

**PLUM CREEK WATER RECLAMATION AUTHORITY
DOUGLAS COUNTY, COLORADO**

RESOLUTION NO. 2022-2

**A RESOLUTION TO DECLINE PARTICIPATION IN THE PAID FAMILY AND MEDICAL
LEAVE INSURANCE PROGRAM**

WHEREAS, the Colorado Division of Family and Medical Leave Insurance (the “Division”) operates a statewide insurance program (the “FAMLI Program”) pursuant to the Paid Family and Medical Leave Insurance Act, §§ 8-13.3-501 through 524, C.R.S. (the “Act”) which provides benefits for employees who take medical leave for which they are eligible under state and/or federal law; and

WHEREAS, pursuant to §§ 8-13.3-522, C.R.S., and 7 CCR 1107-2, Regulation 2.6, local government employers may decline to participate in the Program under certain conditions; and

WHEREAS, Plum Creek Water Reclamation Authority (“PCWRA”) has timely posted public notice of the agenda of the PCWRA Board of Directors (the “Board”) including an action item for this Resolution as required by law and in the same manner by which the public is given notice of other business that comes before the Board; and

WHEREAS, the Board has invited public comment including testimony from interested parties in accordance with the Board’s policy and procedural rules prior to voting on this Resolution; and

WHEREAS, in addition to its standard notice and public comment procedures, the Board has caused written notice to be provided to PCWRA’s employees prior to the date hereof, which notice has provided both information regarding the Board’s voting process and the opportunity to submit comments through a public process to the Board; and

WHEREAS, having been fully advised concerning the aforementioned statutes and regulations the Board has determined that participation in the FAMLI Program is not in the best interests of PCWRA, or its employees, or the wider community at this time.

BE IT THEREFORE RESOLVED that PCWRA shall and hereby does decline participation in the FAMLI Program.

BE IT FURTHER RESOLVED that PCWRA shall comply with all conditions and requirements applicable to the declination of participation as set forth in the aforementioned statutes and regulations including without limitation the following:

1. Within thirty (30) days following the date hereof, PCWRA shall provide its employees with a written individual notice of the Board’s adoption of this Resolution declining participation in the FAMLI Program, which written notice will contain the following information:

- a. A description of the impact of this Resolution with regard to FAMLI coverage or other paid family and leave insurance coverage as applicable.

- b. An explanation of the differences between benefits offered by the FAML I Program and any private plan offered by PCWRA, as applicable.
- c. The eligibility criteria for job protection under the federal Family and Medical Leave Act (“FMLA”) and applicable PCWRA policies.
- d. Information regarding the right of PCWRA employees to voluntarily opt into FAML I benefits pursuant to § 8-13.3-514 C.R.S., and the contact information for the Division.

2. The above-referenced notice will be displayed in a conspicuous and accessible place in each building and facility where PCWRA employees are employed and will be posted conspicuously on PCWRA’s website. PCWRA’s Manager or designee is directed to request any posters and notices developed and made available by the Division for the required notice and posting, and to pay the printing and mailing costs of such materials if required by the Division.

3. PCWRA’s Manager or designee is directed to determine whether 5% or more of PCWRA employees use a primary language other than English, and to provide notification to the Division if PCWRA needs notices and posters printed in languages other than English or Spanish.

BE IT FURTHER RESOLVED that the Board shall reconsider participation in the FAML I Program no later than eight (8) years after the date hereof and shall notify the Division of the Board’s decision at that time as required by law. It is recognized and acknowledged that the Board may reconsider and elect coverage annually pursuant to 7 CCR 1107-2, Regulation 2.5.

BE IT FURTHER RESOLVED that this Resolution shall take effect January 22, 2023, which is 180 days after the date hereof, to allow individual employees the opportunity to opt into the benefits program pursuant to § 8-13.3-514 C.R.S., should individuals choose to elect coverage.

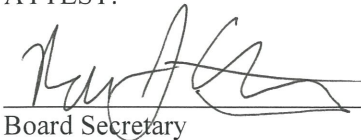
BE IT FURTHER RESOLVED that execution of this Resolution is conclusive evidence of the Board’s approval of this action and instructions to the Manager.

Adopted and approved in accordance with the Board’s policy, bylaws, and statutory obligations, this 26th day of July 2022.



Board President

ATTEST:



Board Secretary