legal arrangements for the servicemember, attending counseling, attending military events, and spending time with the servicemember upon their return from deployment); or
- (5) For their own or family member's need for safe leave related to domestic violence, sexual assault or abuse, or stalking (for example, to find safe housing, seek legal help, or obtain other survivor support services).



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Under the law, a “family member” means a person who is related by blood, marriage, civil union, or adoption; a child to whom the individual stands or stood “in loco parentis” (a child to whom the employee is “acting as a parent” and raising, or did so when the child was a minor); or a person for whom the individual is responsible for providing or arranging health-or-safety-related care.

How much leave can an individual take under FAMLI?

Up to 12 weeks in a one-year period for the reasons listed above. Covered workers may also be eligible for an additional 4 weeks of FAMLI benefits coverage for certain complications related to pregnancy or birth.

What percentage of wages will be paid while on FAMLI leave?

While on FAMLI leave, covered workers will receive a percentage of their wages set on a sliding scale (up to 90%), with low-wage workers receiving the highest percentage. The maximum weekly benefit is \$1,100 in 2024, but this amount will adjust in later years as the state average weekly wage changes. Colorado’s Department of Labor and Employment (CDLE) has a FAMLI benefits calculator available on their website which can be found [here](#).

How much will Coloradans pay in premiums?

In most cases, it is likely that covered employees will pay 0.45% of their wages up to a cap, regardless of employer size. Employers with 10 or more employees will also pay 0.45% of employee wages up to a cap. Taken together, these premium contributions will total 0.9% of covered employees’ wages up to a cap. Employers with fewer than 10 employees are not required to pay the employer premium share (but will remit premiums on behalf of their employees). Employees at small businesses who qualify for this employer premium discount will have the same access to the benefits of paid family and medical leave and job protection provided under the FAMLI as employees at larger employers.

The law allows employers to pay all or part of their employees’ share of the premium cost, so individual employee contributions may differ depending on whether the employer wishes to cover more or all of the employee’s share as an added benefit to their employees. However, no covered employee will be required to pay premiums above 0.45% of their wages during the first two years of the premium collection.

Starting in 2025, the percentage of employee wages owed in premiums may increase or decrease depending on the health of the total FAMLI Fund, but total premiums owed by employees and employers will never exceed 1.2% of an employee’s wages (meaning that any individual employee will never pay more than 0.6% of their wages in premiums). CDLE’s calculator, available [here](#), can also help to estimate premium costs.



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Will self-employed individuals be able to participate in the FAMLI program?

Yes! Self-employed individuals, including independent contractors, will be able to opt into the FAMLI program if they choose. Once they elect coverage, self-employed individuals in Colorado will pay the employee portion of premiums (as described in the last question) to the FAMLI Division of Colorado’s Department of Labor and Employment and be able to receive partial wages during family and medical leave. However, it should be noted that businesses sometimes call people independent contractors who are actually employees under the law.

What are the differences between the federal Family and Medical Leave Act and CO’s FAMLI Law?

Although the two laws both address family and medical leave, they have several significant differences. The federal Family and Medical Leave Act (FMLA) entitles eligible employees of covered employers to take up to 12 weeks of *unpaid*, job-protected leave for specified family, medical, and military reasons. The FMLA is not a *paid* family and medical leave law and does not apply to all workers in Colorado—it only covers businesses with 50 or more employees. In addition, employees of covered businesses are not eligible for leave under the FMLA until they have worked 1,250 hours in the past 12 months with their employer. You can find out more about who is covered by the FMLA [here](#).

Unlike the FMLA, which provides limited protections to some workers, Colorado’s FAMLI law will apply to most workers and employers in Colorado. The FAMLI Act will provide two types of benefits to covered Colorado workers who qualify; paid leave through partial wage replacement, and job protection. Also, as noted above, FAMLI provides up to 12 weeks of *paid* leave, with the possibility of 4 weeks of additional *paid* leave for qualifying pregnancy and birth-related complications.

What is the difference between the paid family and medical leave provided by the FAMLI Act and paid sick leave provided by Colorado’s Healthy Families and Workplaces Act?

Paid sick leave laws typically provide short-term time off, often in increments of hours or days. In Colorado, the Healthy Families and Workplaces Act (HFWA) gives most workers in the state access to paid sick time. Under HFWA, paid sick time can be used for time off because of an illness (including, but not limited to, short-term illnesses, such as a stomach flu or bad cold), to attend a medical appointment, to seek preventive care (like vaccines and routine medical check-ups), to care for a loved one who is ill, or to address needs related to domestic violence and sexual assault. Paid sick time is an employment benefit that employers provide by law. More information about your rights under HFWA to paid sick leave can be found [here](#).

Paid family and medical leave, such as is provided by the FAMLI Act, is usually a longer-term leave of up to a few months (though FAMLI leave can also be taken in smaller increments) for the purposes described earlier—to bond with a new child, deal with a personal or loved one’s serious health condition, address certain military family needs, and respond to needs related to domestic violence, sexual assault, or stalking. As described earlier, FAMLI benefits are paid through a social insurance program funded by employer contributions and employee payroll deductions.



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Both FAMLI and the HFWA provide important benefits that allow workers to care for their own and their loved ones' health and safety. These laws also serve two distinct purposes, which is why workers need and deserve both.

How do individuals apply for FAMLI benefits?

It is still too early to qualify for and apply for FAMLI benefits. ***Colorado workers who are covered by the law will become eligible to apply for benefits in January 2024.*** Please check back for future updates regarding the application process. You may also review the FAMLI webpage of the Colorado Department of Labor and Employment (CDLE), found [here](#).

Are you a Colorado worker with questions about your current or future rights to paid leave?

Call our free and confidential legal hotline at 1-833-NEED-ABB. We answer questions, provide information and assistance, and help you navigate your rights in the workplace, Monday through Friday. We offer assistance through our hotline in English and Spanish.

This fact sheet is designed to assist you in understanding your basic rights under FAMLI. It does not cover all aspects of the law and does not constitute legal advice. It is possible that other laws, rules, or collective bargaining agreements not described here may apply to your specific circumstances.