University of Colorado
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EMPLOYEE SERVICES

CU FAMLI Employee Guide

Family and Medical Leave Insurance (FAMLI)

This guide is for University of Colorado employees who work in Colorado. It contains all the information needed to understand, apply for and maintain eligible leave according to the Family and Medical Leave Insurance (FAMLI) program.

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Introduction

In November 2020, Colorado voters approved the creation of the Family and Medical Leave Insurance (FAMLI) program by passing Proposition 118. FAMLI aims to ensure that Coloradans don't have to choose between earning a paycheck or caring for themselves or their family in a time of need.

The University of Colorado supports its valuable employee population with an approved private plan that meets (exceeds) the requirements of the state's insurance program. The university was approved for the CU FAMLI private plan in May of 2023. The CU FAMLI program began offering leave payments for eligible employees in January of 2024.

CU FAMLI provides all eligible employees a portion of their weekly salary for up to 12 weeks of leave to care for themselves or a family member, with additional leave for special circumstances related to pregnancy/maternity and parental leave.

Eligibility

Review eligibility requirements prior to applying for CU FAMLI.

Eligible Employees

All employees who live in Colorado are eligible for CU FAMLI. This includes faculty, staff, GMEs, student employees, and graduate students on appointment.

All eligible employees:

- are eligible for CU FAMLI salary benefit on the first day of employment
- receive CU FAMLI job protection after 180 days of employment
- are allowed 12 weeks of partial wage replacement through CU FAMLI every 12-month period based on a measure forward period
    - with the measure forward method, the 12-month period for calculating FAMLI leave begins on the first day the employee takes FAMLI leave

Eligible Leave

There are various reasons that constitute an eligible leave. CU FAMLI is available for:

- caring for a new child during the first year after the birth, adoption, or foster care placement of that child
- caring for a family member with a serious health condition
- caring for your own serious health condition
- making arrangements for a family member's military deployment
- obtaining safe housing, care, and/or legal assistance in response to intimate partner violence, stalking, sexual assault, or sexual abuse

Employees should be aware of additional leave benefits and special circumstances related to FAMLI:

- Employees who experience complications during pregnancy and childbirth may qualify for an additional four weeks of FAMLI leave (16 weeks total) if their medical provider is able to demonstrate that a serious health condition was caused by the complications. The provider will need to confirm through narrative on the medical certification that one or more of the following is true:

  - The patient is experiencing a complication related to the pregnancy or childbirth that caused a serious health condition.
  - The patient experienced a pregnancy loss that caused a serious health condition.
  - The serious health condition warrants more time off than a typical pregnancy or routine childbirth or C-section.

- Employees who are the parents of a newborn admitted to a Neonatal Intensive Care Unit (NICU) or Pediatric Intensive Care Unit (PICU) may qualify for an additional 12 weeks of FAMLI leave (24 weeks total).
  - Newborn is defined as the first 28 days of life (sources: American Academy of Pediatrics and World Health Organization clinical guidelines).
  - Employees will be required to submit documentation that:
    - confirms the infant's admission to a neonatal or pediatric intensive care unit; and
    - establishes parental status or in loco parentis status, which may include but is not limited to neonatal intensive care unit admission forms listing the claimant, a birth certificate, records from a health care provider who provided care during the birth or recovery, other vital records verifying parenthood, or a signed written statement attesting to in loco parentis status.
  - NICU Leave is available only for the duration that the infant remains admitted to a neonatal or pediatric intensive care unit.
  - Failure to provide timely documentation of discharge or continuing treatment may result in a retroactive denial of the claim for neonatal/pediatric care leave.
  - Leave is granted per birth event, not per child. In cases of multiple births (e.g., twins), the maximum entitlement is 12 weeks total, and the entitlement is capped at the maximum duration of admission.

- Understanding that families are unique, CU will determine familial relationships by looking at the totality of the circumstances, including but not limited to:
  - shared financial responsibilities
  - emergency contact designations
  - expectation of care created by the relationship
  - cohabitation and geographical proximity
  - eligible CU FAMLI reasons

Premiums

All employees who work and live in Colorado and earn wages through CU's payroll will pay the 0.25% employee premium. This premium is an after-tax deduction from your paycheck.

