

FAQs

Paid Family Medical Leave

December 21, 2020



COLORADO

**Department of Personnel
& Administration**

The following are frequently asked questions regarding Paid Family Medical Leave (PFML) for state employees and are to be used in conjunction with the Family Medical and Leave Act and State Family Medical Leave FAQs, State Personnel Board Rules and State Personnel Director's Administrative Procedures, and departmental processes and procedures.

General

1. Q: What is PFML?

A: PFML provides permanent full-time employees of up to 80 hours of paid leave (prorated for permanent part-time employees) per rolling twelve (12) month period when employees are eligible and qualify for unpaid job protected leave under the Family and Medical Leave Act (FMLA). The exception is the qualifying reasons for safe leave as prescribed in question 4.

2. Q: What are the eligibility requirements for PFML?

A: To be eligible for PFML an employee must:

1. Have been employed by the State (classified and non-classified employees in the Executive Branch excluding institutions of higher education non-classified) as a full-time or part-time employee for 12 months before leave is to begin, and
2. Require leave from work for a reason covered by FMLA or safe leave as explained below.

3. Q: What are the qualifying reasons covered by the FMLA?

A: The FMLA entitles eligible employees to take unpaid, job-protected leave for any of the following family and medical reasons:

1. Birth and care of a child (to be completed within one (1) year of the birth).
2. Placement and care of an adopted or foster child (to be completed within one (1) year of the placement).
3. Serious health condition of an employee's parent, child under the age of eighteen (18), an adult child who is disabled at the time of leave, spouse, partner in a civil union, or registered domestic partner for physical care or psychological comfort.
4. Employee's own serious health condition. An illness, injury, impairment, physical or mental condition that requires inpatient care in a hospital, hospice, or residential medical care facility or continuing treatment by a health care provider. Continuing

treatment is a period of incapacity of more than three (3) calendar days, pregnancy, a chronic serious health condition, or permanent long-term condition for which there is no treatment but the patient is under supervision, or multiple treatments without which a period of incapacity would result.

5. Active duty military leave when a parent, child, or spouse experiences a qualifying event directly related to being deployed to a foreign country.
6. Military caregiver leave for a parent, child, spouse, or next of kin who suffered a serious injury or illness in the line of duty while on active duty. Military caregiver leave includes time for veterans who are receiving treatment within five (5) years of the beginning of that treatment.

4. Q: What are the qualifying reasons PFML can be used for safe leave?

A: PFML may be used when an employee or an employee's family member (parent, child under the age of eighteen (18), an adult child who is disabled at the time of leave, spouse, partner in a civil union, or registered domestic partner) is a victim of domestic abuse, stalking, sexual assault, or any other crime related to domestic violence and needs to seek medical attention, mental health care or other counseling, or victim services including legal services or relocation.

An employee must meet the eligibility requirements for Family Medical Leave (FML) to qualify for PFML for domestic violence related reasons. However, the use of PFML for domestic violence related reasons does not automatically qualify an employee for FML.

Use of PFML

5. Q: How does an employee request PFML?

A: The employee must notify and request leave for a FML or safe leave qualifying reason as required by departmental policies and procedures and must submit the required documentation.

6. Q: What are the required documents employees must provide?

A: In support of the need for PFML for a FML qualifying reason, the employee must comply with the FMLA requirements and submit a completed and sufficient medical certification form within 15 calendar days after requesting it. If it is not practicable for the employee to provide a certification within 15 days despite the employee's diligent, good faith efforts to do so, the employee must contact their department's FMLA and/or leave administrator within 15 days to explain why this could not be done.

For safe leave, an employee must provide a document from a health or social services (e.g. legal or shelter services) provider if services were received and the document can be obtained in reasonable time and without added expense; otherwise the employee's own statement or affirmation in writing or a legal document (e.g., a restraining order or police report).

Coordination With Other Leave Benefits

6. Q: How does PFML coordinate with FMLA?

A: PFML runs concurrently with FMLA and must be used first before employees use accrued paid sick leave and annual leave accordingly.

7. Q: How does PFML coordinate with FML and short-term disability (STD) benefits and leave?

A: If eligible for STD benefits and leave, PFML would run concurrently. If applicable, PFML must be used during the 30 day waiting period for STD benefits before accrued paid leave.

8. Q: How does PFML coordinate with FML and injury leave?

A: Employees on injury leave are excluded from using PFML because injury leave is more generous and beneficial.

9. Q: How does PFML coordinate with public health emergency leave?

A: PFML does not coordinate with public health emergency leave. Should an employee have a situation that qualifies for public health emergency leave, they would receive that leave first and then get PFML, if they qualify.

Implementation Effective January 1, 2021

10. Q: When is PFML effective?

A: PFML is effective January 1, 2021.

11. Q: How does PFML apply to employees on FML as of January 1, 2021?

A: PFML should be granted and used before employees use any remaining paid accrued sick leave and annual leave, if applicable.

12. Q: How does PFML apply to employees who are on FML and receiving short-term disability payments?

A: PFML must be granted and used to supplement the STD benefit to make the employee whole.

13. Q: Will the State negotiate over benefits with COWINS in the upcoming partnership negotiations?

A: Yes, in addition to our agreement to implement PFML on January 1, 2021, COWINS and the State will continue to discuss improvements to all benefits for those covered by the partnership agreement.