A BILL FOR AN ACT

CONCERNING THE PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION'S LIMITATIONS ON EMPLOYMENT AFTER RETIREMENT FOR PUBLIC SCHOOL EMPLOYERS.

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
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.

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) 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.
(2).

(b) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1.8)(b.5) OF THIS SECTION, a state college or university or an employer in the school or Denver public schools division may hire up to ten service retirees who are not subject to subsection (1.3), (1.9), or (5) of this section in areas where the employer determines that there is a critical shortage of qualified candidates and that the service retiree has unique experience, skill, or qualifications that would benefit the employer. The employer shall notify the association upon hiring a service retiree pursuant to this subsection (1.8). A STATE COLLEGE OR UNIVERSITY SHALL PROVIDE a list to the association of any and all service retirees employed by the employer. The list that it employs pursuant to this subsection (1.8)(b) at the start of each calendar year and shall be updated prior to any additionalhirings during the same calendar year. AN EMPLOYER IN THE SCHOOL OR DENVER PUBLIC SCHOOLS DIVISION SHALL PROVIDE A LIST TO THE ASSOCIATION OF ANY AND ALL SERVICE RETIREES THAT IT EMPLOYS PURSUANT TO THIS SUBSECTION (1.8)(b) AND PURSUANT TO SUBSECTION (1.8)(b.5) OF THIS SECTION NO LATER THAN SEPTEMBER 1 OF THE APPLICABLE CALENDAR YEAR AND SHALL UPDATE THE LIST PRIOR TO ANY ADDITIONAL HIRINGS DURING THE SAME CALENDAR YEAR.

(b.5) IN ADDITION TO THE TEN SERVICE RETIREES, AN EMPLOYER IN THE SCHOOL OR DENVER PUBLIC SCHOOLS DIVISION MAY HIRE PURSUANT TO SUBSECTION (1.8)(b) OF THIS SECTION, AN EMPLOYER IN THE SCHOOL OR DENVER PUBLIC SCHOOLS DIVISION THAT HAS A STUDENT ENROLLMENT GREATER THAN TEN THOUSAND AS OF THE "PUPIL ENROLLMENT COUNT DAY", AS DEFINED IN SECTION 22-54-103 (10.5), OF
THE PREVIOUS YEAR MAY HIRE ONE ADDITIONAL SERVICE RETIREE FOR EACH ONE THOUSAND ENROLLED STUDENTS ABOVE TEN THOUSAND.

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

SECTION 3. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.