CU Graduate Medical Education (GME) residents/fellows are considered employees and are subject to the premium and CU FAMLI leave benefits.

Benefit Calculation

The payment calculations for the weekly CU FAMLI benefits are dependent on the employee's average weekly wages. CU FAMLI pays up to $1,448.02 per week to eligible employees on approved leave.

Weekly Wage	Weekly Benefit	Maximum Annual Benefit	Percent of Weekly Wage
$500	$450	$5,400	90%
$1,000	$794	$9,531	79%
$1,500	$1,044	$12,531	70%
$2,000	$1,294	$15,531	65%
$3,000+	$1,324	$15,890	44%

Important benefit considerations:

- Benefit calculations are determined and awarded based on an employee's regular work schedule at the time they apply for FAMLI. If an employee's regular work schedule changes during their leave period, benefit adjustments will be made accordingly.
- If an employee is approved for consecutive/continuous FAMLI leave and is subsequently separated from employment at the university, the pre-approved FAMLI benefit will not be impacted.
- If an employee is approved for intermittent or reduced schedule FAMLI leave and is subsequently separated from employment at the university, the FAMLI benefit will terminate upon unemployment or change in employment.
- For purposes of this section, an individual becomes unemployed if they are terminated, they resign, or no work is available to them.
- FAMLI payments made to employees by CU are exempt from all retirement plan contributions, mandatory and voluntary. Any paid parental leave, sick and vacation leave used to supplement FAMLI will be subject to normal retirement contributions. Employees should note that this may impact their available retirement funds and/or their PERA pension calculations, if applicable, and are encouraged to consult with PERA and the CU Benefits team prior to utilizing the FAMLI benefit.
- Employees receiving FAMLI payments can anticipate up to a 5% variance in gross pay, and their net pay may be higher or lower than previous months. Several factors may cause fluctuations including:
    - Retirement contributions are not taken out of the FAMLI portion of employee wages.

- The FAMLI wage replacement benefit calculation requires rounding of decimals to pay employees on their paycheck. This rounding may impact actual dollars paid.
- An employee did not have any or enough supplemental paid leave entered, and their check only reflects their FAMLI benefit amount.

Application Process

To apply for CU FAMLI leave, employees must complete a leave request through the Employee Self-Service (ESS) portal and provide all required documentation. Once the application is received, Employee Services will process the application, notify the employee of approval status and guide them through their entire leave.

Access to ESS for FAMLI leave requests is located in the employee portal.

1. **Login** to employee portal (https://my.cu.edu/).
2. **Select** *Forms* from the *CU Resources Home* dropdown menu.
3. **Select** the *Collaborative HR Services* tile.
4. **Select** the *CU Leave Benefits* tile.
5. **Select** the *Leave Self-Service* tile.
6. **Select** *Request a New Case.*

The Employee Services leave team will reach out to the employee to discuss eligibility and next steps within five business days. Supervisors and designated department HR contacts will also receive notification of the leave request.

Employees should apply and notify their supervisor at least 30 days prior to the start of their leave or as soon as possible if 30 days advance notice is not possible.

At the latest, applications may be submitted up to 30 days after the leave has begun. If the University receives an application after 30 days, but before 90 days, the University will consider the application if it includes evidence establishing good cause for the employee's failure to submit the application within 30 days. The University will deny any application submitted after 90 days as untimely.

FAMLI is an optional benefit. Employees may revoke their FAMLI election at any time and decline to use the FAMLI wage replacement benefit by contacting their case manager at leave@cu.edu. If the request is submitted by the 10th of the month, the revocation can be applied up to one month retroactively. If the request is submitted after the 10th of the month, the revocation will be applied to the current month and all future months moving forward. **No exceptions will be made to this timeline if the employee has willingly elected to use the FAMLI benefit.**

Additional Leave Request Resources

- Employee Self-Service (ESS) User guide
- Manager, Supervisor and HR Partner Self-Service (ESS) User guide

Medical Certification

CU FAMLI leave applications will require a medical certification (or similar) for approval.

Medical provider required: A medical provider is required to fill out a medical certification for CU FAMLI to be approved.

Confidential: The medical certifications will only be reviewed by the ES Leave Team and in coordination with campus ADA offices. All CU FAMLI documentation is held outside of personnel files and is considered highly confidential.

