

**CITY OF LEADVILLE, COLORADO
RESOLUTION NO. 29
SERIES OF 2022**

**A RESOLUTION OPTING OUT OF THE PAID FAMILY AND MEDICAL LEAVE
INSURANCE (“FAMLI”) PROGRAM**

WHEREAS, in November 2020, Colorado voters approved Proposition 118 creating the Paid Family and Medical Leave Insurance Program (“FAMLI” or the “FAMLI Program”); and

WHEREAS, the FAMLI Program requires participating employers to remit to the FAMLI Division of the Colorado Department of Labor premiums in the form of 0.9% of all employees’ gross wages beginning January 1, 2023, and permits participating employers to require that employees pay for one-half of the premium amounts; and

WHEREAS, the FAMLI Program allows local governments to decline to participate in the FAMLI Program while also allowing local government employees to individually opt into the FAMLI Program; and

WHEREAS, the City of Leadville (the "City") already provides its employees with paid time off and other employee benefits; and

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

WHEREAS, pursuant to 7 CCR 1107-2 §2.6(A)(2), the City posted notice of the meeting at which this Resolution was considering in the same manner as any other business before Council and additionally provided advance written notice to all City employees regarding the City Council's planned consideration of this Resolution and the opportunity to submit comments; and

WHEREAS, in addition, the City employees have been notified of: (1) their right to individually opt into the FAMLI Program under C.R.S. § 8-13.3-514, and (2) that more information for the FAMLI Program may be found at <https://famli.colorado.gov/>; and

WHEREAS, prior to consideration of this Resolution, the City Council read into the record any written comments regarding this Resolution received prior to the meeting and accepted oral comments at the meeting from the City employees and other interested parties, if any; and

WHEREAS, the City Council has determined that declining to participate in the FAMLI Program is in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEADVILLE, COLORADO, AS FOLLOWS:

Section 1. Participation in FAMLI Program Declined. The City Council hereby declines to participate in the FAMLI Program.

Section 2. Payment of Employee Premiums. The City Council hereby determines that the City shall pay _____ percent (___%) of each employee's FAMLI premiums for all employees who individually decide to participate in the FAMLI Program. If the percent listed above is greater than zero, City Council directs that City staff account for this expense in the City's budget for 2023 and future budgets, unless City Council directs otherwise.

Section 3. Payroll Deductions. The City Council desires to support employees who participate in the FAMLI Program by voluntarily deducting and remitting the employee share of the FAMLI premium and corresponding wage data to the State's FAMLI Division every quarter.

Section 4. Instruction to Notify FAMLI Division. The City Council directs the City Administrator or her designee to notify the FAMLI Division of this decision. Specifically, the City Administrator or her designee shall provide the FAMLI Division with a certified copy of this Resolution.

Section 5. Instruction to Notify City Employees. The City Council directs the City Administrator or her designee to provide individual notice of this decision to City employees within thirty (30) calendar days of the date of this Resolution.

Section 6. Instruction to Post Notice of this Decision in the Workplace. The City Council directs the City Administrator or her designee to post notice of this decision in a conspicuous and accessible place in each establishment where employees are employed by the City, as required by 7 CCR 1107-2, within thirty (30) calendar days of the date of this Resolution.

Section 7. Severability. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining issues of this resolution.

Section 8. Effective Date. This Resolution shall be effective immediately upon approval of the City Council of the City of Leadville.

ADOPTED this 6th day of September 2022 by a vote of ___ in favor, ___ against, ___ abstaining, ___ absent.

CITY OF LEADVILLE, COLORADO:

By: _____
Greg Labbe, Mayor

ATTEST:

Deputy City Clerk