



FAMLI – Colorado’s Family and Medical Leave Insurance

FAMLI is a social insurance program that provides paid, qualified job-protected leave of absence for all eligible Colorado employees. Employers and employees fund FAMLI with insurance premiums; the FAMLI Division of the Colorado Department of Labor and Employment manages all FAMLI premium payments, leave claims, claim appeals, and benefit payments.

EMPLOYERS

Affected Employers – [any business](#) [para. 4], regardless of its business structure and base of operations (including out-of-state employers), with one or more employees who earn wages in Colorado

Exempt Employers – federal agencies operating in Colorado, local Colorado governments that choose to opt out of FAMLI, self-employed workers and independent contractors who do not voluntarily opt into the FAMLI program

FAMLI Definition of ‘Employee’ – [any individual](#) [para. 6, item 3] performing labor or services for the benefit of another

FAMLI ‘Employee’ Exclusions - 1) Those who are primarily free from control in how they perform their work, AND 2) Their work is part of their trade or profession

Employer Obligations (9 or fewer employees) – 1) Register with the FAMLI Division of the Colorado Department of Labor and Employment; 2) Submit quarterly wage data and pay 0.45% of each employee’s gross wages; employers may choose to pay a portion or all of the FAMLI premiums for some or all employees

Employer Obligations (10 or more employees) - 1) Register with the FAMLI Division of the Colorado Department of Labor and Employment; 2) Submit quarterly wage data and pay 0.90% of each employee’s gross wages (0.45% paid by each employee and 0.45% paid by the employer); employers may choose to pay a portion or all of the FAMLI premiums for some or all employees

Premium Limits – Employers and employees pay FAMLI premiums on wages up to the federal [Social Security wage limit](#) [para. 1] (\$168,600 for 2024). The [current combined premium rate](#) [para. 2, 5] is .09% of gross wages (0.45% for employees and 0.45% for employers), but under current Colorado law this combined rate can increase to a maximum of 1.2% of gross wages beginning in 2025 following an annual premium rate recalculation by the FAMLI Division Director.

Employer Filing Obligations – Employers required to participate in FAMLI must register their business at the [My FAMLI+ Employer](#) online portal. By the last day of the month following the end of each calendar year quarter, employers must submit wage reports using the My FAMLI+ Employer online portal by manually inputting wage data, uploading wage data in a specified .CSV or .XML format, or uploading wage using a specified API. On that same schedule, employers must also remit FAMLI premiums either online at My FAMLI+ Employer or by online bill pay, API, ACH, or check.



Employer Obligations (All Employers) – Any employer, including out-of-state employers, with at least one employee earning wages in Colorado must evaluate its employee count in Q1 of every calendar year to determine whether it must remit quarterly FAMI premiums for its wage earners in Colorado.

Employee Headcount Determination – FAMI counts the [total number of employees on payroll](#) [Important FAMI Matters > Determining Your Employee Headcount] who each worked 20 or more partial or full workweeks in the preceding calendar year, including employees earning [wages outside of Colorado](#) [Important FAMI Matters > Counting Remote Employees & Employers with Nationwide Employees]. FAMI uses this total payroll headcount to classify FAMI employers as having either less than 10 employees or more than 10 employees.

FAMI Premium Determination – Employers determined to have [fewer than 10 employees](#) [para. 3] must remit 0.45% of gross wages for employees earning wages in Colorado; the FAMI premium calculation excludes wage earners outside of Colorado. Employers determined to have [10 or more employees](#) [Important FAMI Matters > Determining Your Employee Headcount, para. 2] must remit 0.90% of gross wages for employees earning wages in Colorado; the FAMI premium calculation excludes wage earners outside of Colorado.

FAMI Definition of ‘Wages’ – Beginning 01/01/24, FAMI will define wages as [gross wages](#) [Important FAMI Matters > NEW Definition of Wages] including salary, hourly wages, overtime, tips, bonuses, commissions, piece rate, employer-provided paid leave (PTO, sick, vacation, etc.), employer-paid disability benefits, employer-paid parental leave, and lodging and meals used as a credit toward minimum wage.