Fitness to Return Certifications: Employees who have been approved for consecutive/continuous leave due to their own serious health condition will be required to provide a certification of fitness for duty form signed by their health care provider prior to returning to work from their approved leave period.

Intermittent Leave Reporting Requirements

While on approved intermittent leave, employees are required to submit leave requests using the self-service portal to help ensure accurate FAMLI tracking and pay. Employees must report leave within the designated timeframe based on their pay schedule:

- **Employees paid monthly** must report intermittent leave within **30 days** after the leave has occurred.
- **Employees paid biweekly** must report intermittent leave within **14 days** after the leave has occurred.

Failure to report intermittent leave within the required timeframe may result in denial of the leave request. In such cases, the leave will be subject to department policies and/or supervisor approval and an employee may be required to use their sick, vacation, or other leave accruals.

If an employee is unable to report their leave in the self-service portal within the required timeframe, other options may exist:

- The employee can email their leave time to their case manager.
- The employee can call their case manager to report their time.
- The employee's supervisor or department HR contact can report the leave time in the self-service portal or to the case manager on the employee's behalf.

If an employee does not report their leave within the required timeframe, the Leave Team may still approve the request at its discretion if there is a justifiable reason for the delay. Employees are strongly encouraged to communicate with their case manager in these circumstances as early as possible.

Appeal Process

Per the University of Colorado FAMLI plan, an employee may appeal the following events:

- failure to issue a decision on the application for plan benefits within 2 weeks of receiving a completed application
- an adverse determination of a claim for plan benefits
- failure to pay the full claim approved
- closure of a claim based on the determination that claim was not properly filed
- disqualification from plan benefits
- identification and/or collection of an overpayment

To appeal, employees must complete an appeals form found in the employee portal within 14 calendar days of the receipt of notice of an appealable event.

1. **Login** to employee portal (https://my.cu.edu/).
2. **Select Forms** from the *CU Resources Home* dropdown menu.
3. **Select** the *Collaborative HR Services* tile.
4. **Select** the *CU leave benefits* tile.
5. **Select** the *CU FAMLI Appeal Form* tile.
6. **Complete** the secure unity form.

Employees will receive a confirmation email once their application has been successfully submitted. The Employee Services (ES) Leave Team will reach out to the employee to discuss next steps.

Appeals may be filed with the University or the Colorado FAMLI Division. **The Division encourages employees to file a first appeal with the University using the steps noted above as the most efficient means of correcting administrative errors.**

Employees may appeal the decision of the University to the Division or may submit an initial appeal directly to the Division using the Division's "Appeal Request Form" which must be submitted to the Division within 49 days of the University issuing its claim decision or decision on appeal. Information regarding how to file an appeal with the Division can be found on the FAMLI website.

CU FAMLI and Other Leave

CU FAMLI may either run concurrently or in conjunction with other leave programs.

Family and Medical Leave Act (FMLA)

FMLA is a federal program that provides eligible employees with unpaid job-protected leave for 12 weeks per 12-month period. FMLA will run concurrently with CU FAMLI when the need for leave meets the FMLA requirements.

CU Parental Leave

Parental Leave is a CU policy that provides specific populations with leave and compensation options during the first year after the birth, foster care placement, guardianship, or adoption of a child. Parental Leave runs concurrently with FAMLI and FMLA and is subject to campus-specific policies.

Short-Term Disability (STD)

The short-term disability plan offers compensation for employees on a short-term disability leave. If enrolled in short-term disability, it will run concurrently with FAMLI and FMLA. Visit the CU Short-Term Disability website (www.cu.edu/node/153136) to learn more.

Vacation and Sick Time Leave

Vacation and Sick Leave is accrued through employment for eligible employees. This leave can be used in conjunction with CU FAMLI, FMLA and PPL as the employee desires. Visit the CU Vacation and Sick Time Leave website (www.cu.edu/node/285450) to learn more.

On-the-Job Injury (OJI)

OJI and/or workers' compensation benefits do not run concurrently with FAMLI. OJI will continue to be administered through the employee's campus and coordination with the leave team will occur if FMLA is needed.

