

CHAPTER 330

GOVERNMENT - STATE

HOUSE BILL 10-1425

BY REPRESENTATIVE(S) Miklosi, Court, Frangas, Kagan, Labuda, Pommer, Carroll T.;
also SENATOR(S) Foster, Steadman.

AN ACT

**CONCERNING THE EXEMPTION FROM THE POSTRETIREMENT EMPLOYMENT LIMIT FOR CERTAIN
EMPLOYEES OF THE DENVER PUBLIC SCHOOL DISTRICT WHO ARE RETIREES OF THE PUBLIC
EMPLOYEES' RETIREMENT ASSOCIATION.**

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

SECTION 1. 24-51-1747 (7) (a), Colorado Revised Statutes, is amended to read:

24-51-1747. Portability between Denver public schools division and other four divisions within association. (7) (a) (I) A person who is a retiree of the association and a DPS active member before January 1, 2010, shall not be subject to a benefit reduction due to postretirement employment with the Denver public school district or a Denver public school district charter school as long as the retiree continues to be employed by the same employer. A retiree so situated shall be entitled to a second and entirely separate retirement coverage segment under the benefit structure as set forth in this part 17. If such a retiree terminates employment with that employer, the retiree shall be subject to the provisions of this article and rules of the association governing employment after service retirement if reemployed by any affiliated employer. If the retiree chooses to suspend his or her benefit, the retiree shall make a choice within sixty days from the date of suspension to either add to his or her account under the PERA benefit structure for that account or add to his or her account as set forth in this part 17. The retiree shall not be required to suspend his or her retirement benefit, but will not be able to add to the benefit or add to the account under this part 17 unless the retirement benefit is suspended. If the association account is chosen, the retiree permanently forfeits the ability to add to the account under this part 17. If the account under this part 17 is chosen, the retiree permanently forfeits the ability to add to the association account. If the retiree does not suspend the association benefit, the separate segment of coverage will become an inactive account.

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

(II) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (IV) OF THIS PARAGRAPH (a), a retiree of the association with no member account in the Denver public schools retirement system on January 1, 2010, who is employed by the Denver public school district or a Denver public school district charter school after January 1, 2010, shall be subject to the provisions of this article and rules of the association governing employment after service retirement.

(III) A retiree of the association with an inactive account with the Denver public schools retirement system on January 1, 2010, who is employed by any affiliated employer, including the Denver public school district or a Denver public school district charter school, beginning on or after January 1, 2010, shall be subject to the provisions of this article and rules of the association governing employment after service retirement. If the retiree chooses to suspend his or her benefit, he or she shall make a one-time irrevocable choice within sixty days from the date of suspension to either add to his or her account with the association under the benefit structure for that account or add to the account as set forth in this part 17. The retiree shall not be required to suspend his or her retirement benefit, but will not be able to add to either account unless the retirement benefit is suspended. If the association account is chosen, the retiree permanently forfeits the ability to add to the account under this part 17. If the account under this part 17 is chosen, the retiree permanently forfeits the ability to add to the association account.

(IV) A RETIREE OF THE ASSOCIATION WHO WAS NOT A MEMBER OF THE DENVER PUBLIC SCHOOLS RETIREMENT SYSTEM ON DECEMBER 31, 2009, BUT WHO WAS EMPLOYED BY THE DENVER PUBLIC SCHOOL DISTRICT OR A DENVER PUBLIC SCHOOL DISTRICT CHARTER SCHOOL AS AN HOURLY EMPLOYEE ON DECEMBER 31, 2009, SHALL NOT BE SUBJECT TO A BENEFIT REDUCTION DUE TO POSTRETIREMENT EMPLOYMENT WITH THE DENVER PUBLIC SCHOOL DISTRICT OR A DENVER PUBLIC SCHOOL DISTRICT CHARTER SCHOOL AS LONG AS THE RETIREE CONTINUES TO BE EMPLOYED BY THE SAME EMPLOYER. THE RETIREE SHALL BE SUBJECT TO THE WORKING RETIREE CONTRIBUTIONS BEGINNING JANUARY 1, 2011, AS SPECIFIED IN SECTION 24-51-1101 (2), AND THE EMPLOYER SHALL BE REQUIRED TO REMIT EMPLOYER CONTRIBUTIONS AS SPECIFIED IN SECTION 24-51-1101 (2), PLUS THE APPLICABLE AMORTIZATION EQUALIZATION DISBURSEMENT AND SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENT AS SPECIFIED IN SECTION 24-51-411.

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: May 27, 2010