

CU FAMLI Frequently Asked Questions

CU Leave Programs

This guide answers some of the most frequently asked questions about the University of Colorado Family and Medical Leave Insurance program (CU FAMLI).

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About the Family and Medical Leave Insurance (FAMLI) Program

Q. What is FAMLI?

A. Colorado voters passed Proposition 118 in November 2020, creating the Colorado Paid Family and Medical Leave Insurance Act. C.R.S. § 8-13.3-501 et seq. It passed with 57.75% of voters supporting the initiative.

1. This program provides Colorado workers with a portion of their weekly salary for up to 12 weeks per year to care for themselves or their families, with an additional four weeks leave for pregnancy or childbirth complications.
2. Both the employer and the employee fund the program. Premiums are set to 0.7% of the employee's wages, with 0.45% of the premium paid by the employer and 0.25% of the premium paid by the employee.

Q. Why does CU have a private FAMLI program?

A. State law allows employers to offer a self-funded paid family leave program with benefits that meet or exceed the state's FAMLI program, instead of participating in the state insurance program. CU submitted a private plan proposal, which was reviewed and approved by the state of Colorado in 2023.

CU's self-funded, self-administered plan will allow the university to integrate and combine FAMLI leave with all of CU's leave programs. Because FAMLI coverage only replaces a percentage of an employee's wages, employees will have the option to use paid sick leave, vacation leave and other types of leave or insurance coverage to make up the difference.

Like the state program, CU's FAMLI plan will be funded with premiums split equally between CU and its employees. The program is funded by both the employer and the employee. Premiums are set to 0.7% of the employee's wage, with 0.45% of the premium paid by the employer and 0.25% of the premium paid by the employee.

Participation

Q. Who is eligible to apply for CU FAMLI Leave?

A. FAMLI leave can be used by all employees who reside in Colorado, including faculty, staff, student employees, graduate medical education residents and graduate students on appointment.

Employees are eligible for CU FAMLI payments on day one of employment. Employees receive job protection through CU FAMLI after 180 days of employment.

Q. Who is subject to the .25% employee premium deduction?

A. All employees living in Colorado who earn wages through CU's payroll will continue to see an after-tax deduction in their paychecks.

- Employees living in Colorado who earn wages through CU's payroll will see an after-tax deduction in each paycheck.
- CU Graduate Medical Education (GME) residents/fellows are considered employees and will be subject to the premium.
- Individuals in job codes 3201-3209 (on unique stipends and fellowships) are not considered CU employees and are not subject to the premium and may not use FAMLI leave.

Q. Can I opt out?

A. No. Individual employees in Colorado may not opt out of participating in FAMLI.

Q. I live and work outside of Colorado. Can I use FAMLI leave?

A. FAMLI leave only applies to in-state employees. Out-of-state employees do not pay the premium deduction and must use their state's family medical leave policies, if applicable.

Q. What happens if I never use FAMLI leave? Do I get my contributions back?

- A. If you leave or retire from the University of Colorado and do not use any of your available FAMLI leave, you will not be entitled to receive any monetary benefits from your previous contributions to CU FAMLI.

Using FAMLI Leave

Q. When can I use CU FAMLI leave?

- A. FAMLI will begin providing benefits Jan. 1, 2024.

You can apply for FAMLI leave prior to the start date if you are expecting a qualified leave of absence in 2024. CU's application will open in the fourth quarter of 2023.

Q. How can I apply for CU FAMLI leave?

- A. To apply for CU FAMLI leave, employees must complete an application form and provide all required documentation to Employee Services. Once the application is received, Employee Services will process the application, notify the employee of approval status and guide them through their entire leave.

Online applications for FAMLI are located in the employee portal.

- **Login** to [employee portal](https://my.cu.edu/) (<https://my.cu.edu/>).
- **Select Forms** from the *CU Resources Home* dropdown menu.
- **Select** the *Collaborative HR Services* tile.
- **Select** the *CU Leave Benefits* tile.
- **Select** the *Apply for Leave Benefits* tile.
- **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 eligibility and next steps.

Q. How much do CU FAMLI leave benefits pay?

- A. The amount of CU FAMLI leave payments are based on weekly wages.

Q. Who qualifies as a family member for CU FAMLI leave purposes?

- A. Family members include a covered individual's child, parent, spouse, domestic partner, grandparent, grandchild, sibling or someone with whom they have a significant personal bond.

