CITY OF IDAHO SPRINGS
1711 Miner Street
P.O. Box 907
Idaho Springs, CO 80452-0907
Telephone (303) 567-4421
FAX (303) 567-4955

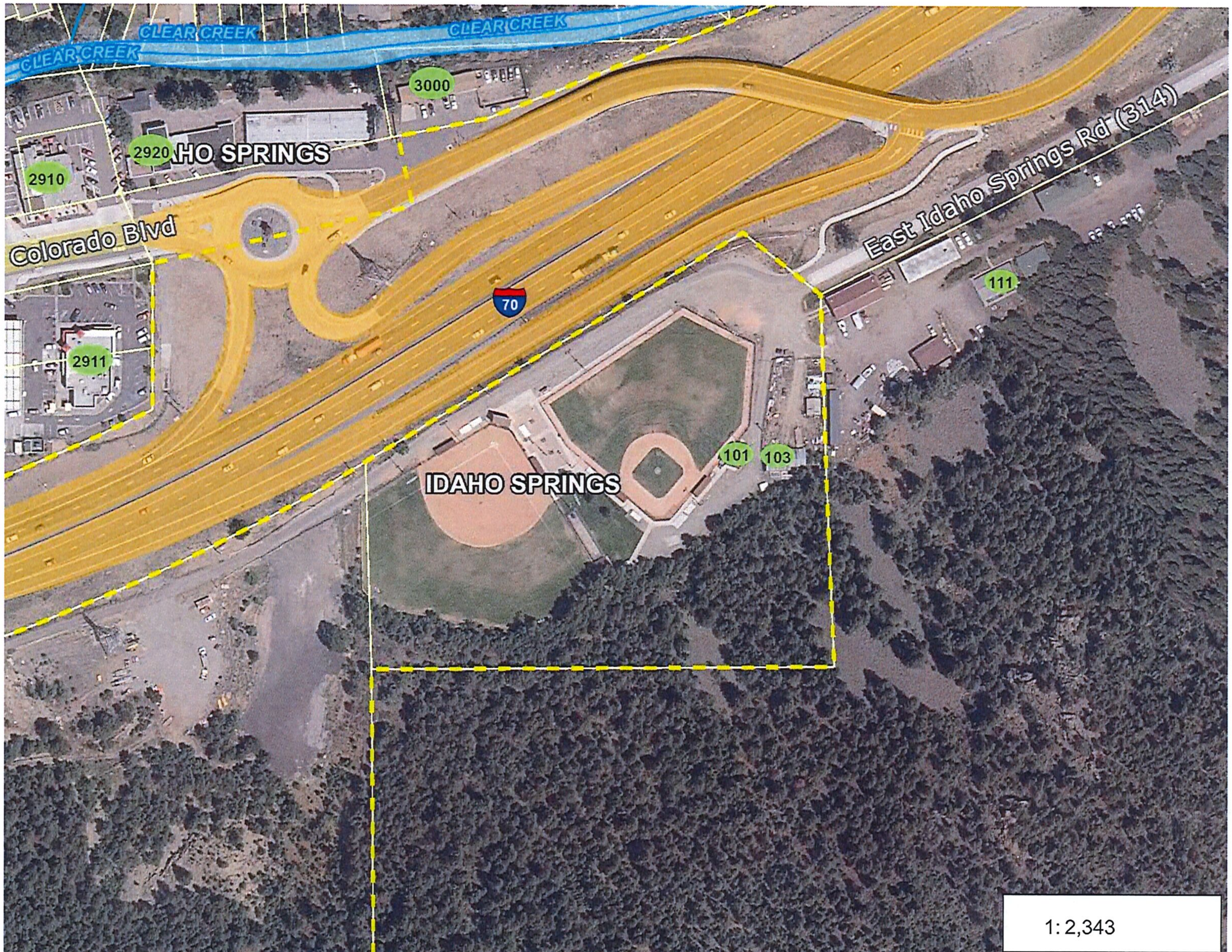
NOTICE AND AGENDA OF WORK SESSION MONDAY June 20th, 2022 6:00 p.m.

