

# Colorado Paid Family and Medical Leave (CO PFML)

An employee guide



GROUP BENEFITS

2023  
employee guide

# Paid family and medical leave is a mandatory program in Colorado.

This guide includes helpful information about what paid family and medical leave is, who is eligible, and how it coordinates with other leave plans.



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# The basics: What is paid family and medical leave?

Colorado Paid Family and Medical Leave (CO PFML) is a state-mandated program that allows eligible employees to take paid time off for medical, family, or safe leave.



## Medical leave

### Recovering from a serious health condition or injury

<b>What is a qualifying event?</b>	An employee can take paid family leave for their own serious health condition, illness, or injury that causes them to be unable to work.
<b>What counts as a serious health condition?</b>	A serious health condition includes but is not limited to an illness, injury, impairment, pregnancy, recovery from childbirth, or physical or mental condition that involves: <ul style="list-style-type: none"><li>▪ Inpatient care in a hospital, hospice, or residential medical care facility</li><li>▪ Continuing treatment by a healthcare provider</li></ul>

# Family leave



## Bonding with a child following a birth, adoption, or foster placement

<p><b>What is a qualifying event?</b></p>	<p>An employee can take paid family leave to care for a new child through birth, adoption, or placement through foster care within the first year.</p> <p>The time can be used to care for, bond with, and provide the basic needs of a child under age 18 or up to age 21 if the child is still under jurisdiction of the juvenile court. The benefit can only be used once during the fostering or adoption of the same child.</p> <p>Benefits are limited to parents and individuals standing in loco parentis to the child.</p>
<p><b>When does leave have to be taken?</b></p>	<p>Must be completed within 12 months of birth or placement via adoption or foster care.</p>



## Providing care for a family member with a serious health condition

<p><b>What is a qualifying event?</b></p>	<p>An employee can take paid family leave to care for a family member with a serious health condition</p>
<p><b>Who counts as a family member?</b></p>	<p>Covered family members are defined on Page 5.</p>
<p><b>What counts as a serious health condition?</b></p>	<p>A serious health condition includes but is not limited to an illness, injury, impairment, pregnancy, recovery from childbirth, or physical or mental condition that involves:</p> <ul style="list-style-type: none"> <li>▪ Inpatient care in a hospital, hospice, or residential medical care facility</li> <li>▪ Continuing treatment by a healthcare provider</li> </ul>



## Assisting a family member called to active duty

<p><b>What is a qualifying event?</b></p>	<p>An employee can take paid family leave to take care of needs related to a covered family member's active duty service, notice of an impending call, or active duty service</p>
<p><b>What are some examples of qualifying events?</b></p>	<ul style="list-style-type: none"> <li>▪ Providing for the care or needs of the military member's child or other family member</li> <li>▪ Making financial or legal arrangements for the military member</li> <li>▪ Attending counseling</li> <li>▪ Attending military events or ceremonies</li> <li>▪ Spending time with the military member during a rest and recuperation leave or following return from deployment</li> <li>▪ Making arrangements following the death of the military member</li> </ul>

# Safe leave



Addressing the immediate health, safety, and legal needs of employees or their family members who are the victims of domestic violence, stalking, or sexual assault or abuse

<p><b>What is a qualifying event?</b></p>	<p>An employee can take paid family leave when the covered individual or the covered individual’s family member is the victim of domestic violence, stalking, or sexual assault or abuse.</p>
<p><b>Why may leave be taken?</b></p>	<p>A covered individual may take safe leave to:</p> <ul style="list-style-type: none"> <li>▪ Seek a civil protection order to prevent domestic violence</li> <li>▪ Obtain medical care, mental health counseling, or both for themselves or for their children to address physical or psychological injuries resulting from the act of domestic violence, stalking, or sexual assault or abuse</li> <li>▪ Make their home secure from the perpetrator of the act of domestic violence, stalking, or sexual assault or abuse, or to seek new housing to escape said perpetrator</li> <li>▪ Seek legal assistance to address issues arising from the act of domestic violence, stalking, or sexual assault or abuse or to attend and prepare for court-related proceedings arising from said act or crime</li> </ul>

