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Questions	Answers	Topic
If I normally have 9 employees but in the prior year I had to hire and release 2 people after 90 days who did not work out, is my employee count for famli 9 or 11?	Employer size is calculated annually by looking at the previous calendar year and counting each employee that was employed during 20 or more work weeks. Employees on paid or unpaid leave, including sick or medical leave, leaves of absence, disciplinary suspension, etc. are counted as being employed as long as the employer has a reasonable expectation the employee will later return to active employment.	Total Number of Employees
Can you provide where we can reference how employer size is calculated within the law / rules?	The methodology for calculating employer size is described in the FAMLII Premium Rules at 7 CCR 1107-1, Section 1.5.6. The FAMLII Division intends to propose minor amendments to those rules for clarity later this year.	Total Number of Employees
We have employees in various states. When counting the number of employees do we count all employees in the entire company or just those that work in our CO Branch to determine if we must participate?	To determine employer size, for purpose of determining an employer's liability for premiums, employers must count all employees nationwide. However, for an employee to be liable for premium contributions and entitled to FAMLII benefits, that employee must be a Colorado worker, as defined by the Premium Rules at 7 CCR 1107-1 Section 1.5.6.C.	Total Number of Employees
We are a multi establishment company, under common ownership. Will the count of employees apply to us if we have a separate entity with fewer than 10 employees in CO, but more than 10 in total under common ownership?	To determine employer size, for purpose of determining an employer's liability for premiums, employers must count all employees nationwide. However, for an employee to be liable for premium contributions and entitled to FAMLII benefits, that employee must be a Colorado worker, as defined by the Premium Rules at 7 CCR 1107-1 Section 1.5.6.C.	Total Number of Employees
If the company has over 10 employees, but only one of these employees is in CO, we would still contribute the .90%?	To determine employer size, for purpose of determining an employer's liability for premiums, employers must count all employees nationwide. However, for an employee to be liable for premium contributions and entitled to FAMLII benefits, that employee must be a Colorado worker, as defined by the Premium Rules at 7 CCR 1107-1 Section 1.5.6.C.	Total Number of Employees
Is that 10+ in total, or only in Colorado?	To determine employer size, for purpose of determining an employer's liability for premiums, employers must count all employees nationwide. However, for an employee to be liable for premium contributions and entitled to FAMLII benefits, that employee must be a Colorado worker, as defined by the Premium Rules at 7 CCR 1107-1 Section 1.5.6.C.	Total Number of Employees
Are you able to change the employer contribution year by year if your employee number changes from 10 to 9 year by year?	Yes, employer size is calculated annually, which could result in a change to the employer's premium obligations.	Total Number of Employees

Questions	Answers	Topic
Multi-State employers - How do you recommend employers with current parental policies (not as generous as CO FAMLl) overlap these current policies with FAMLl and STD?	If they want to keep their own private plan they will need to provide equal or greater benefits and protections as the FAMLl plan and will need to secure private plan approval from the FAMLl Division. Read our proposed private plan rules here: https://drive.google.com/file/d/1mQ1qNEmQFd-PotMQtEcjEtCSqsBj4TBY/view .	Multl-State Employers
We have employees in different states. Do we only charge our CO employees the 0.45%? Not the other out of state employees, since they wouldn't be able to use the FAMLl benefit?	Correct. Only Colorado workers, as defined by the Premium Rules at 7 CCR 1107-1, Section 1.5.6.C., may be subject to deductions for premiums.	Multl-State Employers
We are a multi-state company. Do all employee across the board need to contribute, on only employees located in Colorado?	Correct. Only Colorado workers, as defined by the Premium Rules at 7 CCR 1107-1, Section 1.5.6.C., may be subject to deductions for premiums.	Multl-State Employers
2nd half of my question -- WI employer with 1 part time ee in CO. Are we still responsible for complying with this law?	Yes, with regard to Colorado employees, as defined by the Premium Rules at 7 CCR 1107-1, Section 1.5.6.C.	Multl-State Employers
If an employee works 100 hours with 20 in CO and 80 in WY, do you only withhold on the 20 hours in CO or all 100?	All of a Colorado worker's wages may be subject to deductions for premiums. In some circumstances, a worker will still be considered a Colorado worker even where some of the work is performed outside of the state. Therefore, in some circumstances, wages a worker earns out of state will still be subject to deductions for FAMLl premiums. For a detailed description of what constitutes Colorado employment, please see the Premium Rules at 7 CCR 1107-1, Section 1.5.6.C.	Multl-State Employers
If employee lives In another state but works in Colorado are they eligible	Yes, if an employee performs all work in Colorado, they will be covered by the FAMLl program. For more detail, please see a detailed description of what constitutes Colorado employment in the Premium Rules at 7 CCR 1107-1, Section 1.5.6.C.	Multl-State Employers
Do we collect premiums from all employees regardless if they are in CO or not?	No, only Colorado workers, as defined by the Premium Rules at 7 CCR 1107-1, Section 1.5.6.C., may be subject to deductions for premiums.	Multl-State Employers
If we have 1000's of employees, but only 3 work remotely out of CO, only the three working in CO are subject to the .9 tax?	Only Colorado workers, as defined by the Premium Rules at 7 CCR 1107-1, Section 1.5.6.C., may be subject to deductions for premiums.	Multl-State Employers
What if we have employees in Wyoming but they are from and live in Colorado, do we need to withhold for FAMLl. Sometimes they work in Colorado and then go to Wyoming for an extended period of time. What would the withholding requirement be in that situation?	All of a Colorado worker's wages may be subject to deductions for premiums. In some circumstances, a worker will still be considered a Colorado worker even where some of the work is performed outside of the state. Therefore, in some circumstances, wages a worker earns out of state will still be subject to deductions for FAMLl premiums. For a detailed description of what constitutes Colorado employment, please see the Premium Rules at 7 CCR 1107-1, Section 1.5.6.C.	Multl-State Employers
I'm sorry if this was discussed already -- I was just able to access this webinar. We are a WI employer with 1 very part-time employee in CO who works maybe 5 hours / week -- or less.	Yes, if an employee performs all work in Colorado, they will be covered by the FAMLl program. For more detail, please see a detailed description of what constitutes Colorado employment in the Premium Rules at 7 CCR 1107-1, Section 1.5.6.C.	Multl-State Employers
So if we have 30 employees nationwide but only 10 in colorado, will we need to report 30 but only pay the premium for the 10? If we have to pay for the 30, then can we assume that all 30 can collect benefits even if they don't live/work in Colorado.	To determine employer size, for purpose of determining an employer's liability for premiums, employers must count all employees nationwide. However, for an employee to be liable for premium contributions and entitled to FAMLl benefits, that employee must be a Colorado worker, as defined by the Premium Rules at 7 CCR 1107-1 Section 1.5.6.C.	Multl-State Employers
What if we are an OUT-of state employer. We only have 1 employee in Colorado, but 27 total in WA. Are we under the "9 or fewer employees" since we only have 1 in CO?	To determine employer size, for purpose of determining an employer's liability for premiums, employers must count all employees nationwide. However, for an employee to be liable for premium contributions and entitled to FAMLl benefits, that employee must be a Colorado worker, as defined by the Premium Rules at 7 CCR 1107-1 Section 1.5.6.C.	Multl-State Employers
Is employee count based on how many work in Colorado or as a company total (US based)?	To determine employer size, for purpose of determining an employer's liability for premiums, employers must count all employees nationwide. However, for an employee to be liable for premium contributions and entitled to FAMLl benefits, that employee must be a Colorado worker, as defined by the Premium Rules at 7 CCR 1107-1 Section 1.5.6.C.	Multl-State Employers
If we have employees who work remote from other states are they included in the employee count for Colorado?	To determine employer size, for purpose of determining an employer's liability for premiums, employers must count all employees nationwide. However, for an employee to be liable for premium contributions and entitled to FAMLl benefits, that employee must be a Colorado worker, as defined by the Premium Rules at 7 CCR 1107-1 Section 1.5.6.C.	Multl-State Employers

