

COLORADO DEPARTMENT OF  
LABOR AND EMPLOYMENT  
EMPLOYER WEBINAR SERIES

## Coordination of Benefits

Division of Family and Medical Leave Insurance  
[famli.colorado.gov](http://famli.colorado.gov)  
November 30, 2022



**COLORADO**  
Department of  
Labor and Employment



# About FAMLI Webinar Series

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## Housekeeping:

- Copy of this presentation deck and video recording is available on [famli.colorado.gov](https://famli.colorado.gov).

## Previous webinars on our [YouTube Channel](#)

- FAMLI and Local Governments
- Calculating FAMLI Premiums
- Benefits and Employer Participation
- Private Plans I
- Private Plans II

**Q4 2022**

Soft Launch of  
My FAMLI+ Employer  
(famli.colorado.gov)



**Q1 2023**

Employers must  
complete registration  
in My FAMLI+  
Employer



**January 1, 2024**

Covered workers can begin  
submitting requests for FAMLI leave



# FAMLI Timeline



**January 1, 2023**

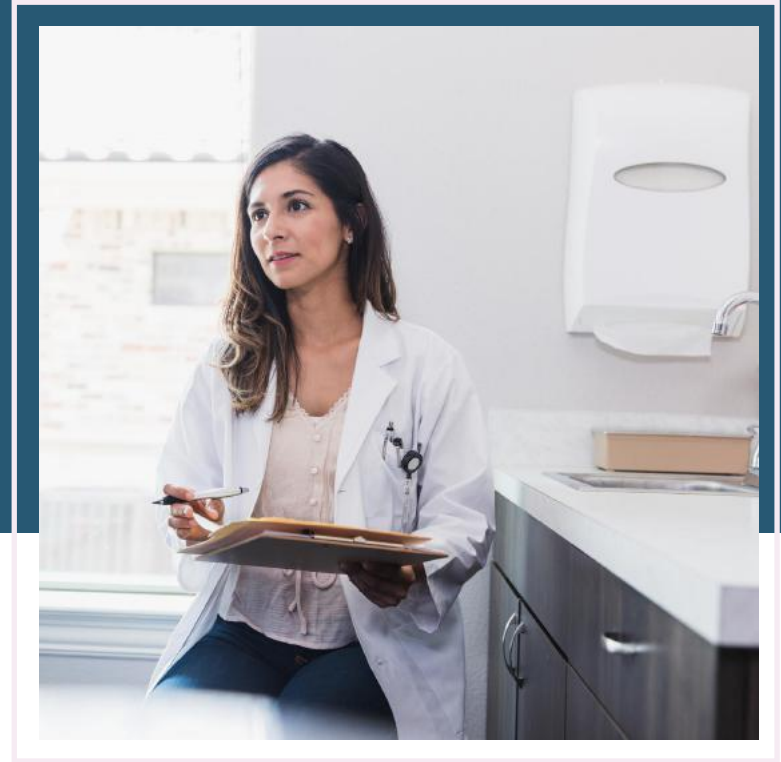
Employers begin payroll deductions  
for FAMLI premiums



**April 30, 2023**

First quarterly premium payments  
and wage reports due (30-day  
grace period)

# Coordination of Benefits Rules



# FAMLI Benefits & Employer-Provided PTO



- Employees can't be required to use PTO before FAMLI leave, but they may choose to do so.
- Employers and Employees can agree to use accrued PTO to top-off the FAMLI benefit, with a written agreement.
- The total amount from PTO and FAMLI may not exceed the Employee's average weekly wage.
- If an Employee may have been improperly paid PTO or sick leave, Employers may recoup the overpayment.

# FAMLI & Health Care Benefits

While on FAMLI leave, employees are still required to pay their share of their (health care) insurance premium obligations.

## Health Care Benefits Include:

- Health Insurance
  - Dental Insurance
  - Vision Insurance
- Mental Health, Counseling, and Addiction Service

