

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 24-0395.01 Jessica Herrera x4218

HOUSE BILL 24-1044

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A BILL FOR AN ACT

101 **CONCERNING THE PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION'S**
102 **LIMITATIONS ON EMPLOYMENT AFTER RETIREMENT FOR PUBLIC**
103 **SCHOOL EMPLOYERS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

With limited exceptions, current law limits the number of service retirees that a state college or university or an employer in the school or Denver public schools division of the public employees' retirement association (PERA) can hire without a reduction in the service retirees' benefits to 10 service retirees when an employer determines there is a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
Amended 2nd Reading
March 18, 2024

HOUSE
3rd Reading Unamended
February 28, 2024

HOUSE
Amended 2nd Reading
February 23, 2024

critical shortage of qualified candidates. The bill allows an employer to hire such service retirees when the employer determines there is a need.

In addition, the bill authorizes an employer in the school or Denver public schools division with a student enrollment above 10,000 to hire, without a reduction in service retirees' benefits, an additional service retiree for each 1,000 students enrolled above 10,000. An employer with 10,000 students or less will continue to be allowed to hire 10 service retirees. The bill requires an employer in the school or Denver public schools division to provide PERA with a list of all employed service retirees by September 1 of an applicable calendar year.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 24-51-1101, **amend** (1.8)(a), (1.8)(b), and (1.9)(i); and **add** (1.8)(b.5) and (6) as follows:

24-51-1101. Employment after service retirement - report - definitions - repeal. (1.8) (a) A service retiree who is hired by a state college or university or by an employer in the school or Denver public schools division of the association pursuant to subsection (1.8)(b) OR SUBSECTION (1.8)(b.5) of this section and who is not subject to ~~subsection (1.9) or (5)~~ SUBSECTION (1.3), (1.9), OR (5) of this section may receive salary without reduction in benefits if employment of more than four hours per day does not exceed one hundred forty days in the calendar year, if employment of four hours or less per day does not exceed nine hundred sixteen hours in the calendar year, or if employment consisting of a combination of daily and hourly employment does not exceed one hundred forty days per calendar year, and if the service retiree has not worked for any employer, as defined in section 24-51-101 (20), during the month of the effective date of retirement. A service retiree described in this subsection (1.8)(a) who works for any employer, as defined in section 24-51-101 (20), during the month of the effective date of retirement shall be subject to a reduction in benefits as provided in section 24-51-1102

1 (2).

2 (b) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1.8)(b.5) OF
3 THIS SECTION, a state college or university or an employer in the school
4 or Denver public schools division may hire up to ten service retirees who
5 are not subject to subsection (1.3), (1.9), or (5) of this section in areas
6 where the employer determines that there is a ~~critical shortage of qualified~~
7 ~~candidates~~ NEED and that the service retiree has unique experience, skill,
8 or qualifications that would benefit the employer. The employer shall
9 notify the association upon hiring a service retiree pursuant to this
10 subsection (1.8). A STATE COLLEGE OR UNIVERSITY SHALL PROVIDE a list
11 TO THE ASSOCIATION of any and all service retirees ~~employed by the~~
12 ~~employer shall be provided to the association~~ THAT IT EMPLOYS PURSUANT
13 TO THIS SUBSECTION (1.8)(b) at the start of each NO LATER THAN
14 SEPTEMBER 1 OF THE APPLICABLE calendar year and shall ~~be updated~~
15 UPDATE THE LIST prior to any additional hirings during the same calendar
16 year. AN EMPLOYER IN THE SCHOOL OR DENVER PUBLIC SCHOOLS DIVISION
17 SHALL PROVIDE A LIST TO THE ASSOCIATION OF ANY AND ALL SERVICE
18 RETIREES THAT IT EMPLOYS PURSUANT TO THIS SUBSECTION (1.8)(b) AND
19 PURSUANT TO SUBSECTION (1.8)(b.5) OF THIS SECTION NO LATER THAN
20 SEPTEMBER 1 OF THE APPLICABLE CALENDAR YEAR AND SHALL UPDATE
21 THE LIST PRIOR TO ANY ADDITIONAL HIRINGS DURING THE SAME CALENDAR
22 YEAR.

23 (b.5) (I) IN ADDITION TO THE TEN SERVICE RETIREES, AN
24 EMPLOYER IN THE SCHOOL OR DENVER PUBLIC SCHOOLS DIVISION MAY
25 HIRE PURSUANT TO SUBSECTION (1.8)(b) OF THIS SECTION, AN EMPLOYER
26 IN THE SCHOOL OR DENVER PUBLIC SCHOOLS DIVISION THAT HAS A
27 STUDENT ENROLLMENT GREATER THAN TEN THOUSAND AS OF THE "PUPIL

1 ENROLLMENT COUNT DAY", AS DEFINED IN SECTION 22-54-103 (10.5), OF
2 THE PREVIOUS YEAR MAY HIRE ONE ADDITIONAL SERVICE RETIREE FOR
3 EACH ONE THOUSAND ENROLLED STUDENTS ABOVE TEN THOUSAND.

