

# The Holidays Have Us Thinking About FAMLI

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It is already that time of the year — year-end holidays, good food, colder weather, and the opportunity to assess new laws that are set to go into effect at the start of the next calendar year.

For Colorado employers, now is not just the time of year to be with family, it is time to start thinking about FAMLI.

The Colorado Family and Medical Leave Insurance (FAMLI) benefit, which will be available to Colorado employees for the first time on January 1, 2024, signifies a monumental shift in the employee leave benefit landscape.

We regularly write about new and increasing paid leave benefits across the country, most recently the enhanced paid leave benefits in Chicago. But, while the Chicago paid leave ordinance provides up to 80 hours (ten days) of leave per year, FAMLI will be the first such law to provide most employees with up to 12 weeks of paid leave for various family and medical reasons. FAMLI applies to a broad range of Colorado employers — even small employers with fewer than 10 employees — and it covers a wider range of reasons for leave, including the traditional medical reasons associated with the federal FMLA as well as leave to address safety needs in cases of domestic violence. Uniquely, FAMLI is also a government-run benefit program, meaning the state will determine whether or not employees qualify for FAMLI, and payments from FAMLI will come from the state, not the employer.

If you are a Colorado employer, here are a few things you should already be doing or working on to prepare for implementing FAMLI within your existing compensation and benefit scheme.

Colorado employers should already be:

- withholding premium contributions from employee wages;
- reporting wage data to the Colorado Division of Labor & Employment (CDLE) on a quarterly basis;
- have the required program notice posted in the workplace; and
- be registered for an employer FAMLI account with the CDLE.

Additionally, ahead of January 1, 2024, Colorado employers should also:  
update handbooks and employment policies concerning leave benefits;  
adjust payroll and record-keeping systems to account for the new paid leave benefit; and  
educate employees on:

- how to apply for the benefit with the state;  
the timeline for receiving a determination on eligibility and payments from the state (not the employer); and  
how FAMLI will affect other employer-provided benefits, such as whether or not employees will be permitted to take PTO to supplement their FAMLI payments.

While FAMLI is a Colorado-specific law, it is also a great reminder to all employers to consider the states in which they operate and whether your state has new laws that you need to be preparing for as 2024 approaches. For example, employers should already be preparing to comply with new minimum wage and exempt employee thresholds in states like California and New York. Even if you are still trying to recover from your recent turkey-induced hangover, there is no time like the present to take a look ahead to the new laws on the horizon.

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