



CITY OF LEADVILLE

Tuesday, June 7th, 2022 – 5:30 P.M.

WORK SESSION AGENDA

800 HARRISON AVE, LEADVILLE, CO.

(Held in-person and via Zoom)

<https://leadville-co-gov.zoom.us/j/83111814072?pwd=RHppaHJJWjFTakpXSDhF...>

Meeting ID: 831 1181 4072

Passcode: 80461

Dial by your location

+1 346 248 7799 US (Houston)

- 5:30 p.m.**
- 1. Call to order of Work Session of City Council**
 2. Roll Call
 3. Approval of Agenda
 4. Housekeeping Matters
 5. Public comments about items not on the agenda
Citizens wishing to speak to council on issues not on the agenda are requested to send a message in the chat section or raise your hand in the participants section of Zoom or in person. Staff will call on public in order. Comment is limited to three (3) minutes (not including council questions). Action, if required, will be assigned to city staff. For matters on the agenda public input will be heard prior to a vote being taken on the matter.
- 5:40 p.m.**
6. A. Presentation on FAMLI Program Options

* These items may not have briefs or may have additional briefs Tuesday before the Council meeting.



Work Session Presentation: FAMLI Program

City of Leadville, Colorado

June 7, 2022

Presented by Christiana McCormick, City Attorney



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- FAMLI Program Overview
- Option 1: Stay in Program
- Option 2: Opt Out of Program
- Opt Out Procedures

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FAMLI Program Overview: The Basics

- Paid Family and Medical Leave Insurance (“FAMLI”) Program
- Approved by Colorado voters in November 2020
- Permits a “covered individual” to take 12 weeks paid leave for certain reasons
- Employers in the FAMLI Program must pay premiums to the State for the Program
- Local governments may opt out of the FAMLI Program (which would result in the local government NOT paying premiums)



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FAMLI Program Overview: Eligible Reasons for Paid Leave



- Care for a new child within first year of birth, adoption, or placement through foster care
- Care for family member with serious health condition
- Employee has serious health condition
- Leave based on a need related to family member active duty or call to active duty
- Leave related to employee or family member being victim of domestic violence, stalking, sexual assault or abuse

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Option 2: Opt Out of Program

- City can choose to opt out of the program
- Opting out (by the deadline) would mean the City does not pay any premiums to the State
- Individual employees can still choose individual coverage under the FAMLI Program if the City opts out



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Opting Out: Process and Effect

- To opt out of the FAMLI Program, City Council must vote on it (“declination vote”)
- Prior to declination vote, must notify employees in writing of date/time of declination vote, information on the vote process, and employees’ opportunity to submit comments
- After declination vote, must give employees notice of decision within 30 days (notice required to include certain information)
- Must still register with FAMLI and must inform FAMLI of vote to opt out of Program
- Can choose to facilitate payroll deductions for employees
- Must vote to decline coverage (if that’s the decision of Council) at least every 8 years
- Can opt back in after voting to opt out

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QUESTIONS?



Preparing for FAMLI

Local Governments

Unlike businesses, Colorado local governments have options regarding their participation in the paid Family and Medical Leave Insurance (FAMLI) program. Here are the steps local governments should take to prepare for FAMLI:

1 Determine your local government's participation in FAMLI

Local governments have three options regarding participation in the FAMLI program:

- **Participate in FAMLI.** This option means the local government agency agrees to pay the employer share of the premium (0.45% of wages if the local government has 10 or more employees, and 0% of wages if the local government has fewer than 10 employees) and remit employees' share of the premium (0.45% of wages) along with wage data to the FAMLI Division once a quarter.
- **Decline participation in FAMLI.** In order to decline participation in the FAMLI program, the local government's governing body must vote to do so. The local government must then notify the FAMLI Division of their vote to decline participation. The decision to decline is good for eight years from the date of the vote to decline participation. The local government must hold another vote if it wishes to continue opting-out beyond eight years.
- **Decline employer participation in FAMLI.** This option allows a local government agency to decline participation as described above, while allowing the agency to assist employees who want to individually participate in the FAMLI program by facilitating voluntary payroll deductions, with remittance of the employee share of the premium (0.45% of wages) and wage data once a quarter to the FAMLI Division.

When can we vote to opt out of FAMLI?

Anytime during 2022, but local governments are not *required* to give FAMLI notice of their decision to opt out until January 1, 2023.

2 Register with the FAMLI system (Fall 2022)

Every local government employer must register with FAMLI's online system, including those which choose not to participate in FAMLI. Registering with the system and uploading your documents will enable FAMLI to keep track of local government employers' current intentions for participation, the obligation to revisit a declination vote after eight years, and enable local government employers to provide an affordable benefit if they choose to remit premiums and wage data for employees who self-elect coverage.

FAMLI's online employer service system is expected to be available for registration during the Fall of 2022, during which time we will have support staff available to help employers navigate the process.

3 Notify FAMLI of your local government's decision

Local governments which vote to decline participation in the FAMLI program must notify the FAMLI Division of their decision by January 1, 2023.

What does our local government need to send to FAMLI?

After registration, a local government that votes to opt-out of the FAMLI program must notify the FAMLI Division on letterhead and must indicate the date the vote was taken and the result of the vote. If the local government has voted to opt out, but intends to assist its employees who choose to individually participate in the FAMLI program, this information must be included in the notification as well. This notification must be received **by January 1, 2023**.

What happens if we do not take a vote, or send a letter?

Local governments which do not notify the FAMLI Division of a vote to opt-out by January 1, 2023 will be identified as participants in the FAMLI program. The FAMLI Division will expect both wage data and premium payments due on April 1, 2023. You must notify the Division ahead of January 1, 2023 to avoid paying premiums.

What are the timelines in the rules?

The rules have several timelines to be aware of and follow depending on the option selected by the governing body. Below is a list of the timelines. Please see 7 CCR 1107-2 for more information.

- Local governments must notify employees of their decision on FAMLI participation within **30 days after** the deciding vote. This gives local governments time to communicate their decision to their employees.
- If the local government chooses to decline to fully participate in the FAMLI program, the decision must be revisited every **eight years** at a minimum.
- **180 days notice** must be given to employees before any change regarding access to FAMLI benefits is effective. This gives workers time to make arrangements and self-select coverage if they wish to do so. Benefits do not start until 2024.
- Local governments which choose to fully participate in FAMLI after previously voting to decline participation, as well as individuals who self-elect coverage, must remain in the program and agree to pay premiums for a **minimum of three years**. If a local government wishes to withdraw from the program at the end of the three-year period, the Division requires a **minimum of 90 days notice**, so we can change systems to avoid overpayments and miscommunication.



COLORADO
Family and Medical Leave
Insurance Program (FAMLI)
Department of Labor and Employment

