FAMLI, FML and Parental Leave [1]

Effective Jan. 1, 2024, eligible employees can receive up to 12 weeks of paid family and medical leave under CU’s private FAMLI plan.

CU’s Family and Medical Leave Insurance Program (FAMLI) program will provide 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 an additional four weeks leave for complications during pregnancy or childbirth.

FAMLI aims to ensure that Coloradoans don’t have to choose between earning a paycheck or caring for themselves or their family in a time of need. It can be used by all employees who reside in Colorado, including faculty, staff, student employees, graduate medical education residents and graduate students on appointment.

FAMLI interacts with the federal Family and Medical Leave Act (FMLA) as well as CU’s Parental Leave policies. A team has been established to assist employees navigate all leave programs in which they are eligible (including other state leave programs).

Learn about FAMLI, FML and Parental Leave and apply

Apply for leave

Eligible leave reasons for FAMLI and FML

Calculate estimated benefits

Watch on-demand courses.

Attend an upcoming FAMLI Q&A session.

Review FAQs.

How to apply

All CU employees wanting to take FAMLI, FML or parental leave must submit an application form to Employee Services. Applications submitted in 2023 may begin receiving leave
benefits on Jan. 1, 2024.

Based on the application, a leave coordinator will work with the employee to determine additional required documentation and will assist in creating a leave plan that incorporates all eligible leave programs.

Review the CU Leave Benefits guides and application instructions [2].

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Eligible leave reasons

**Parental leave**

**Medical leave to care for yourself**

**Medical leave to care for a family member**

**Military family members (exigency) leave**

**Safe leave (domestic violence)**

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**Parental leave**

Pending approval and effective Jan. 1, 2024, the university’s Parental Leave policy will run concurrently with FAMLI for eligible employee populations, providing up to six weeks of full compensation for the birth, adoption or foster placement of dependent children.

The 240 hours (six weeks) of paid leave will be funded for non-temporary university staff and 12-month faculty between FAMLI and CU Paid Parental Leave (PPL).

Employees will also be entitled to six additional weeks of FAMLI payments where an employee can use sick or vacation time to supplement their compensation.

For nine-month faculty, the requirement to exhaust sick leave before PPL will be removed. This change will allow for 18 weeks of at least 50% pay, allowing the faculty member to use sick leave to receive full pay.

Campus parental leave policies may vary:

- Boulder [3]
Medical leave to care for yourself

Employees may need to use FAMLI and FMLA to take care of themselves if they have a serious health condition. A serious health condition is defined as any of the following that involve inpatient care in a hospital, hospice or residential medical care facility, or continuing treatment by a health care provider:

- Illness
- Injury that is not work related
- Surgery
- Impairment
- Pregnancy complications
- Physical or mental conditions

Employees may also use CU's short-term disability plan concurrently with FAMLI and FMLA, if enrolled.

Medical leave to care for a family member

FAMLI and FML is available to employees who may need to take time to care for their loved ones who is experiencing a serious medical condition. The definition of family member is different between FAMLI and FML, but CU understands that families are unique. For FAMLI eligibility, CU will determine familial relationships by looking at the totality of the circumstances, including but not limited to:

- Shared financial responsibilities
- Emergency contact designations
- Expectations of care created by the relationship
- Cohabitation and geographic proximity

Military family members (exigency) leave

The FAMLI benefit is available for family members to support them through the service member’s duty to the state and country. Military Family Members (Exigency) Leave is based on a need arising out of an individual’s family member’s active-duty service or notice of an impending call or order to active duty in the armed forces. This may 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, military events or ceremonies.
- Spending time with the military member in preparation for deployment or during a rest and recuperation leave following the return from deployment.

FMLA also entitles eligible employees to take unpaid, job-protected leave to care for a family member who is a current servicemember with a serious injury or illness. FMLA leave for this purpose is called “military caregiver leave.”

**Safe leave (domestic violence)**

FAMLi Leave provides employees job-protected time off to attend to their needs if they or a family member have experienced domestic violence, stalking, abuse, sexual assault or other situations. This may include time to obtain safe housing, care or legal assistance in response to intimate partner violence.

**FAMLi estimated benefits**

FAMLi coverage will only offer a percentage of an employee’s full wages, based on their weekly wage rate. Although FMLI leave only offers partial wage replacement, other CU leave types may be used to supplement FMLI and compensate an employee’s full wages. The weekly benefit amount paid to the employee taking FMLI leave, other CU leave types may be used to supplement FMLI and compensate an employee’s full wages.

Other CU leave types may be used to supplement FMLI and compensate an employee’s full wages.

See the table below for a broad view of how this is calculated based on sample weekly wage rates.

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<thead>
<tr>
<th>Weekly Wage</th>
<th>Weekly Benefit</th>
<th>Maximum Annual Benefit</th>
<th>Percent of Weekly Wage</th>
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</table>

See the table below for a broad view of how this is calculated based on sample weekly wage rates.