Questions	Answers	Topic
Do we count only Colorado employees, or nationwide employee's as well	To determine employer size, for purpose of determining an employer's liability for premiums, employers must count all employees nationwide. However, for an employee to be liable for premium contributions and entitled to FAMLl benefits, that employee must be a Colorado worker, as defined by the Premium Rules at 7 CCR 1107-1 Section 1.5.6.C.	Mult-State Employers
When determining the employee count, it's the number of employees working in COLORADO only, correct? We have employees in multiple states across the U.S. so this detail is important. Thanks!	To determine employer size, for purpose of determining an employer's liability for premiums, employers must count all employees nationwide. However, for an employee to be liable for premium contributions and entitled to FAMLl benefits, that employee must be a Colorado worker, as defined by the Premium Rules at 7 CCR 1107-1 Section 1.5.6.C.	Mult-State Employers
Just to clarify- if the employer is not located in Colorado and the employee lives in Colorado but works in a different state the employer is still responsible for withholding/payment for the paid family leave premium.	Only Colorado workers, as defined by the Premium Rules at 7 CCR 1107-1, Section 1.5.6.C., may be subject to deductions for premiums. Under those rules, a person who lives in Colorado but works entirely outside of Colorado is not a Colorado worker who would be liable for premiums or entitled to benefits.	Mult-State Employers
27 total on our Payroll, But we only have 1 employee in Colorado.	To determine employer size, for purpose of determining an employer's liability for premiums, employers must count all employees nationwide. However, for an employee to be liable for premium contributions and entitled to FAMLl benefits, that employee must be a Colorado worker, as defined by the Premium Rules at 7 CCR 1107-1 Section 1.5.6.C.	Mult-State Employers
Does employee count include employees that do not work in Colorado? We are an employer with over 100 employees nationwide, but only have a handful of employees that work in Colorado.	To determine employer size, for purpose of determining an employer's liability for premiums, employers must count all employees nationwide. However, for an employee to be liable for premium contributions and entitled to FAMLl benefits, that employee must be a Colorado worker, as defined by the Premium Rules at 7 CCR 1107-1 Section 1.5.6.C.	Mult-State Employers

Questions	Answers	Topic
If and employer pays the employee 0.45% - is this a taxable benefit for the IRS or State?	The Division will be working with the Colorado Department of Revenue to determine whether employer-paid premiums are taxable as benefits under state tax law, and will publish guidance on the issue if and when we get it. However, the FAML I Division does not enforce or oversee tax law, and we encourage employers to contact their accountants, the IRS, and the Colorado Department of Revenue regarding tax issues.	Premium Questions
Will premiums change in the future, Like unemployment does based on usage of each employer?	While premiums may increase or decrease statewide, there will not be individual premium increases or decreases for employers, regardless of their employees' usage of FAML I benefits.	Premium Questions
Will the amount stay at 0.9% or increase to 1.20%	This depends on the health of the FAML I fund. The premium will be 0.9% through 2024, and whether that percentage increases or decreases will depend on the health of the FAML I fund and the calculations done pursuant to C.R.S. 8-13.3-507(3)(b).	Premium Questions
So for less than 10 employees, the employee is responsible for the full 0.9% or do they only owe 0.45%?	Employers with 9 or fewer employees must remit to the state 0.45% of their employees wages, all of which the employer may collect from its employees.	Premium Questions
With 9 or less employees, does the full .9% still have to be submitted?	Employers with 9 or fewer employees must remit to the state 0.45% of their employees wages, all of which the employer may collect from its employees.	Premium Questions
How does a bonus affect benefit payments? How are benefit payments calculated - on the regular weekly wage, or total W2?	FAML I benefits are calculated based on an employee's average weekly wage, which involves looking at earnings over the previous 5 calendar quarters. Thus, bonuses could increase an employee's average weekly wage, which would in turn increase the individual's benefit amount.	Premium Questions
What is the current state average weekly wage?	\$1,350.55	Premium Questions

Questions	Answers	Topic
Can employees opt out?	No.	Pertaining to Employees
Can employees choose not to do this program?	No, they may not opt out.	Pertaining to Employees
Is it only the employee that can apply for it or in case of an unforeseeable emergency is someone else able to submit it for them	An appropriate representative can apply on behalf of the employee.	Pertaining to Employees
What if an employee doesn't notify an employer and the employer has fully paid an employee prior to finding out that they are receiving benefits from FAML?	This regulation will be finalized in our forthcoming coordination of benefits rules. The proposed rule is: if an employer pays an employee for time the employee was away from work, and the employer later learns that the employee received FAML benefits, the employer may seek to recover any overpayment from the employee, whether via a lawful deduction in accordance with C.R.S. 8-4-105, or via any other legal means.	Pertaining to Employees
Will the program be contacting the employer if they file a claim to 1) confirm that they were indeed an employee (thinking of so many fraud issues with Unemployment) 2) to confirm that their is not a company plan in place so the employee can't get double paid.	The FAML Division will notify employers within five days of a claim being filed, and that notification will describe the employer's opportunity to report any concerns regarding claim fraud or abuse.	Pertaining to Employees
Where can I find the benefits this program provides to employees?	The benefits to individuals can be found here https://famli.colorado.gov/individuals-and-families	Pertaining to Employees
Do we have to pay for all employees or just the ones who elect the coverage?	Employees are not allowed to opt out.	Pertaining to Employees
Are officers of the corporation considered employees?	In some circumstances, officers will not be considered "employees" under the FAML Act, because some will be both free from control in their work, and will be performing the work pursuant to their own independent business or trade. In such instances, the officer is not subject to premium obligations as an employee, but may elect coverage as a self-employed individual. However, some officers may be subject to the control of others, and/or their status as an officer may not indicate that they are operating their own independent business. If such is the case, the individual would likely still be an "employee" under the FAML Act, despite their officer status.	Pertaining to Employees
What will need to be provided for a employee to prove the leave is to take care of a family with the definition (11) "Family member" means: (e) As shown by the covered individual, any other individual with whom the covered individual has a significant personal bond that is or is like a family relationship, regardless of biological or legal relationship.	Please see section 3.6 <i>Applying for Benefits</i> of our adopted benefits rules for clarification on the documentation needed to take leave to care for a family member or to care for a new child.	Pertaining to Employees
I thought eligiblity for employees was \$2500 in CO earnings. I'm confused, has that now changed to employees who work for 20 or more weeks to be eligible? Or is the 20 weeks just for the purposes of counting the employees once a year for employer eligibility?	20 weeks is the number of weeks an individual had to have been an employee in the previous year to count toward the employer size calculation. Separately, \$2,500.00 describes the wage threshold an employee must have earned over the individual's base period or alternative base period in order to qualify as a "covered individual" entitled to benefits.	Pertaining to Employees
Why does the employer and employee have to start contributing a year before the benefit is rolled out?	This requirement is in the statute that was voted into law, and allows the Division to establish a fund from which it can pay benefits.	Pertaining to Employees
This is only subject to those who WORK in CO?	Yes. Only Colorado workers, as defined by the Premium Rules at 7 CCR 1107-1, Section 1.5.6.C., may be subject to deductions for premiums.	Pertaining to Employees
Would premiums be required for employees working under 20 hours per week?	Yes	Pertaining to Employees
If an employee works for 2 qualifying employers in CO, (Employer A and Employer B) does the employee get two separate claim years and bank of time per employer? Would they have to pay two separate premiums (one for each employer)?	An employee is limited to 12 weeks of benefits (and 4 additional weeks for pregnancy and childbirth complications) per year regardless of how many employers they work for. Premiums would be due from all of their employers, and their employers could all deduct the employee portion from their wages.	Pertaining to Employees
What is the maximum number of weeks an employee can collect FAML paid leave	An employee is limited to 12 weeks of benefits per year, with up to 4 additional weeks per year for pregnancy and childbirth complications.	Pertaining to Employees

