

COLORADO DEPARTMENT OF  
LABOR AND EMPLOYMENT  
EMPLOYER WEBINAR SERIES

## **FAMLI and Local Governments**

Division of Family and Medical Leave Insurance  
famli.colorado.gov  
April 29, 2022



**COLORADO**  
Department of  
Labor and Employment



# The FAMLI Employer Webinar Series

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## Upcoming FAMLI Webinars:

May 27

- Pre-recorded

June 30

- Live Q & A Open Forum
- Registration link will be shared on famli.colorado.gov, Facebook, and Twitter
- Subscribe to the FAMLI newsletter to get each webinar directly in your inbox

## Previous webinars available [online](#):

[How do I include FAMLI Premiums in my Business Plans?](#)

[Understanding FAMLI and Employer Obligations](#)

[Employer Toolkit Preview and Open Forum](#)

# Agenda

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- What is FAMLI?
- Local Government Participation
- Benefits for Local Governments
- Voting Timelines
- Registering with FAMLI
- Notifying FAMLI
- FAQs

# What is 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
- Benefits become available on January 1, 2024, and contributions begin January 1, 2023.



# When can covered workers use FAMLI leave?

- Their own serious health condition
- Serious health condition of a family member
- Care for a new child (birth, foster placement, adoption, caring for child within the first year from birth)
- Make arrangements for military deployments
- Immediate safety needs and impact of domestic violence/sexual assault

# FAMLI and Local Governments



Unlike private employers, local governments have options regarding their participation in Colorado's paid FAMLI program.

# A local government's options to participate:

## Participate in FAMLI.

- You pay the employer share of the premium like any other employer.
- That's 0.45% of wages if you have 10 or more employees, and 0% of wages if you have fewer than 10 employees.
- You remit employees' share of the premium (0.45% of wages) and submit wage data to the FAMLI Division once a quarter.

## Decline *all* participation in FAMLI.

- Your local government must vote not to participate.
- Then you must then notify the FAMLI Division of your decision.
- The local government must revisit the decision to opt out at least every eight years.

## Decline *employer* participation in FAMLI.

- If the local government votes to decline, it still has the option to assist its employees who want to individually participate in FAMLI.
- This means the local government would facilitate voluntary payroll deductions, remit the employee share of the premium, and submit wage data once a quarter to the FAMLI Division.

# How does this impact your local government employees?

## Participate in FAMLI.

- Local government employees will see a payroll deduction starting Jan. 1, 2023.
- Local government employees will be able to apply for FAMLI benefits starting Jan. 1, 2024 like most other employees across the state.

## Decline *all* participation in FAMLI.

- Local government employees still have the right to participate in the FAMLI program even if you vote not to participate.
- Employees would self-elect coverage the same way self-employed workers would.
- Employees will need to report their own wages and remit the employee's share of the premium by creating an account in the FAMLI system once it's deployed this fall.

## Decline *employer* participation in FAMLI.

- Employees who voluntarily enroll will see the deductions from their paychecks if the local government chooses to facilitate their employees' participation.
- The local government chooses to be responsible for remitting the employee share of the premium, and submitting wage data once a quarter to the FAMLI Division, streamlining the process for its employees.



# FAMLI benefits for local governments

- **Easy to administer** – FAMLI will largely work in the same way and on the same schedule as the Unemployment Insurance system (funded by premiums).
- **Cost-effective** – Paid family leave is a benefit workers want, and FAMLI will allow local governments to provide it easily and cost-effectively.
- **More competitive** – Providing paid family leave enables Colorado local government employers to better compete with the private sector for top talent and retain that talent.
- **Happier, healthier employees** – Research shows that access to paid family leave can boost employee morale, and happier employees are often more productive.
- **FAMLI benefits are portable** – Potential employees can come work for you without fear of losing family leave accrued at their prior employer.

# Voting Timelines

## First Vote

Anytime before  
January 1, 2023



## 180 Days Prior to Change in Benefits

Notify employees of any forthcoming changes.  
This will not apply until the second half of 2023  
as benefits won't begin until 2024



## Within 30 Days

Notify employees of decision



## 3 Years

Required length of participation if a  
local government chooses to opt in  
after previously opting out.

