COLORADO DEPARTMENT OF
LABOR AND EMPLOYMENT
EMPLOYER WEBINAR SERIES

How FAMLI interacts with other types of leave

Division of Family and Medical Leave Insurance
famli.colorado.gov
March 31, 2022

COLORADO
Department of
Labor and Employment

The FAMLI Employer Webinar Series

Upcoming FAMLI Webinar Topics:

April 29 — Local Governments

May 27 — Preparing Your Small Business for FAMLI

June 30 — Calculating Premiums and Live Q & A Open Forum

COLORADO
Department of Labor and Employment

About FAMLI

- Colorado's Family and Medical Leave Insurance (FAMLI) program will ensure all Colorado workers have access to paid leave during certain life circumstances
- Approved by Colorado voters in November 2020 with 57% bipartisan support
- Ninth state-facilitated paid family medical leave program in the United States
- Colorado's FAMLI program will be administered by the Division of Family and Medical Leave Insurance

About DLSS

- The Division of Labor Standards and Statistics (DLSS) interprets, issues guidance and gives presentations on, and enforces Colorado labor laws
- This includes wages, health-related leave and whistleblowing, employee privacy rights, union-management relations, transparency in posting job and promotion opportunities, public contracting, and youth employment
- DLSS investigates complaints of violations of these Colorado labor laws, both individual complaints and systemic investigations into workplace- or sector-wide violations

Types of federal and state leave

Leave type/benefit	What it provides	How Long
HFWA	Earned sick days, paid and job-protected	Up to 48 hours for varied health needs, & up to 80 for COVID-related needs hours
FML	Unpaid, job-protected leave	12 weeks
ADA	Unpaid, job-protected leave when it constitutes a reasonable accommodation for a disabled employee	Varies
Workers' Compensation	Medical and lost wage benefits to workers who are injured on the job	Varied based on claim
PFML	Partial wage replacement benefits to people when temporarily unable to work	12-16 weeks

How FAMLI interacts with FMLA

- FAMLI benefit has been designed to run concurrently with the federal Family and Medical Leave Act (FMLA)
- FMLA provides ***unpaid*** leave, while Colorado's FAMLI provides ***paid*** leave
- CDLE cannot provide guidance concerning FMLA, but we have asked the U.S. Department of Labor for additional guidance, which we will share with Colorado businesses once available

Local Governments

- The governing body of each Colorado local government must hold a vote during 2022 if they wish to decline participation in the FAMLI program
- Votes can take place anytime during 2022
- Each local government must notify FAMLI of its initial decision by **January 1, 2023.**
- For more information, refer to the "Preparing for FAMLI: Local Governments" fact sheet available at famli.colorado.gov

Questions from employers

- Do I pay my employee when they are out on leave?
    - No. Similar to unemployment benefits, FAMLI is an insurance program. If FAMLI leave is approved for one of your employees, their wage replacement while they are on FAMLI leave is paid by the state, not by you. This provides your business with the flexibility to use those dollars to meet that need in whatever way makes sense for your business, whether that's a temp, paying overtime to other employees, etc.

Questions from employers

- How will I know when they are taking leave, and when they will be back?
  - Like with unemployment, your business will be notified when an employee submits a claim for FAMLI benefits, if and when that claim is approved, as well as an estimate of when that employee is expected to return to work.
- Do I have to hold a job for them?
  - Yes. After 180 days of employment, FAMLI provides workers with job protection similar to FMLA.

Questions from employers

- How does FAMLI impact companies with employees across multiple states?
  - Companies will include all employees within their organization to determine if they have greater than 9 individuals. Employers will make their premium payment for Colorado based employees.
- How will FAMLI interact with other disability insurance programs offered by employers like Short-Term and Long-Term Disability insurance?
  - Employers can require FAMLI benefits to run concurrently with the employer's disability insurance so long as the employer provides written notice to employees of the requirement.

How Your Business Can Prepare for FAMLI

Q1	Learn about the new FAMLI program **AND** request guidance
Q2	Share information with employees and professional organizations **AND** Participate in ongoing rulemaking and user experience discovery/testing
Q3	Register with FAMLI Division **AND** Update employee handbooks using model language from CDLE explaining payroll deductions
Q4	Set up payroll deductions for premiums, beginning on January 1, 2023 **OR** Notify Division and provide documentation of private plans

Resources for employers

- Available online at famli.colorado.gov:
  - Webinars
  - FAQs
  - Newsletters
  - Employer Toolkit

We need your help!

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*
- *Inviting us to speak to other business groups and organizations*

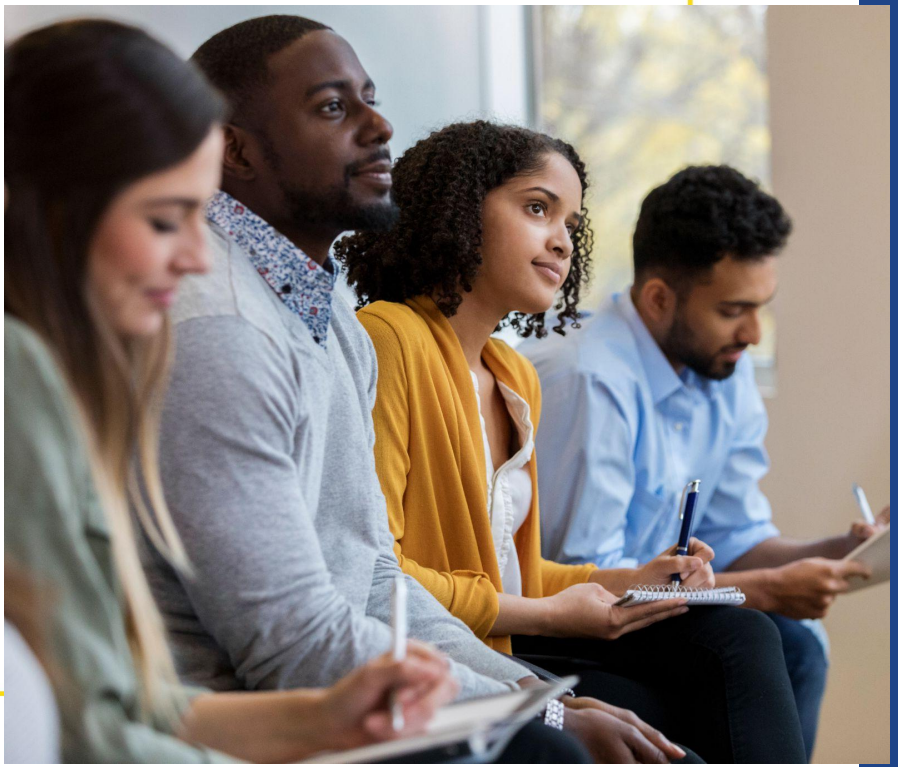
Your input is essential!

WEBSITE
famli.colorado.gov

EMAIL
cdle_famli_info@state.co.us

FACEBOOK & TWITTER
@ColoradoFAMLI

COLORADO
Department of
Labor and Employment



Upcoming FAMLI Webinar Topics:

April 29
Local Governments

May 27
Preparing Your Small Business for FAMLI

June 30
Calculating Premiums and Live Q & A Open Forum

COLORADO
Department of
Labor and Employment

Thank You!

Live Q&A Open Forum