

Your FAMLI Contributions Start in January.



Starting January 1, 2023, most Colorado workers (full-time, part-time and seasonal) will see a new deduction on their paychecks of 0.45% of their wages.

This small deduction covers your contribution to Colorado's new, voter-approved Paid Family and Medical Leave Insurance Program (FAMLI). For someone making \$45,000/year that's a deduction of less than \$8 per biweekly paycheck. To see what your estimated deduction will be, visit famli.colorado.gov.

You will be able to apply for FAMLI benefits—like paid leave for up to 12 weeks when you or a family member experiences a qualifying health issue—starting in January 2024.

Frequently Asked Questions

Why am I paying now for a benefit I cannot use for a year?

The FAMLI program is funded by premiums made by both employers and employees. Contributions made in 2023 will establish the fund that will eventually pay out benefits to Colorado workers in 2024. The gap year is needed to build the funds before benefits can be paid.

I did not vote for this, why must I contribute part of my paycheck?

When Colorado voters passed Prop 118 in 2020, that established the FAMLI Act for all of Colorado. With the law now in effect, most businesses and most workers across the state are required to comply.

Can I opt out?

No. The FAMLI Act does not allow employees to opt out of the program.

I don't plan on ever using this benefit, do I still need to contribute?

Yes. The FAMLI program is a social insurance program, and does not operate like a personal health savings account. Your individual contributions are not tied to when you apply for benefits. Contributions made by both employees and employers will fund the social insurance pool that will eventually pay out benefits in 2024.

Can I file a claim now?

No. FAMLI benefits will not be available until 2024. We are in the process of building the technology and corresponding processes to accept claims. Expect to see more guidance from the FAMLI Division on how to apply for benefits in the second half of 2023.

famli.colorado.gov



We're @ColoradoFAMLI on Social!



COLORADO

Family and Medical Leave Insurance Program (FAMLI)

Department of Labor and Employment

Deductions from Employee Wages start January 1, 2023

- The employee share of FAMLI premiums is set at 0.45% of employee wages through 2024. For 2025 and beyond, the director of the FAMLI Division sets the premium rate according to a formula based on the monetary value of the fund each year. Employers with a total of ten or more employees nationwide must also contribute an additional 0.45% of wages for a total of 0.9%, but employers with nine or fewer employees are only responsible for sending the 0.45% employee share to the FAMLI Division.
- **Starting in 2023, employers may begin deducting up to 0.45% from employees' wages for FAMLI contributions.** This can be done through a simple payroll deduction, and employees will notice the deduction on their regular paychecks. Employers are responsible for collecting those deductions and sending them into the FAMLI Division on behalf of their employees once a quarter.

Benefits start January 1, 2024

- Starting in 2024, paid family and medical leave benefits are available to most Colorado employees who have a qualifying condition and who earned \$2,500 over the previous year for work performed in Colorado.
- The qualifying conditions for paid family and medical leave are:
 - Caring for a new child during the first year after the birth, adoption, or foster care placement of that child.
 - Caring for a family member with a serious health condition.
 - Caring for your own serious health condition.
 - Making arrangements for a family member's military deployment.
 - Obtaining safe housing, care, and/or legal assistance in response to domestic violence, stalking, sexual assault, or sexual abuse.
- Covered employees are entitled to up to 12 weeks of paid family and medical leave per year. Individuals with serious health conditions caused by pregnancy complications or childbirth complications are entitled to up to 4 more weeks of paid family and medical leave per year for a total of 16 weeks.
- Leave may be taken continuously, intermittently, or in the form of a reduced schedule.
- Leave will be paid at a rate of up to 90% of the employee's average weekly wage, based on a sliding scale. Employees may estimate their benefits by using the benefits calculator available at famli.colorado.gov.
- You don't have to work for your employer a minimum amount of time in order to qualify for paid family and medical leave benefits.
- If FAMLI leave is used for a reason that also qualifies as leave under the federal FMLA, then the leave will also count as FMLA leave used.
- Employees may choose to use sick leave or other paid time off before using FAMLI benefits, but they are not required to do so.
- Employers and employees may mutually agree to supplement FAMLI benefits with sick leave or other paid time off in order to provide full wage replacement.

Filing Claims

- Benefits will be available starting January 2024. Instructions on how to apply for benefits are available at famli.colorado.gov.
- Employees or their designated representatives apply for FAMLI benefits by submitting an application and any required documentation through My FAMLI+, available at famli.colorado.gov.
- Applications may be submitted in advance of the absence from work, and in some circumstances, they may be submitted after the absence has begun.
- Approved applications will be paid by the FAMLI Division within two weeks after the claim is properly filed, and weekly thereafter for the duration of the approved leave.
- Employees can appeal claim determinations to the FAMLI Division.
- Individuals who attempt to defraud the FAMLI program may be disqualified from receiving benefits.

Job protection and continued benefits

- Employers may not interfere with employees' rights under FAMLI, and may not discriminate or retaliate against them for exercising those rights, including taking FAMLI leave, talking to others about FAMLI, and filing complaints of FAMLI violations.
- An employee who has worked for the employer for at least 180 days is entitled to return to the same position, or an equivalent position, upon their return from FAMLI leave.

Retaliation, Discrimination, and Interference Prohibited

- Employers may not interfere with employees' rights under FAMLI, and may not discriminate or retaliate against them for exercising those rights.
- Employees who suffer retaliation, discrimination, or interference may file suit in court, or may file a complaint with the FAMLI Division.

Other Important Information

- An employer may offer a private plan that provides the same benefits as the state FAMLI plan, and imposes no additional costs or restrictions. Private plans must be approved by the FAMLI Division.
- Employees and employers are encouraged to report FAMLI violations to the FAMLI Division.