## Definition of family member

- Spouse
- Domestic partner
- Child – Child relationships include biological, adoptive, foster, stepchild, legal ward, child of domestic partner, and in loco parentis.
- Parent – Parent relationships include biological, adoptive, foster, stepparent, legal guardian, parent of domestic partner, parent-in-law, and a person who stood in loco parentis.
- Sibling – Sibling relationships include biological, foster, adoptive, step relationship, sibling of domestic partner, and sibling-in-law.
- Grandparent - Grandparent relationships include biological, foster, adoptive, step relationship or grandparent/child of a spouse or domestic partner.
- Grandchild – Grandchild relationships include biological, foster, adoptive, step relationship or grandparent/child of a spouse or domestic partner.
- Other individuals with whom the covered individual has a significant personal bond like a family.

# Eligibility: Am I eligible for CO PFML?

You're eligible if you live and work in Colorado and have earned at least \$2,500 during the base period, which is defined as the first four out of five completed calendar quarters preceding the first day of the employee's benefit year.



## Benefits: How do CO PFML benefits work?

### What is the coverage amount?

You may take up to 12 weeks of paid leave, with an additional four weeks if you have a serious health condition related to pregnancy complications or childbirth complications.

### Is there a waiting period for benefits?

There is a zero-day waiting period for all leave reasons. However, you do have to satisfy all eligibility requirements before benefits begin.

## How are weekly benefit amounts calculated?

The program has a two-tiered benefit calculation.

- If you've earned less than or equal to 50% of the state's average weekly wages (SAWW), your benefit is 90% of your average weekly wage (AWW).
- If you've earned more than 50% of the SAWW, your benefit is 90% of 50% of SAWW, plus 50% of your remaining AWW.

Note: From July 1, 2023, to June 30, 2024, the SAWW will be \$1,421.16. The SAWW will be communicated in June of each year and go into effect the following July.

## What is the maximum benefit amount?

In 2024, the maximum is \$1,100 and will be adjusted annually.

## Example benefit calculation

The employee in this example earns an AWW of \$1,000. Because the employee earns more than 50% of the SAWW, here's how the benefit would be calculated:

1	90% of 50% of SAWW =	$\$710.58 \times 0.90 =$	\$639.52
2	Employee's AWW minus step 1 =	$\$1,000 - \$710.58 =$	\$289.42
3	50% of step 2 =	$\$289.42 \times 0.50 =$	\$144.71
4	Step 1 plus step 3 =	$\$639.52 + \$144.71 =$	\$784.23
Weekly benefit payment			\$784.23

## Is intermittent leave an option?

Yes. You may take leave on an intermittent or reduced schedule basis. Contact your HR department to discuss what increments are available for your intermittent leave.

## Does CO PFML offer job protection?

Yes. CO PFML will provide job protection if you've worked for your employer more than 180 days.

## Will my health insurance be continued?

Employers must continue health coverage during a paid leave for as long as you continue to make required healthcare premium contributions.

## What if I have multiple jobs?

If you have multiple jobs, multiple sources of self-employment, or have a job in addition to being self-employed, you do not need to take CO PFML from all sources of employment. However, your wages from multiple jobs will count toward meeting the \$2,500 wages subject to premium during the base period to be considered a covered individual.

# Coordination: How does CO PFML coordinate with other programs?

## How does CO PFML work with STD benefits?

CO PFML and STD both provide paid leave benefits for eligible employees but differ in a few key ways:

CO PFML	STD
Is a mandatory benefit for most Colorado employees	Is an employer-sponsored benefit that your employer may choose to provide
Can be taken on either a continuous or intermittent basis	Typically requires a continuous period of disability
Has a zero-day waiting period for benefits	Has waiting periods that differ depending on an employer's plan
Provides benefits to recover from a serious health condition; care for a seriously ill family member; bond with a newborn, adopted, or foster child; assist a family member called to active duty; and address the immediate health, safety, and legal needs of employees or their family members who are the victims of domestic violence, stalking, or sexual assault or abuse	Provides benefits for an employee's own disability

Both programs provide benefits for leave reasons such as an employee's injury, illness, or pregnancy. However, criteria to qualify for these benefits vary. This difference may result in scenarios in which an employee's health event may qualify for benefits under one program but not the other.