Questions	Answers	Topic
<p>This question is more regarding the job protection status part of things: are the 180 required to be consecutive? For example, if they work for 90 days, quit for a period of time, then come back and work an additional 91 days, would they be considered job protected?</p>	<p>The 180 days are not required to be consecutive.</p>	<p>Pertaining to Employees</p>
<p>Will the FAML I agency require any reporting of how much of the employEEs portion the employER covered? a. If so, is this a dollar amount or a percentage? b. FAML I requirements indicated, “Employers may choose to cover their employees’ portion, and pay the full premium amount, as an added benefit.”</p>	<p>Employers may choose to cover any amount of the employee’s portion of the premium. The most an employer can deduct from an employee is 0.45% of their wages, but the employer can choose to only deduct 0.1% or 0.2% or deduct nothing at all. Regardless of how much is deducted from the employee, the employer will be responsible for remitting the full 0.9% of the premium to the Division once a quarter starting in 2023.</p>	<p>Pertaining to Employees</p>
<p>Will we need to have this for part time/seasonal employees in CO?</p>	<p>Seasonal employees will need to be counted within your total employee headcount if they worked for a total of 20 or more calendar workweeks in the preceding calendar year, regardless if they worked just one day during each of those weeks. You will need to deduct and remit premiums for all Colorado employees on your payroll.</p>	<p>Pertaining to Employees</p>
<p>Do we have to pay for all employees or just the ones who elect the coverage?</p>	<p>Employees are not allowed to opt out.</p>	<p>Pertaining to Employees</p>
<p>Can an employee Opt Out of this benefit so they will not have the .45% deduction but then not receive the benefit either?</p>	<p>No.</p>	<p>Pertaining to Employees</p>
<p>Job required protected Leave for FAML I qualified reasons and covered employees... does not start until January 1, 2024, correct?</p>	<p>Correct</p>	<p>Pertaining to Employees</p>
<p>When will the information be available for employers to know what they need to have in place so that we can opt out of the state plan?</p>	<p>Employers may meet their FAML I obligations with an approved private plan. The Division will be issuing more information this year regarding how employers can apply for private plan approval. However, private plans must be approved by the Division in order to qualify as an approved private plan. Only local government employers can vote to opt out of the program.</p>	<p>Pertaining to Employees</p>
<p>If a public employer opts-out, but then rolls out an approved private plan, would an employee still be able to individually opt-in with the public employer required to collect the employee’s individual premium? Or would the state notify the employee that they are subject to their employers approved private plan?</p>	<p>If a local government votes to opt out, it has no obligation to provide any sort of private plan, and the FAML I Division will not approve or otherwise oversee private plans offered by local governments that have opted out of the program. That local government’s employees can opt in to the state plan, regardless of any private plan offered by the employer. The Division will provide more detail regarding the intersection of FAML I benefits and similar employer-provided benefits in its forthcoming benefits coordination rules.</p>	<p>Pertaining to Employees</p>
<p>How is the calculation with WEEKS when you are a seasonal employers who have employees that could work less than the 179 days (as defined by the state for seasonal employers) but on a part-time basis?</p>	<p>Your employer count will be calculated once a year by counting the number of employees you have on your payroll for a total of 20 or more calendar workweeks in the preceding calendar year, regardless if they worked just one day during each of those weeks.</p>	<p>Pertaining to Employees</p>

Questions	Answers	Topic
When will the FAMLI registration system be up for employers to register their businesses with the FAMLI program?	The FAMLI online system will be up later this year and will be accessible from famli.colorado.gov .	FAMLI System
The employee must apply through the state app similar to UI and is paid from the state correct? The employee is not receiving FAMLI through their payroll provider/employer is how we understand this program.	Correct, they will eventually apply for benefits directly with the State from the FAMLI website, like they would for UI benefits. The state will pay the benefit, not the employer.	FAMLI System
Is filing wages and premium quarterly? and will it be it's own filing or combined with the unemployment filing platform?	Yes, filing will be required quarterly. You will need to file with both systems. The FAMLI system will be separate from UI.	FAMLI System
How often would we remit premiums? Monthly? Annually? Each pay date?	Quarterly, the first payment is due April 30, 2023.	FAMLI System
When submitting FAMLI to the state, what data needs to be included in the CSV file?	We have file specifications on our website here: https://famli.colorado.gov/employers/third-party-administrators-tpas .	FAMLI System
When will you have your technical specifications available?	We have file specifications on our website here: https://famli.colorado.gov/employers/third-party-administrators-tpas .	FAMLI System
When will the registration be open?	The portal is not available yet, but will be accessible from famli.colorado.gov later this year.	FAMLI System
Can you explain the process from start to finish? Employee does what, then the State does what, then the employer does what?	We have a lot of great webinars on our website that are a great resource to learn more about the FAMLI program https://famli.colorado.gov/employers/employer-webinars	FAMLI System
If an employer utilizes an HRIS for payroll, such as Paylocity, are information systems like these going to automatically implement the deductions starting 1/1/2023 or is this something an employer's payroll team needs to do themselves manually?	If you use a third party administrator, they will have the option to register on your behalf and submit your wage reports and payments for you. Your TPA will have to take action to set up that process before it can be automated. Here are helpful resources to send to your TPA: https://famli.colorado.gov/employers/third-party-administrators-tpas	FAMLI System
If you use a payroll administrator like ADP or UKG do we still have to register or will that be automated	You can register your employer account individually, or you can have a third party administrator register on your behalf. Here are helpful resources to send to your TPA: https://famli.colorado.gov/employers/third-party-administrators-tpas	FAMLI System
How do we reach out as a TPA to be added to the list of people being walked through your process?	You can send a request to our email cdle_famli_info@state.co.gov .	FAMLI System
Was looking for Payment/filing specifications (file formats, ach record formats etc.)	ACH payment information will be available soon. In the meantime, we have file specifications on our website here: https://famli.colorado.gov/employers/third-party-administrators-tpas .	FAMLI System
Will there be a way for employees who overpay to claim their overpayment? Something that can happen if the employee works for more than one employer and goes over the FICA limit when their salaries are combined. Would having the premium contribution in Box 14 help?	The Division recognizes that premium overpayments will occur, and will develop and issue guidance regarding the process by which premium overpayments will be refunded.	FAMLI System
Has the paperwork been created for the request for the time off?	The process for applying for benefits is still being built. We'll have more details on the benefits application process in 2023.	FAMLI System
What is the link to the page to create the portal? OR will that come out in the newsletter?	The portal is not available yet, but will be accessible from famli.colorado.gov later this year.	FAMLI System
How will employers sign up for FAMIL? If they already have a UI account, will they be required to submit an application for a FAMLI account number? OR will one be assigned automatically? What about for new employers?	The FAMLI online system will be live in the fall. This will be a separate system from UI, but we are trying to make it have a very similar look and feel. You will need to register with the My FAMLI+ Employer system separately. All employers, even new ones will need to register to report wages and pay premiums.	FAMLI System
Do you know if Quickbooks will implement this into payroll like they do for SUI?	Our technical teams have been meeting weekly with large payroll tech providers, such as Intuit and Quickbooks to gather feedback and offer guidance for a variety of third party administrators, as they prepare their systems for FAMLI.	FAMLI System
Do you have a tentative date as to when the file specs and ACH information will be available?	ACH payment information will be available soon. In the meantime, we have file specifications on our website here: https://famli.colorado.gov/employers/third-party-administrators-tpas .	FAMLI System
For benefit calcs, is SAWW set on an annual basis or with employers/TPAs have to recheck quarterly to ensure accurate payments?	The "state average weekly wage," as defined at C.R.S. 8-13.3-503(22), is calculated annually, on or before July 1 of each year.	FAMLI System
What happens if my quarterly payment is less than \$5?	A quarter's premium payment will not be required when the total amount of any premiums due, including any penalties interest accrued for a late or incorrect report, is less than five dollars.	FAMLI System

Questions	Answers	Topic
Will you be required to submit reports even if you don't have to withhold or collect premiums? Report zeroes?	The only employers who will not have to withhold or collect premiums will be local government employers who vote to opt out. Local government employers will still need to register in order to submit their opt out notification. After opting out, local governments will not need to report anything quarterly. Reporting may still be required on an annual basis for employers with approved private plans. Rules on private plans have not yet been adopted.	FAMLI System
Do you know how many login's will be provided to a company to access the system?	Employers will register and create an account and can add multiple users to that account with different functions as account administrators. A maximum number of logins and/or users has not been established.	FAMLI System
Technical Question: Will there be an opportunity to send test payments/filings?	If registering or filing wages using the APIs, yes - there is a set of test APIs that validate if the data is well-formed and meet the specifications. This type of testing is only available for the employers and TPAs that will do system-to-system integration directly with the FAMLI system. We have those file specifications on our website here: https://famli.colorado.gov/employers/third-party-administrators-tpas .	FAMLI System
How is employee count calculated under a PEO?	An employer that is a member of a professional employer organization (PEO) must count its own employees in determining its size, not the total number of employees of all employer members of the PEO.	FAMLI System
So would PEOs need to have separate accounts for each employer they submit premiums for? or will they have bulk load CSV option for all employer entities under one PEO account	TPAs and PEOs will have the option to bulk load a CSV file. We have file specifications on our website here: https://famli.colorado.gov/employers/third-party-administrators-tpas .	FAMLI System
how are Professional Employer Organizations treated? Are the premiums reported/paid under the PEO's FEIN/account or the clients FEIN/account?	Premiums and wage reports for an employer member of a PEO must be submitted under the individual employer's FEIN, not under the PEO's FEIN.	FAMLI System
How is Colorado PFML going to work for PEOs? Will PEOs be able to create one PFML account to report multiple employers?	Premiums and wage reports for an employer member of a PEO must be submitted under the individual employer's FEIN, not under the PEO's FEIN.	FAMLI System

