

Colorado Paid Family and Medical Leave

Questions and answers

What is Colorado Paid Family and Medical Leave (CO PFML)?

CO PFML is a statewide program that allows covered employees to take paid time off to:

- Recover from a covered employee's own serious health condition
- Care for a child within the first 12 months following birth, adoption, or foster placement
- Care for a family member with a serious health condition
- Assist a family member called to active duty
- Address the immediate health, safety, and legal needs of employees or their family members who are the victim of domestic violence, stalking, or sexual assault or abuse

Who is a family member?

Covered family members include spouses, domestic partners, children, parents, parent of domestic partner, parent-in-law, grandparents, grandchildren, sibling (biological, foster, adoptive, and step relationship), sibling of domestic partner, sibling-in-law, and other individuals with whom the covered individual has a significant personal bond like a family relationship.

Child and parent relationships can be biological, adoptive, foster, stepchild, stepparent, legal ward, legal guardian, child of domestic partner, and in loco parentis.

When is the CO PFML program effective?

Employers began making payroll deductions to fund the employee share of the contributions on January 1, 2023. The benefits become payable on January 1, 2024.

A private plan with Lincoln Financial became effective on 01/01/2024.

Who is eligible for benefits?

Covered employees include those who'll have earned at least \$2,500 during the base period, which is defined as the first four out of five completed calendar quarters preceding the first day of the employee's benefit year.

What are the employee contributions for this benefit?

The cost of your CO PFML coverage is funded in part by deductions taken from your paycheck and premium covered by the company.¹ Your employer may deduct from your wages up to 50% of the total premium required for an employee. Note that your cost covered by the private plan shall not be greater than the cost charged to employees under the state plan, which is 0.45% of wages for 2024.

The company is responsible for all premium cost charged by Lincoln Financial Group, our insurance carrier, that exceed the contributions taken from your pay.

What are the available benefits?

Employees will be provided with up to 12 weeks for family and medical leave, with an additional four weeks for pregnancy complications or childbirth complications.

Covered individuals will receive weekly benefits that vary based on income. A covered employee's weekly benefits under the program are generally calculated as:

- For employees who earn less than or equal to 50% of the state's average weekly wage (SAWW), their benefit is 90% of their average weekly wage (AWW).
- For employees who earn more than 50% of the SAWW, their benefit is 90% of 50% of SAWW, plus 50% of the employee's remaining AWW.
- The maximum weekly benefit will be \$1,100 in 2024 and will be adjusted annually starting in 2025.

Is this new leave part of the federal Family and Medical Leave Act (FMLA)?

No, CO PFML is a separate benefit with different eligibility rules and employer requirements than FMLA. If CO PFML is used for a reason that also qualifies under federal FMLA, then CO PFML runs concurrently with federal FMLA, as applicable.

Will my job be protected while I'm on leave?

Yes, CO PFML will provide job protection if you're an employee who has worked for an employer more than 180 days. In this instance, job protection means employees are entitled, upon return from their leave, to be restored by the employer to the position they held when the leave began or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. During a covered leave, the company must maintain the same employment-based healthcare benefits the employee received while working. Employees must also continue paying their share of the cost of health benefits as required prior to going on leave.

It's unlawful for an employer to count your PFML as an absence that may lead to discipline, discharge, demotion, suspension, or any other adverse action.

How do you submit a claim?

The company has elected paid family and medical leave coverage through Lincoln. This means you'll need to direct CO PFML claims and questions to Lincoln instead of the state.

Lincoln will process your CO PFML claim alongside all other Lincoln-administered disability or leave programs you may qualify for.

You can report a claim by phone 888-408-7300 or online at MyLincolnPortal.com. If it's your first time submitting a claim online, you'll need your company code, SMITH-EE.

How's my information protected?

Health information related to family, medical, or safe leave that you choose to share with the company or Lincoln is confidential and can only be released with your permission, unless the release is required by law.

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LCN-5908768-082523

MAP ADA 9/23 **Z03**

Order code: AM-COPFQ-FLI001



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How can I appeal Lincoln's decision on my claim?

If your claim is denied or you do not agree with our decision, you may appeal your claim with Lincoln within 15 days from your receipt of the decision notice. Instructions for an appeal will be provided in your notice of determination.

Employees may choose to appeal with Lincoln or may exercise their right to appeal directly to the FAMLI division.

How do I dispute Lincoln's decision regarding my claim appeal?

If the appeal does not resolve your disagreement with our claim decision, you can request support from the CO FAMLI Division for dispute resolution. Visit <https://famli.colorado.gov/> or call **866-263-2654** for more information.

What are my rights?

You have the right to communicate to your employer or any other person or entity an intent to file a claim, a complaint with the division or courts, or an appeal. You also have the right to testify or assist in any investigation, hearing, or proceeding at any time as well as inform any person of any employer's alleged violation. You also have the right to bring a civil suit in court within two years.

What if I have questions about my rights?

It's unlawful for your employer to interfere with, restrain, discriminate, or retaliate against you because you inquired about or claimed paid leave benefits. If your employer is not following the law, you have the right to bring a civil suit in court or to file a complaint with the Colorado Department of Labor and Employment online or via phone or email:

Web: <https://cdle.colorado.gov/>

Phone: 866-263-2654

Email: CDLE_FAMLI_info@state.co.us

Hours of operation: Monday through Friday, from 8:00 a.m. to 4:00 p.m. Mountain.

*References to "the company" throughout this notice refer to your employer.