

The Colorado CARE Act

A Manifesto for Workforce Infrastructure

Modernizing Workplace Protections for 600,000+ Colorado Family Caregivers

Caregiver Advocacy Support Initiative (CASI)

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"Caregiving is not a private burden. It is public infrastructure."

The Problem: Colorado's Invisible Workforce Crisis

Six hundred thousand Coloradans provide unpaid family care while maintaining employment. They change diapers before conference calls. They manage medications during lunch breaks. They coordinate medical appointments around work schedules. They are teachers, nurses, engineers, accountants, firefighters, and civil servants.

And they are systematically discriminated against in the workplace.

Unlike workers protected by the Colorado Anti-Discrimination Act for race, gender, disability, or religion, family caregivers have no legal recourse when employers terminate them for requesting schedule flexibility, deny promotions due to perceived 'unreliability,' or refuse reasonable accommodations that would allow them to maintain both employment and care responsibilities.

This is not a private problem requiring private solutions. This is a systemic failure of workplace law that costs Colorado billions annually in lost productivity, premature institutionalization, and workforce exits.

The Economic Reality: The Medicaid Cliff

When a family caregiver is terminated or forced to resign, two catastrophes occur:

First, Colorado loses a skilled worker during their peak earning years. The state forfeits income tax revenue, economic productivity, and institutional knowledge. The worker often cannot re-enter the workforce due to caregiving demands and employment gaps.

Second—and more expensive—the care recipient enters institutional care earlier than medically necessary. Family care systems collapse without the financial support employment provides. Colorado Medicaid bears the full cost: \$75,000-120,000 annually per nursing facility resident, compared to \$15,000-25,000 in Home and Community-Based Services (HCBS) waiver support that maintains family caregiving.

This is the Medicaid Cliff: the catastrophic expense Colorado incurs when workplace discrimination destroys family care infrastructure.

The Solution: Three Pillars of the CARE Act

The Colorado CARE Act (Caregiver Anti-Discrimination and Reasonable Employment Act) modernizes workplace protections through three integrated reforms:

Pillar I: CADA Modernization

Amend the Colorado Anti-Discrimination Act (C.R.S. § 24-34-401 et seq.) to include 'caregiver status' as a protected class, prohibiting employment discrimination based on an individual's responsibility for providing direct and ongoing care to a family member with a chronic, serious health condition or disability.

Key Provisions:

- Prohibition of discriminatory employment actions (termination, demotion, denial of promotion) based on caregiver status
- Protection from retaliation for requesting reasonable accommodations
- Enforcement through existing Colorado Civil Rights Division (CCRD) complaint process
- Civil remedies including back pay, reinstatement, and compensatory damages

Pillar II: Workforce Retention Through Reasonable Accommodations

Establish a framework for reasonable accommodations that allow employees to maintain caregiving responsibilities without sacrificing employment. Accommodations mirror existing disability accommodation frameworks under the Americans with Disabilities Act (ADA), ensuring legal clarity for employers.

Reasonable Accommodations Include:

- Schedule flexibility for medical appointments and acute care needs
- Temporary remote work during care transitions or crises
- Adjusted work hours or compressed schedules
- Unpaid leave beyond FMLA for caregiving emergencies

Employers retain the right to deny accommodations that impose undue hardship, defined using existing ADA standards. The CARE Act does not mandate paid leave, guaranteed promotions, or exemption from performance standards.

Pillar III: Revenue Neutrality

The CARE Act requires zero new state appropriations. Implementation leverages existing Colorado Civil Rights Division infrastructure, absorbing caregiver discrimination complaints within current CCRD caseload capacity (3,000+ annual cases across all protected classes).

Fiscal Framework:

- General Fund Appropriation Required: \$0
- Administrative Costs: Absorbed within existing CCRD operations
- Projected Annual Medicaid Savings: \$9-18 million (through prevented institutional placements)

- TABOR Compliance: No new revenue generation; savings accrue to Medicaid program
- Implementation Timeline: Immediate upon passage (no rulemaking delay)

The Vision: Caregiving as Infrastructure

Colorado invests billions in roads, bridges, water systems, and broadband because we understand that infrastructure enables economic activity. Family caregiving is infrastructure of equal importance.

Six hundred thousand family caregivers provide an estimated \$13 billion in unpaid care annually—care that would otherwise fall entirely to Colorado Medicaid. This infrastructure operates invisibly until it collapses, triggering the Medicaid Cliff that costs the state far more than proactive workforce protection.

The CARE Act reframes caregiving from a private burden to a public good requiring legal protection. Just as disability discrimination law recognizes that accommodating workers with disabilities benefits the economy, caregiver discrimination law recognizes that supporting family care systems stabilizes both the workforce and the Medicaid budget.

Building the Coalition: Stakeholder Alignment

The CARE Act succeeds when diverse stakeholders recognize their aligned interests:

Stakeholder	How CARE Act Serves Their Interests
Employers	Legal clarity for accommodation requests; retention of skilled workers; reduced turnover costs
Legislators	Revenue-neutral solution during \$850M budget crisis; Medicaid savings; workforce protection without fiscal burden
HCPF/Medicaid	\$9-18M annual savings through prevented institutional placements; strengthened HCBS infrastructure
Disability Advocates	Strengthened family care systems; reduced forced institutionalization; alignment with community integration goals
Labor Organizations	Enhanced worker protections; legal framework for workplace accommodations; support for working families

Budget Hawks

Zero appropriation; Medicaid savings; TABOR compliance; no new revenue generation

The Call to Action: 2026 Legislative Session

Colorado stands at a crossroads. The \$850 million budget shortfall demands fiscal discipline, but fiscal discipline does not require abandoning workforce protection. The CARE Act offers both.

Family caregivers are not asking for special treatment. They are asking for the same workplace protections that Colorado already extends to workers based on race, gender, disability, religion, and sexual orientation. They are asking for the legal recognition that caregiving is not a character flaw requiring termination, but a civic contribution deserving accommodation.

The economic case is clear: protecting family caregivers saves Colorado money. The moral case is equally clear: a state that claims to value families must protect the people who care for them.

The 2026 legislative session offers the opportunity to modernize Colorado's workplace protections, strengthen our care infrastructure, and demonstrate that fiscal responsibility and social progress are not mutually exclusive.

Caregiving is infrastructure. The CARE Act protects it.

About CASI

The Caregiver Advocacy Support Initiative (CASI) is a nonpartisan policy organization providing research, analysis, and legislative frameworks to modernize workplace protections for family caregivers.

Our work bridges the private sector, public policy, and home care systems, positioning caregiving as essential infrastructure rather than private burden.

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For Legislative Inquiries:

We provide comprehensive fiscal analysis, implementation frameworks, and coalition support documentation to legislative offices considering the CARE Act.

For Caregiver Stories:

Share your experience with workplace discrimination at mark_fukae@casiadvocacy.org. Your story helps legislators understand the human impact of legal gaps in caregiver protections.