Questions	Answers	Topic
Are tips included in the calculation?	Yes, please see what is considered wages https://cdle.colorado.gov/types-of-payments-that-are-considered-wages .	Wage Questions
Is the premium based on all wages or maximum wages per year?	Premiums are based on wages up to the federal Social Security wage cap.	Wage Questions
Can you show the slide again on what is not part of wages? I think it is pre-tax medical, dental, vision and group term life.	Yes, please see what is considered wages https://cdle.colorado.gov/types-of-payments-that-are-considered-wages .	Wage Questions
What is the Social Security wage cap for 2022?	The cap is \$147,000	Wage Questions
How will this work for employees who work varying hours week to week? How will their benefit be calculated? Will we have to provide additional info to the state during the leave period?	Employee benefits will be calculated based on their "average weekly wage" as defined by the FAMILI Act. While employees may have to report information to the FAMILI Division during the leave period, employers will not. However, employers are encouraged to share with the Division information that may be relevant to an employee's claim for benefits, including any suspected fraud or abuse.	Wage Questions
If employees have substantial pre-tax deductions, will they ultimately receive a smaller FAMILI benefit?	FAMILI benefits will be based on an employee's "wages," as defined by the FAMILI Act and its implementing regulations. If certain pre-tax deductions reduce the amount of an employee's "wages" under FAMILI, they will necessarily reduce the amount of benefits available.	Wage Questions
Are bonuses and commission included?	Yes, please see what is considered wages https://cdle.colorado.gov/types-of-payments-that-are-considered-wages .	Wage Questions
What date does the premium withholding start?	Jan 1, 2023	Wage Questions
Can you give us more information on how employers would potentially supplement payroll? It appears we will not have access to how much the employee was paid by FAMILI.	The Division will notify employers of benefit amounts so that employers can meaningfully coordinate benefits, including supplementing FAMILI benefits with employer-provided sick leave or other paid time off.	Wage Questions
Is there a wage maximum, just like the SUTA?	Premiums are based on wages up to the federal Social Security wage cap.	Wage Questions
Is there a max wage like there is with CO Unemployment?	Premiums are based on wages up to the federal Social Security wage cap.	Wage Questions
The calculator appears to calculate the FAMILI contribution on the employee's gross wages, but aren't the wage for FAMILI the same as the wages for Colorado unemployment which are gross wages adjusted for cafeteria Section 125 deductions. Correct?	The premium rules and the premium calculator will be updated to reflect that wages under the FAMILI program mean the same as wages under the Unemployment Insurance program, and as such, are adjusted for Section 125 "Cafeteria" deductions.	Wage Questions

Questions	Answers	Topic
Are public or quasi public entities with more than 10 employees able to opt out?	Local governments may vote to decline participation in the FAML I program regardless of their size.	Local Government Employers
How does a local government opt out?	Here is a link for local government options https://famli.colorado.gov/employers/local-governments .	Local Government Employers
local governments??	Here is a link for local government options https://famli.colorado.gov/employers/local-governments .	Local Government Employers
How can a quasi governmental agency, in this case a housing authority, determine if they fall under the 'Local Government' clause or private employer clause. For added context, this entity obtains their employee health benefits from the local town government.	The definition of Local Government is: Any county, city and county, city, or town, whether home rule or statutory, or any school district, special district, authority, or other political subdivision of the state. Additional guidance can be found here https://famli.colorado.gov/sites/famli/files/documents/FAML I%20April%20Webinar%20-%20Local%20Governments.pdf	Local Government Employers
May a local government who has opted out, require employees to use their leave to supplement their pay?	Employees may not be required to use their leave, but the employer and the worker can come to agreement to utilize PTO to top off their FAML I benefit.	Local Government Employers
What about special district hospitals? Are we exempted since we are a governmental entity?	You would be considered a local government and as such are subject to local government rules. You can find them https://famli.colorado.gov/employers/local-governments	Local Government Employers
I am a part of the government and am wondering what would the benefit be of opting out of the employer portion?	Benefits of each option for local governments will be specific to that organization's operations. Paid family leave is a benefit Colorado workers want and voted for, and the FAML I benefit is a way to make local governments more competitive when all private Colorado employers will be required to have an equal or greater plan in place by 2024.	Local Government Employers
How would local governments entities opt out ?	Please refer to the timeline and information on our Local Government page on our website https://famli.colorado.gov/employers/local-governments	Local Government Employers
What is the definition of a local government entity which is able to opt out of the program?	Local Government - Any county, city and county, city, or town, whether home rule or statutory, or any school district, special district, authority, or other political subdivision of the state. References: §29-1-304.5(3)(b) C.R.S.	Local Government Employers
How do local governments opt-out?	Information can be found here https://famli.colorado.gov/employers/local-governments	Local Government Employers
Why are government agencies except from contributing to the "social" FAML I program?	Local governments are able to decline participation because the provisions of the FAML I Act at C. R.S. 8-13.3-522 allow for it.	Local Government Employers
Are local government entities able to stay within the FAML I program but elect to have private plan coverage through a carrier or TPA?	Yes, local governments may choose not to decline participation in the FAML I program, and may choose to meet their FAML I obligations with an approved private plan.	Local Government Employers

Questions	Answers	Topic
If a company wants to build their own plan are there guidelines and requirements listed anywhere?	Read our proposed private plan rules here: https://drive.google.com/file/d/1mQ1qNEmQFd-PotMQtEcjEtCSqsBj4TBY/view .	Private Plans
When will private plans be approved by the state and available for employers to review?	Read our proposed private plan rules here: https://drive.google.com/file/d/1mQ1qNEmQFd-PotMQtEcjEtCSqsBj4TBY/view .	Private Plans
Can an employer attest in Q1 2023 they have a private plan, and will it be valid for that quarter or only the following quarter?	Employers may meet their FAMLII obligations with an approved private plan. The Division will be issuing more information this year regarding how employers can apply for private plan approval. However, private plans must be approved by the Division in order to qualify as an approved private plan.	Private Plans
We are in the process of rewriting our leave policy. If our policy meets or exceeds FAMLII, can we opt out? If so, what criteria do we need to meet to opt out and how do we go about it?	Employers may meet their FAMLII obligations with an approved private plan. The Division will be issuing more information this year regarding how employers can apply for private plan approval. However, private plans must be approved by the Division in order to qualify as an approved private plan.	Private Plans
We offer 6 weeks paid pregnancy leave at 100% and then 6 weeks of paid parental at 100%. In addition, we pay 5 weeks self/family weeks at 100%. Can the employee utilize the firm benefit first and then can use FAMLII? If the employee receives a percentage of their wages thru FAMLII can the employer supplement the employees wages to make their wages whole?	The Division will be issuing rules and guidance regarding the coordination of benefits later this year. Those rules will explain in more detail the interaction between FAMLII leave and employer-provided leave. In any event, employers are free to supplement an employee's FAMLII benefit.	Private Plans
What counts as an employer private plan?	Employers may meet their FAMLII obligations with an approved private plan. The Division will be issuing more information this year regarding how employers can apply for private plan approval. However, private plans must be approved by the Division in order to qualify as an approved private plan.	Private Plans
if we start with a private plan and decide it isn't working for us or it is too difficult, would we have the ability to transition to the state plan in the future? Or vice versa transitioning from the state plan to a private plan?	Employers may choose to move from private plan coverage to state plan coverage, or vice versa. Details regarding such changes in coverage are described in the proposed rules on private plans: https://drive.google.com/file/d/1mQ1qNEmQFd-PotMQtEcjEtCSqsBj4TBY/view .	Private Plans
If you have a private plan and qualify to opt out, does that just apply to the employer contribution or would the employees also not need to contribute to FAMLII?	The employer and the employee would not need to contribute to FAMLII if the employer gets private plan approval.	Private Plans
If the employer already offers paid leave can they opt out of this program?	Employers may meet their FAMLII obligations with an approved private plan. The Division will be issuing more information this year regarding how employers can apply for private plan approval. However, private plans must be approved by the Division in order to qualify as an approved private plan.	Private Plans
When do we expect to see regulations on private plans? Website says Spring 2022.	Read our proposed private plan rules here: https://drive.google.com/file/d/1mQ1qNEmQFd-PotMQtEcjEtCSqsBj4TBY/view .	Private Plans
must private plan be through insurance carrier or can an employer choose to pay for leave themselves out of their own pocket with benefits equal or greater to FAMLII requirements?	Approved private plans may be either in the form of an insurance policy issued by an insurance carrier, or in the form of a self-funded plan. Private plans must be approved by the Division in order to qualify as an approved private plan.	Private Plans
If employer has a private plan... may they opt out of FAMLII and what would this private plan require?	Employers may meet their FAMLII obligations with an approved private plan. Employers with an approved private plan with an effective date before January 1, 2024 may be eligible for a refund for 2023 premiums. All employers should anticipate paying 2023 premiums until the private plan marketplace opens and our private plan application process is deployed. Read our proposed private plan rules here: https://drive.google.com/file/d/1mQ1qNEmQFd-PotMQtEcjEtCSqsBj4TBY/view .	Private Plans
If the employer offers pay replacement options for leave, is there an option to opt out of FAMLII/or what would be the standards surrounding that?	Employers may meet their FAMLII obligations with an approved private plan. The Division will be issuing more information this year regarding how employers can apply for private plan approval. However, private plans must be approved by the Division in order to qualify as an approved private plan.	Private Plans
Is this a mandatory benefit or can a company decline this?	This is mandatory.	Private Plans