An offset will be applied to the employee's STD claim when the employee qualifies for both STD and CO PFML.



### Does CO PFML coordinate with company-paid leave?

If there's a company-paid leave plan in place, it will be evaluated based on the specific employer policy. In a situation where an employee is eligible for benefits under the company-paid leave plan and CO PFML benefits, it will be coordinated in accordance with your policy.

### Do CO PFML and FMLA coordinate?

FMLA and CO PFML are distinct programs with differing eligibility requirements. Qualifications for one program are not contingent upon or tied to qualification for the other. However, because these programs are similar, an employee's leave may qualify them for both FMLA and CO PFML at the same time. When this happens, they'll use available FMLA and CO PFML concurrently for that period. Here are a few distinctions for these programs:

CO PFML	FMLA
✓ Is a paid benefit	⊘ Is not a paid benefit
✓ Provides job protection (if the employee has worked at least 180 days)	✓ Provides job protection
✓ Applies to most private employers with one or more employees in Colorado	✓ Applies to all public and private employers with 50 or more employees
✓ Provides eligibility for benefits to employees that work in Colorado and have earned at least \$2,500 during the base period	✓ Provides eligibility for benefits to employees after 12 months of employment with their employer, provided: <ul style="list-style-type: none"> <li>▪ They worked 1,250 or more hours in the 12-month period preceding their leave</li> <li>▪ They work in a location with 50 or more employees within a 75-mile radius of their worksite at the time a leave is requested</li> </ul>
✓ Provides employees with 12 weeks of leave over a 12-month period, with four additional weeks for a covered individual with a serious health condition related to pregnancy complications or childbirth complications	✓ Provides employees with 12 weeks of leave in a 12-month period, with up to 26 weeks available for care of a seriously ill or injured service member
✓ Leave may be taken on a continuous or intermittent basis, and the employer determines the allowable minimum increment of time.	✓ Leave may be taken on a continuous or intermittent basis, and the employer determines the allowable minimum increment of time.



While it's likely that employee leaves may qualify for CO PFML and FMLA, eligibility under each program will be assessed independently.

## How do accrued PTO and vacation work with CO PFML?

The employer cannot require employees to exhaust accrued leave, and Lincoln’s top-up allowance does not obligate an employer to allow employees to use partial accrued leave alongside CO PFML. Employees may be able to use PTO or vacation time to help supplement CO PFML, but there should be mutual agreement between the employer and the employee when it comes to employer-provided paid leaves that are accrued. Any such agreement must be in writing and must be retained by the employer. Employers are not obligated to let employees use time this way.

Plan	CO PFML	FMLA	STD
<b>Eligibility</b>	Employees of Colorado private employers	Employees of public and private employers with 50+ employees	U.S. employees of employers that offer the plan
<b>Purpose</b>	<ul style="list-style-type: none"> <li>▪ Employee’s own serious health condition</li> <li>▪ Bond with a newborn, adopted, or foster child</li> <li>▪ Care for a family member with a serious health condition</li> <li>▪ Assist a family member called to active duty</li> <li>▪ Address the immediate health, safety, and legal needs of employees or their family members who are the victims of domestic violence, stalking, or sexual assault or abuse</li> </ul>	<ul style="list-style-type: none"> <li>▪ Care for a personal injury or illness</li> <li>▪ Care for a seriously ill family member</li> <li>▪ Bond with a newborn, adopted, or foster child</li> <li>▪ Attend to family matters following call to active duty</li> <li>▪ Care for a covered service member</li> </ul>	<ul style="list-style-type: none"> <li>▪ Employee’s own disability</li> </ul>
<b>Benefits</b>	Paid and job protection <sup>1</sup>	Unpaid job protection	Paid
<b>Duration</b>	Up to 12 weeks, with an additional four weeks for a covered individual with a serious health condition related to pregnancy complications and childbirth complications	12 or 26 weeks in a 12-month period	Typically, up to 13 or 26 weeks, depending on the employer’s plan

<sup>1</sup>If the employee has worked at least 180 days.