- Skateboard Park Update
- Family Medical Leave Insurance (FAMLI) program
- Water and Sewer staff reorganization

IN-PERSON AND REMOTE MEETING PUBLIC ATTENDANCE AND PARTICIPATION INSTRUCTIONS

The Public is able to view and hear this meeting remotely at the following address on the City's website:
https://www.colorado.gov/pacific/idahosprings/city-council-live

Clear Creek County Interactive Map



Legend

- Address
- Roads (1 inch = 200 feet)
  - HIGHWAY
  - MAJOR ARTERIAL
  - COLLECTOR
  - LOCAL
  - SERVICE
  - 4WD
- Streams
- Lakes
- Towns (zoomed in)
- Parcels

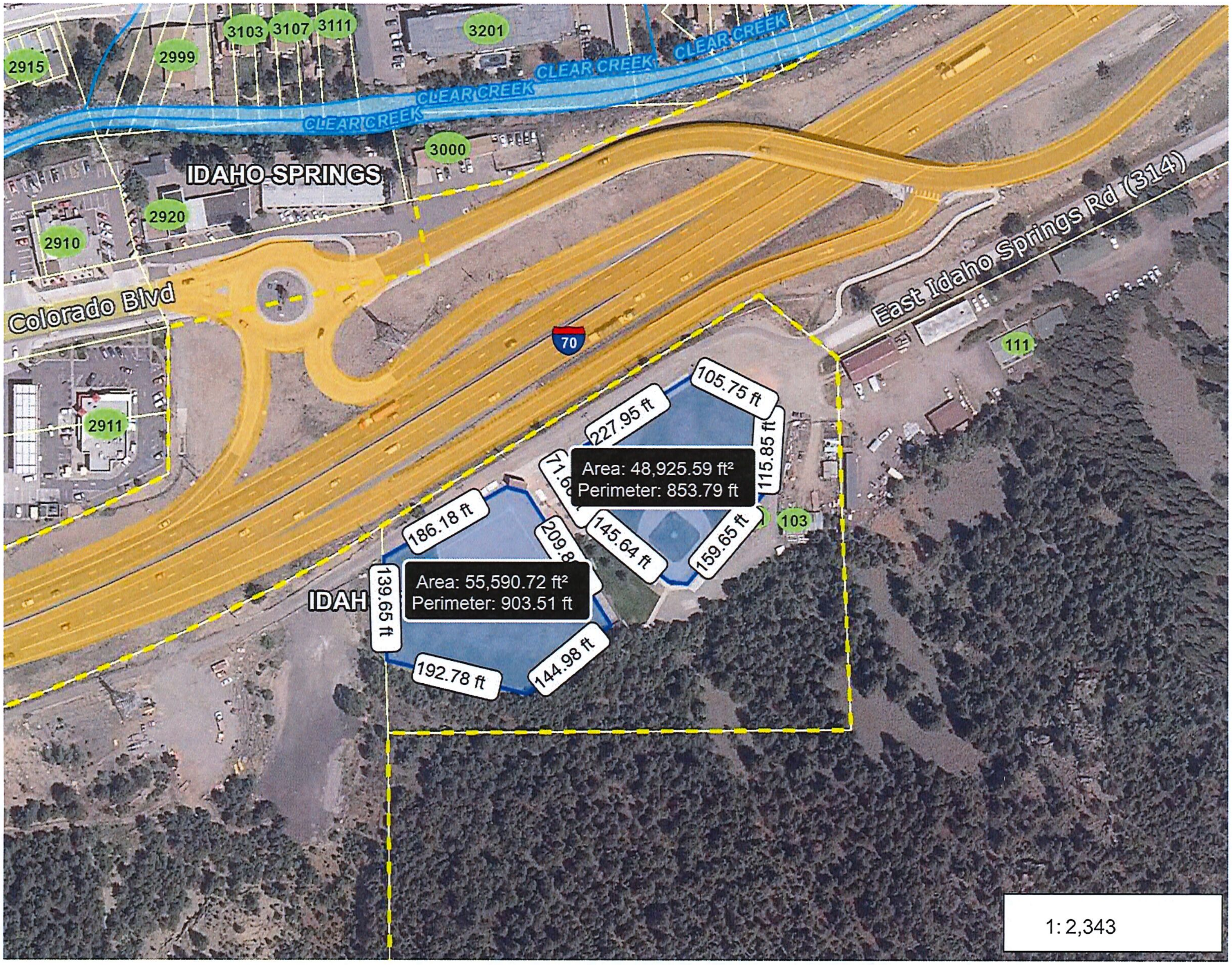
1: 2,343

390.5 0 195.27 390.5 Feet

NAD_1983_2011_StatePlane_Colorado_Central_FIPS_0502_Ft_US
Map Created: May 20, 2022

Notes

Clear Creek County Interactive Map



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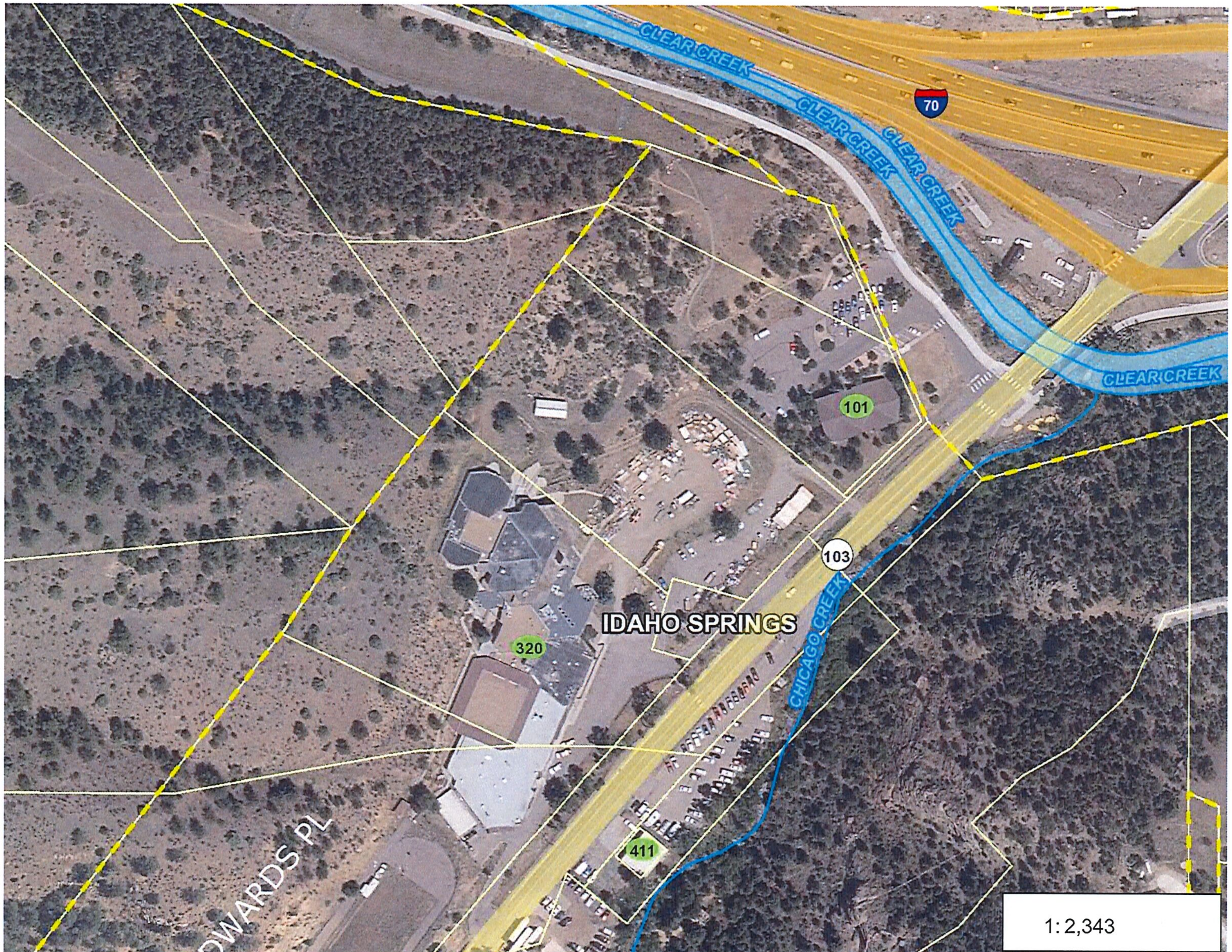