## 8 Years

A vote to opt out of the program  
must be held at least every 8 years.





## 1. Determine Your Participation

- Participate
- Decline *All* Participation
- Decline *Employer* Participation

## 2. Register with the FAMLI System

Every local government employer must register with FAMLI's online system, including those which choose not to participate in FAMLI.



## 3. Notify FAMLI of Your Decision

Local governments which vote to decline participation must notify the FAMLI Division of their decision by uploading a notification letter in our online system by January 1, 2023.

# Rulemaking and public comment

- Rules to date:
  - Premiums rules were enacted on January 1, 2022.
  - Local government rules were adopted on January 14, 2022.
- On deck:
  - benefits rules and private plans May - June 2022
  - coordination of benefits August - September 2022
- All documents are available online - [famli.colorado.gov/proposed/adopted-rules](https://famli.colorado.gov/proposed/adopted-rules)
- To receive emails from us regarding rulemaking email [CDLE\\_FAMLI\\_info@state.co.us](mailto:CDLE_FAMLI_info@state.co.us)

# FAQs from Local Governments

## Notifying FAMLI

**Q: What does our local government need to send FAMLI before the end of the year?**

A: After registration, a local government that votes to opt-out of the FAMLI program must notify the FAMLI Division on letterhead and must indicate the date the vote was taken and the result of the vote. If the local government has voted to opt out, but intends to assist its employees who choose to individually participate in the FAMLI program, this information must be included in the notification as well. This notification must be received by January 1, 2023.

**Q: What are acceptable forms of notification?**

A: Notification letters must be uploaded into the online FAMLI system after your local government registers this fall. This will allow the division to properly track and log each notification letter to the corresponding local government. Please do not send your notification letter via email or post prior to when our online system launches this fall.

**Q: What happens if we do not take a vote, or send a letter?**

A: Local governments which do not notify the FAMLI Division of a vote to opt-out by January 1, 2023 will be identified as participants in the FAMLI program. The FAMLI Division will expect both wage data and premium payments due on April 1, 2023. Please notify the Division ahead of January 1, 2023 to avoid paying premiums.

# FAQs from Local Governments

## Employee Participation

**Q: As a public employee, if my local government opts out, how do I opt in?**

A(1): If your local government employer decides to opt out of *all* participation in the program, you as an employee have the option of opting in on your own. You would have to register within the FAML I system this fall as a self-employed worker, and you would be responsible for remitting your wage data and .45% of your wages to FAML I every quarter.

A(2): If your local government employer decides to opt out but help individual employees with the administrative burden, you will see a deduction on your paycheck starting in January 2023 and will be eligible to apply for benefits in 2024. Your employer will be responsible for remitting your half of the premium and your wage data every quarter.

**Q: Can local government employees opt out?**

A: If a local government opts into the FAML I program, its employees cannot opt out. If the local government decides to opt out, its employees have the option of opting in.

**Q: Are elected officials counted in employment numbers?**

A: If those elected officials are employees of the local government, they must be counted as an employee.

# FAQs from Local Governments

## General

**Q: Our local government pays some Board Members a stipend to attend certain meetings. Are Board Members included as employees?**

A: The Board Member must meet the definition of employee under the FAMLI Act, which is very similar to the definition used for the Unemployment Insurance and Workers Compensation programs.

**Q: When will the required written notices and posters local governments must use to notify all employees within 30 days of a vote to opt out be available?**

A: A complete Local Government Guide will be available for download on our website in the **summer of 2022**. This guide will include suggested language and posters local governments can use to notify their employees and explain the different benefits of the FAMLI program and any private plan offered by the local government.

**Q: How will FAMLI interact with or impact other income-protection insurance programs offered like Short Term (STD) and Long Term Disability (LTD) insurance?**

A: FAMLI allows employers to run FAMLI benefits concurrently with its STD/LTD policies. We will be addressing how this works more thoroughly in future adoption of rules regarding coordination of benefits.

# We want to hear from you!

*We're working 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 groups and organizations*

*Your input is essential!*



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**Thank You!**

