



COLORADO

Family and Medical Leave Insurance Program (FAMLI)

Department of Labor and Employment

Guidance Regarding Approved Private Plans and 2023 Participation

The FAMLI Act allows employers to satisfy their FAMLI obligations by offering an equivalent private plan. Equivalent private plans may take the form of an insurance policy offered by a third-party insurance provider, or a plan self-funded and self-administered by the employer. Equivalent plans must be approved by the FAMLI Division in order to satisfy an employer's obligations under the FAMLI program.

The FAMLI Division is committed to developing and implementing rules that will govern the processes and procedures surrounding approved private plans. In doing so, the FAMLI Division continues to work closely with employer organizations, the Colorado Division of Insurance, insurance companies, and workers' rights organizations to ensure that the forthcoming Private Plan Rules work for all affected Coloradans.

The FAMLI Division recognizes that this intensive due diligence work with our various stakeholders may mean that the market of equivalent private plan options will not be available to employers before 2023, which is when employers must start paying FAMLI premiums. However, the FAMLI Division also recognizes that employers who intend to have an approved private plan in place and effective by January 1, 2024 should not have to contribute funds to the state plan if they are receiving benefits elsewhere.

Therefore, the FAMLI Division has created a temporary procedure whereby all Colorado employers will begin paying premiums in 2023, and those who secure an approved private plan effective on or before January 1, 2024 will be issued a refund of paid 2023 premiums, minus the private plan administration fee.

More specifically:

- All employers covered by the FAMLI Act must register with MyFAMLI+ Employer and will need to start collecting premiums in January 2023.
- Employers will begin remitting premiums and wage reports on a quarterly basis.
- Employers intending to meet their FAMLI obligations through a private plan must apply for and obtain a private plan exemption from the Division in accordance with forthcoming Private Plan Rules.
- Employers who apply for private plan exemption are subject to an administration fee in the amount specified by the forthcoming Private Plan Rules.
- The FAMLI Division will reimburse an employer for premiums paid in 2023, minus the required private plan administration fee, if the employer has an approved private plan



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with an effective benefits date of no later than January 1, 2024. Once an approved private plan is in effect, the employer is no longer required to submit premiums or wage reports to the FAMLI Division, but must continue to maintain internal records in accordance with forthcoming Private Plan Rules.

- Employers with approved private plans effective after January 1, 2024 will not be eligible for reimbursement of premiums.
- To ensure that the FAMLI Division can review and approve private plans in time for a January 1, 2024 effective date, employers must apply for private plan approval by October 31, 2023.

The FAMLI Division anticipates filing the Private Plan Rules this summer, and encourages stakeholders to share their input through written comments and at our public hearing scheduled for August 2, 2022. We also welcome questions and feedback through our email address at cdle_famli_rules@state.co.us.