

# LEGAL UPDATE

# COLORADO

## Colorado Issues Regulations for Paid Family and Medical Leave

As part of ongoing rule-making for the state's new [paid family and medical leave insurance program](#) (FAMLI), the Colorado FAMLI Division recently adopted [regulations](#) for the program's benefits and employer participation. Highlights of the new rules are discussed below.

### New Regulations for Benefits and Employer Participation

The new regulations define the 12-month "application year" as measured backward from the date an employee uses FAMLI leave. The employer participation requirements in the rules direct employers to, among other things:

- Register with the FAMLI Division by **Jan. 1, 2023** (this applies to all employers, including those with approved private plans); and
- Submit quarterly wage reports and premiums to the FAMLI Division.

New rules on using FAMLI benefits allow wages from any employer, not just the current employer, to count toward the employee's \$2,500 wage threshold during the base period. Other key use-of-benefits rules permit FAMLI leave starting Jan. 1, 2024, for qualifying events beginning before that date; lay out a "totality of circumstances" test for determining family relationships; and allow continuous, intermittent or reduced-schedule leave to care for a new child.

The new regulations also outline an employer grievance procedure for undue disruption of employer operations or award of unwarranted leave. Employers may require fitness-for-duty certifications for returning workers, but they are required to keep medical information confidential under specific safeguards.

### FAMLI

Passed into law in 2020, the FAMLI program covers virtually all employers. Contributions begin Jan. 1, 2023, and benefits become available Jan. 1, 2024.

### Important Dates

#### Oct. 15, 2022

New regulations for benefits and employer participation take effect.

#### Jan. 1, 2023

Employer and employee contributions begin; deadline for employers to register with the FAMLI Division.

#### Jan. 1, 2024

FAMLI benefits become available.

***Employers may file a grievance with the Division if a FAMLI leave award unduly disrupts their operations.***

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