Calculate how much you'll pay each month and what you'll receive while on leave [12]

**Watch on-demand courses**
CU FAML LI Leave
Family and Medical Leave Insurance
CU FAMILI Q&A sessions

The University of Colorado Employee Services Leave Team invites supervisors and employees to attend our CU FAMILI Q&A Sessions. These sessions are a chance for employees and supervisors to learn about the new CU FAMILI program and its benefits, and to ask questions about using the program.

Can't attend a session? Watch an on-demand course detailing the basics of CU FAMILI Leave.

Employee sessions

- Nov. 29, 2023, 10-11 a.m. [15]
- Dec. 7, 2023, 1:30-2:30 p.m. [16]
- Dec. 11, 2023, 11:30 a.m.-12:30 p.m. [17]
- Dec. 22, 2023, 1-2 p.m. [18]
- Jan. 3, 2024, 3-4 p.m. [19]
- Jan. 10, 2024, 10:30-11:30 a.m. [20]
- Jan. 18, 2024, 8:30-9:30 a.m. [21]
- Jan. 22, 2024, Noon-1 p.m. [22]
- Feb. 2, 2024, 9-10 a.m. [23]

Supervisor sessions

- Dec. 4, 2023, 8:30-9:30 a.m. [24]
- Dec. 19, 2023, 12:30-1:30 p.m. [25]
- Jan. 5, 2024, 9-10 a.m. [26]
- Jan. 16, 2024, 3-4 p.m. [27]
- Jan. 31, 2024, Noon-1 p.m. [28]

FAMILI program FAQs

About FAMILI

What is FAMILI?

Colorado voters passed Proposition 118 in November 2020, approving the creation of the Family and Medical Leave Insurance Program [29]. It passed with 57.75% of voters supporting
the initiative.

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. Both the employer and the employee fund the program. Premiums are set to 0.9% of the employee’s wages, with 0.45% of the premium paid by the employer and 0.45% of the premium paid by the employee.

Why does CU have a private FAMLI program?

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.

CU’s self-funded, self-administered plan will allow the university to integrate and combine FAMLI leave with all 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 paid to have and administer the benefit [30] split equally between CU and its employees. The program is funded by both the employer and the employee. Premiums are set to 0.9% of the employee's wage, with 0.45% of the premium paid by the employer and 0.45% of the premium paid by the employee.

See the [CU FAMLI Private Plan Notice] [31] for additional details.

Participation

Who is eligible to apply for CU FAMLI Leave?

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.

Who is subject to the .45% employee premium deduction?

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.

Can I opt out?

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

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

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.

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

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

When can I use CU FAMLI leave?

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.

How much do CU FAMLI leave benefits pay?

The amount of CU FAMLI leave payments are based on weekly wages. Employees can calculate their estimated benefits on the Benefits Calculator.

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

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

**Under what circumstances can I use CU FAMLI?**

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

**How often can I use CU FAMLI?**

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

**How does CU FAMLI work with other leave programs?**

CU FAMLI 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 rolling 12 months. FMLA will run concurrently with FAMLI when the need for leave meets the FMLA requirements.
- **CU Parental Leave and Paid Parental Leave (PPL):** CU Parental Leave runs concurrently with FAMLI and FMLA.
- **Short-Term Disability:** This 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.
- **Vacation and Sick Leave:** Accrued through employment, this leave can be used in conjunction with FAMLI, FMLA and CU Parental Leave as the employee desires.

**How do benefit premiums work while I am on CU FAMLI leave?**

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 FAMLI such as vacation leave, sick leave, or paid parental leave and is only receiving FAMLI payments, payroll deductions will continue and will be deducted from CU FAMLI 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.

How do retirement contributions work while I am on CU FAMLI leave?

FAMLI payments 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.

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

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.

FMLA FAQ

About FMLA

What does the Family and Medical Leave Act provide?

The Family and Medical Leave Act (FMLA) provides eligible employees up to 12 weeks (480 hours for a 100% employee) of unpaid job-protected leave per 12-month period. During an approved leave under the FMLA, an employee’s group health benefits will be maintained, and the employee is entitled to return to their same or an equivalent job at the end of their FMLA leave. The FMLA also provides certain military family leave entitlements. Eligible employees may take FMLA leave for specified reasons related to certain military deployments of their family members. Additionally, they may take up to 26 weeks of FMLA leave in a single 12-month period to care for a covered servicemember with a serious injury or illness.

How can I receive pay while I am on Family Medical Leave (FML)?

Although FML is unpaid leave, the university requires employees to use their available sick, vacation, paid parental, or other types of paid leave to receive pay during their absence. Employees may also choose to use CU FAMLI to receive pay during FML.

When and how should I request FML?

If the leave is foreseeable, a request must be submitted to the Employee Services (ES) Leave Team at least 30 days before the leave is to begin. If the need for leave is urgent and not
foreseeable, the request must be submitted as soon as practical and generally must comply with the department’s normal call-in procedures.

Eligibility

Who can take FML?