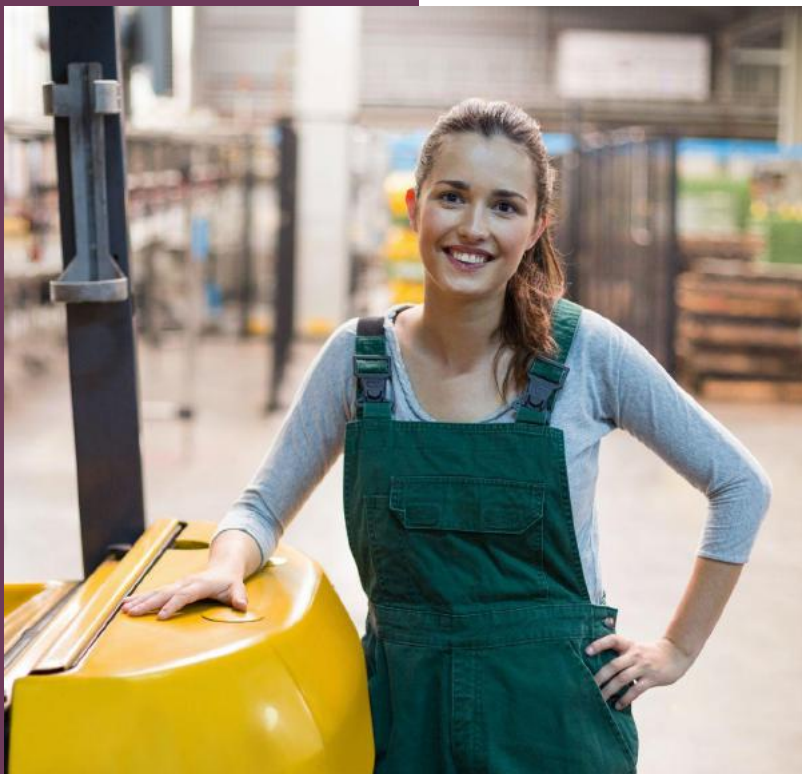
## Options to Collect Premium Payments:

- Deductions from Employer-provided PTO payments meant to “top off” FAMLI benefits
- Deductions from wages when the Employee returns to work
- A repayment plan that is agreed upon by both the Employer and the Employee
- Other legal means

# Workers' Compensation Benefits



- FAMI benefits may not be taken with Workers' Compensation benefits for the same reason for the absence.
- FAMI applicants must disclose if their condition was caused by a workplace injury or illness.
- Health Care Providers must also disclose if the condition or injury was caused or related to a workplace injury.



# Unemployment Benefits

- FAMI Benefits and Unemployment Benefits cannot be collected at the same time.
- Workers must disclose if they have received any unemployment payments while they are out on FAMI leave.



# Short-term and Long-term Disability



- Employers may require that FAMLl benefits run concurrently and offset existing STD or LTD policies, with written notice.

# FAMLI & FMLA



- FAMLI is designed to run concurrently with FMLA.
- The FAMLI Division does not manage or adjudicate FMLA claims.
- If a worker applies for FMLA, the Employer must tell them about FAMLI.
- For questions related to FMLA, please visit the [U.S. Department of Labor website linked here.](#)



# Amendments

## Amendments to Premiums Rules

- [Counting Employees](#) will be done first upon registration and every year during Quarter 1.
- The [FAMLI definition](#) of included and excluded wages mirrors the Unemployment definition of included and excluded wages.

## Amendments to Local Government Rules

- State employers covered by [HB22-1133](#), or with at least one employee in the State personnel system are NOT considered local governments under FAMLI.

# Private Plan Rules

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- **Private plans must include:**

- the same number of weeks of benefits
- same level of wage replacement
- include no additional requirements or conditions
- deduct no more than the same amount from employee paychecks
- cover all employees through the duration of their employment

- **Private Plan Rules:**

- All private employers will pay premiums starting January 1, 2023.
- Refunds for any premiums paid in 2023 will be issued to employers with an approved private plan with an effective date on or before **January 1, 2024**.
- Private plan applications must be received by October 31, 2023 in order to secure a refund for premiums paid in 2023.
- Employers who apply for a private plan will be subject to an administration fee.

# Frequently Asked Questions

## Coordination of Benefits

**Q: We are a local government that opted-out. We have employees that voluntarily opted into the FAMLI program. When they are on leave, do we have to maintain their health care benefits?**

A: No, *FAMLI* does not require opted-out local governments to maintain their benefits, but this may be regulated by other laws or regulations.

**Q: For non-profits, it states that Employers must also maintain health care benefits during leave, but the employee would have to continue to pay their share of the cost. Does this mean employees are responsible for paying the employer portion during that period of time?**

A: Employers—including nonprofit employers—are required to maintain an employee's health care insurance benefits during leave. Employees are still obligated to pay their own employee portion of those health insurance benefits, but not what is typically covered by the employer.

**Q: Since religious organizations are exempt from unemployment premiums, does that mean they are exempt from FAMLI as well?**

A: No. Employers who are exempt from unemployment premiums are NOT exempt from paying FAMLI premiums. These employers should refer to the list of wages subject to FAMLI premiums posted on our employers page.

# We want to hear from you!

*We want to build a FAMLI program that is fair and meets the needs of both employers and workers.*

*Please help us by:*

- *Participating in our webinar series*
- *Sharing your ideas and concerns*

*Your input is essential!*



## WEBSITE

[famli.colorado.gov](https://famli.colorado.gov)



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## FACEBOOK, TWITTER INSTAGRAM, LINKEDIN

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**Thank You!**

