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Via Electronic Submission

The Honorable Robert Rodriguez
Chairman
Senate Business, Labor, & Technology Committee
Colorado General Assembly
200 E. Colfax Avenue
Denver, CO 80203

RE: Senate Bill 046 – NEUTRAL

Dear Chairman Rodriguez,

The American Council of Life Insurers (“ACLI”) appreciates the opportunity to testify on Senate Bill 046 (“SB 046”) to eliminate the limit on calculating the paid family and medical leave (“PFML”) benefit based on the average weekly wage earned only from the job or jobs from which the individual is taking paid family and medical leave.

ACLI does not object to basing a covered individual’s weekly benefit amount on total earnings during the individual’s base period or alternative base period rather than earnings only from the individual’s current job at the time of taking leave. However, we are concerned that the only source for this aggregated earnings data is the state. The Colorado Department of Labor and Employment (“CDLE”) is the only entity who has this data. Employers do not have wage data from a covered individual’s previous employers and at this time, there is no meaningful way private plans can access this information. A key component of this legislation is having the CDLE build a database to share this information, which would allow all employers, insurance carriers, and third-party administrators to access a covered individual’s complete wage data.

From our understanding, CDLE is still determining how to share data when private PFML plans need additional information. ACLI is happy to share our experience in other states with data sharing and our

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The American Council of Life Insurers (ACLI) is the leading trade association driving public policy and advocacy on behalf of the life insurance industry. 90 million American families rely on the life insurance industry for financial protection and retirement security. ACLI’s member companies are dedicated to protecting consumers’ financial wellbeing through life insurance, annuities, retirement plans, long-term care insurance, disability income insurance, reinsurance, and dental, vision and other supplemental benefits. ACLI’s 280 member companies represent 94 percent of industry assets in the United States.

member companies are ready to assist the CDLE as needed as they build this capability into their systems.

Since January 1, 2024 is the date in which covered individuals will be able to begin accessing their PFML benefits, we request that the effective date of this legislation be January 1, 2024. This future effective date will provide the CDLE, employers, insurance carriers, and third-party administrators sufficient time to build the database and processes to share wage information securely.

Thank you for your consideration of our comments and please feel free to contact me if you or any member of the committee have further questions.

Respectfully submitted,



Melissa I. Young

cc: Members of the Senate Business, Labor, & Technology Committee

Tracy Marshall, Division Director, Family and Medical Leave Insurance, CDLE

Caitlin Adams, Deputy Director of Policy and Legislation, CDLE