Understanding that families are not always traditional, CU will determine familial relationships by looking to 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

Q. Under what circumstances can I use CU FAMLI?

- A. Employees may be eligible for CU FAMLI benefits for several reasons, which include:
- caring for a child as the result of a birth, adoption or foster care placement
 - 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
 - to obtain safe housing, care, or legal assistance in response to intimate partner violence, stalking, sexual assault, or sexual abuse

Q. How often can I use CU FMLI?

A. Employees are allowed 12 weeks of partial wage replacement through CU FMLI per 12-month period.

Q. How does CU FMLI work with other leave programs?

A. CU FMLI may either run concurrently or in conjunction with other leave programs:

- **Family and Medical Leave Act (FMLA):** This federal program provides job protection for 12 weeks per 12-month period. FMLA will run concurrently with FMLI when the need for leave meets the FMLA requirements.
- **CU Parental Leave and Paid Parental Leave (PPL):** CU Parental Leave runs concurrently with FMLI and FMLA.
- **Short-term Disability:** This plan offers compensation for employees on short-term disability leave. If enrolled in short-term disability, it will run concurrently with FMLI and FMLA.
- **Vacation and Sick Leave:** Accrued through employment, this leave can be used in conjunction with FMLI, FMLA and CU Parental Leave as the employee desires.

Q. How do benefit premium deductions work while I am on CU FMLI leave?

A. Employee benefit premiums will be collected in the same way as if actively at work (i.e., through payroll deductions).

If an employee is not using any supplemental leave during CU FMLI such as vacation leave, sick leave, or paid parental leave and is only receiving FMLI payments, payroll deductions will continue and will be deducted from CU FMLI payments. Employees may choose to discontinue payroll deductions and make alternative arrangements to pay the premiums.

If no alternative arrangements are made, any unpaid premiums will be held in arrears and deducted from the employee's pay after their leave has ended.

Q. How do retirement contributions work while I am on CU FMLI leave?

A. FMLI payments are exempt from all retirement plan contributions, mandatory and voluntary. Any paid parental leave, sick and vacation leave used to supplement FMLI will be subject to normal retirement contributions.

Q. Will my FMLI earnings be subject to tax deductions?

A. FMLI payments will be subject to all federal and state tax withholding, but the state portion may be refunded to the employee when they file their tax returns. Please consult with your tax advisor regarding the FMLI payment and state and federal tax liability.

Q. Do I have to give the University of Colorado notice of my leave under Colorado FMLI?

A. Yes, employees must notify their supervisor and the Employee Services Leave Team at least 30 days prior to the start of their leave or as soon as possible if 30 days advance notice is not possible. Requests should be submitted through the application in your employee portal.

Q. If I flex my schedule to cover my work/scheduled shifts, should I use FMLI?

A. No. FMLI should only be used if the employee is recording time off. Often, flexing a schedule keeps the total hours worked by the employee the same, and no sick or vacation leave is recorded.

Flex time is an agreement between the employee and supervisor and is subject to the business needs of the department.

Q. How do my personal accruals, such as sick and vacation leave, work during FAMLI leave?

A. During periods of FAMLI leave, an employee will continue to accrue personal leave at their normal accrual rate.

Q. Do I have to give the University of Colorado notice of my leave under Colorado FAMLI?

A. Yes, employees should notify their supervisor and the Employee Services Leave Tam 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 Supplemental Leave/FAMLI Pay

Q. Can I work to supplement the hours FAMLI does not cover?

A. No. FAMLI pays a portion of the time an employee has already taken off. The only way an employee can supplement FAMLI payment is by using paid parental leave, sick leave, vacation leave, short-term disability or comp time that has already been earned.

For example, if you are working a half-day as a 1.0 FTE employee who works 8 hours per day, you would have four (4) hours of regular earnings and four (4) hours of FAMLI leave. The four (4) hours of regular earnings will be at full pay and the 4 hours of FAMLI leave will be at partial pay (which can be supplemented with sick, vacation, paid parental leave, etc.).

Q. How does short-term disability work with FAMLI?

A. Short-term disability can be used in conjunction with FAMLI for time off related to the serious medical condition of the employee only. It cannot be used to care for others.

Short-term disability requires FAMLI to run concurrently and will require FAMLI to pay first while short-term disability will pay a portion of the remaining wages.