



Legislative Council Staff

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Fiscal Note

Drafting Number:	LLS 24-0959	Date:	February 22, 2024
Prime Sponsors:	Sen. Winter F.	Bill Status:	Senate Business, Labor, & Tech
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Bill Topic: PAYMENT OF FAMILY & MEDICAL LEAVE BENEFITS

Summary of Fiscal Impact:	<input type="checkbox"/> State Revenue	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Local Government
	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> TABOR Refund	<input type="checkbox"/> Statutory Public Entity

The bill makes changes to law regarding overpayment and reimbursement of paid family and medical leave benefits. It increases state workload on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

The bill specifies that a judgment for debt from overpayment of paid family and medical leave benefits is eligible to be assigned, released, or commuted, and is not exempt from claims of creditors, or from remedies, recovery, or collection of debt. The bill also adds family and medical leave benefits to the list of exceptions for which workers' compensation benefits may be assigned, levied, or attached.

The bill allows the Division of Family and Medical Leave Insurance (FAMLI) in the Department of Labor and Employment (CDLE) to obtain reimbursement from a workers' compensation insurer if an employee received both family and medical leave benefits and temporary indemnity benefits for the same absence. The insurer may divert unpaid benefits to FAMLI in the amount reimbursed. FAMLI may access records regarding compensability and benefit payments of workers' compensation claims for the purpose of coordinating family and medical leave benefits.

The Department of Revenue (DOR) may provide FAMLI with tax information and may enter into an agreement with FAMLI for payment of the costs related to supplying and updating the information.

State Expenditures

Beginning in FY 2024-25, the bill increases workload for the CDLE, the DOR, the Department of Personnel and Administration (DPA) and Judicial Department, as discussed below.

Department of Labor and Employment. The bill may increase workload for FAMLI to perform programming work to implement the bill’s requirements, and handle instances where an employee is receiving both family and medical leave and temporary indemnity benefits for the same absence. Workload may also increase to update data sharing agreements with DOR for payment of data-related costs. No change in appropriations is required.

Department of Revenue. The bill may increase workload for DOR to coordinate with the CDLE related to data-sharing agreements and payment for data-related costs. No change in appropriations is required.

Department of Personnel and Administration. The bill may increase workload in DPA in situations where a state employee is on workers’ compensation leave and the state is required to withhold a portion of that leave to repay FAMLI benefits. No change in appropriations is required.

Judicial Department. The bill may increase workload to the trial courts to handle disputes related to benefits payments. However, most of these cases are resolved by the Office of Administrative Courts in DPA, and any increases in cases for the trial courts is expected to be minimal.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State and Local Government Contacts

Health Care Policy and Financing
Law
Revenue

Judicial
Personnel

Labor
Regulatory Agencies

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).