FAMI Exclusions to ‘Gross Wages’ – Beginning 01/01/24, FAMI will [exclude from gross wages](#) [Important FAMI Matters > NEW Definition of Wages]: severance payments, employer contributions to (or payouts from) a deferred compensation plan, profit-sharing, pension and retirement plan payments, expense reimbursements, and non-monetary payments (except lodging and meals used as a credit toward minimum wage).

Employer FAMI Alternative - Private businesses have the option of using an [approved private plan](#) [Important FAMI Matters > Employers with Approved Private Plans] that offers the same or greater benefits and protections as the FAMI program. The FAMI Division of the Colorado Department of Labor and Employment must approve the plan before an employer can stop reporting FAMI wages and paying FAMI premiums.

EMPLOYEES

Eligible Employees – FAMI includes all wage earners in Colorado except federal government workers, some railroad workers, self-employed workers, and local government workers.

Self-employed individuals – FAMI permits voluntary participation for [self-employed individuals](#) [para. 1, 3] who live and work in Colorado, but participants must agree to pay premiums (0.45% of wages) and report their income for a minimum of three years and provide income verification with either their most recent IRS tax transcript or their business and banking records for the prior year. Self-employed individuals must register in the [My FAMI+ Employer](#) online portal.



Local Government Employees – FAMLI permits voluntary [individual participation](#) [all] by those who work for a local government employer who has opted out of FAMLI. Workers must register in the [My FAMLI+ Employer](#) online portal and commit to paying premiums (0.45% of wages) and reporting their income for a minimum of three years.

The FAMLI Program

FAMLI Eligibility Requirement – FAMLI participants qualify for paid leave after earning at least \$2,500 in wages.

FAMLI Leave Duration - Benefits last for twelve weeks per year, beginning the first day of a participant’s approved leave. Those who experience pregnancy or childbirth complications may receive an additional four weeks.

Eligible Reasons to Take FAMLI Leave – 1) Medical leave for self-care; 2) Medical leave to care for a loved one; 3) Parental leave for the birth of a child or adoption; 4) Leave for military family members departing for active duty; 5) Safe leave to address domestic violence issues

Applying for FAMLI Leave – Colorado workers apply for paid FAMLI leave at the [My FAMLI+](#) online portal. Workers can use this online portal to apply for benefits, submit required serious health condition forms, review the status of their claims, and manage their benefit payment options.

Using FAMLI Leave – Workers can [take FAMLI leave](#) [How FAMLI Leave Can Be Used] continuously, intermittently, or in the form of a reduced work schedule.

FAMLI Leave Job Protection - Eligible Colorado workers have the right to take FAMLI leave for covered circumstances at any point in their employment. After working for the same employer for at least 180 days, workers can take FAMLI leave with their job protected by Colorado law.

Benefit Payments – [FAMLI calculates benefits](#) [How much will my benefit payment be?] on a sliding scale using the participant's average weekly wage from the previous five calendar quarters in relation to the average weekly wage for the state of Colorado. Workers with lower weekly wages will receive a weekly FAMLI benefit up to 90% of their average weekly wages (up to a maximum annual benefit of \$5,400). Workers with higher weekly wages will receive a weekly FAMLI benefit up to the maximum of \$1,100 (with an annual maximum benefit of \$13, 200). The current maximum weekly and annual benefits may increase over time.

FAMLI and Taxes (for Employers) – FAMLI premiums classify as post-tax deductions that do not reduce an employee’s taxable income. Employers should report FAMLI deductions on IRS form W-2 in Box 14, and list “FAMLI” as the label.

FAMLI and Taxes (for Employees) – Colorado does not tax FAMLI benefits; however, the FAMLI Division will issue a 1099-G form to claimants who receive benefits.



FAMLI and FMLA

Major Differences – 1) FAMLI offers paid leave with qualified job protection, while FMLA offers unpaid, job-protected leave; 2) FAMLI covers Colorado employees from any business size, but FMLA covers only qualified workers for employers with 50+ employees (except for schools and public agencies); 3) FAMLI permits self-employed workers to voluntarily participate, but FMLA covers only workers from qualified employers.

Colorado designed [FAMLI to run concurrently with FMLA](#) [para. 2]; individuals who qualify for FMLA who use FAMLI leave for a reason that also qualifies as leave under FMLA will have their FAMLI leave also count as FMLA leave.