## Putting it all together

Here's an example of how CO PFML could coordinate with other leave plans following the birth of a child:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18		
CO PFML <sup>1</sup>																			
EP <sup>2</sup>	STD <sup>3</sup>																		
FMLA																			

<sup>1</sup> Up to 16 weeks for pregnancy complications and childbirth complications.

<sup>2</sup> EP = elimination period

<sup>3</sup> Up to eight weeks with a cesarean section.

# Cost: How much does CO PFML cost?

You're typically required to contribute toward the cost of CO PFML. Your employer will notify you of your financial responsibility.



# Claims process: How do I submit a claim?

## Providing notice to your employer

If you plan to take a qualified paid leave, you're expected to provide notice to your employer at least 30 days in advance for foreseeable events or as soon as possible for unforeseen leaves.

## Reporting a claim to Lincoln

You can submit your CO PFML claim by:

### **1** Web or mobile device

- Visit **MyLincolnPortal.com**.
- Select **Register** under New Users
- On the create an account webpage, enter the company code Veolia and click Validate
- Enter your personal information in the corresponding fields.
- Create a username and password by entering the required information, then click **Register**.
- Review the web agreement and, if you agree, click **Accept** to complete your registration. You must accept to register successfully
- From the home screen, click **Start a Claim or Leave** and follow the prompts to start your claim.

We'll assign a claims specialist within one business day of receipt to review the claim. You or your employer will be contacted to gather required certification or additional information if needed. The claims specialist will also assess concurrent STD claims, if applicable.

### **2** By phone

You can submit paid family and medical claims by calling Lincoln at **844-247-4446**.

You'll need to have the following information ready:

- Personal information: name, Social Security number, birthdate, address, contact information
- Employer information: employer name
- Leave information: reason for leave, estimated dates of leave



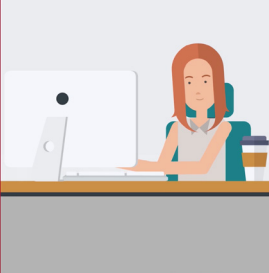
## What happens next

Once a claim has been received, we'll assign a claims specialist who'll review the claim and contact you to gather additional information and discuss the required certification or documentation needed. Your claims specialist will also assess claims you may have submitted for STD. If you're claiming family leave for bonding immediately after a medical leave for maternity concludes, your claims specialist can gather necessary information over the phone to initiate a bonding claim on your behalf.

If you're approved for an intermittent leave claim, you'll be responsible for reporting your time to Lincoln.

- If Lincoln administer your company's FMLA program, you should report intermittent time through your employer's standard process.
- If Lincoln does not administer your company's FMLA program, you should submit an intermittent time sheet or call your claims specialist. Intermittent time should be reported as it's taken.

**MAKE YOUR CLAIM EXPERIENCE AS EASY AS POSSIBLE**



**What happens after the claims submission?**  
[Watch this video as we walk you through each step.](#)

# Assistance: Whom do you contact?

<p><b>Claim submission</b> CO PFML and STD claim forms, medical records, and documentation</p>	<p><b>Email:</b> SCU@LFG.com <b>Phone:</b> 844-247-4446 <b>Fax:</b> 603-334-0401</p> <p><b>Mail:</b> The Lincoln National Life Insurance Company Disability and Life Claims P.O. Box 2578 Omaha, NE 68172-9688</p> <p><b>Web:</b> MyLincolnPortal.com</p>
<p><b>Claims inquiries</b> Claims status and general claims questions</p>	<ul style="list-style-type: none"><li>▪ Once your claim is submitted, it will be assigned to a claims specialist whom you can contact for information on your claim.</li><li>▪ You may also log in to MyLincolnPortal.com for claim status.</li></ul>

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