



COMPLIANCE UPDATE



PRIVATE PLAN MAINTENANCE FEE

The Colorado Department of Labor and Employment (CDLE) wrapped up its most recent round of changes to the Private Plan Regulations (7 CCR 1107-5), to be effective October 30th, 2025.

The new rules provide long-awaited clarity around how the annual private plan maintenance fee will function. Any employer with an approved private plan under the state's Family and Medical Leave Insurance (FAMLI) program will be impacted. Here's what you need to know:

NEW MAINTENANCE FEE

- + Employers with approved private plans must pay a maintenance fee of \$142 per Federal Employer Identification Number (FEIN). This first fee will apply if your organization had private plan coverage **between July 1st, 2024, and June 30th, 2025**.
- + If your plan(s) incurred 'non-routine' costs, such as requiring appeals hearings, investigations and the like, you may be assessed a discretionary amount on top of the flat \$142 fee.

TIMING OF PAYMENT

- + The CDLE will issue invoices by **November 30th, 2025**, with payment due by December 31st, 2025.
- + Failure to submit payment by the deadline may result in termination of your plan. If this happens, you'll be required to **stay with the state plan for at least three years** before being able to "go private" again.

ANNUAL FEE DETAILS

- + This fee will be due annually, though the amount will change each year.
- + The state requires it to offset the costs they face for oversight and regulation of private plans.
- + Starting in 2026, the annual fee amount will be announced **by July 31st each year**.
- + The fee can't increase more than **10%** year-over-year.

NEW PLAN EXEMPTION

- + If your private plan went live on or after **October 1st, 2024**, you're exempt from the 2025 fee.

EMPLOYER'S RIGHT TO APPEAL

- + Employers can request a reconsideration of their assessed fee amount **within 49 days** of the payment due date (with extensions when good cause can be demonstrated).