Questions	Answers	Topic
Do employers with a private insurance plan that meets FAMLl requirements start contributions in 2023? Or does that not happen until 2024?	Employers with an approved private plan with an effective date before January 1, 2024 may be eligible for a refund for 2023 premiums. All employers should anticipate paying 2023 premiums until the private plan marketplace opens and our private plan application process is deployed. Read our proposed private plan rules here: https://drive.google.com/file/d/1mQ1qNEmQFd-PotMQtEcjEtCSqsBj4TBY/view .	Private Plans
What are the particular benefits that an Employer needs to offer in order to opt out of this program? Is opting out even possible?	Employers may meet their FAMLl obligations with an approved private plan. The Division will be issuing more information this year regarding how employers can apply for private plan approval. However, private plans must be approved by the Division in order to qualify as an approved private plan. In order to be approved, private plans must provide benefits to employees that are equal or greater than those under the state plan, and they must not impose any additional conditions or requirements.	Private Plans
How do we find a company that provides private insurance for the leave?	Are current rules regarding private plans have not yet been adopted. Once they are finalized and adopted, the private plan marketplace will open up allowing employers to shop for a plan that is right for them.	Private Plans
2023 is a premium collection year, no coverage payouts. We can submit Q4 2022 to determine if an existing plan suffices FAMLl requirements - is any plan better than FAMLl in 2023 - since FAMLl doesn't provide coverage in 2023? And if so, can we opt into FAMLl in 2024 - with no deferrals, since our company hasn't paid the 2023 premiums to FAMLl? Or would we be required to pay double premium to an insurance company and FAMLl in 2023 in order to enroll in 2024?	Employers with an approved private plan with an effective date before January 1, 2024 may be eligible for a refund for 2023 premiums. All employers should anticipate paying 2023 premiums until the private plan marketplace opens and our private plan application process is deployed. Read our proposed private plan rules here: https://drive.google.com/file/d/1mQ1qNEmQFd-PotMQtEcjEtCSqsBj4TBY/view .	Private Plans
Will employers be penalized if they purchase a private plan in 2023, but then enroll in the state FAMLl in 2024?	Employers won't be penalized, but will be required to pay an equal amount of premiums they would've paid if they had participated in the state plan when they decide to terminate their private plan. Details on switching from a private plan to the public FAMLl plan is outlined in section "5.14. Voluntary Termination of an Approved Private Plan by an Employer" of our proposed private plan rules: https://drive.google.com/file/d/1mQ1qNEmQFd-PotMQtEcjEtCSqsBj4TBY/view .	Private Plans
If you opt out due to a private plan option, can that private plan begin on 1/1/2024 and you would not pay taxes in 2023?	Employers with an approved private plan with an effective date before January 1, 2024 may be eligible for a refund for 2023 premiums. All employers should anticipate paying 2023 premiums until the private plan marketplace opens and our private plan application process is deployed. Read our proposed private plan rules here: https://drive.google.com/file/d/1mQ1qNEmQFd-PotMQtEcjEtCSqsBj4TBY/view .	Private Plans
If we already have an existing plan, would we be able to forego the surety bond?	Surety bonds are required for employers who intend to use a self-insured private plan. Private plans secured through an insurance provider will not need a surety bond, but will need to be reviewed for approval.	Private Plans
When will the application fee for private plan opt-out be due? What will the amount be for submitting a private plan for review?	The administrative fee will be due at the time you submit your application. The amount of the fee is still being determined, but will be included in our forthcoming private plan rules once they are adopted.	Private Plans
You mentioned a bond is needed for the attestation, does that apply to fully insured private plans as well?	Surety bonds are required for employers who intend to use a self-insured private plan.	Private Plans
If we opt out for 2024 based on the private plans we hold, what are the requirements for opting in for the future? Is there an amount of time you have to pay premiums into for a period of time prior to being included in the program?	Details on switching from a private plan to the public FAMLl plan is outlined in section "5.14. Voluntary Termination of an Approved Private Plan by an Employer" of our proposed private plan rules: https://drive.google.com/file/d/1mQ1qNEmQFd-PotMQtEcjEtCSqsBj4TBY/view .	Private Plans
	Our proposed private plan rules are published on our website. The public comment period closes on October 18: https://drive.google.com/file/d/1mQ1qNEmQFd-PotMQtEcjEtCSqsBj4TBY/view .	Private Plans
What is the go-live cadence when an employer changes from a private to public or public to private plan? Quarterly Cadence or can it be monthly.	Switching from a private plan to the public FAMLl will be difficult to do as frequently as a quarterly basis as employers will need to notify the Division of such plans. Please see section "5.14. Voluntary Termination of an Approved Private Plan by an Employer" of our proposed private plan rules: https://drive.google.com/file/d/1mQ1qNEmQFd-PotMQtEcjEtCSqsBj4TBY/view .	Private Plans

Questions	Answers	Topic
Does this apply to churches and/or non-profits?	Religious organizations and other nonprofit organizations are covered under FAMILI.	Nonprofits
Are there any exceptions for Non-Profits? Can they opt out?	There are no exceptions for nonprofit employers under the FAMILI Act.	Nonprofits
Do you have an ETA as to when the proposed benefits rules will be adopted?	Our benefits rules were adopted in late August. Read them here: https://drive.google.com/file/d/1hDoHXNdLiawcw7Syd8CoRemuLSxb_3BB/view .	Nonprofits
Does this apply to churches and/or non-profits?	Religious organizations and nonprofits are not exempt from the program.	Nonprofits
What is the timeline for eligible days worked? FMLA I think goes back 7 years, would this be a similar timeline?	There is no requirement, employees are eligible from day 1 as long as they meeting the wage requirement	Nonprofits
Understood - it is a private plan. Should the private plan start to be funded in 2023, or not until 2024?	Employers with an approved private plan with an effective date before January 1, 2024 may be eligible for a refund for 2023 premiums. If the approved private plan allows for employee deductions (no more than 0.45%), then the employer can either use that refund to fund the private plan, or reimburse its employees. All employers should anticipate paying 2023 premiums until the private plan marketplace opens and our private plan application process is deployed. Read our porposed private plan rules here: https://drive.google.com/file/d/1mQ1qNEmQFd-PotMQtEcjEtCSqsBj4TBY/view .	Nonprofits
As a church employer with ministers whose housing allowance is exempt from FICA taxes, will their housing allowance be subject to FAMILI premium calculation?	For a list of what is and is not considered "wages" for purposes of calculating premiums under the FAMILI program, please visit https://cdle.colorado.gov/types-of-payments-that-are-considered-wages	Nonprofits
Will there be any special considertions for non-profits like there is for unemployment premiums (like reimbursable premiums)?	The FAMILI Act does not create any special considerations for nonprofit employers.	Nonprofits