Out-of-State Employees

Employees who live and work outside the State of Colorado should note that they are likely not eligible for CU FAMLI, but that their state may have applicable paid leave laws for which they are eligible. All requests for other state-paid leave should be made directly to the applicable state.

Resources

- Family and Medical Leave Insurance website (https://famli.colorado.gov/)
- CU Short-Term Disability Plan website (https://www.cu.edu/node/153136)
- CU Vacation and Sick Leave website (https://www.cu.edu/ope/aps/5062)
- Employee Services Leave website (https://www.cu.edu/node/324038)
- Employee Self-Service (ESS) User guide (https://www.cu.edu/node/345178)
- Manager, Supervisor and HR Partner Self-Service (ESS) User guide (https://www.cu.edu/node/345179)

Contact Information

- Website: https://www.cu.edu/employee-services/leave/famli-fmla-and-parental-leave
- Email: leave@cu.edu
- Phone: 303-860-4353

  Fax: 303-578-4852

Glossary

Adverse Determination: When you are completely denied benefits or receive a benefit in a frequency or duration less than you requested or believe that you are entitled to.

Application Year: The 12-month period, beginning on the first day of the week, that an employee files for FAMLI benefits.

Average Weekly Wage: The average weekly wage paid during the quarter of the base period or alternative base period.

Benefits: The CU FAMLI benefits provided under this plan.

Business Day: Monday through Friday excluding any Colorado state holidays.

Days: A calendar day unless otherwise specified as a business day.

Domestic Violence: Any conduct that constitutes "domestic violence" as set forth in C.R.S. § 18-6-800.3(1) or C.R.S. § 14-10-124(1.3) (a) or "domestic abuse" as set forth in C.R.S. § 13-14-101(2). C.R.S. § 8-13.3-503(6).

Eligible Employee: Any person performing labor or services for the University of Colorado, that lives in Colorado.

Family Member:

- A biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, a child to whom the employee is legally acting as a parent or a person to whom the employee legally acted as their parent when they were a minor.
- A biological, adoptive or foster parent, stepparent or legal guardian of an employee or employee's spouse or domestic partner or a person who legally acted as a parent to the employee when they were a minor.
- A person to whom the employee is legally married under the laws of any state, or a domestic partner of the employee.
- A grandparent, grandchild or sibling (whether a biological, foster, adoptive or step relationship) of the employee or employee's spouse or domestic partner.
- Any other individual with whom the employee has a significant personal bond that is or is like a family relationship, regardless of biological or legal relationship.

Health Care Benefits: Employer-provided benefits that relate to the improvement or maintenance of the employee’s health.

Health Care Provider: Any person licensed, certified, or registered under federal or Colorado law to provide medical or emergency services.

In Loco Parentis: A situation where a person is acting in place of a parent.

Premium: The amount paid to have and administer the benefit.

Private Plan Administrator: The University of Colorado, Employee Services has been chosen to administer the FAMLI benefit.

Qualifying Exigency Leave: Leave due to a need based on an employee's family member's active duty in the armed forces or has been notified of an impending call or order to active duty.

This can include but is not limited to providing for the care or other needs of the military member's child or other family member, making financial or legal arrangements for the military member, attending counseling, attending military events or ceremonies, spending time with the military member during a rest and recuperation leave or following return from deployment, or making arrangements following the death of the military member.

Safe Leave: Leave due to the employee or employee's family member being the victim of domestic violence, stalking, or sexual assault or abuse.

Serious Health Condition: An illness, injury, impairment, pregnancy, recovery from childbirth, or physical or mental condition that involves inpatient care in a medical facility or continued treatment by a health care provider.

Sexual Assault or Abuse: Any offense as described in C.R.S. § 16-11.7-102(3), or sexual assault, as described in C.R.S. § 18-3-402, committed by any person against another person regardless of the relationship between the actor and the victim. C.R.S. § 8-13.3-503(20).

Stalking: Any act as described in C.R.S. § 18-3-602. C.R.S. § 8-13.3-503(21).

Wage Replacement Benefit: The weekly benefit amount paid to the employee taking FAMLI leave.

Wages: The amount of money paid to an employee for their work, including tips, excluding any amount paid for sick or disability leave, pensions or cafeteria plans.