

# FAMLI & Other Types of Leave

**Employers:** Here's what you need to know about how FAMLI works with other types of leave you may offer your staff:

- **Paid Time Off (PTO):** Employees can't be required to use PTO before FAMLI leave, but they may choose to do so. Employers and employees must have a mutual signed written agreement to use accrued PTO to top-off the FAMLI benefit. The total amount from PTO and FAMLI may not exceed the employee's average weekly wage.
- **FMLA:** FMLA is designed to run concurrently with FAMLI. If FAMLI leave is used for a reason that also qualifies as leave under FMLA, then the leave also counts as FMLA leave. An employer can't require an employee to exhaust available FAMLI leave as a condition to access FMLA leave.
- **Unemployment:** No one getting unemployment insurance payments can receive FAMLI benefits for the same job and same period of time.
- **Workers' comp:** No one getting workers' compensation indemnity benefits payments can receive FAMLI benefits to recover from the same workplace-related injury.
- **Healthy Families and Workplaces Act (HFWA):** HFWA and FAMLI are two separate Colorado laws that provide employees with paid leave for a range of health and safety needs. For more information and specifics on the differences and overlap of the two leave types, please see INFO #6C on [cdle.colorado.gov/infos](https://cdle.colorado.gov/infos).
- **Other leave benefits:** Employers can require employees to use FAMLI leave as a condition for benefits that the employer is not legally required to provide, like short-term disability, long-term disability, or paid parental leave. Additionally, employers can require FAMLI leave to run concurrently with those employer-provided short-term disability, long-term disability or paid parental leave benefits. Otherwise, employers and benefit administrators can't require an employee to exhaust available FAMLI leave.

If an employee is improperly paid PTO or sick leave, employers may recoup the overpayment.

**Life happens. FAMLI has you covered.**  
Learn more at [famli.colorado.gov](https://famli.colorado.gov).



**COLORADO**  
Family and Medical Leave  
Insurance Program (FAMLI)  
Department of Labor and Employment