Questions	Answers	Topic
Paid sick leave is currently required. Will this be replaced by FAMLI pay?	No, FAMLI does not replace an employer's requirements under the Colorado Healthy Families and Workplaces Act (HFWA).	FAMLI and other Programs/Leave
Are you able to allow employees to use PTO concurrently with FAMLI benefits?	Employers and employees may enter into a mutual agreement whereby the employee can supplement their FAMLI wage replacement benefits with employer-provided PTO; however, employees cannot be required to supplement their benefits with PTO.	FAMLI and other Programs/Leave
Are there restrictions while on leave that prevent people from supplementing with PTO (or other pay) to get 100% pay.	Employers and employees may enter into a mutual agreement whereby the employee can supplement their FAMLI wage replacement benefits with employer-provided PTO; however, employees cannot be required to supplement their benefits with PTO.	FAMLI and other Programs/Leave
If we won't have access to information from FAMLI about why an employee is out, how will we know if that same leave will qualify for FMLA?	When a claim is filed, the FAMLI Division will notify the employer of its employee's application for leave and will include limited information necessary for the employer to coordinate FAMLI benefits with other benefits for which the claimant is eligible (including FMLA), in accordance with the information-sharing provisions of 7 CCR 1107-4.	FAMLI and other Programs/Leave
So, employers will not have to submit wages in addition to what is already reported to SUI. Correct?	You will need to submit the same report that you currently submit to the Unemployment Division to the FAMLI Division. The FAMLI system will be separate from UI, so you will need to submit it twice. We are currently modernizing our UI employer services system, and the hope is to integrate it with FAMLI, so in the future you will only need to file the same report once.	FAMLI and other Programs/Leave
Will employees be able to use both FMLA and FAMLI?	FAMLI was written so that FMLA could run concurrently with it. We are currently awaiting clarification from the Federal Department of Labor regarding how they might work together	FAMLI and other Programs/Leave
what happens to the federal FMLA	FAMLI was written so that FMLA could run concurrently with it. We are currently awaiting clarification from the Federal Department of Labor regarding how they might work together	FAMLI and other Programs/Leave
Which takes precedence: FMLA or FAMLI	The FAMLI program was created to run concurrently with FMLA, we are waiting for clarification from the Department of Labor on further guidance on how FMLA and FAMLI will work together. Including whether FAMLI or FMLA should be used first.	FAMLI and other Programs/Leave
Can employers REQUIRE employees to use PTO while out on FAMLI?	No, it can not be required.	FAMLI and other Programs/Leave
To clarify, the employee can choose whether to file a claim for using FAMLI or choosing PTO?	Yes, they can choose what they would like to do.	FAMLI and other Programs/Leave
with regards to employees using PTO to be made whole - do we have to limit their usage so they don't get paid more than their normal amount?	Employees can use their PTO to top off their benefit. Once an employee's claim is filed, the employer will be notified to the amount of their wage replacement in order to determine how much needs to be topped off.	FAMLI and other Programs/Leave
Would employees be able to supplement to meet 100% with PTO or only receive Famli?	Yes, this would need to be a mutual agreement between employee and employer.	FAMLI and other Programs/Leave
We allow our employees to take PTO during FMLA, would they be able to choose to use FMLA/PTO vs. Famli? or do they have to take Famli	They could do both.	FAMLI and other Programs/Leave
Why was it written that an employer can't require them to use PTO/vacation/sick. This is really unfair to other employees and the employer.	Employees can not be required to use all their accrued PTO first, but the employer and the employee can come to an agreement to use PTO to top off the partial wage replacement provided by FAMLI.	FAMLI and other Programs/Leave
Would the FMLA and Famli run consecutively	The FAMLI program was created to run concurrently with FMLA, we are waiting for clarification from the Department of Labor on further guidance on how FMLA and FAMLI will work together.	FAMLI and other Programs/Leave
Are employees required to inform the employer of any disbursements from the state under FAMLI?	The FAMLI Division will notify employers within five days of a claim being filed, and that notification will include limited information necessary for the employer to coordinate FAMLI benefits with other benefits for which the claimant is eligible including the wage replacement amount.	FAMLI and other Programs/Leave
Can employees double dip on leave? Use FAMLI and PTO simultaneously?	Employers and employees may enter into a mutual agreement whereby the employee can supplement their FAMLI wage replacement benefits with employer-provided sick leave or PTO; however, employees cannot be required to supplement their benefits with sick leave or PTO.	FAMLI and other Programs/Leave
Would FAMLI replace the need for FMLA or run concurrently?	The FAMLI program was created to run concurrently with FMLA, we are waiting for clarification from the Department of Labor on further guidance on how FMLA and FAMLI will work together.	FAMLI and other Programs/Leave

Questions	Answers	Topic
can an employee utilize PSL time under FAMLI?	Employers and employees may enter into a mutual agreement whereby the employee can supplement their FAMLI wage replacement benefits with employer-provided sick leave or PTO; however, employees cannot be required to supplement their benefits with sick leave or PTO.	FAMLI and other Programs/Leave
What is the threshold to use this versus regular sick leave provided by employer.	In order to qualify for benefits under the FAMLI Act, the applicant must meet the requirements necessary to be a "covered individual" pursuant to C.R.S. 8-13.3-503(3) and have a qualifying need for leave. And a "Serious Medical Condition" is different than your typical "sick" leave requirements. It refers to: an illness, injury, impairment, pregnancy, recovery from childbirth, or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility, or continuing treatment by a health care provider.	FAMLI and other Programs/Leave
Will the FAMLI program replace the current PHE/sick pay program for all employees in CO?	No, FAMLI does not replace an employer's requirements under the Colorado Healthy Families and Workplaces Act (HFWA).	FAMLI and other Programs/Leave
How will STD carrier policies interact with FAMLI to ensure that employees are not collecting FAMLI and STD at the same time that puts them at over 100% of wage replacement?	The Division will address this issue and more in the forthcoming Coordination of Benefits rules.	FAMLI and other Programs/Leave
Is the 12 weeks in addition to the 48 hours of sick pay that is now required in CO?	Yes. Benefits and obligations under FAMLI are separate from benefits and obligations under Colorado's Healthy Family and Workplaces Act (HFWA.)	FAMLI and other Programs/Leave
Do employers with less than 10 employees have to provide job protection?	The entitlement to job protection under the FAMLI Act, describes at C.R.S. 8-13.3-509(1) exists regardless of employer size.	FAMLI and other Programs/Leave
Are employees required to file if they file for Federal FMLA? What happens if they don't?	The FAMLI Division will address the interaction between the FMLA and FAMLI in detail in the forthcoming Coordination of Benefits rules.	FAMLI and other Programs/Leave

