



Colorado - Leave Highlights

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| <p>What is the Update?</p> | <p>Colorado Family and Medical Leave Insurance (CO FMLI)</p> <p>Update (06/16/25, Effective 01/01/26): Thanks to Senate Bill 25-144, beginning January 1, 2026, FMLI will expand to provide up to 12 weeks of leave for a parent whose child is receiving care in a neonatal intensive care unit. A parent whose child is in the NICU can be entitled to up to 24 weeks total of FMLI leave, e.g., 12 weeks of bonding and 12 weeks of NICU leave. Further, the contribution rate will decrease to 0.88% of wages per employee. Moving forward, the premium rates will continue to be confirmed on or before September 1st of the preceding year, with a maximum possible rate of 1.2%. As a reminder, employees are never required to pay more than 50% of the total premium. Premiums are capped at the social security wage base, but note that the amount has not been released yet for 2026 - this is typically announced in October. Employers with fewer than 10 U.S. employees are exempt from deductions and must deduct and remit only the employee portions to the state.</p> <p>Additionally, several rules have passed amending FMLI that will go into effect as of July 1, 2025. You may read them in full here, however here are the main details:</p> <ul style="list-style-type: none"> - The documentation requirements for parental leave have been expanded to provide further examples of acceptable proof of parental or in loco parentis status beyond a birth certificate or application for one – e.g., other vital records showing parenthood or a written statement establishing in loco parentis status. - Notice requirements for employers subject to the state plan are also affected, as employers now have a responsibility to individually deliver the required program notice to employees upon their transfer to Colorado. - For employers who choose to voluntarily terminate their approved private plan, the Division will now withdraw approval effective the later of the effective date described in the notification of termination from the employer, or 30 days after receiving the notification. An employer must continue the approved private plan's coverage through the effective date of a withdrawal, otherwise there may be a fine per employee, per day if an employer does not continue coverage through the effective date. - Clarification on when leave is considered to begin: For continuous leaves, upon the outset of the leave. For intermittent and reduced schedules leave, upon each covered absence. <p>Update (06/24/25, Effective 07/01/25): Colorado has announced the 2025-2026 State Average Weekly Wage (SAWW) of \$1,534.94, which the CO FMLI program uses in part to calculate a claimant's weekly benefit amount. This updated SAWW comes with two factors to keep in mind. Firstly, the program's updated maximum weekly benefit amount will be \$1,381.45, an increase from the current maximum of \$1,324.21. Secondly, the SAWW will be considered effective 07/01/25, and will immediately be used to recalculate the benefits of any claimants not receiving the current maximum of \$1,324.21 a week. Employees receiving less than the current maximum will soon receive a notification through their My FMLI+ account of their redetermined weekly benefit amount.</p> |
| <p>Handbook/Policy Updates</p> | <p>N/A</p> |
| <p>Notice Requirements</p> | <p>Employers are legally required to display the CO FMLI notice in a prominent location, as well as notify its employees in writing upon hire and upon learning of an employee's request to take a leave of absence. If you have employees that work remotely, we would recommend also posting this on your company intranet. The notice for CO FMLI can be found here.</p> |
| <p>Larkin Action</p> | <p>The Larkin Company will adjust offsets for any top-up (leave of absence pay) calculations or STD, accordingly, if we handle these services for you. Additionally, we will consider any law changes carefully, and update our internal resources and processes, as well as our employee leave information packets, if necessary.</p> |
| <p>Further Company Considerations</p> | <p>Once the 2026 Social Security Wage Base is confirmed, please be sure to adjust your contributions in line with the updates, effective 01/01/26. Additionally, please ensure as a company you are offsetting any salary continuation/company top-up pay aligned with the new maximum weekly benefit rate where applicable, as well as the adjusted weekly benefit rates of your employees who do not currently receive the maximum, effective 07/01/25.*</p> <p>*Claims that started prior to 07/01/25 will not be awarded the updated benefit rates unless they are not currently receiving the maximum. Claims that begin on or after 07/01/25 will be eligible for the new maximum benefit rate.</p> |
| <p>Resources</p> | <p>Employer Information (e.g., FAQs , Webinars, Premium Calculator) FMLI Newsletter Subscription CO FMLI Program Notice CO FMLI Break Room Poster My FMLI+ Employer "How To" Website</p> |

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