

A RESOLUTION DECLINING ANY AND ALL PARTICIPATION IN THE COLORADO PAID FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM

RESOLUTION NO. 2022-09-19-01

WHEREAS, in November of 2020, Colorado voters approved Proposition 118, codified in Part 5, Article 13.3 of Title 8, Colorado Revised Statutes (C.R.S.), establishing the Family and Medical Leave Insurance ("FAMLI") Program, a state insurance plan providing paid leave for Colorado workers during certain life circumstances; and

WHEREAS, under the FAMLI Program, employers and their employees are both responsible for funding the program and may split the cost 50/50; the premiums are set at 0.9% of the employee's wage, with 0.45% paid by the employer and 0.45% paid by the employee; and

WHEREAS, the premiums required for FAMLI will be collected starting January 1, 2023, and benefits will begin January 1, 2024; and

WHEREAS, as a local government defined by C.R.S. §§ 8-13.3-503(14) and 29-1-304.5(3)(b), the Board of County Commissioners ("Board") for Phillips County, Colorado ("County") may decline on behalf of the County and its departments to participate in FAMLI following a public meeting and vote of its governing body pursuant to C.R.S. § 8-13.3-522; and

WHEREAS, should the Board decline participation on behalf of the County in FAMLI, its employees will still have the option to participate in the program and remit premiums to the State; and

WHEREAS, the County already provides paid time off to employees in excess of the requirements of the Colorado Healthy Families and Workplaces Act in the form of PTO leave; and

WHEREAS, certain employees of the County are also eligible for job-protected leave under the federal Family and Medical Leave Act ("FMLA");

WHEREAS, the Board believes that County employees are in the best position to determine whether they individually wish to opt into the FAMLI program; and

WHEREAS, pursuant to C.R.S. 24-6-402 (4)(f)(1&2) the Board posted notice of the meeting at which this Resolution was considered in the same manner as any other business before the Board and provided written notice to all County employees regarding the vote process and the opportunity to submit comments; and

WHEREAS, County employees were notified of their right to individually opt into the program and that more information for the FAMLI program can be found at <https://famli.colorado.gov/individuals-and-families>; and

WHEREAS, prior to consideration of this Resolution, the Board read into the record any written comments regarding this Resolution that were received prior to the meeting and oral comments at the meeting; and

WHEREAS, the Board has determined to make a local decision as to how to provide benefits and protections to employees of Phillips County and all of its departments and declines participation in the FAMLI program on behalf of itself and all County departments.

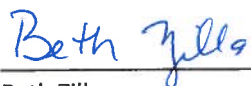
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PHILLIPS COUNTY, THAT:

Section 1. The Board finds and determines that, with regard to the public notice on the decision of whether to decline participation in FAMLI, notice was given, and the meeting was conducted in accordance with the regulations adopted by the Colorado Department of Labor and Employment and codified at 7 CCR 1107-2.

Section 2. The Board, acting by and on behalf of the County and all of its departments, declines any and all participation in the FAMLI Program.

Section 3. The Board further directs its staff to bring the matter of revisiting the decision to decline participation in FAMLI before a future Board by no later than eight years from the date of the vote on this Resolution 2022-09-19-01.

APPROVED AND ADOPTED this 19 day of September, 2022



Beth Zilla
County Clerk and Recorder
Phillips County, Colorado

BOARD OF COUNTY COMMISSIONERS
PHILLIPS COUNTY, COLORADO



Tom Timm



Terry Hofmeister



Garold Roberts