Questions	Answers	Topic
Are all self-employed individuals able to opt-out? What if they are on payroll/ Do they count as part of the number employees?	Self-employed individuals are only covered by the FAMLI program if they opt in. If an employer engages the services of a self-employed individual, the employer has no FAMLI obligations with regard to that person. However, the Division may determine that an employer has misclassified its employees as "self-employed" independent contractors, and upon such determination, may require the employer to pay premiums, fines, and penalties in accordance with the FAMLI Act and its implementing regulations.	Self-Employed Individuals
Do I understand correctly? Count all employees who work regardless of where the employee resides and then the employer pays the \$0.45 for ALL employees? even those who reside elsewhere? Other states have state paid leave (as you know), shouldnt employers be paying into those state leave plans and not Colorado? Sounds like double-paying and/or paying for a benefit employee's wouldnt ever use. Or, do I understand this incorrectly (I hope)? Thanks for spelling it out for me.	To determine employer size, for purpose of determining an employer's liability for premiums, employers must count all employees nationwide. However, for an employee to be liable for premium contributions and entitled to FAMLI benefits, that employee must be a Colorado worker, as defined by the Premium Rules at 7 CCR 1107-1 Section 1.5.6.C.	Self-Employed Individuals
Can "owners" opt out if they are, for payroll purposes, considered an employee, and receive W2, with PEO	Business owners will often not be considered "employees" under the FAMLI Act, because many business owners will be both free from control in their work, and will be performing the work pursuant to their own independent business or trade. In such instances, the business owner is not subject to premium obligations as an employee, but may elect coverage as a self-employed individual. However, some business owners may be subject to the control of others, and/or their status as an owner may not indicate that they are operating their own independent business. If such is the case, the individual would likely still be an "employee" under the FAMLI Act, despite their ownership status.	Self-Employed Individuals
Can a business opt out if the only employee is also the 100% owner? If yes, how can you opt out?	Business owners will often not be considered "employees" under the FAMLI Act, because many business owners will be both free from control in their work, and will be performing the work pursuant to their own independent business or trade. In such instances, the business owner is not subject to premium obligations as an employee, but may elect coverage as a self-employed individual. However, some business owners may be subject to the control of others, and/or their status as an owner may not indicate that they are operating their own independent business. If such is the case, the individual would likely still be an "employee" under the FAMLI Act, despite their ownership status.	Self-Employed Individuals
What about a corporation where the sole member is officially an employee	Business owners will often not be considered "employees" under the FAMLI Act, because many business owners will be both free from control in their work, and will be performing the work pursuant to their own independent business or trade. In such instances, the business owner is not subject to premium obligations as an employee, but may elect coverage as a self-employed individual. However, some business owners may be subject to the control of others, and/or their status as an owner may not indicate that they are operating their own independent business. If such is the case, the individual would likely still be an "employee" under the FAMLI Act, despite their ownership status.	Self-Employed Individuals
Are contracted 1099 contractors subject to deductions?	Self-employed individuals are only covered by the FAMLI program if they voluntarily opt in. If an employer engages the services of a self-employed individual, the employer has no FAMLI obligations with regard to that person. However, the Division may determine that an employer has misclassified its employees as "self-employed" independent contractors, and upon such determination, may require the employer to pay premiums, fines, and penalties in accordance with the FAMLI Act and its implementing regulations.	Self-Employed Individuals
If an owner is paid wages thru an S- corporation he is an employee. If he is the only employee, is he subject to the deduction?	Business owners will often not be considered "employees" under the FAMLI Act, because many business owners will be both free from control in their work, and will be performing the work pursuant to their own independent business or trade. In such instances, the business owner is not subject to premium obligations as an employee, but may elect coverage as a self-employed individual. However, some business owners may be subject to the control of others, and/or their status as an owner may not indicate that they are operating their own independent business. If such is the case, the individual would likely still be an "employee" under the FAMLI Act, despite their ownership status.	Self-Employed Individuals

Questions	Answers	Topic
Deductions are to start Jan 2023 and be remitted quarterly to Colorado. Is this correct	Yes.	Administration
Can you explain vacancy savings available to the employer.	Since the employer does not have to pay the salary of the employee on leave, they can choose to reallocate these funds in different way, either through hiring a temporary worker, or paying other employees for extra hours or a bonus for helping to cover their work load.	Administration
How is complication defined as it relates to the additional 4 weeks?	The additional four weeks of leave is limited to serious health conditions caused by complications due to pregnancy or childbirth which will need to be identified by the birthing parent's healthcare provider.	Administration
Is famli leave payments taxable. Do you have to include it on W-2s	FAMLI benefits are not subject to state income tax. The IRS has not yet issued guidance regarding whether FAMLI benefits are subject to federal income tax. When they do, the FAMLI Division will publish it. In any event, employers won't be required to report FAMLI benefits on a W-2 form because FAMLI benefits are paid by the FAMLI Division, not by the employer.	Administration
Will the employee receive a W-2 from the state? Are taxes withheld?	There will likely be a 1099 issued from the State to employees who have received a benefit.	Administration
Does FAMLI leave have to be taken concurrently or can it be taken at different times of the year?	FAMLI leave need not be taken all at once; however, employees will still be limited to 12 weeks of paid leave per year, and those experiencing serious health conditions as a result of pregnancy and childbirth complications will be limited to 16 weeks of paid leave per year.	Administration
When is the rulemaking hearing noted for Spring scheduled?	That is not yet scheduled. All public rulemaking hearings are posted here: https://famli.colorado.gov/proposed/adopted-rules .	Administration
What happens to the rate when the fund balance is not enough to cover payouts?	The Director of FAMLI will be monitoring the fund and can raise the contribution rate if needed.	Administration
What happens to the premiums if the employee goes to another employer or leaves the state?	Premiums under the FAMLI program are not reimbursable to employees, regardless of whether they change employers or leave Colorado.	Administration
What if a person pays into the famli all of 2023 and retires in 2024 can they still collect benefits?	FAMLI benefits are limited to individuals taking leave from employment. As such, a retired person with no job from which to take leave will not be entitled to FAMLI benefits.	Administration
Can you repeat when deductions start?	January 1, 2023	Administration
Since the answer above says there is a CAP on increases, what is the CAP?	The premium cap is 1.2%.	Administration
Not sure how the health benefit plan we offer enters into this scenario. (or am I misunderstanding that was mentioned?!)	Health insurance is different from FAMLI. Employers are still expected to keep their employees enrolled in their health insurance program, and employees are still responsible for paying their portion of the cost of that health insurance.	Administration
Is the employer obligated to pay the employee's portion of insurance while on FAMLI?	Employees are still responsible for their portion of these types of benefits, and that payment can be worked out between employee and employer.	Administration
Can this be utilized for Paternity leave as well?	Yes.	Administration
Will the documentation required to pay benefits go directly thru the state? Or are we as employees the go-between on that.	The documentation will need to be submitted directly to the FAMLI Division the same way unemployment claims are processed through the Unemployment Insurance Division.	Administration
Can FAMLI leave be intermittent?	Yes.	Administration
for clarification, does the employee need to apply for FAMLI directly from the state website much as they would apply for unemployment?	That is correct.	Administration
If we opt out do we have to provide something similar or is there an option to pay a tax?	Employers may meet their FAMLI obligations with an approved private plan. The Division will be issuing more information this year regarding how employers can apply for private plan approval. However, private plans must be approved by the Division in order to qualify as an approved private plan. In order to be approved, private plans must provide benefits to employees that are equal or greater than those under the state plan, and they must not impose any additional conditions or requirements.	Administration
Is there a place we can look up what the process will be start to finish?	Once the employer services portal is live, we will have several how-to guides available on our website: famli.colorado.gov .	Administration

Questions	Answers	Topic
with the Majority of Sexual Assaults Are Not Reported to the Police. Only 310 out of every 1,000 sexual assaults are reported to police. That means more than 2 out of 3 go unreported. How will this get verified?	We recognize that many cases of sexual assault go unreported and have thus made the following clarifications regarding "safe leave" under C.R.S. 8-13.3-503(18) and 504(2)(e): A. To determine whether an individual is the victim of domestic violence, the victim of stalking, or the victim of sexual assault or abuse, for purposes of determining eligibility for safe leave, an individual need not prove that a court has determined that the individual was the victim of domestic violence, stalking, sexual assault, or sexual abuse. B. Benefits may be awarded based on the victim's good-faith attestation that the circumstances giving rise to the safe leave satisfy the elements of the offense. C. If an individual is granted safe leave based on their good-faith attestations, and is later found by a court not to have been a victim of domestic violence, stalking, sexual assault, or sexual abuse, benefits paid for the leave will not be considered an overpayment unless a court's findings show that the attestations were not in good faith.	Administration
the time period for utilization based on a rolling calendar year?	Yes.	Administration
Is there a benefit waiting period and/or temporary recovery period for current claims?	No.	Administration
Is the 1.2% total or per employer and employee?	1.2% is the total maximum premium rate set by statute. The most an employer can require an employee to contribute is half of the premium rate.	Administration
Is it the 1st paycheck in 2023 or pay related to work on or after Jan. 1, 2023 that are 1st subject to the contribution requirement?	This will be clarified in forthcoming amendments to our premiums rules. The proposed revision will explain that premium obligations will apply to wages paid in 2023 and later, regardless of when the wages were earned.	Administration
What happens when an employer doesn't make premium payments until 2024 because they are a new employer. Are benefits postponed until 2025 for employee?	For new employers who first pay wages--and therefore incur liability premiums--in 2024, benefits for their employees will not be postponed.	Administration
How about ministers who are EE's of churches but have exempted themselves from tax withholdings (Fed/SSA, etc)? Will they be required to participate?	The FAML I Act's definition of "employee" includes a two-prong exception. If a person is both primarily free from control in the performance of their work, and that work is part of their independent profession or trade, then that person is not an employee under the FAML I Act, and payments to them would not be subject to premiums. If a minister performs his duties as he sees fit without being controlled by others, and being a minister is his independent trade, then he would not be considered an employee under the FAML I Act, and his wages would not be subject to FAML I premiums. If a minister satisfies both prongs, he would not be considered an employee. If he satisfies only one, or neither, then he is considered an employee.	Administration
Is 1.2% the maximum that can be charged?	1.2% is the maximum premium rate set by statute. The most an employer can require an employee to contribute is half of the premium rate.	Administration
What happens to the funds contributed if you never use the leave?	FAML I is a social insurance program. Premiums are not refunded if they are not used, they stay with the fund.	Administration
Are deductions for all employees?	Yes.	Administration
Do employees have to give the employer a heads up or does all communication come from DOL Family Department	The FAML I Act requires employees to provide 30 days' notice to their employer if the leave is foreseeable. If the need for leave is not foreseeable, or providing 30 days' notice is not possible, the employee must provide the employer with notice as soon as practicable.	Administration
I heard you say that premium payments are due by the end of the quarter. Can you clarify that we would need to make payments by March 31st, and not April 30th?	The first payment is due April 30, 2022. We will be offering a 30-day grace period to receive that first payment before the payment is considered late.	Administration
What will need to be provided for an employee to prove the leave is to take care of a family with the definition (11) "Family member" means: (e) As shown by the covered individual, any other individual with whom the covered individual has a significant personal bond that is or is like a family relationship, regardless of biological or legal relationship.	Please see section 3.6 <i>Applying for Benefits</i> of our adopted benefits rules for clarification on the documentation needed to take leave to care for a family member or to care for a new child.	Administration
Will you allow employers to test the file upload prior to going live?	We will be testing the site during user acceptance testing and will be allowing employers to register in small groups before the full site is live in late 2022. We have file specifications on our website here: https://famli.colorado.gov/employers/third-party-administrators-tpas .	Administration

