

RESOLUTION NO. R-022- 069

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

**RESOLUTION DECLINING PARTICIPATION IN THE COLORADO STATE-RUN
PAID FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM (FAMLI).**

WHEREAS, in November of 2020, Colorado voters approved Proposition 118, which established a State-run Paid Family and Medical Leave Insurance program (“FAMLI”); and

WHEREAS, the Board of County Commissioners (the Board) has the authority under Colorado law, including, but not limited to C.R.S. 30-11-103 and 107 to make decisions regarding the County budget, personnel benefits, and employment policies in the unincorporated areas of the County; and

WHEREAS, the Colorado General Assembly enacted legislation known as the Paid Family and Medical Leave Insurance Act (FAMLI) in 2021 C.R.S. § 8-13.3-501, et seq., the provisions of which will become operative beginning January 1, 2023; and

WHEREAS, pursuant to C.R.S. § 8-13.3-522 and implementing rules the Board may decline participation in FAMLI by voting to decline and formally notifying the division of family and medical leave insurance in writing and providing the date of the vote and the local government’s decision to decline participation in the FAMLI program; and

WHEREAS, under FAMLI, employers and their employees are both responsible for funding the program and may split the cost 50/50; the premiums are initially set at 0.9% of the employee’s wages, with 0.45% paid by the employer and 0.45% paid by the employee; with the ability to increase this amount up to 1.2% of wages with certain annual caps; and

WHEREAS, the premiums required for FAMLI for participating employers will be collected starting January 2, 2023, and benefit to begin January 1, 2024; and

WHEREAS, the Board has reviewed and considered the advantages and disadvantages of participation in FAMLI, and the current benefits provided by the County to its employees and concluded that current County provided employment benefits include those that would be provided by FAMLI and FAMLI would require additional costs without additional County benefit; and

WHEREAS, while 57% of Colorado voters voted in favor of FAMLI, only 47% of Douglas County voters voted in favor of FAMLI; and

WHEREAS, even if the Board declines participation in FAMLI, individual County employees may still elect coverage and individual participation and the County could participate any year by giving notice prior to the start of the year; and

WHEREAS, County staff recommended that the Board decline participation in FAMLI.

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

1. As of the date of adoption of this Resolution, Douglas County by and through its Board of County Commissioners provides written notice that it is declining participation in the Paid Family and Medical Leave Insurance Program (FAMLI) by sending a copy of this Resolution to the division of family and medical leave insurance.
2. For purposes of compliance with the regulations promulgated concerning local government participation with FAMLI found at 7 CCR 1107-2, and in particular, Section 7 CCR 1107 2.5.A, the date of the vote of the Board of County Commissioners to decline participation in the date below identified as "Passed and Adopted".
3. Staff is directed to provide county employees with information regarding the FAMLI program as is required by statute and regulation, and to provide payroll deduction processing to any employees who elect to participate in FAMLI as individuals.
4. The County will be required to renew this declination not later than eight (8) years from the passed and adopted date if the Board desires to remain out of the FAMLI program.

THE FOREGOING RESOLUTION WAS VOTED UPON BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS, COLORADO, AND WAS PASSED AND ADOPTED by a vote of 3 in Favor and 0 Against, this 28th day of June, 2022, in Castle Rock, Douglas County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

BY:

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Geo. P. Teal
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~~ALEXANDER, Chair~~ Geo. P. Teal CO-CHAIR
DocuSigned by:

ATTEST:

DocuSigned by:
Kristin Randlett
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KRISTIN RANDETT, Clerk to the Board

