

RESOLUTION NO. 2022-138

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, DECLARING THE INTENT OF THE CITY OF BRIGHTON TO OPT OUT OF THE COLORADO PAID FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM (FAMLI) PURSUANT TO COLORADO REVISED STATUTES SECTION 8-13.3-522

WHEREAS, the City of Brighton, Colorado (“City”) is a home rule municipality with all powers and authority provided by Colorado law; and

WHEREAS, in November 2020, Colorado voters approved Proposition 118, which created the Paid Family Medical Leave Insurance (FAMLI) program codified in state statutes at C.R.S. § 8-13.3-501 *et seq*; and

WHEREAS, the City believes that its existing short-term and long-term disability benefits along with sick leave and paid time off provide a safety net for most eligible City employees in the event of a qualifying reason necessitating paid family or medical leave; and

WHEREAS, the City wishes to give employees the choice to participate on their own rather than require all employees participate and to exempt the City from participation; and

WHEREAS, the City of Brighton has allowed public comment on this resolution and the decision on whether or not the City should participate in the FAMLI program; and

WHEREAS, should the City of Brighton decline to participate in FAMLI, City employees will still have the option to participate in the program and remit premiums to the State individually; and

WHEREAS, the City Council believes it is in the best interests of the City after review of the costs and benefits of the FAMLI program and existing employee benefits and has determined that the City of Brighton should decline to participate in the FAMLI program and decline to withhold and remit the employee share of the premiums for City employees who elect FAMLI coverage.

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

Section 1. This item was before City Council on December 6, 2022 with the opportunity for public comment on the decision of whether to decline participation in the FAMLI program, and notice was given to employees of this agenda item and their opportunity to provide public comment.

Section 2. The City Council hereby declines full participation in FAMLI, to include declining to collect and remit employee premiums to the State for those employees who elect coverage under FAMLI. The City Council directs staff to provide a copy of this Resolution and notification of this decision to the Colorado Department of Labor and Employment.

Section 3. The City Council further directs staff to bring the matter of FAMLI program participation before a future City Council by no later than eight years from the date this Resolution is approved.

Section 4. This Resolution is effective as of the date of its adoption.

RESOLVED this 6<sup>th</sup> day of December, 2022

CITY OF BRIGHTON, COLORADO

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GREGORY MILLS, Mayor

ATTEST:

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NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

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ALICIA CALDERÓN, City Attorney