

# STATE OF COLORADO

## Colorado General Assembly

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### MEMORANDUM

**TO:** Timothy Tyler and Wendy Howell

**FROM:** Legislative Council Staff and Office of Legislative Legal Services

**DATE:** January 31, 2020

**SUBJECT:** Proposed initiative measure 2019-2020 #248, concerning the Creation of a Paid Family and Medical Leave Program

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado Constitution. We hereby submit our comments to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of the Legislative Council and the Office of Legislative Legal Services is to provide comments intended to aid proponents in determining the language of their proposal and to avail the public of knowledge of the contents of the proposal. Our first objective is to be sure we understand your intent and your objective in proposing the amendment. We hope that the statements and questions contained in this memorandum will provide a basis for discussion and understanding of the proposal.

This initiative was submitted with proposed initiative 2019-2020 #247. The comments and questions raised in this memorandum will not include comments and questions that were addressed in the memoranda for proposed initiative 2019-2020 #247, except as necessary to fully understand the issues raised by the revised proposed initiative. Comments and questions addressed in the other memorandum may also be relevant, and those questions and comments are hereby incorporated by reference in this memorandum.

## Purposes

The major purposes of the proposed amendment to the Colorado Revised Statutes appear to be:

1. To create a paid family and medical leave program for employees in the state; and
2. To offer employees the option to take paid family and medical leave because the employee: Through birth, adoption, or placement through foster care, is caring for a new child during the first year after the birth, adoption, or placement of that child; Is caring for a family member with a serious health condition; Has a serious health condition; because of a qualifying exigency leave; or has a need for safe leave related to domestic violence, stalking, or sexual assault or abuse.
3. To allow paid family and medical leave for up to 12 weeks in an application year, with an additional 4 weeks for an employee with a serious health condition related to pregnancy complications or childbirth complications;
4. To require an employee to provide at least 30 days' notice to the employee's employer before the date the leave is to begin when the need for leave is foreseeable;
5. To require an employee to provide notice to the employee's employer as soon as practicable when the need for leave is not foreseeable or if providing 30 days' notice is not possible;
6. To provide the weekly benefit amount for an employee who takes paid family and medical leave at an amount equal to: 90% of an employee's average weekly wage for the portion of the employee's average weekly wage that is equal to or less than 50% of the state average weekly wage; plus 50% of the employee's average weekly wage for the portion of the employee's average weekly wage that is more than 50% of the state average weekly wage;
7. To cap the maximum weekly benefit amount at \$1000 for leave that begins before January 1, 2025, then 90% of the state average weekly wage for leave taken after that date; and
8. To pay for the program through premiums paid by employers and employees. From January 1, 2023 through December 31, 2024, the premium amount is .88% of wages per employee. For the 2025 calendar year, and each calendar year thereafter, the director is required to set the premium set the premium based on a percent of employee wages and at the rate necessary to obtain a total amount of premium contributions equal to one hundred thirty-five percent of the benefits paid during the immediately preceding calendar year

plus an amount equal to one hundred percent of the cost of administration of the payment of those benefits during the immediately preceding calendar year, less the amount of net assets remaining in the fund as of December 31 of the immediately preceding calendar year.

### **Substantive Comments and Questions**

Substantive comments and questions are the same as substantive comments and questions in the memorandum for proposed initiative 2019-2020 #247.

### **Technical Comments**

Technical comments and questions are the same as technical comments and questions in the memorandum for proposed initiative 2019-2020 #247.