Questions	Answers	Topic
Will the employee receive a W-2 from the state? Are taxes withheld?	We will have more guidance and clarification from the IRS on this coming soon.	Administration
What are the employer requirements of communicating to their employees about this program and how they access benefits in 2024?	Employers are required to post the notice about the FAMLI program in a prominent location in the workplace and notify its employees of the program, in writing, upon hiring. We have a standard breakroom poster included in the employer tool kit and will be adding a payroll stuffer and employee handbook language soon here: https://famli.colorado.gov/employers/famli-toolkit-for-employers .	Administration
How will employers be notified an employee is taking leave?	Employees must notify their employer or employers of their need for leave if the need is foreseeable within 30 days of the anticipated leave date or as soon as possible if the leave is not foreseeable. Employers may require that notice to contain the anticipated start time, anticipated duration, and where applicable, anticipated frequency of leave. When a claim is filed, the FAMLI Division will notify the employer of its employee's application for leave and will include limited information necessary for the employer to coordinate FAMLI benefits with other benefits for which the claimant is eligible, in accordance with the information-sharing provisions of 7 CCR 1107-4.	Administration
Can you go back and go over what the Employers are required to pay? Thanks!	Employers are required to remit the whole 0.9% premium to the Division once a quarter. Employers can choose to deduct up to 0.45% of that from employees and remit those deductions on behalf of their employees. Ultimately, employers will need to remit 0.9% of wages to the Division whether they choose to cover the 0.45% for their employees or not.	Administration
Will employees be able to opt in or out of payroll taxes being withheld from their	Wage replacement benefits under the FAMLI program are not subject to state income tax. The IRS	Administration
will we receive notice from FAMLI or State of CO about when to register on the employer servcie system?	Yes, please subscribe to our newsletter to get the latest updates directly into your inbox: https://famli.colorado.gov/employers/famli-newsletters .	Administration
Will the Town Halls also be virtual?	Yes, there will be a virtual option	Administration
When is the deadline for signing up for the program and what site will it be on?	Employers will need to register before the first premium payment is due on April 30, 2022. Employers will be able to navigate to My FAMLI+ Employer from famli.colorado.gov once the system is live later this year.	Administration
Is new hire reporting required?	Employers will not need to separately report new hires as they occur; however, employers must include all wages--including wages paid to new hires--in their quarterly wage reports and premiums payments.	Administration
For intermittent leaves: Benefits aren't payable until 8 hours are accumulated. Does that 8 hours need to be consecutive or can they be staggered throughout a week. For example: an works M-F 8 hours per day. Employee takes 4 hours on Monday and 4 hours on Thursday - are all hours payable as of Thursday or none since they weren't consecutive	Benefits need not be used in 8-hour or greater increments, and may be used in increments of either one hour, or shorter periods if the employer typically allows other forms of leave to be used in increments of less than an hour. Benefits for smaller increments will be paid after the covered individual accumulates at least 8 hours of benefits.	Administration
Are there exemptions for agriculture?	No, the FAMLI Act provides no exemptions for agriculture employers or employees.	Administration
Are you following the same process as NJ or CA?	No, New Jersey's and California's paid leave programs are based on different laws than Colorado's.	Administration
What will be the amendment process for Quarterly Returns?	The Division will be issuing guidance in the future regarding the process by which employers will submit amendments to quarterly wage reports.	Administration
Will additional leave under FAMLI for medical complications due to pregnancy/ childbirth - become standard allowance (basically any employee who is pregnant of gives birth, doctors indicate/recommend they need leave) similar to California PDL, or will there be specific requirements/conditions that are approved for the additional leave allowance? Will it be faily easy for employees to get additional leave due to pregnancy/ childbirth.... or will it be difficult to get this additional leave as only specific situations would qualify...	The additional four weeks of leave is limited to serious health conditions caused by complications due to pregnancy or childbirth. An individual who suffers no complications due to pregnancy or childbirth will not be entitled to the additional four weeks.	Administration
If the SAWW is roughly \$1500 as of Q4 2021, will the state update the famli website for 2023 in order to help manual benefit calcs?	Benefits are capped at \$1,100.00 per week through 2024. It isn't until January 1, 2025 that the maximum weekly benefit will equal 90% of the state average weekly wage. The FAMLI Division will publish this updated information on its website in late 2024.	Administration

Questions	Answers	Topic
How does this affect Unions? especially if they do not approve to participate in this program? Does the company still have to pay for union workers?	Employers and their employees are subject to the requirements of the FMLI program regardless of their union status.	Administration

Questions	Answers	Topic
Will the slides be available after this webinar	The presentation is posted here .	Communications
Can we get a copy of the slide document being presented in this meeting?	The presentation is posted here .	Communications
When are you going to have handbook language available?	We will add more content to the employer tool kit here: https://famli.colorado.gov/employers/famli-toolkit-for-employers	Communications
Are there payroll stuffers available for us to print to explain the program to the employees? I did print the fact sheet to put in the employee break room.	There will be more content added to the Employer Toolkit throughout this process. Please sign up for our newsletter for updates on when new materials become available.	Communications
Can the presentation be found on your site? If so, can you remind us of the link?	Here is a link to all of our presentations https://famli.colorado.gov/employers/employer-	Communications
Will CDLE come out with Sample FAMLI policy that they can include in handbooks - actual policy, not poster...	We will be creating a variety of communication pieces employers can share with employees. Please sign up for our newsletters to receive updates on when new materials are available: https://famli.colorado.gov/employers/famli-newsletters .	Communications
I missed the first part of this discussion, can you send the recording as soon as you can please?	https://www.youtube.com/watch?v=Q_5YkP-194M	Communications
Will these Q&As be published on your website for further reference? Thanks.	Yes.	Communications
Thank you. Will we get the definite timeframe from the website?	Yes, you can also sign up for our newsletter to receive updates: https://famli.colorado.gov/employers/famli-newsletters .	Communications
Is there a one sheet or guide that we can share with employees?	Here is a link to our employer tool kit. We will be adding language to add to employee handbooks and a payroll stuffer in the near future: https://famli.colorado.gov/employers/famli-toolkit-for-employers .	Communications
Walk through the flow chart of the entire process please.	Here is a link to all of our presentations: https://famli.colorado.gov/employers/employer-webinars .	Communications
I had a phone call, did my question get answered? I'm so sorry. Can we get a printable version of this presentation after this?	The presentation is posted here .	Communications
Can you post where we can find the rules again?	Our adopted and proposed rules are published here: https://famli.colorado.gov/proposed/adopted-rules .	Communications