

**A RESOLUTION DECLINING THE CITY OF COMMERCE CITY'S PARTICIPATION
IN THE PAID FAMILY MEDICAL LEAVE INSURANCE PROGRAM**

NO. 2022-91

WHEREAS, in November 2020, Colorado voters approved Proposition 118, which created a state-run paid Family Medical Leave Insurance (FAMLI) program;

WHEREAS, the FAMLI program is codified at Colorado Revised Statutes §§ 8-13.3-501, *et seq.*, and is administered through the Colorado Department of Labor and Employment, Division of Family and Medical Leave Insurance;

WHEREAS, a local government may decline participation in the FAMLI program by a vote of its governing body under Colorado Revised Statute § 8-13.3-522, and interested employees may still elect to participate individually under Colorado Revised Statute § 8-13.3-514;

WHEREAS, on September 13, 2022, notice was provided to employees and the public of the opportunity to testify and submit comments to City Council of Commerce City, Colorado regarding the City's participation in the FAMLI program at a public hearing on September 19, 2022;

WHEREAS, a public hearing was held on September 19, 2022 during which employees were given the opportunity to testify and submit comments to City Council of Commerce City, Colorado regarding the FAMLI program; and

WHEREAS, City Council of Commerce City, Colorado has made a local decision as to how to provide benefits and protections to employees of Commerce City and consistent therewith declines participation in the FAMLI program.

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

Section 1. Declination of the FAMLI Program. The City Council of Commerce City, Colorado, as the governing body of the City of Commerce City, hereby declines participation by the City of Commerce City in the paid Family Medical Leave Insurance (FAMLI) program under Colorado Revised Statute § 8-13.3-522.

Section 2. Authority to Implement Resolution. The Mayor, Mayor Pro Tem (in the Mayor's absence), and City staff are hereby authorized and directed to take all actions necessary to implement the provisions of Section 1 above including providing formal notice to the Colorado Department of Labor and Employment, Division of Family and Medical Leave Insurance regarding the City of Commerce City's decision to decline all participation in the FAMLI program.

Section 3. Effective Date. This Resolution shall be effective immediately upon passage as set forth in the Commerce City Charter.

RESOLVED AND PASSED THIS 19TH DAY OF SEPTEMBER 2022.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk