The Colorado CARE Act

A Manifesto for Caregiver Workforce Infrastructure

Professionals Who Care | CASI — Caregiver Advocacy Support Initiative | October 2026

> “Caregiving is not a private burden. It is public infrastructure.”

I. The Invisible Workforce

About 910,000 Coloradans care for an adult family member, and about seven in ten Colorado caregivers also hold a job. They are quietly holding the state’s long-term care system together. They are not paid for most of this work. They are not counted in the workforce data that shapes policy. And no Colorado or federal law protects their jobs when caregiving and employment collide. In the language of policy, they exist as a gap.

The CARE Act is built on a single premise: if the system depends on caregivers, the system owes caregivers protection. Not charity. Not accommodation at the employer’s discretion. Legal protection.

II. The Economic Reality

AARP values the unpaid care Colorado families provide at about $16 billion a year. Every hour a family member spends caring for a parent with dementia, a child with a disability, or a spouse with a chronic illness is an hour that does not appear on any public ledger. The care happens. The cost is moved from the public balance sheet onto families.

When caregivers are pushed out of work, two things can happen at once. The caregiver loses income, standing, and years of earned knowledge. And the person they care for may lose the arrangement that kept them at home. In HCPF’s own 2023 report, nursing facility care cost about $40,712 more per person per year than home-based care for members who moved home.

What no one has measured is how often a lost job becomes a lost care arrangement. Colorado does not track it. Neither does any study we have found. We will not pretend otherwise. The honest case is this: Colorado is spending more on long-term care every year, and it does not know how much of that growth begins with a caregiver who could not keep a job. The FLEX Act would start counting. The CARE Act would act on what the count shows.

III. The Legal Gap

The ADA’s association provision prohibits an employer from discriminating against a worker because of their association with a person with a disability. It does not require accommodation. The federal FMLA provides unpaid leave for specific qualifying events. It does not protect ongoing workplace flexibility. No Colorado statute fills either gap.

What exists instead is discretion. An employer who wants to keep a caregiver can offer flexibility. An employer who finds caregiving inconvenient can take it away through a policy change, a schedule tightening, a return-to-office directive, or the thousand small adjustments that make a job untenable without any single one being an actionable wrong. This is creative dismissal.

Creative dismissal defined: the use of facially neutral employment actions (revoked remote work, eliminated flexibility, escalated monitoring, reassigned duties) that together create conditions so adverse a reasonable person would feel compelled to resign. It is constructive discharge carried out through accumulated administrative pressure. Because it is incremental and looks policy-neutral, no enforcement system in Colorado is built to see it.

It falls hardest in the middle of a career: the years of greatest professional investment and greatest caregiving demand.

IV. The Uncredentialed Professional

Every caregiver data instrument we have reviewed defines professional caregiving through credentials: a CNA, a home health aide, a licensed social worker. These are the caregivers the data measures.

The data does not measure the person who has managed a parent's medications, appointments, insurance appeals, and daily care for eight years without a credential. It does not measure the person whose knowledge of elder care was acquired through necessity rather than a degree. This uncredentialed cohort often does work of equal complexity, over longer periods, with less support. It is invisible because the instruments were built around an assumption the workforce does not reflect.

The right to be counted: the CARE Act names this gap in its legislative declaration. CASI's Caring Costs Survey is built to begin measuring it. It is an open survey, not a statistical sample, and its findings are directional. Filling this gap is not a research footnote. It is the foundation of every future caregiver policy argument Colorado makes.

V. The Three Pillars

Pillar 1: Protected class status. Caregiver status would become an enumerated protected class under the Colorado Anti-Discrimination Act. Discrimination based on caregiving would become an unfair employment practice, subject to the same complaint process and standards as every other protected class.

Pillar 2: Accommodation through an interactive process. Employers would acknowledge a request in writing within five business days, work through it in good faith, and decide in writing within 21 days. Accommodations include flexible scheduling, modified start and end times, compressed weeks, temporary remote work, and coordinated leave. An employer could still deny a request for a bona fide operational necessity, a standard tied to real operational disruption, not inconvenience.

Pillar 3: Creative dismissal protection. An employer could not revoke a previously granted accommodation without re-engaging the process and documenting the necessity. If a caregiver separates within 180 days of a request, denial, or revocation, the employer would need to show the separation was voluntary and unrelated to caregiving. Employers who act in good faith already keep these records.

VI. Implementation

The CARE Act would be enforced by the Colorado Civil Rights Division through graduated enforcement: education and a cure period first, corrective action next, full penalties for willful or repeated violations. Penalties would fund a Caregiver Education and Compliance Fund. Like any new protection, it would carry an enforcement cost. Legislative Council Staff would estimate it, and we would rather know that number than guess at it.

VII. Why Two Phases

Colorado does not need to leap. The **FLEX Act**, our 2027 proposal, would give employed caregivers a right to ask for modest flexibility and a written answer on a deadline, with protection from retaliation. It would also require the state to report by November 1, 2030 on what it learned, including whether caregiver status should become a protected class.

Three states give workers some right to ask for a schedule change. No state requires a written decision on a deadline, listed grounds for refusal, and a right to sue, and no state requires employers to accommodate family caregivers. Colorado can be first to do the first, and then decide, with its own evidence, whether to do the second.

That is the CARE Act: the destination, built on the record the FLEX Act would create.

About CASI. The Caregiver Advocacy Support Initiative conducts caregiver advocacy research, develops the Caring Costs Survey, and coordinates coalition work on the FLEX Act and CARE Act.

Mark Fukae | Director of Advocacy, Professionals Who Care | CASI Founder | Registered Colorado Volunteer Lobbyist (303) 817-6995 | mark_fukae@casiadvocacy.org | casiadvocacy.org

Sources: - AARP, *Valuing the Invaluable 2026* (910,000; $16 billion). - AARP & NAC, *Caregiving in the US 2025: Colorado* (7 in 10 work). - HCPF, *Support for Transitions from Institutional Settings* (Nov. 1, 2023): $40,712, 647 members who transitioned, not a statewide average. - Vermont 21 V.S.A. § 309; ORS 653.450; NH RSA 275:37-b.