



# Intent to Hire Retirees Working After Retirement in a Critical Shortage Position for a BOCES

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Boards of Cooperative Educational Services (BOCES) may declare a critical shortage for certain positions. Once a critical shortage has been determined by the BOCES, the BOCES can then hire a Colorado PERA retiree (referred to as a "critical shortage retiree") to work in that position. Upon notifying PERA of your intent to hire, if the retiree is eligible to be designated under the critical shortage provision then this will serve as your designation, and there are no additional forms you need to complete.

Please note that by completing this form you are NOT guaranteed to have the retiree designated under critical shortage, as the eligibility will be dependent on how many total retirees across all BOCES have already been designated (see below). If the total number of retirees designated is below the total number allotted, and the retiree meets all other eligibility requirements, this form will also serve as your official designation request so no additional forms would be required. When notifying PERA of your intent to hire a PERA retiree under critical shortage, BOCES should be aware of the following:

- » Retirees must be hired only as a special services provider (SSP) and the BOCES must declare that the critical shortage retiree has specific experience, skills, or qualifications that would benefit the students of districts served by the BOCES. Additionally, the retiree must perform work for at least two rural school districts through the BOCES.
- » BOCES must remit the following contributions as required by law: full employer contribution, Amortization Equalization Disbursement (AED), Supplemental Amortization Equalization Disbursement (SAED), working retiree contribution, and an additional 2% of the retiree's salary.
- » Retirees who retired with a reduced service retirement benefit must wait two years after retirement to return to work as a critical shortage retiree for the BOCES from which they retired.
- » Retirees may not work in the effective month of retirement and are limited to work for five consecutive years without a reduction in benefits, starting the year the retiree becomes a critical shortage retiree.
- » All BOCES combined are allotted a total of 40 retirees over the five-year period covered by the statute.
- » Critical shortage retirees are eligible to participate in their employers' health insurance programs or the PERACare program; however, no subsidy will be applied toward payment of PERACare premiums.

If the retiree(s) designated below do not meet the qualifications, PERA will notify the employer. To review the full requirements of C.R.S. § 24-51-1101(5), see the reverse.

## Section 1: Retiree Information

1. Retiree Name \_\_\_\_\_ SSN \_\_\_\_\_  
Last Name First Name MI  
 Position Title \_\_\_\_\_ Hire Date \_\_\_\_\_  
 Rural School Districts (list at least two) \_\_\_\_\_

2. Retiree Name \_\_\_\_\_ SSN \_\_\_\_\_  
Last Name First Name MI  
 Position Title \_\_\_\_\_ Hire Date \_\_\_\_\_  
 Rural School Districts (list at least two) \_\_\_\_\_

3. Retiree Name \_\_\_\_\_ SSN \_\_\_\_\_  
Last Name First Name MI  
 Position Title \_\_\_\_\_ Hire Date \_\_\_\_\_  
 Rural School Districts (list at least two) \_\_\_\_\_

## Section 2: Employer Certification

I hereby certify that we meet the requirements of C.R.S. § 24-51-1101(5) and that the designations have only been made due to a critical shortage of qualified candidates. The designated retirees have unique experience, skill, or qualifications that will benefit us as the employer. I further certify that we understand our obligations under the law to employ these retirees, and that we will notify PERA when each retiree we designate is no longer working in a critical shortage position.

Employer No. \_\_\_\_\_ Employer Name \_\_\_\_\_

Name of Certifying Official \_\_\_\_\_ Phone Number ( ) \_\_\_\_\_ Effective Year \_\_\_\_\_

Signature of Certifying Official \_\_\_\_\_ Date \_\_\_\_\_

**C.R.S. § 24-51-1101(5). Employment after service retirement**

- (5) (a) Subject to subsection (5)(j) of this section, a service retiree who is a special service provider and is hired pursuant to this subsection (5) by a board of cooperative services that satisfies the criteria specified in subsection (5)(b) 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 during the month of the effective date of retirement. A service retiree described in this subsection (5) (a) who works for any employer 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) This subsection (5) applies only if:
- (I) The board of cooperative services hires the service retiree to provide services in two or more rural school districts 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;
  - (II) The board of cooperative services hires the service retiree for the purpose of providing special services to students enrolled by the districts served by the board of cooperative services; and
  - (III) The board of cooperative services determines that there is a critical shortage of qualified special service providers and that the service retiree has specific experience, skills, or qualifications that would benefit the students in the school districts served by the board of cooperative services.
- (c) A board of cooperative services that hires a service retiree pursuant to this subsection (5) shall notify the association before hiring the service retiree. A list of all service retirees employed by the board of cooperative services 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.
- (d) The total number of service retirees hired by all boards of cooperative services pursuant to this subsection (5) during the time it is in effect shall not exceed forty. The association shall ensure that the Boards of Cooperative Services do not hire more than forty service retirees pursuant to this subsection (5).
- (e) A board of cooperative services that hires a service retiree pursuant to this subsection (5) 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 (5)(a) of this section. In addition, a board of cooperative services that hires a service retiree pursuant to this subsection (5) shall make an additional monthly payment to the association in an amount equal to two percent of the salary paid to the service retiree.
- (f) Any service retiree who is employed pursuant to this subsection (5) 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.
- (g) A service retiree who is employed pursuant to this subsection (5) shall not receive a health care premium subsidy pursuant to section 24-51-1206 during such employment.
- (h) Any service retiree who is employed pursuant to this subsection (5) shall be eligible to participate in the health plan offered by the board of cooperative services while employed by the board of cooperative services.
- (i) 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 (5) shall not exceed five consecutive years from the date the service retiree began work pursuant to this subsection (5).
- (j) A special service provider who retires before he or she has met the age and service requirements for full service retirement benefits pursuant to section 24-51-602 shall not be employed after retirement pursuant to this subsection (5) by the board of cooperative services that was the special service providers last employer until two years after his or her date of retirement.
- (k) On or before December 1, 2023, 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 (5). The Boards of Cooperative Services that employ special service providers pursuant to this subsection (5) shall provide information requested by the association for the purposes of the report. The report shall include:
- (I) The number of special service providers who have been employed after service retirement pursuant to this subsection (5) as of the date of the report;
  - (II) The extent to which this subsection (5) has helped boards of cooperative services address shortages of school special service providers;
  - (III) The costs, if any, to the association as a result of this subsection (5); and
  - (IV) Any other information deemed relevant by the association.
- (l) As used in this subsection (5):
- (I) "Board of cooperative services" has the same meaning as set forth in section 22-5-103(2).
  - (II) "Employer" has the same meaning as set forth in section 24-51-101(20).
  - (III) "Special service provider" means a person who is employed by a board of cooperative services to provide special services to students in the school districts within the geographic region serviced by the board of cooperative services.