

Arch Insurance Group, a market leader in statutory disability and paid family leave markets, has a state-approved insurance product that meets the specifications of the Colorado FAMLI law. The product is designed specifically for Colorado employers who wish to enroll in a private plan.

Colorado Law

Colorado Paid Family and Medical Leave Insurance Act § 8-13.3-501 et seq., C.R.S. establishes a system for paid family and medical leave.

Employers who file for a private plan exemption and receive approval from the state will be exempt from state contributions beginning no earlier than 60 days after the private plan application was submitted. Employers will remain exempt from state contributions for any future quarters in which they retain an approved private plan for their employees. Employers who file for an exemption that is approved by the state must show proof of a private plan.

Arch Private Plan Features

- Compliant with CO FAMLI laws.
- The Arch CO FAMLI Product will be sold as a standalone product; no other Arch products are required to purchase this plan.
- Companies who opt out of the state plan and place coverage with Arch will not be required to make quarterly contributions to the state fund.
- Each policy is underwritten using company-specific demographic and employee census data.
- Rates guaranteed for one year.

The Arch Advantage

- Excellent claim service; most claims are processed in five days or less.
- Arch has a history of success working with state mandated STD and PFL products.
- Access to Arch's online claims reports.

How it Works

- 1** Arch will work with you to develop a plan for your employees.
- 2** Submit an application through the CO Department of Labor and Employment's website (famli.colorado.gov/employers/private-plans) to file an exemption.
- 3** Once approved, your plan will go into effect the 1st day of the next month.
- 4** Private plan approval expires eight (8) years from the date that the private plan went into effect. Employers must submit another approval application once their initial approval expires.

Colorado Paid Family and Medical Leave (CO FAMLI) Plan Coverage

Earnings Requirement

Nearly every Colorado worker who earns at least \$2,500 in yearly wages within the state will be eligible to take paid family and medical leave.

Required Employers

All private employers with eligible employees working in Colorado. Law covers all private employers (1 or more employees). Self-employed individuals are not required to participate.

Leave Benefits

Family Leave

- Bonding (birth, adoption, foster placement).
- Qualifying military exigency.
- Family member's serious health condition.
- Address the immediate safety needs and impact of domestic violence and/or sexual assault.

Medical Leave

- Employee's own serious health condition.

Covered Relationships

Family member: (a) Regardless of age, a biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, a child to whom the covered individual stands in loco parentis, or a person to whom the covered individual stood in loco parentis when the person was a minor; (b) A biological, adoptive or foster parent, stepparent or legal guardian of a covered individual or covered individual's spouse or domestic partner or a person who stood in loco parentis when the covered individual or covered individual's spouse or domestic partner was a minor child; (c) A person to whom the covered individual is legally married under the laws of any state, or a domestic partner of a covered individual as defined in section 24-50-603(6.5); (d) A grandparent, grandchild or sibling (whether a biological, foster, adoptive or step relationship) of the covered individual or covered individual's spouse or domestic partner; or (e) As shown by the covered individual, any other individual with whom the covered individual has a significant personal bond that is or is like a family relationship, regardless of biological or legal relationship.

Paying Premiums

Employers may choose to pay for all of the premiums for their employees. Arch's private plan may require the employer to contribute if premiums are more than the state wage cap for employee contributions

Health Care Benefits

Employer contributions to employment-related health insurance benefits must be maintained at the level and under the conditions of coverage that would have been provided if the employee had worked continuously during the qualified leave.

Benefit Duration

Employees may be entitled to one of the following leaves each year:

- Up to 12 weeks of family leave (includes active duty family military leave, safe leave & bonding time).
- Up to 12 weeks of care of family member with a serious health condition
- Up to 12 weeks of personal medical leave. Those who experience pregnancy or childbirth complications may receive an additional four weeks.
- A total of 12 weeks for a combination of paid family and medical leave.

During the leave period, eligible employees will be paid a percentage of their gross wages, not to exceed the annual maximum state benefit.

