

ESTES VALLEY FIRE PROTECTION DISTRICT

**RESOLUTION 2022-04 DECLINING PARTICIPATION IN THE COLORADO
FAMILY AND MEDICAL LEAVE INSURANCE (FAMLI) PROGRAM**

WHEREAS, the Estes Valley Fire Protection District (“District”) is a quasi-municipal corporation and political subdivision of the State of Colorado (“State”) and a duly organized and existing special district pursuant to Article 1 of Title 32, C.R.S.; and

WHEREAS, the District Board of Directors (“Board”) recognizes that in 2020, Colorado voters approved Proposition 118 creating a state-run paid Family and Medical Leave Insurance (FAMLI) program (now codified in Sections 8-13.3-501, *et seq.*, C.R.S.); and

WHEREAS, the Board has made a commitment to its staff to provide and continuously evaluate an effective and robust set of benefits supporting the whole health of its staff, and believes that current benefits are currently of high quality and value to District employees; and

WHEREAS, the special district community has recognized that the rules for government entity participation in this particular benefit are not yet completely clear and further that participation in FAMLI would require the District to collect and remit a portion of District employees’ salary to the State of Colorado to fund paid family leave insurance for up to twelve (12) weeks, with an additional four (4) weeks under specific circumstances; and

WHEREAS, District’s employees were notified in writing of the date, time, and location of a public meeting; that participation in FAMLI would be discussed and considered by the Board; and District employees were provided with information regarding the vote process and opportunity to submit comments to the Board; and

WHEREAS, District employees also were invited to informally express their opinions to the Fire Chief and Board on participation prior to this Board meeting, and will evaluate the District’s current benefits further without adding FAMLI; and

WHEREAS at the October 26, 2022 meeting the Board has accepted any offered comments in writing and testimony regarding participation in FAMLI prior to voting on this Resolution; and

WHEREAS, pursuant to Section 8-13.3-522(1), C.R.S., the Board may decline participation in FAMLI if it finds and determines that participation is not in the interest of the District; and

WHEREAS, a decision to decline participation in FAMLI will be valid for eight (8) years at which point the Board must again decide by resolution whether to continue non-participation, and has further committed to an annual review of this decision; and

WHEREAS, the Board hereby finds and determines that it is in the best interest of the District to decline participation in FAMLI.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Estes Valley Fire Protection District as follows:

1. Non-Participation/Opt Out. For the reasons set forth in the Recitals the District declines participation in the Family and Medical Leave Insurance Program, Sections 8-13.3-501, *et seq.*, C.R.S.

2. Notice to State. Notice of the Board's decision shall be provided to the Division of Family and Medical Leave Insurance prior to the effective date of FAML I and as soon as the FAML I Division has opened its employer portal.

3. Notice to Employees. Notice of the Board's decision shall be provided to all employees within thirty (30) days from the date of this decision and contain the following information:

a. An explanation of the differences between benefits offered by the FAML I program and any private plan offered by the District;

b. Which employees, if any, are eligible for job protection under the federal Family and Medical Leave Act (FMLA) benefits or other personnel policies applicable to the District's employees;

c. Information regarding the right of District employees to voluntarily choose to personally contribute to their own savings for optional FAML I benefits; and

d. The contact information for the FAML I Division.

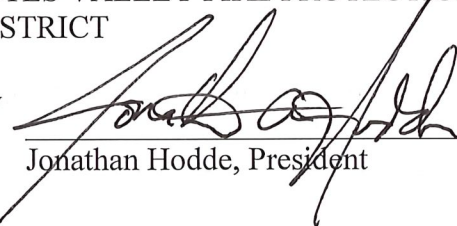
4. Severability. If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

5. Effective Date. This Resolution shall take effect and be enforced immediately upon its approval by the Board.

ADOPTED this 30th day of November, 2022.


ESTES VALLEY FIRE PROTECTION
DISTRICT

By



Jonathan Hodde, President

Attest:

A handwritten signature in cursive script that reads "David Hamrick". The signature is written in black ink and is positioned above a horizontal line.

David Hamrick, Secretary