

Colorado Family and Medical Leave Insurance Program

The Colorado Family and Medical Leave Insurance Program (FAMLI) was approved in a statewide election in 2020. FAMLI provides “partial wage-replacement benefits to an eligible individual who takes leave from work to care for a new child or a family member with a serious health condition or who is unable to work due to the individual’s own serious health condition.” The FAMLI program applies to employers of any size; however, employers with a private plan that meets or exceeds the FAMLI requirements may apply to the Division of Family Medical Leave Insurance (Division) for an exemption to use their own plan; also, the FAMLI program allows local governments to opt-out of participating.

LOCAL GOVERNMENT OPT-OUT OPTION

Local governments may choose to opt out of the FAMLI program; however, individual employees may still participate as individuals. Rules governing the local government opt-out are still under development; however, the rules for local governments adopted on January 14, 2022 can be viewed [here](#). Consult <https://famli.colorado.gov> for the most up-to-date information. You may also view webinars or sign-up for a newsletter from the Division at <https://famli.colorado.gov/employers> for additional information. Currently, local governments must opt-out of the program every eight years and must inform the Division six months before the start of the opt-out period.

PREMIUMS

Employers will start collecting FAMLI premiums for Paid Family and Medical Leave on January 1, 2023. Coloradans will be eligible to take up to 12 weeks of FAMLI leave starting January 1, 2024. The premium is 0.9% of each employee’s gross wages, with .45% paid by the employer and .45% paid by the employee. The FAMLI program was designed to be able to run concurrently with the FMLA. Employers with nine or fewer employees do not have to contribute to the program but do need to remit their employees’ share (.45%) of premium payments on each quarter. This can be done through a payroll deduction.

WHAT THIS MEANS FOR COUNTIES

Counties will need to decide before the end of the year if they wish to participate, apply for an exemption to use their own plan, or opt out of the FAMLI program. Counties choosing the opt-out option should consult their county attorneys to ensure they fulfill all opt-out requirements. Counties should be prepared to collect premiums and will need to update HR manuals and communicate with employees about their options under the FAMLI program. For more information, visit the Division website at <https://famli.colorado.gov>. You may contact CTSI at 303 861 0507.