Job Protection

During a qualified leave, a covered individual who has worked for their employer at least 180 days will have job protected leave.

Intermittent Leave

Leave may be taken intermittently or on a reduced leave schedule, with the weekly benefit amount being prorated.

Presumptions

The private plan must state that all presumptions shall be made in favor of the availability of leave and the payment of leave benefits.

Employer FAQs

Why Choose a Private Plan?

The CO FAMLI plan that is run by the state assesses a contribution rate up to a maximum limit tied to the Social Security Administration (SSA) wage limit. Arch's plans may be less than the state plan and offer excellent customer service.

Can I change to an Arch private plan if I've already started to take payroll deductions for the state plan?

Because private plan state-approved exemptions go into effect the first day of the new quarter, contributions collected in the current quarter will be due to the state. Arch premiums will begin upon the effective date of your policy.

When will a private plan become effective after you are approved for an exemption?

If approved, the private plan will become effective on the first day of the following month in which your plan was approved.

How does an employer file for a private plan?

Using the famli.colorado.gov/employers/private-plans website, employers can file for a CO FAMLI compliant private plan.

What is the process for filing for an exemption?

On the state's website, there is an online form for completion to prove that the private plan you are offering is equal to or more favorable than the state program. You will also need to upload a copy of your private plan's Policy to show that it meets the legal requirements for a compliant plan along with the CO FAMLI Program Notice.

After the initial eight (8) years, employers must submit another approval application.

Can an employer submit different plans for different classes of workers (e.g. full time employees, part time workers, seasonal workers)?

No. A private plan must apply to all covered individuals within the businesses.

What are the employer responsibilities for complying with the new FAMLI law?

In order to comply with FAMLI law, employers have the following responsibilities:

- Display the CO FAMLI Poster in a conspicuous place on your premises.
- Provide written notice to your workforce of FAMLI law, benefits, contribution rates, and other provisions. The notice may be electronic or printed and must include the opportunity for an employee to acknowledge receipt of the information, and must identify your chosen method of coverage (the state plan or a private plan).
- Prepare for CO FAMLI Statutory Reports for wages paid, payment for contract services rendered, and other information about their workforce.
- Determine contribution amounts for your workforce and for any contribution due as the employer using the current state rate or private plan rate, if different.
- Set up payroll deductions or other methods of collection to ensure covered individual contributions, if applicable.

When will I be billed?

Arch billing will occur at the end of each quarter.

What is the maximum benefit payable under the CO FAMLI Law?

Benefits are paid at a rate up to 90% of the employee's average weekly wage with lower wage earners receiving a higher percentage. Benefits are calculated on a sliding scale using the individual's average weekly wage from the prior five calendar quarters in relation to the average weekly wage in CO and may increase over time.

Are there policy change notice requirements?

An employer shall notify the Division, in writing, of any material change to an approved private plan at least sixty (60) days before the change is to take effect.

How does the state determine plan size?

All employers with one (1) or more employees must register for the plan on the My FAMLI+ Employer link on famli.colorado.gov.

Small employers (less than 10 workers) are not responsible for paying the employer share of contributions in the state run program.

Who is eligible for CO FAMLI benefits?

Individuals are eligible for FAMLI benefits if they are:

- Employees working for a CO employer.
- Self-employed individuals, including 1099 and contract workers, may opt into the state plan.
- Local government groups may opt into the state plan.
- Employees of local governments that have not opted into the state plan may opt into the state plan as individuals.

How is the CO FAMLI benefit calculated?

An employee's average weekly wage up to 50% of the state average weekly wage shall be replaced at 90%. An average weekly wage above 50% of the state average weekly wage shall be replaced at 50%.

The state of CO has an online calculator to help you run specific scenarios at famli.colorado.gov.

For state contribution rates, maximum benefits, average weekly wages, and benefit calculators, [visit here](https://famli.colorado.gov).

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* This information has been compiled as of January 2025. Please refer to <https://famli.colorado.gov/> for more detailed information.

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