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To: Mayor and City Council
CC: City Administrator Andrew Marsh
From: Jonathan Cain
Date: June 20, 2022
Subject: Family Medical Leave Insurance (FAMLI) Program
Attachments: None

City Staff is requesting direction from City Council about City participation in the new state-run Family Medical Leave Insurance (FAMLI) program.

Background

In November of 2020, Colorado Voters approved Proposition 118, creating a state-run Family Medical Leave Insurance (FAMLI) program. This program will be run through the Colorado Department of Labor and Employment, Division of Family and Medical Leave Insurance (famli.colorado.gov).

FAMLI provides employees with 12-16 weeks of paid leave and potentially healthcare to take care of life events such as injury, serious illness, or pregnancy. FAMLI can also provide job protection for employees who were employed for 180 days before the beginning of their paid leave. This program will be available to all employees working in Colorado, either through their employer or individually through the state.

The state will begin collecting premiums for the FAMLI program on January 1, 2023. Benefits will be available beginning on January 1, 2024.

City Participation

As a municipality, the City of Idaho Springs will be automatically enrolled in the FAMLI program and locked-in for three years, unless City Council opts out of participation. If the City opts out, we must "renew" the opt out in 8 years.

If the City remains enrolled, the City will be required to collect and pay the premiums for all employees on an annual basis, likely between 0.45-0.9% of individual wages. The City will be required to contribute at least 50% of the premium, and employees could be required to contribute the other 50%. The City will be responsible for the cost of program administration and compliance, as well as for any error made calculating, deducting, and remitting premiums, including the employee portion.

If the City opts out of FAMLI, individual employees of the City may still participate in the program directly with the state and would be responsible for 50% of their insurance premiums. The City could (but is not required to) deduct the employee portion from payroll for remittance to the state.

City staff recommends that City Council Opt-Out of the FAMLI program at this time and that a resolution formalizing this action be considered by City Council at a regular meeting.

Why Opt Out?

There are several reasons for the City to Opt Out of FAMLI at this time:

1. The City provides employees with benefits like those provided by FAMLI, through a long-term disability program and through an optional supplemental insurance policy with AFLAC.
2. The program for FAMLI is still being developed, and the fiscal impact to the City related to participating is not currently clear. Opting in to the FAMLI program would increase the City budget by at least 0.45% of employee wages annually.
3. City participation in the program will include additional administrative work for finance and administrative staff and raises concerns regarding employer liability.
4. FAMLI is a new program and the rules for administration have not been fully established. It would be prudent to opt out initially and evaluate the program in operation to determine if it is the best choice for the City. This would also give City Staff time to evaluate the budgetary and employment impacts of the program.
5. It is possible that the Colorado Supreme Court will be reviewing FAMLI based on potential legal challenges related to the mandated employee participation requirement if municipalities participate. It would be prudent to let this be completed before the City participates.
6. FAMLI assigns the cost of errors in calculating and remitting premiums to employers, however the rules and procedures that will be used in compliance have not been established. It may be worth waiting to see how this is set up before participating.
7. It is not clear how the provisions of FAMLI will mesh with other Federal and State Employment Laws.

If the City opts out, employees can still participate individually, and should receive nearly all the same benefits, even if the City declines participation. The cost to the employee to participate in FAMLI is the same as if the City participates, and employees who do not wish to pay the coverage would not have to. It has been argued that employees may benefit from such a situation because the municipality would not have a responsibility for 50% of the FAMLI premium, meaning the City could choose to use that savings to benefit employees directly, such as by paying for some or all the 50% premium for employees who participate individually. It is important to note that employment protections noted earlier in this staff report would not apply if the City opted out, however, the federal family and medical leave act and other local standards would still apply.