4 (II) THE PERIOD DURING WHICH A SERVICE RETIREE HIRED BY AN
5 EMPLOYER IN THE SCHOOL OR DENVER PUBLIC SCHOOLS DIVISION MAY
6 RECEIVE SALARY WITHOUT REDUCTION IN BENEFITS PURSUANT TO
7 SUBSECTION (1.8)(b) OF THIS SECTION AND THIS SUBSECTION (1.8)(b.5)
8 MAY NOT EXCEED SIX CONSECUTIVE YEARS FROM THE DATE THE SERVICE
9 RETIREE BEGAN WORK PURSUANT TO SUBSECTION (1.8)(b) OF THIS
10 SECTION OR THIS SUBSECTION (1.8)(b.5).

11 (1.9) (i) ~~On or before December 1, 2025, and on or before~~
12 ~~December 1 of each fifth year thereafter,~~ The association shall submit a
13 report to the finance AND EDUCATION committees of the house of
14 representatives and the senate, or any successor committees, regarding the
15 employment after service retirement provisions of this subsection (1.9) IN
16 ACCORDANCE WITH SUBSECTION (6) OF THIS SECTION. ~~Notwithstanding the~~
17 ~~requirement in section 24-1-136 (11)(a)(I), the requirement to submit the~~
18 ~~report required in this subsection (1.9)(i) continues indefinitely. The~~
19 ~~employers in the school division of the association that employ teachers,~~
20 ~~school bus drivers, school food services cooks, school nurses, or~~
21 ~~paraprofessionals, as defined in section 22-60.3-102 (9), pursuant to this~~
22 ~~subsection (1.9) shall provide information requested by the association for~~
23 ~~the purposes of the report. The report shall include:~~

24 (I) ~~The number of teachers, school bus drivers, school food~~
25 ~~services cooks, school nurses, and paraprofessionals, as defined in section~~
26 ~~22-60.3-102 (9), who have been employed after service retirement~~
27 ~~pursuant to this subsection (1.9) as of the date of the report;~~

1 (II) ~~The extent to which this subsection (1.9) has helped~~
2 ~~employers in the school division address teacher, school bus driver,~~
3 ~~school food services cook, school nurse, and paraprofessional, as defined~~
4 ~~in section 22-60.3-102 (9), shortages;~~

5 (III) ~~The costs, if any, to the association as a result of this~~
6 ~~subsection (1.9); and~~

7 (IV) ~~Any other information deemed relevant by the association.~~

8 (6) (I) ON OR BEFORE DECEMBER 1, 2025, AND ON OR BEFORE
9 DECEMBER 1 OF EACH FIFTH YEAR THEREAFTER, THE ASSOCIATION SHALL
10 SUBMIT A REPORT TO THE FINANCE AND EDUCATION COMMITTEES OF THE
11 HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR
12 COMMITTEES, REGARDING THE EMPLOYMENT AFTER SERVICE RETIREMENT
13 PROVISIONS OF SUBSECTIONS (1.8), (1.9), AND (5) OF THIS SECTION.
14 NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I),
15 THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS SUBSECTION
16 (6) CONTINUES INDEFINITELY.

17 (II) THE EMPLOYERS IN THE SCHOOL DIVISION OF THE ASSOCIATION
18 THAT EMPLOY A SERVICE RETIREE PURSUANT TO SUBSECTIONS (1.8), (1.9),
19 OR (5) OF THIS SECTION SHALL PROVIDE INFORMATION REQUESTED BY THE
20 ASSOCIATION FOR THE PURPOSES OF THE REPORT.

21 (III) THE REPORT MUST INCLUDE:

22 (A) THE NUMBER OF SERVICE RETIREES WHO HAVE BEEN
23 EMPLOYED AFTER SERVICE RETIREMENT PURSUANT TO SUBSECTIONS (1.8),
24 (1.9), AND (5) OF THIS SECTION AS OF THE DATE OF THE REPORT;

25 (B) THE EXTENT TO WHICH SUBSECTIONS (1.8), (1.9), OR (5) OF
26 THIS SECTION HAVE HELPED EMPLOYERS IN THE SCHOOL DIVISION ADDRESS
27 SHORTAGES;

1 (C) THE COSTS, IF ANY, TO THE ASSOCIATION AS A RESULT OF
2 SUBSECTIONS (1.8), (1.9), OR (5) OF THIS SECTION; AND

3 (D) ANY OTHER INFORMATION DEEMED RELEVANT BY THE
4 ASSOCIATION.

5 **SECTION 2. Effective date.** This act takes effect July 1, 2024.

6 **SECTION 3. Safety clause.** The general assembly finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, or safety or for appropriations for
9 the support and maintenance of the departments of the state and state
10 institutions.