

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

DRAFT  
10/5/23

**BILL 1**

LLS NO. 24-0395.01 Jessica Herrera x4218

**INTERIM COMMITTEE BILL**

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**Pension Review Commission**

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**BILL TOPIC:** Additional PERA Service Retirees For Schools

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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.**

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**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

*Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words indicate deletions from existing law.*

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.

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*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) and (1.8)(b); and **add** (1.8)(b.5) 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 calendar year and shall  
14 ~~be updated~~ UPDATE THE LIST prior to any additional hirings during the  
15 same calendar year. AN EMPLOYER IN THE SCHOOL OR DENVER PUBLIC  
16 SCHOOLS DIVISION SHALL PROVIDE A LIST TO THE ASSOCIATION OF ANY  
17 AND ALL SERVICE RETIREES THAT IT EMPLOYS PURSUANT TO THIS  
18 SUBSECTION (1.8)(b) AND PURSUANT TO SUBSECTION (1.8)(b.5) OF THIS  
19 SECTION NO LATER THAN SEPTEMBER 1 OF THE APPLICABLE CALENDAR  
20 YEAR AND SHALL UPDATE THE LIST PRIOR TO ANY ADDITIONAL HIRINGS  
21 DURING THE SAME CALENDAR YEAR.

22 (b.5) IN ADDITION TO THE TEN SERVICE RETIREES, AN EMPLOYER  
23 IN THE SCHOOL OR DENVER PUBLIC SCHOOLS DIVISION MAY HIRE  
24 PURSUANT TO SUBSECTION (1.8)(b) OF THIS SECTION, AN EMPLOYER IN THE  
25 SCHOOL OR DENVER PUBLIC SCHOOLS DIVISION THAT HAS A STUDENT  
26 ENROLLMENT GREATER THAN TEN THOUSAND AS OF THE "PUPIL  
27 ENROLLMENT COUNT DAY", AS DEFINED IN SECTION 22-54-103 (10.5), OF

1 THE PREVIOUS YEAR MAY HIRE ONE ADDITIONAL SERVICE RETIREE FOR  
2 EACH ONE THOUSAND ENROLLED STUDENTS ABOVE TEN THOUSAND.

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

4 **SECTION 3. Safety clause.** The general assembly hereby finds,  
5 determines, and declares that this act is necessary for the immediate  
6 preservation of the public peace, health, or safety.