

CHAPTER 25

GOVERNMENT - STATE

HOUSE BILL 22-1101

BY REPRESENTATIVE(S) McLachlan and Catlin, Boesenecker, Valdez D., Bennett, Bird, Bockenfeld, Cutter, Esgar, Exum, Froelich, Hooton, Jodeh, Kipp, Lindsay, McCluskie, McCormick, Michaelson Jenet, Ricks, Roberts, Snyder, Titone, Will, Young; also SENATOR(S) Sonnenberg and Zenzinger, Buckner, Donovan, Fields, Ginal, Hinrichsen, Kolker, Moreno, Pettersen, Simpson, Winter, Fenberg.

AN ACT

CONCERNING THE EXPANSION OF A PROGRAM THAT ALLOWS A PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION SERVICE RETIREE TO WORK FULL-TIME WITHOUT ANY REDUCTION IN THE SERVICE RETIREE'S RETIREMENT BENEFITS FOR A RURAL SCHOOL DISTRICT THAT HAS A CRITICAL SHORTAGE OF QUALIFIED INDIVIDUALS WITH SPECIFIC EXPERIENCE, SKILLS, OR QUALIFICATIONS THAT THE SERVICE RETIREE HAS.

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

SECTION 1. In Colorado Revised Statutes, 24-51-1101, **amend** (1.9)(a), (1.9)(i) introductory portion, (1.9)(i)(I), and (1.9)(i)(II); and **repeal** (1.9)(j) as follows:

24-51-1101. Employment after service retirement - report - definitions - repeal. (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, A SCHOOL NURSE, OR A PARAPROFESSIONAL, AS DEFINED IN SECTION 22-60.3-102 (9), 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:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(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, A BOARD OF COOPERATIVE SERVICES, AS DEFINED IN SECTION 22-5-103 (2), OR A CHARTER SCHOOL, AS DEFINED IN SECTION 22-5-119 (3)(d), THAT IS LOCATED WITHIN A RURAL SCHOOL DISTRICT and, IF THE EMPLOYER IS A SCHOOL DISTRICT, the school district enrolls six thousand five hundred students or fewer in kindergarten through twelfth grade;

(B) The school district, BOARD OF COOPERATIVE SERVICES, OR CHARTER SCHOOL hires the service retiree for the purpose of providing classroom instruction or school bus transportation to students enrolled by the district, ENROLLED BY ONE OR MORE OF THE DISTRICTS SERVED BY THE BOARD OF COOPERATIVE SERVICES, OR ENROLLED BY THE CHARTER SCHOOL, or for the purpose of being a school food services cook, A SCHOOL NURSE, OR A PARAPROFESSIONAL, AS DEFINED IN SECTION 22-60.3-102 (9); and

(C) The school district, BOARD OF COOPERATIVE SERVICES, OR CHARTER SCHOOL determines that there is a critical shortage of qualified teachers, school bus drivers, ~~or~~ school food services cooks, SCHOOL NURSES, OR PARAPROFESSIONALS, AS DEFINED IN SECTION 22-60.3-102 (9), as applicable, and that the service retiree has specific experience, skills, or qualifications that would benefit the district, BOARD OF COOPERATIVE SERVICES, OR CHARTER SCHOOL.

(i) On or before ~~December 1, 2020~~ DECEMBER 1, 2025, AND ON OR BEFORE DECEMBER 1 OF EACH FIFTH YEAR THEREAFTER, 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). 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, ~~or~~ 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, ~~and~~ 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, ~~and~~ school food services cook, SCHOOL NURSE, AND PARAPROFESSIONAL, AS DEFINED IN SECTION 22-60.3-102 (9), shortages;

(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, or safety.

Approved: March 17, 2022