



Colorado Paid Family and Medical Leave (CO PFML)

Benefits begin on January 1, 2024



Sun Life

Employer Eligibility

- Most public and private employers with one or more employees during at least 20 workweeks in the current or preceding calendar year or
- Employers who pay wages of \$1,500 or more during any calendar quarter in the preceding calendar year.

A local government may decline participation in the CO PFML Program, and an employee of a local government that has declined participation may elect coverage under the Program.

Employee Eligibility

Any employee is eligible for benefits under the CO PFML law if they have:

- Earned at least \$2,500 in wages subject to premium under the law during the person's base period or alternative base period,
- Has elected coverage as a self-employed person, or
- Has elected coverage as an employee of a local government where the local government has declined participation in the program.

Independent contractors are excluded as well as persons subject to the federal Railroad Unemployment insurance act.

Base period means the first four of the last five completed calendar quarters immediately preceding the first day of the individual's benefit year and the **alternative base period** means the last four completed calendar quarters immediately preceding the benefit year.

Benefit Duration

Eligible employees are allowed the following in a 12-month period:

- Up to 12 weeks of paid leave for qualifying reasons
- An additional 4 weeks of paid leave for employees incapacitated by a serious health condition related to pregnancy complications or childbirth complications

The maximum available leave is 12 or 16 weeks per application year. The application year is the 12 month period beginning on the 1st day of the calendar week in which an individual files an application for family and medical leave insurance benefits.

Qualifying reasons for leave

- Bonding with the employee's newborn, newly adopted or newly placed foster child within a year of the birth, adoption, or foster care placement;
- Caring for a family member with a serious health condition;
- Because of the employee's own serious health condition;
- For a qualifying military exigency; or
- For safe leave, which is leave needed because either the employee or family member is a victim of domestic violence or abuse, sexual assault or abuse, or stalking of either the employee or a family member.

Covered family members

- Spouse or domestic partner;
- Child (regardless of age);
- Parent of employee or of their spouse or domestic partner;
- Grandchild of the employee or of their spouse or domestic partner;
- Sibling of the employee or of their spouse or domestic partner; and
- Any other individual with whom the employee or covered individual has a significant personal bond that is or is like a family relationship regardless of biological or legal relationship.

In loco parentis relationships are also covered. These can occur when an employee stands in loco parentis to a minor child or another individual stood in loco parentis to the employee when they were a minor child.

CO PFML

12 WEEKS



For employees own medical condition, bonding, care of a family member, and military exigency

Pregnancy Incapacity

+4 WEEKS



An additional four weeks of paid leave for employees incapacitated by a serious health condition during pregnancy

\$1,100

Max benefit

Premiums

- Premiums from January 1, 2023 through January 1, 2024 will be set at 9/10ths of one percent of employees' wages.
- Beginning January 1, 2025, the Director of the DFMLI will set the premium based on a percent of employee wages and at a rate necessary (1) to obtain 135% of the amount of benefits paid in the prior calendar year (2) plus an amount equal to 100% of the cost of administration of the program in the prior calendar year (3) less the amount of net assets remaining in the Fund as of December 31 of the immediately preceding calendar year.
- The maximum premium will be 1.2% of the employees' wages.

Employers are not permitted to deduct more than 50% of the premium from employees' wages. An employer with ten or more employees may deduct up to 50% of the premium required from the employees' wages and will remit 100% of the premium required to fund the program. An employer with less than ten employees may deduct up to 50% of the premium required from the employees' wages and shall remit 50% of the premium required to fund the program.

Premiums are not required for employees' wages above the contribution and benefit base limit established annually by the federal Social Security Administration for purposes of Old-Age, Survivors, and Disability insurance program limits.

Benefit Amounts

- Benefits are paid at 90% of the employee's wages up to 50% of the state's average weekly wage.
- Earnings greater than 50% of the state's average weekly wage will be paid at 50%.
- The maximum benefit will be set to 90% of the state average weekly wage except that for the year 2024 the maximum will be \$1,100 per week.

Employees with multiple jobs can elect to take leave from one or more jobs. Benefits will be paid based on the earnings from the jobs that the employee is taking leave from.

Intermittent/reduced schedule leave

Leave can be taken continuously, intermittently or on a reduced leave schedule.

Intermittent leave is available in increments of one hour or shorter periods consistent with the increments the employer typically uses to measure leave, except that benefits are not payable until the covered individual accumulates at least one day or 8 hours of CO PFML benefits.

Employee notice to employer

In any case where the need for leave is foreseeable, an employee must provide at least 30 days' notice to their employer. If the need for the leave is not foreseeable, the employee must provide notice to the employer as soon as practicable. The employee must make reasonable effort to schedule leave so as to not unduly disrupt the employer.

Waiting period

There is no benefit waiting period.

Job Protection/Anti-retaliation

Any covered individual employed for 180 or more days with their current employer shall be restored to the position held by the employee when the leave commenced or to a position with equivalent seniority, status, employment benefits, pay and other terms and conditions of employment including fringe benefits and service credits that the employee had been entitled to at the commencement of the leave. The law does not entitle a restored employee to (1) the accrual of any senior or employment benefits during any period of leave or (2) any right, benefit or position of employment other than any right, benefit or position to which the employee would have been entitled had the employee not taken leave. In addition, the law does not relieve an employer of obligations under a collective bargaining agreement.

It is unlawful for an employer or any other person to interfere with, restrain or deny the exercise of, or the attempt to exercise, any right under the CO PFML law. Employers also cannot retaliate or discriminate against a person who seeks to for does take CO PFML. It is specifically unlawful for an employer's absence control policy to count paid family and medical leave as an absence that may lead to or result in discipline, discharge, demotion, suspension or any other adverse action.

Health Insurance Continuation

Employers are required to maintain any health care benefits the employee had prior to taking the leave for the duration of the leave as if the employee had continued in employment. The employee must pay their share of the premium for the health benefits.

Private Plan Exemption

An employer can apply to the DFMLI for approval to meet their obligations under the CO PFML law through a private plan. A private plan must confer all of the same rights, protections and benefits as the state plan and cannot cost the employees more than they would remit in the

state plan. Employers may choose to establish private plans to streamline benefit administration, claims handling, and reporting with existing group disability coverages. An employer with an approved private plan is not required to remit premiums to the Fund.

If the private plan is in the form of self-insurance, the employer must furnish a bond to the state from an authorized surety. If the plan is insured, the forms of the policy must be issued by an insurer approved by the state.

We expect to share more details related to the private plan options as they emerge.

**Visit us at [sunlife.com/pfml](https://www.sunlife.com/pfml) for resources and education about PFML.
This is your site for PFML, visit it frequently for updates.**

Group insurance policies are underwritten by Sun Life Assurance Company of Canada (Wellesley Hills, MA). Product offerings may not be available in all states and may vary depending on state laws and regulations.

The information in this document is based on our knowledge of the current CO PFML law and regulations. If the regulations are revised or if the law itself is amended, we will update this document. This document is not intended to be and should not be construed as legal advice. Employers are encouraged to consult employment law counsel for legal advice.

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