

CHAPTER 26

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 01-1186

BY REPRESENTATIVE(S) Tapia, Boyd, Plant, Romanoff, and Vigil;
also SENATOR(S) Evans.

AN ACT

CONCERNING THE MAINTENANCE OF PUBLIC EMPLOYEE RETIREMENT BENEFITS FOR RETIREES WHO ARE
HIRED BY A SCHOOL DISTRICT DURING A CRITICAL SHORTAGE OF EMPLOYEES.

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

SECTION 1. 24-51-1101 (1.5) (a), Colorado Revised Statutes, is amended to read:

24-51-1101. Employment after service retirement - repeal. (1.5) (a) A service retiree who is hired as a nonlicensed employee of a school district in which the district board of education has adopted a resolution declaring a critical shortage of nonlicensed employees pursuant to section 22-32-109 (1) (f) (II) (A), C.R.S., may receive a salary from the school district without reduction in benefits, regardless of the number of hours or days worked in the 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 PARAGRAPH (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).

SECTION 2. 24-51-1102, Colorado Revised Statutes, is amended to read:

24-51-1102. Reduction of a service retirement benefit. (1) Employment of a retiree by an employer, whether or not in a position subject to membership, ~~which~~ THAT exceeds the DAILY OR HOURLY CALENDAR YEAR limits stated in section 24-51-1101 (1) shall result in a reduction of the benefit of such retiree by five percent per day for any part of a day ~~which~~ THAT exceeds said limits. Any reduction of benefits pursuant to the provisions of this ~~section~~ SUBSECTION (1) ~~which~~ THAT exceeds one hundred percent of the benefit shall be carried forward to reduce future

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

months' benefits.

(2) EMPLOYMENT OF A RETIREE BY AN EMPLOYER, WHETHER OR NOT IN A POSITION SUBJECT TO MEMBERSHIP, THAT OCCURS DURING THE MONTH OF THE EFFECTIVE DATE OF RETIREMENT SHALL RESULT IN A REDUCTION OF THE BENEFIT OF SUCH RETIREE BY FIVE PERCENT PER DAY FOR ANY PART OF A DAY THAT THE RETIREE WORKS DURING SUCH MONTH. ANY REDUCTION OF BENEFITS PURSUANT TO THE PROVISIONS OF THIS SUBSECTION THAT EXCEEDS ONE HUNDRED PERCENT OF THE BENEFIT SHALL BE CARRIED FORWARD TO REDUCE FUTURE MONTHS' BENEFITS.

SECTION 3. Effective date. This act shall take effect July 1, 2001.

SECTION 4. 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: March 11, 2001