

1 **BY AUTHORITY**

2 RESOLUTION NO. CR22-0881
3 SERIES OF 2022

COMMITTEE OF REFERENCE:
Finance & Governance

4 **A RESOLUTION**

5 **Declining participation in the Colorado “Paid Family and Medical Leave**
6 **Insurance Act” pursuant to C.R.S. § 8-13.3-522(1).**

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9 **WHEREAS**, Colorado voters approved Proposition 118 in November of 2020, creating
10 a paid family and medical leave insurance program for qualified Colorado workers (“FAMLI
11 insurance program”); and,

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13 **WHEREAS**, the council finds and determines that, unless the city declines to
14 participate in the FAMLI insurance program, the city and employees will be required to make
15 contributions to the FAMLI insurance program beginning 2023 (for benefits beginning 2024)
16 based upon a percentage of employee wages; and,

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18 **WHEREAS**, the council finds and determines that, based upon initial estimates,
19 participation in the FAMLI insurance program will cost the city and city employees nearly \$10
20 million in 2023; and,

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22 **WHEREAS**, the council finds and determines that the city, through the Office of
23 Human Resources, can create and administer its own paid family leave program that will
24 result in superior benefits for city employees at no costs to city employees and at a lower cost
25 to the city; and,

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27 **WHEREAS**, the council finds and determines that, the Office of Human Resources
28 proposes an alternative plan which will provide city employees with eight weeks or 320 hours
29 of full salary replacement and be called a “care bank” and be set up through career service
30 rules effective January 1, 2023; and,

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32 **WHEREAS**, the council finds and determines that, the proposed care bank is a better
33 alternative for the city and the majority of city employees and that the city should decline to
34 participate in the FAMLI insurance program and create the care bank as proposed by the
35 Office of Human Resources; and,

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37 **WHEREAS**, the council finds and determines that, 7 CCR 1107-2, para 2.6 of the
38 Code of Colorado Regulations requires an affirmative vote to decline participation in the
39 FAMLI insurance program but such declination is not permanent and must be reconsidered
40 at a minimum every eight years to avoid automatic enrollment; and,

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42 **WHEREAS**, the council finds and determines that, as part of the administration of the
43 care bank, the Office of Human Resources is responsible to manage the timely
44 reconsideration and bring forward the required council vote to decline participation as
45 necessary to avoid the unintended automatic enrollment in the FAMLI insurance program.
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1 **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY AND COUNTY OF**
2 **DENVER:**

3 **Section 1.** The City Council hereby declines participation in the Colorado **“Paid Family and**
4 **Medical Leave Insurance Act”**.

5 **Section 2.** The City Council hereby directs the Office of Human Resources to create and
6 administer the proposed care bank as an alternative to participating in the state insurance program.

7 COMMITTEE APPROVAL DATE: August 2, 2022

8 MAYOR-COUNCIL DATE: August 9, 2022

9 PASSED BY THE COUNCIL: _____,
10 _____ - PRESIDENT

11 ATTEST: _____ - CLERK AND RECORDER,
12 EX-OFFICIO CLERK OF THE
13 CITY AND COUNTY OF DENVER

14 PREPARED BY: Robert McDermott, Assistant City Attorney DATE: August 18, 2022

15 Pursuant to section 13-9, D.R.M.C., this proposed resolution has been reviewed by the Office of the
16 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
17 resolution. The proposed resolution is not submitted to the City Council for approval pursuant to
18 § 3.2.6 of the Charter.

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20 Kristin M. Bronson, Denver City Attorney

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22 BY: _____, Assistant City Attorney DATE: _____,
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