Any employee who works for the university and meets the FMLA eligibility requirements can take FML.

For Classified Staff: The employee must have one year of total state service as of the date leave will begin. Additionally, classified employees are eligible for one additional week (40 hours for a 100% employee) of State family medical leave subsequent to the use of leave under the FMLA.

For University Staff and Faculty: The employee must have been employed by the university for at least 12 months within the past seven years and have worked at least 1,250 hours during the most recent 12-month period prior to the start of leave. Part-time, FLSA-exempt employees with an FTE of 50% or greater are presumed to have met the 1,250 hours requirement, provided they have at least one year of university service.

Does the time I take off for vacation, sick, leave or other PTO count toward the 1,250 hour requirement?

The 1,250 hours include only those hours actually worked for the university. Paid leave and unpaid leave, includingFMLA leave, are not included in the calculation.

When can an eligible employee use FML?

An eligible employee can use FML for:

- the birth and care of a newborn child
- the placement and care of a child for adoption/foster care
- a serious health condition of an employee or their spouse, child, or parent
- care for a covered servicemember with a serious injury or illness (26 weeks)
- a qualifying exigency when a parent, child, spouse, civil union partner, or domestic partner is called up for active military duty

How can I apply for FMLA leave?

To apply for FML, 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 FML are located in the employee portal.

1. Login to employee portal [34].
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 Apply for Leave Benefits tile.
6. Complete the secure unity form.
7. Employees will receive a confirmation email once their application has been successfully submitted.
8. The Employee Services (ES) Leave Team will reach out to the employee to discuss eligibility and next steps.

Birth and Bonding

Are there any restrictions on when an employee can take leave for the birth or adoption of a child?

Leave to bond with a newborn child or for a newly placed adopted or foster child must conclude within 12 months after the birth or placement.

When can a parent take leave for a newborn?

All parents have the same right to take FML to bond with a newborn child. A birthing parent can also take FML for prenatal care, incapacity related to pregnancy, and for their own serious health condition following the birth of a child. A non-birthing parent can also use FML to care for their spouse who is incapacitated due to pregnancy or childbirth.

Intermittent/Reduced Leave Schedule

Does an employee have to take leave all at once or can it be taken periodically or to reduce the employee’s schedule?

When it is medically necessary, employees may take FML intermittently – taking leave in separate blocks of time for a single qualifying reason – or on a reduced leave schedule – reducing the employee’s usual weekly or daily work schedule.

Can the university change an employee’s job when the employee takes intermittent or reduced schedule leave?
Employees needing intermittent/reduced schedule leave

Reduced Leave Schedule

A change in work schedule that is less than what the employee typically works, normally from full time to part time, for foreseeable medical treatments must work with the university to schedule the leave to minimize their department’s operations and business needs as much as possible. In such cases, the university may transfer the employee temporarily to an alternative job with equivalent pay and benefits that accommodate recurring periods of leave better than the employee’s regular job.

Serious Health Condition

What is a serious health condition?

The most common serious health conditions that qualify for FML are:

- conditions requiring an overnight stay in a hospital or other medical care facility
- conditions that incapacitate you or your family member (for example, unable to work or attend school) for more than three consecutive days and have ongoing medical treatment (either multiple appointments with a health care provider, or a single appointment and follow-up care such as prescription medication);
- chronic conditions that cause occasional periods when you or your family member are incapacitated and require treatment by a health care provider at least twice a year; and
- pregnancy (including prenatal medical appointments, incapacity due to morning sickness, and medically required bed rest).

Can I take FML for reasons related to domestic violence issues?

FML may be available to address certain health-related issues resulting from domestic violence. An eligible employee may take FML because of their own serious health condition or to care for a qualifying family member with a serious health condition that resulted from domestic violence. For example, an eligible employee may be able to take FMLA leave if they are hospitalized overnight or are receiving certain treatment for post-traumatic stress disorder that resulted from domestic violence.

Mental Health

May I use FML for mental health reasons?

Yes. As long as an employee is eligible and provides the Employee Services Leave Team with proper documentation from a medical provider, they can use FML for mental health reasons.

May I use FML to care for my adult child related to mental health reasons?
Example: My daughter, who is 24 years old, was recently released from several days of inpatient treatment for a mental health condition. May I use FMLA leave for her care? She is unable to work or go to school and needs help with cooking, cleaning, shopping, and other daily activities.

It depends. Employees may use FML to care for a child who is 18 years of age or older if the child is incapable of self-care because of a disability as defined by the ADA, has a serious health condition as defined by the FMLA, and needs care because of the serious health condition.

A disability under the ADA is a mental or physical condition that substantially limits one or more of the major life activities of an individual, such as working. Major depressive disorder, bipolar disorder, obsessive compulsive disorder, and schizophrenia are a few examples of mental health conditions that may substantially limit one or more of an individual’s major life activities when active. A mental health condition requiring an overnight stay in a hospital or residential medical care facility would be a qualifying serious health condition under the FMLA.