

Colorado Paid Leave Regulations Checklist

Here's a comprehensive checklist to help you compare and understand all paid leave regulations currently in effect in Colorado, including the state-run Family and Medical Leave Insurance (FAMLI) program, federal FMLA, and other relevant policies.(FAMLI)

1. FAMLI (Family and Medical Leave Insurance) – State Program

- **Effective Date:** Benefits available starting January 1, 2024.
- **Eligibility:**
 - Earned at least \$2,500 in Colorado wages in the previous five quarters.
 - Available to full-time, part-time, and seasonal workers.
 - Self-employed individuals and independent contractors can opt in by paying premiums for three years.
- **Leave Duration:**
 - Up to 12 weeks of paid leave per year.
 - Additional 4 weeks (totaling 16 weeks) for pregnancy or childbirth complications.
- **Covered Reasons:**
 - Personal serious health condition.
 - Caring for a family member with a serious health condition.
 - Bonding with a new child (birth, adoption, foster).
 - Military family needs.
 - Addressing issues related to domestic violence or sexual assault.
- **Wage Replacement:**
 - 90% of average weekly wage (AWW) up to 50% of the state average weekly wage (SAWW).
 - 50% of AWW beyond that threshold.
 - Maximum weekly benefit: \$1,324.21 in 2025.
- **Job Protection:**
 - Guaranteed if employed for at least 180 days before leave begins.)
- **Funding:**
 - Premiums set at 0.9% of wages (0.45% each from employer and employee).
 - Employers with fewer than 10 employees are exempt from the employer share.
- **Application Process:**
 - Employees apply directly through the state portal.
 - No waiting period; benefits begin on the first day of leave.

2. FMLA (Family and Medical Leave Act) – Federal Program

- **Eligibility:**
 - Employed for at least 12 months.
 - Worked at least 1,250 hours in the past 12 months.
 - Employer has 50 or more employees within 75 miles.
- **Leave Duration:**
 - Up to 12 weeks of unpaid, job-protected leave per year.

- **Covered Reasons:**
 - Personal serious health condition.
 - Caring for a family member with a serious health condition.
 - Birth or adoption of a child.
 - Military family needs.
- **Job Protection:**
 - Guaranteed return to the same or equivalent position.
- **Coordination with FAML I:**
 - FAML I and FMLA can run concurrently if the leave qualifies under both programs.

3. HFWA (Healthy Families and Workplaces Act) – State Paid Sick Leave

- **Eligibility:**
 - All Colorado employees, regardless of employer size.
- **Accrual:**
 - 1 hour of paid sick leave for every 30 hours worked.
 - Up to 48 hours per year.
- **Usage:**
 - Personal or family member illness.
 - Preventive care.
 - Domestic abuse, sexual assault, or harassment.
- **Public Health Emergency Leave:**
 - Additional leave during declared public health emergencies.

4. Private Employer Plans

- **Option to Opt-Out of FAML I:**
 - Employers can offer private plans that provide equal or greater benefits than FAML I.
 - Plans must be approved by the FAML I Division.
- **Requirements:**
 - Same duration and wage replacement as FAML I.
 - No additional conditions or restrictions.
 - Cost to employees cannot exceed that of FAML I.
 - Must cover all employees, including new, part-time, and temporary workers.)
- **Application Process:**
 - Employers must submit an application with required documentation.
 - Private plans must remain in effect for at least one year.

5. Local Government Opt-Outs

- **Opt-Out Provision:**
 - Local governments can choose to opt out of the FAML I program.
 - Employees of opted-out local governments can still access FAML I by paying the employee share of premiums for three years.

- **Example:**
 - The City of Denver opted out and offers its own paid family leave program, providing up to 8 weeks of paid leave.

6. Employer Responsibilities

- **Notices:**
 - Post FAML I program notices in a prominent workplace location.
 - Provide written notice to employees upon hiring and when they experience a qualifying event.
- **Premium Collection:**
 - Begin withholding and remitting premiums as of January 1, 2023.
 - Employers with approved private plans can seek reimbursement for premiums paid.
- **Job Protection and Benefits Continuation:**
 - Maintain health care benefits during an employee's leave.
 - Restore employees to their previous position or an equivalent one upon return.

7. Interaction with Other Leave Programs

- **Short-Term Disability (STD):**
 - FAML I benefits can supplement STD benefits to make the employee whole.)
- **Public Health Emergency Leave:**
 - FAML I does not coordinate with public health emergency leave; employees may be eligible for both separately.)

8. Penalties for Non-Compliance

- **Employer Violations:**
 - Employees can bring civil actions for violations, with potential damages mirroring those under FMLA.
 - The Division may impose fines up to \$500 per violation.

This checklist provides a detailed overview of the various paid leave regulations in Colorado. If you need further information or assistance in comparing specific aspects of these programs, feel free to contact us.