

RESOLUTION NO. 22-43

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

**A RESOLUTION DECLINING EMPLOYER PARTICIPATION IN THE
COLORADO PAID FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM**

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

WHEREAS, as a local government as defined by C.R.S. §§ 8-13.3-503(14) and 29-1-304.5(3)(b), Huerfano County may decline 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 County decline participation in the FAMLI Program as an employer and the statutory provisions of the FAMLI Program will not apply, the County may facilitate the premiums for any of its employees choosing to participate individually in the FAMLI Program; and

WHEREAS, all Huerfano County employees were notified in writing prior to the Board’s vote regarding FAMLI participation; and

WHEREAS, that written notice provided both information regarding the vote process and the opportunity to submit comments prior to or at the public meeting held on December 20, 2022, when the Board considered declining to participate in the FAMLI program; and

WHEREAS, at a public meeting held on December 20, 2022, the Board of County Commissioners invited input from the public and County Employees on the decision whether to participate in FAMLI; 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

WHEREAS, the Board has concluded that the current benefits provided to County employees is comparable to, and inclusive of, benefits allowable under FAMLI; and

WHEREAS, after hearing all of the testimony given and considering all documents submitted to the Board at the public hearing, the Board finds it appropriate to decline participation in the FAMLI program; and

WHEREAS, after hearing all of the testimony given and considering all documents submitted to the Board at the public hearing, the Board finds it appropriate to facilitate the collection of employee premiums through paycheck deductions for payment to FAMLI for those employees who elect FAMLI coverage pursuant to C.R.S. § 8-13.3-514(1) by offering an equivalent plan through the County Benefits Provider, currently American Fidelity; and

WHEREAS, for the declination of participation in the FAMLI program to become effective, the local government must formally notify the Colorado Division of Family and Medical Leave Insurance (FAMLI Division) in writing and provide the date of the vote and the local government's decision to decline participation in the FAMLI program.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Huerfano County, Colorado that:

1. The Board of County Commissioners finds and determines that, with regard to the public hearing meeting 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.
2. The Board of County Commissioners, acting by and on behalf of the County, declines participation in the FAMLI Program as an employer, but will collect and remit employee premiums for those employees who elect coverage under FAMLI through an equivalent plan.
3. No later than December 31, 2022, staff shall prepare and send written notice of the Board's decision's decision, as set forth herein, to the FAMLI Division of the Colorado Department of Labor.
4. Within 30 days following the date of this Resolution, staff shall prepare and send written notice of the Board's decision, as set forth herein, to all Huerfano County employees, regarding their right to voluntarily opt into the FAMLI program, pursuant to C.R.S. § 8- 13.3-514, with the contact information for the FAMLI Division, and any other regulatory notification required under FAMLI, by statute and regulation.
5. The Board of County Commissioners 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.

INTRODUCED, READ, APPROVED AND ADOPTED THIS 20th day of DECEMBER 2022.



ATTEST:

County Clerk and Recorder and
Ex-Officio Clerk to said Board

BOARD OF COUNTY COMMISSIONERS
OF HUERFANO COUNTY, COLORADO

BY _____
Gerald Cisneros, Chairman

John Galusha, Commissioner

Arica Andreatta, Commissioner