



**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 22- 39**

**A RESOLUTION DECLINING PARTICIPATION IN THE FAMLI PROGRAM AND
PROVIDING FOR NOTIFICATION TO THE STATE OF COLORADO OF SUCH
DECLINATION OF PARTICIPATION**

WHEREAS, the Board of County Commissioners 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; and

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

WHEREAS, C.R.S. § 8-13.3-522 provides that a local government may decline participation in the family and medical leave insurance program pursuant to rules promulgated by the State of Colorado; and

WHEREAS, the Colorado Department of Labor and Employment, Division of FAMLI (Division) has promulgated 7 CCR 1107-2 pursuant to the foregoing authority; and

WHEREAS, pursuant to Section 2.6(A)(2) of 7 CCR 1107-2, the Board finds that public notice of this Resolution was properly provided in the same manner as notice of Board of County Commissioner meetings and actions; and

WHEREAS, pursuant to Section 2.6(A)(2) of 7 CCR 1107-2, the Board finds that the Human Resources Department has provided notification in writing to the employees of the County prior to the Board's adoption of this Resolution and informed employees of their opportunity to comment to the Board regarding this Resolution; and

WHEREAS, the Board finds that it has provided the opportunity to the public and to County employees the opportunity to be heard regarding this Resolution prior to its adoption; and

WHEREAS, the Board has reviewed and considered comments it has received, the advantages and disadvantages of participation in FAMLI, and the current benefits provided by the County to its employees; and

WHEREAS, the Board finds it in the best interests of the County, the public and County employees that Gunnison County should decline participation in FAMLI; and



WHEREAS, an employee of a local government that has declined participation in the program may elect coverage and individual participation pursuant to the laws and rules governing such election; and

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Gunnison County hereby declines participation in the in the family and medical leave insurance program;
2. Pursuant to Section 2.6(A)(2) of 7 CCR 1107-2, the Gunnison County Human Resources Department is hereby directed to, within 30 days of the adoption of this Resolution provide County employees with a written individual notice of the local government's declination vote and the impact toward FAMLI, or other paid family and leave insurance coverage.
 - a. The notice shall explain the differences between benefits offered by the FAMLI program and any private plan offered by the local government.
 - b. The notice shall state which employees, if any, are eligible for job protection under the federal Family and Medical Leave Act (FMLA) benefits or other local provisions were applicable.
 - c. The notice shall contain information regarding the right of local government employees to voluntarily opt into FAMLI benefits pursuant to Section 8-13.3-514 C.R.S., and the contact information for the Division.
 - d. The notice shall be displayed in a conspicuous and accessible place in each County building or facility where County employees are employed.
3. Pursuant to Section 2.5(A) of 7 CCR 1107-2, the Gunnison County Human Resources Department is hereby directed to provide a copy of this executed and attested Resolution to the Division.
4. Pursuant to Sections 2.5(C) and 2.6(B) of 7 CCR 1107-2, the Gunnison County Human Resources Department is hereby directed to bring this Resolution before the Board no later than eight (8) years after its adoption.
5. To the extent not included above, the Human Resources Department 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.



INTRODUCED by Commissioner Smith, seconded by Commissioner Mason, and **ADOPTED AND EFFECTIVE** this 18th day of October 2022.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

ABSENT

Jonathan Houck, Chairperson

Roland Mason, Vice-Chairperson

Elizabeth Smith, Commissioner

Attest:

Melaine Bellig
Clerk/Deputy Clerk to the Board

