

CHAPTER 24

GOVERNMENT - STATE

HOUSE BILL 22-1057

BY REPRESENTATIVE(S) Bradfield and McLachlan, Amabile, Bacon, Bennett, Bird, Carver, Cutter, Esgar, Exum, Froelich, Geitner, Gonzales-Gutierrez, Jodeh, Kipp, Lindsay, McCluskie, McCormick, McKean, Michaelson Jenet, Ortiz, Pico, Ricks, Sandridge, Snyder, Titone, Valdez A., Valdez D., Van Beber, Van Winkle, Will, Williams, Young;
also SENATOR(S) Woodward and Zenzinger, Buckner, Fields, Ginal, Hinrichsen, Hisey, Kolker, Lundeen, Moreno, Pettersen, Scott, Sonnenberg, Fenberg.

AN ACT**CONCERNING PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION EMPLOYMENT AFTER RETIREMENT LIMITATIONS.**

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that in the wake of the COVID-19 pandemic, it has become increasingly apparent that there is a critical shortage of qualified substitute teachers in all counties of the state.

(2) Therefore, the general assembly declares that during a critical shortage of qualified substitute teachers it is necessary to waive the employment after service retirement limits imposed on teacher service retirees to allow qualified retired teachers to serve as substitute teachers.

SECTION 2. In Colorado Revised Statutes, 24-51-1101, **amend** (1) introductory portion and (1.8)(b); and **add** (1.3) as follows:

24-51-1101. Employment after service retirement - report - definitions - repeal. (1) Except as otherwise provided in subsections **(1.3)**, (1.8), (1.9), and (5) of this section or part 17 of this article 51, a service retiree from any division may be employed by an employer, whether or not in a position subject to membership, and receive a salary without reduction in benefits 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, and if:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(1.3) (a) A SERVICE RETIREE WHO IS A TEACHER, AS DEFINED IN SECTION 22-63-103 (11), MAY RECEIVE SALARY WITHOUT REDUCTION IN BENEFITS IF:

(I) THE SCHOOL DISTRICT OR CHARTER SCHOOL HIRES THE SERVICE RETIREE FOR THE PURPOSE OF PROVIDING SUBSTITUTE TEACHER CLASSROOM INSTRUCTION; AND

(II) THE SCHOOL DISTRICT OR CHARTER SCHOOL HIRING THE SERVICE RETIREE DETERMINES THAT THERE IS A CRITICAL SHORTAGE OF QUALIFIED SUBSTITUTE TEACHERS AND THAT THE SERVICE RETIREE HAS SPECIFIC EXPERIENCE, SKILLS, OR QUALIFICATIONS THAT WOULD BENEFIT THE DISTRICT.

(b) AS USED IN THIS SUBSECTION (1.3), "SUBSTITUTE TEACHER" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-63-103 (10); EXCEPT THAT THERE SHALL BE NO RESTRICTION IN THE LENGTH OF A CONTINUOUS ASSIGNMENT.

(c) A SERVICE RETIREE WHO IS HIRED IN ACCORDANCE WITH SUBSECTION (1.3)(a) OF THIS SECTION DOES NOT COUNT AGAINST THE ADDITIONAL TEN SERVICE RETIREES THAT A STATE COLLEGE OR UNIVERSITY OR AN EMPLOYER IN THE SCHOOL OR DENVER PUBLIC SCHOOLS DIVISION MAY HIRE AS AUTHORIZED BY SUBSECTION (1.8)(b) OF THIS SECTION.

(d) THIS SUBSECTION (1.3) IS REPEALED, EFFECTIVE JULY 1, 2025.

(1.8) (b) 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 list of any and all service retirees employed by the employer 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.

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

Approved: March 17, 2022