

Interaction Between the Federal Family and Medical Leave Act (FMLA) and Colorado FAMLI Act

IS THE WORKER COVERED BY THE FMLA?

YES
(less than 50% of CO workforce)

Purpose for FAMLI leave

Bonding with a new child

Own serious health condition

Safe leave

Caring for seriously ill family member

Military care (Qualifying exigency)

95-96% of claims in RI, NJ, and CA

Serious physical or psychological self care or for parent, child, spouse (medical)

Relocate to safety, get order of protection, meet law enforcement, care for other family

3.7-4.3% of claims in RI, NJ, CA

Spouse, parent child deployed

Other family deployed

FMLA & FAMLI RUN CONCURRENTLY NO STACKING (vast majority of claims)

*For a worker's own serious health condition, FAMLI can run concurrently with an applicable short-term disability plan

Leaves that typically necessitate short, intermittent leaves to remain safe

Care for a spouse, child, parent

Care for other family

FMLA & FAMLI RUN CONCURRENTLY NO STACKING

FMLA & FAMLI RUN CONCURRENTLY NO STACKING (95-97% of these family leave claims)

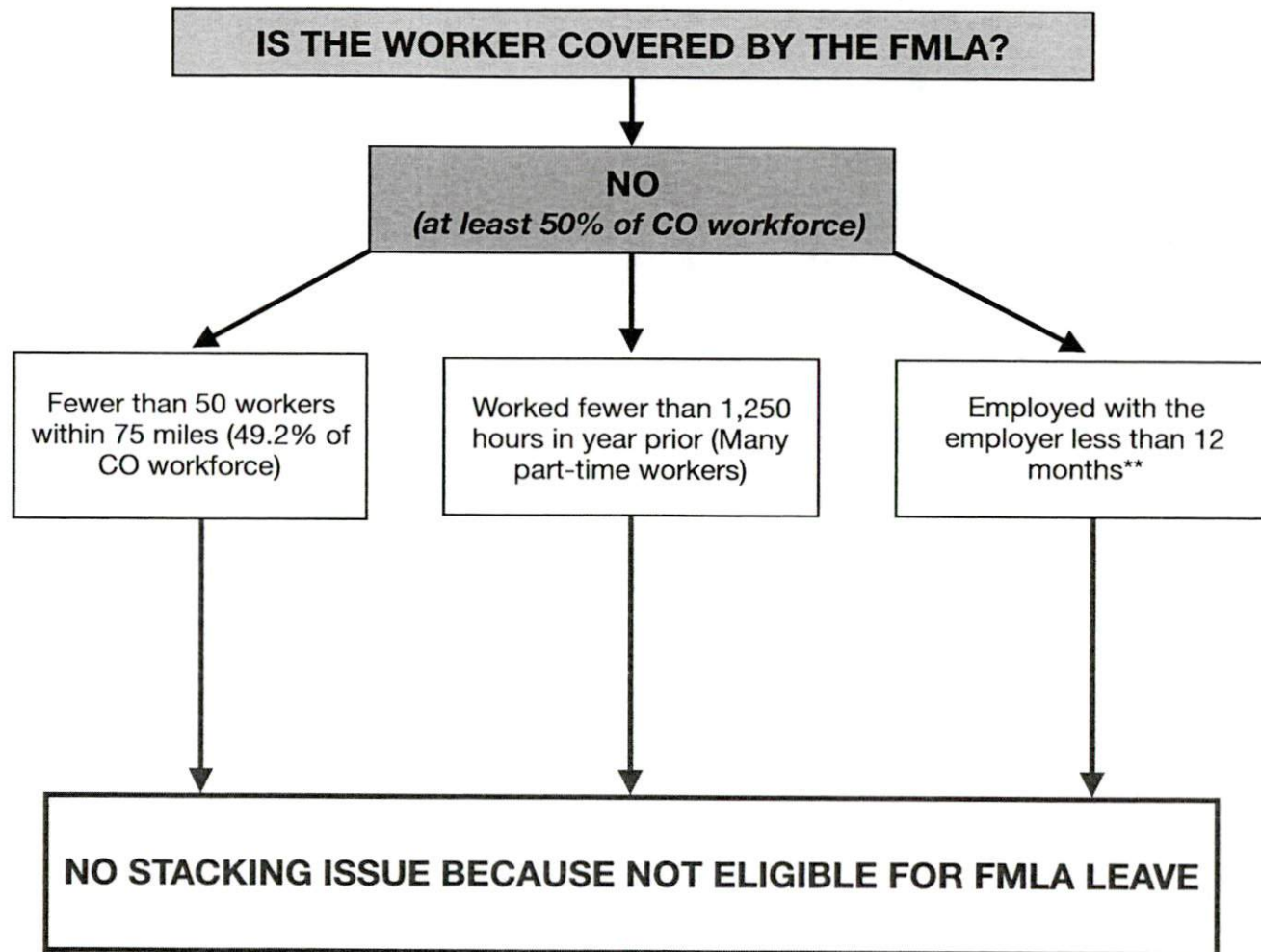
TINY PERCENTAGE OF CLAIMS:
0.114% APPROVED RI CLAIMS;
0.481% FILED CA CLAIMS

TINY PERCENTAGE CLAIMS since all military claims are 2% and most of those are for spouse/parent/child, which runs concurrently under FAMLI and FMLA

In these small percentage of claims, a worker could theoretically be eligible for FMLA leave subsequently, but research shows it's highly unlikely because:

- FMLA + FAMLI require documentation for the need for leave, and it's uncommon to have two qualifying life events/emergencies in the same year
- FMLA leave is UNPAID and many workers can't afford it. 40% of workers report returning to work because they can't afford unpaid leave.
- FMLA leaves are often short. 42% last less than 10 days. Only 17% last more than 60 days.

Interaction Between the Federal Family and Medical Leave Act (FMLA) and Colorado FAMLI Act



**** It is extremely unlikely that a worker, in their first year with an employer, will take leave under FAMLI and then be eligible to take separate FMLA leave soon after. If a worker takes any paid or unpaid leave, including under FAMLI, it is time that does not count towards the FMLA's hours worked requirement. Furthermore, it's very rare to have two qualifying, documented leaves in any year.**

Table 15: Comparison between existing state family and medical leave programs⁹¹

	California Usage SFY 2013-2014	New Jersey Usage 2014	Rhode Island Usage 2014
Number of covered workers	13,100,000	3,782,200 (FLI) 2,615,435 (TDI)	391,130
Total number of leaves	923,012	126,317	39,863
Total percentage of population taking leave	7 percent	3 percent - 5 percent	10 percent
<i>Distribution of leave types (may not sum to 100 percent)</i>			
Own health	75.32 percent	74.33 percent	90.29 percent
Parental	21.72 percent	21.18 percent	7.14 percent
Family Caregiving	2.96 percent	4.49 percent	2.57 percent
<i>Own Health</i>			
Percentage of population taking leave	4.84 percent	3.60 percent	9.20 percent
Percentage of medical leaves related to pregnancy	26.10 percent	25.40 percent	12.42 percent
Average length of leaves (in weeks)	15.66	14.20	9.27
<i>Parental</i>			
Percentage of population taking leave	1.53 percent	0.71 percent	0.73 percent
Men's average length of leave (in weeks)	4.48	5.20	3.36
Women's average length of leave, excluding pregnancy medical leave (in weeks)	5.50	5.60	3.50
<i>Family Caregiving</i>			
Percentage of population taking leave	0.21 percent	0.15 percent	0.26 percent
Average length of leaves (in weeks)	3.59	4.10	3.45