

CHAPTER 397

GOVERNMENT - STATE

HOUSE BILL 17-1176

BY REPRESENTATIVE(S) Becker J. and McLachlan, Bridges, Buckner, Carver, Catlin, Coleman, Exum, Ginal, Gray, Hamner, Hansen, Herod, Hooton, Humphrey, Jackson, Kennedy, Kraft-Tharp, Lebsock, Lee, Lewis, Liston, Lontine, Lundeen, Michaelson Jenet, Mitsch Bush, Pettersen, Rosenthal, Salazar, Valdez, Van Winkle, Willett, Winter, Young, Duran, Arndt, Esgar, McKean, Pabon, Williams D., Wilson;
 also SENATOR(S) Sonnenberg, Aguilar, Coram, Court, Crowder, Fields, Hill, Jahn, Kagan, Kefalas, Kerr, Moreno, Todd, Williams A., Zenzinger.

AN ACT

CONCERNING AN EXTENSION OF THE EMPLOYMENT AFTER RETIREMENT LIMITATIONS FOR RETIREES OF THE PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION EMPLOYED BY A RURAL SCHOOL DISTRICT AFTER RETIREMENT.

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

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

24-51-1101. Employment after service retirement - repeal. (1) Except as otherwise provided in ~~subsection (1.8)~~ SUBSECTIONS (1.8) AND (1.9) of this section or part 17 of this ~~article~~ ARTICLE 51, a service retiree from any division may be employed by an employer, whether or not in a position subject to membership, and receive a salary without reduction in benefits 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, and if:

(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 ~~paragraph (b) of this subsection (1.8)~~ SUBSECTION (1.8)(b) OF THIS SECTION AND WHO IS NOT SUBJECT TO THE PROVISIONS OF SUBSECTION (1.9) 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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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 ~~paragraph (a)~~ 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) 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 THE PROVISIONS OF SUBSECTION (1.9) OF THIS SECTION in areas where the employer determines that there is a critical shortage of qualified candidates 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 list of any and all service retirees employed by the employer shall be provided to the association at the start of each calendar year and shall be updated prior to any additional hirings during the same calendar year.

(c) A state college or university or an employer in the school or Denver public schools division shall provide full payment of all employer contributions and all disbursements in accordance with part 4 of this ~~article~~ ARTICLE 51, and all working retiree contributions in accordance with part 11 of this ~~article~~ ARTICLE 51, on the salary paid to the service retiree described in ~~paragraph (a) of this subsection (1.8)~~ SUBSECTION (1.8)(a) OF THIS SECTION.

(1.9) (a) (I) SUBJECT TO THE PROVISIONS OF SUBSECTION (1.9)(h) OF THIS SECTION, A SERVICE RETIREE WHO IS A TEACHER, A SCHOOL BUS DRIVER, OR A SCHOOL FOOD SERVICES COOK AND IS HIRED PURSUANT TO SUBSECTION (1.9)(b) OF THIS SECTION BY AN EMPLOYER IN THE SCHOOL DIVISION OF THE ASSOCIATION THAT SATISFIES THE CRITERIA SPECIFIED IN SUBSECTION (1.9)(a)(II) OF THIS SECTION MAY RECEIVE SALARY WITHOUT REDUCTION IN BENEFITS FOR ANY LENGTH OF EMPLOYMENT IN A CALENDAR YEAR 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 (1.9)(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).

(II) THE PROVISIONS OF THIS SUBSECTION (1.9) APPLY ONLY IF:

(A) THE EMPLOYER IN THE SCHOOL DIVISION OF THE ASSOCIATION THAT HIRES THE SERVICE RETIREE IS A RURAL SCHOOL DISTRICT AS DETERMINED BY THE DEPARTMENT OF EDUCATION BASED ON THE GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA AND THE SCHOOL DISTRICT ENROLLS SIX THOUSAND FIVE HUNDRED STUDENTS OR FEWER IN KINDERGARTEN THROUGH TWELFTH GRADE;

(B) THE SCHOOL DISTRICT HIRES THE SERVICE RETIREE FOR THE PURPOSE OF PROVIDING CLASSROOM INSTRUCTION OR SCHOOL BUS TRANSPORTATION TO STUDENTS ENROLLED BY THE DISTRICT OR FOR THE PURPOSE OF BEING A SCHOOL FOOD SERVICES COOK; AND

(C) THE SCHOOL DISTRICT DETERMINES THAT THERE IS A CRITICAL SHORTAGE OF QUALIFIED TEACHERS, SCHOOL BUS DRIVERS, OR SCHOOL FOOD SERVICES COOKS, AS APPLICABLE, AND THAT THE SERVICE RETIREE HAS SPECIFIC EXPERIENCE, SKILLS, OR QUALIFICATIONS THAT WOULD BENEFIT THE DISTRICT.

