

CHAPTER 109

GOVERNMENT - STATE

HOUSE BILL 24-1044

BY REPRESENTATIVE(S) Hamrick and Taggart, Kipp, Snyder, Wilson, Amabile, Bacon, Brown, deGruy Kennedy, Duran, Froelich, Garcia, Lieder, Lindsay, Martinez, Ricks, Story, Titone, Weissman, McCluskie, Boesenecker, Parenti; also SENATOR(S) Hansen, Bridges, Buckner, Coleman, Cutter, Fields, Jaquez Lewis, Michaelson Jenet, Zenzinger.

AN ACT

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

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 (2).

(b) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1.8)(b.5) OF THIS SECTION, a state college or university or an employer in the school or Denver public schools division may hire up to ten service retirees who are not subject to subsection (1.3), (1.9), or (5) of this section in areas where the employer determines that there is a

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~~critical shortage of qualified candidates~~ NEED and that the service retiree has unique experience, skill, or qualifications that would benefit the employer. The employer shall notify the association upon hiring a service retiree pursuant to this subsection (1.8). A STATE COLLEGE OR UNIVERSITY SHALL PROVIDE a list TO THE ASSOCIATION of any and all service retirees ~~employed by the employer shall be provided to the association~~ THAT IT EMPLOYS PURSUANT TO THIS SUBSECTION (1.8)(b) ~~at the start of each~~ NO LATER THAN SEPTEMBER 1 OF THE APPLICABLE calendar year and shall be ~~updated~~ UPDATE THE LIST prior to any additional hirings during the same calendar year. AN EMPLOYER IN THE SCHOOL OR DENVER PUBLIC SCHOOLS DIVISION SHALL PROVIDE A LIST TO THE ASSOCIATION OF ANY AND ALL SERVICE RETIREES THAT IT EMPLOYS PURSUANT TO THIS SUBSECTION (1.8)(b) AND PURSUANT TO SUBSECTION (1.8)(b.5) OF THIS SECTION NO LATER THAN SEPTEMBER 1 OF THE APPLICABLE CALENDAR YEAR AND SHALL UPDATE THE LIST PRIOR TO ANY ADDITIONAL HIRINGS DURING THE SAME CALENDAR YEAR.

(b.5) (I) IN ADDITION TO THE TEN SERVICE RETIREES, AN EMPLOYER IN THE SCHOOL OR DENVER PUBLIC SCHOOLS DIVISION MAY HIRE PURSUANT TO SUBSECTION (1.8)(b) OF THIS SECTION, AN EMPLOYER IN THE SCHOOL OR DENVER PUBLIC SCHOOLS DIVISION THAT HAS A STUDENT ENROLLMENT GREATER THAN TEN THOUSAND AS OF THE "PUPIL ENROLLMENT COUNT DAY", AS DEFINED IN SECTION 22-54-103 (10.5), OF THE PREVIOUS YEAR MAY HIRE ONE ADDITIONAL SERVICE RETIREE FOR EACH ONE THOUSAND ENROLLED STUDENTS ABOVE TEN THOUSAND.

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

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

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

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

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

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

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

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

(c) THE REPORT MUST INCLUDE:

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

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

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

(IV) ANY OTHER INFORMATION DEEMED RELEVANT BY THE ASSOCIATION.

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

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

Approved: April 19, 2024