Next Steps

All municipalities are automatically included in FAMLI. A municipality may optout and avoid the employer portion of premiums by a vote of a governing body. Declination takes effect 180 days after the vote so employees can elect to individually participate in the FAMLI program if they choose.

> **Pre Vote-Notice**: The City must give prior notice of the City Council vote in the same manner that it notices other public business. This means at least 24 hours advance notice must be posted. Special notice must also be provided to employees in writing before the vote indicating the voting process and providing an opportunity to submit comments to City Council.
>
> **Hearing and Vote**: The vote must occur at least 180 days before the declination is effective. A formal hearing for this vote is not required, however, the rules require the governing body to

take testimony before voting. This could include verbal and written comments from any interested person. The decision must be "by an affirmative vote of the local government's governing body to decline participation in the FAMLI program". This could be a motion, resolution, or ordinance.

Post Vote Actions: After the vote, the City must provide written notice to the FAMLI division "memorializing the decision" and identifying the date of the vote. This would include a certified record of the meeting, with a cover letter providing a concrete explanation of the vote and demonstration of compliance with statute.

The City must also provide written individual notices to employees within 30 days of the vote. This notice must indicate the vote to decline coverage and the impact toward FAMLI or other paid family and leave insurance coverage. It must also explain the difference between the FAMLI program and other supplemental insurance programs offered by the City and explain FMLA eligibility and other local benefits.

The notice must also include information about how the employee can voluntarily opt into FAMLI and have FAMLI contact information.

Finally, the City must post notice in a conspicuous and accessible place in each establishment where employees are employed of the same information.

Declination Renewal Process

The Declination must be renewed every eight years, or the City will be automatically added back into FAMLI. The rules for this process are like those outlined above.

Opting back In to FAMLI

The City may opt back in to FAMLI at the beginning of the annual budgeting cycle as determined by the City. Coverage would begin no later than the quarter after the vote and remittance of one quarter's premium. If the City opts in, it must remain in the program for 3 fiscal years, and there will be additional employee notice requirements.

Future updates to the program

It is possible that once the FAMLI program is established, some of the uncertainties will be answered and it will offer more value to City employees. City Staff will continue to monitor the program and update Council as some of the administrative and legal questions are answered.

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Idaho Springs, CO 80452-0907
Telephone (303) 567-2400
FAX (303) 567-0124

TO: MAYOR and COUNCIL
FROM: JOHN BORDONI
DATE: JUNE 20 2022
Re. WATER/WASTEWATER-PUBLIC WORKS POSITIONS

Mayor and Council,

Approximately two years ago the water/wastewater superintendent position became vacant. Since then, we have advertised to fill that position twice without success. The City is required by Colorado to have an Operator in Responsible Charge (ORC) for the water & waste water plants.

The City is currently contracted with Ramey Environmental to act as ORC for the water/wastewater plants.
Their role is for monthly reporting to the state.
We pay Ramey Environmental on a monthly basis for this service. The monthly fee is $4,139.92, almost $50K per year,

I am proposing to reorganize water-wastewater and public works structure:

After discussions with the Mayor and Mr. Marsh, I would like the Council's thoughts and direction if this is something to pursue.
I am proposing to have a public works director over water/wastewater and public works and two ORC positions that would report to the public works director.
The new ORC positions would supervise the water/wastewater operators and the ORC/Maintenance Lead would supervise streets and parks.

We currently have employees who are qualified and have the required state licenses to be in the ORC positions.

I am proposing to modify the current position descriptions to reflect the requirement and responsibilities for these positions.

Ed Sigward would be designated the ORC for the water and wastewater facilities and supervise the other operators. Currently Paul Crain is the ORC for collections/distribution systems, and he would supervise the other maintenance workers.

The state requires that the ORC for the water/wastewater have a minimum class "B" water and wastewater license and the ORC for collection/distribution have a level "III" collections and distribution, and both Ed and Paul have these licenses for their respective operations.

I would also like to advertise to fill a vacant position at the treatment plants requesting an Operator 1.
This would give the treatment plants the fourth person they need.

JOHN BORDONi