(b) AN EMPLOYER IN THE SCHOOL DIVISION OF THE ASSOCIATION THAT HIRES A SERVICE RETIREE PURSUANT TO THIS SUBSECTION (1.9) SHALL NOTIFY THE ASSOCIATION UPON HIRING A SERVICE RETIREE PURSUANT TO THIS SUBSECTION (1.9). A LIST OF ANY AND ALL SERVICE RETIREES EMPLOYED BY THE EMPLOYER SHALL BE PROVIDED TO THE ASSOCIATION AT THE START OF EACH CALENDAR YEAR AND SHALL BE UPDATED PRIOR TO ANY ADDITIONAL HIRINGS DURING THE SAME CALENDAR YEAR.

(c) AN EMPLOYER IN THE SCHOOL DIVISION OF THE ASSOCIATION THAT HIRES A SERVICE RETIREE PURSUANT TO THIS SUBSECTION (1.9) SHALL PROVIDE FULL PAYMENT OF ALL EMPLOYER CONTRIBUTIONS AND DISBURSEMENTS IN ACCORDANCE WITH PART 4 OF THIS ARTICLE 51, AND ALL WORKING RETIREE CONTRIBUTIONS IN ACCORDANCE WITH PART 11 OF THIS ARTICLE 51, ON THE SALARY PAID TO THE SERVICE RETIREE DESCRIBED IN SUBSECTION (1.9)(a) OF THIS SECTION.

(d) ANY SERVICE RETIREE WHO IS EMPLOYED PURSUANT TO THIS SUBSECTION (1.9) SHALL NOT BE REQUIRED TO RESUME MEMBERSHIP. UPON TERMINATION OF SUCH SERVICE RETIREE'S EMPLOYMENT, THERE SHALL BE NO BENEFIT CALCULATION REFLECTING ADDITIONAL SERVICE CREDIT ACCUMULATED OR ANY INCREASE IN THE HIGHEST AVERAGE SALARY OF SUCH PERSON.

(e) A SERVICE RETIREE WHO IS EMPLOYED PURSUANT TO THIS SUBSECTION (1.9) SHALL NOT RECEIVE A HEALTH CARE PREMIUM SUBSIDY PURSUANT TO SECTION 24-51-1206 DURING SUCH EMPLOYMENT.

(f) ANY SERVICE RETIREE WHO IS EMPLOYED PURSUANT TO THIS SUBSECTION (1.9) SHALL BE ELIGIBLE TO PARTICIPATE IN THE HEALTH PLAN OFFERED BY THE EMPLOYER IN THE SCHOOL DIVISION WHILE EMPLOYED BY THE EMPLOYER.

(g) THE PERIOD DURING WHICH A SERVICE RETIREE MAY RECEIVE SALARY WITHOUT REDUCTION IN BENEFITS AND WITHOUT LIMITATION IN A CALENDAR YEAR PURSUANT TO THIS SUBSECTION (1.9) SHALL NOT EXCEED SIX CONSECUTIVE YEARS FROM THE DATE THE SERVICE RETIREE BEGAN WORK PURSUANT TO THIS SUBSECTION (1.9).

(h) A TEACHER WHO RETIRES BEFORE HE OR SHE HAS MET THE AGE AND SERVICE CREDIT REQUIREMENTS FOR FULL SERVICE RETIREMENT BENEFITS PURSUANT TO SECTION 24-51-602 SHALL NOT BE EMPLOYED AFTER RETIREMENT PURSUANT TO THIS SUBSECTION (1.9) BY THE EMPLOYER IN THE SCHOOL DIVISION THAT WAS THE TEACHER'S LAST EMPLOYER UNTIL TWO YEARS AFTER THE TEACHER'S DATE OF RETIREMENT.

(i) ON OR BEFORE DECEMBER 1, 2020, THE ASSOCIATION SHALL SUBMIT A REPORT TO THE FINANCE 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). THE EMPLOYERS IN THE SCHOOL

DIVISION OF THE ASSOCIATION THAT EMPLOY TEACHERS, SCHOOL BUS DRIVERS, OR SCHOOL FOOD SERVICES COOKS 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, AND SCHOOL FOOD SERVICES COOKS 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, AND SCHOOL FOOD SERVICES COOK 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.

(j) THIS SUBSECTION (1.9) IS REPEALED, EFFECTIVE JULY 1, 2023.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 6, 2017