

Colorado PERA is pursuing rulemaking with a proposed effective date of March 17, 2025. The rules hearing will be on January 17, 2025, at 10:00 am, at PERA's office in Denver (1301 Pennsylvania Street, Denver, CO 80203). Information about the proposed rule changes is found below.

PERA greatly values feedback and invites the public to submit comments on the proposed changes to PERA's Rules in writing in advance of the January 17, 2025, Board meeting, or in person or virtually during the 10:00 a.m. rules hearing. Written comments prior to the hearing can be emailed to boardquestions@copera.org or mailed to Colorado PERA Board of Trustees, PO Box 5800, Denver, CO 80217-5800. In-person comments may be offered at PERA's office in Denver, and virtual comments during the rules hearing may be offered by calling 855-721-0566 at least 15 minutes prior to the start of the hearing. If possible, please register in advance by emailing boardquestions@copera.org.

Purpose of Rulemaking

Authority

The statutory authority for rulemaking by the Public Employees' Retirement Association is Colorado Revised Statute section 24-51-204(5), as amended.

Scope and Purpose

The purpose of this rulemaking is to amend 8 CCR 1502-1 (Colorado PERA Rules) as follows:

1. 1.20F(1) is being amended to clarify that lump-sum payments of accrued leave made at termination are Colorado PERA-includable salary only if made within 60 days after the member's termination.
2. 2.15 is being amended to specify that employers participate in Colorado PERA pursuant to section 24-51-101(20), C.R.S. and are assigned to one of five divisions. Rule 2.15 will no longer list employers. A list of Colorado PERA employers is on PERA's website for informational purposes.
3. 2.20 is being amended to allow Colorado PERA to send staff determination letters, executive director initial decisions, and other administrative appeal information electronically through PERA's secure channels, to reorganize and renumber the sections of that Rule, and to clarify Colorado PERA's use of a non-voting hearing officer and that person's role in the administrative review process.
4. 2.35 is being amended to reflect that employer names will no longer be listed in PERA rules.
5. 2.90D is being amended to reflect the updated name of Colorado PERA's annual financial report.
6. 8.10 is being amended to clarify that Colorado PERA allows benefit option designations to be made electronically as prescribed by Colorado PERA.
7. 8.20 is being amended to clarify that Colorado PERA allows designations of a named beneficiary, cobeneficiary, or coannuitant for retirement purposes to be made electronically as prescribed by Colorado PERA.
8. 9.10 is being amended to clarify that Colorado PERA allows designations of a named beneficiary for survivor purposes to be made electronically as prescribed by Colorado PERA.
9. 11.10D(3) and (4) are being amended pursuant to legislation passed in 2024 (House Bill 24-1044) that (1) changes the deadline from the start of the calendar year to September 1 for employers to designate retirees working after retirement in a capacity that exceeds the general 110-day limit, and (2) changes the number of retirees that certain employers may designate to a number higher than 10.
10. 11.10D(5) is being added to clarify that a retiree who is designated by an employer to work more than 110 days in a calendar year is limited to one designation per position, per employer, per year. This prevents retirees from being redesignated during the year, unless it is for a different position or is at a different employer.
11. 11.10D(6) is being added to the working after retirement rule. In the 2024 legislative session, House Bill 24-1044 added a six-year limitation to certain working after retirement designations. Rule 11.10D(6) clarifies that the new six-year limitation on certain positions exceeding the 110-day limit will be administered on a calendar year basis beginning January 1, 2025. Further, that after six consecutive years, the retiree must take a one full calendar year break from designation before being redesignated.

12. 12.10A(1)(c) is being amended to enable surviving cobeneficiaries to enroll in PERA's Health Care Program within 30 days of their first benefit payment rather than the death of the retiree.
13. 12.10A(2)(a) is being amended to allow certain surviving spouses to enroll in PERA's Health Care Program within 30 days after the loss of coverage rather than 30 days after the date of death of the retiree.
14. 12.10A(2)(b) is being amended to allow divorced spouses of a retiree to enroll in PERA's Health Care Program within 30 days after the loss of coverage rather than 30 days after the date of the divorce.
15. 13.30 is being amended to clarify that Colorado PERA allows life insurance beneficiary designations to be made electronically as prescribed by Colorado PERA.
16. 17.80 is being added to clarify that beneficiaries in the 457(b) Plan must be designated as that Plan specifies.

Rule Amendments

1.20 Terms Used in Rules

Terms used in the Rules shall have the meaning specified:

- A. Foreign employer means a person or an entity that is formed under the laws of a jurisdiction outside the United States or its Territories.
- B. Pay pattern means the frequency of periodic salary payments.
 - (1) Academic pay pattern means salary is paid over a period of at least 8 months but less than 12 months.
 - (2) Seasonal pay pattern means salary is paid over a period of 1 to 11 months as determined by work available.
 - (3) Traditional pay pattern means salary is paid over a period of 12 months.
- C. Noncovered employment means public or private employment with an employer in the United States, its territories, or any foreign country for which no PERA service credit was earned. Qualified service and non-qualified service shall be determined in accordance with the Internal Revenue Code, and the Internal Revenue Service Rules and Regulations.
- D. Retroactive salary means salary for previous periods of employment for which payment was delayed or the rate of pay subsequently changed. Retroactive salary payments shall be considered earned in the months for which the salary should have been paid, had no delay or subsequent rate change occurred.

For retroactive salary payments that are made pursuant to court orders or arbitration awards or litigation and grievance settlements, the PERA-includable salary cannot be greater than the

rate of pay the member would have received had he or she been employed with the employer and/or paid at the time the services were performed. In the event that the retroactive salary payment is less than the rate of pay the member would have received had he or she been employed with the employer and/or paid at the time the services were performed, the Association shall provide partial service credit to the member by prorating the service credit in the same proportion to the salary that was actually paid versus the salary that would have been paid.

E. Qualified Children

- (1) Natural children means those biological children of a member who are conceived prior to the date of death of the member and are born within the normal gestation period after the date of the death of the member.
- (2) Adopted children means those for whom a petition for adoption was filed in court prior to the date of the death of the member and such petition is diligently pursued to the entry of the final decree of adoption.
- (3) Qualified children shall not include natural or adopted children of a member or inactive member whose parental relationship to the child has been terminated or determined by a court not to exist prior to the death of the member or inactive member.
- (4) Qualified children shall not include natural children of a member or inactive member whose parental relationship to the child is determined by a court after the death of the member or inactive member.
- (5) Qualified children shall include natural or adopted children of a member or inactive member who are legally adopted by another parent after the death of the member or inactive member. This subsection (5) shall not apply to qualified children eligible for benefits pursuant to the provisions of Section 24-51-1737, C.R.S.
- (6) For purposes of the DPS benefit structure, qualified children means those children who are eligible to receive survivor benefits pursuant to Section 24-51-1737, C.R.S.

F. Salary

(1) Accrued Leave Payments

(a) Payments by an employer in satisfaction of amounts owed for accrued but unused leave shall be treated as PERA salary pursuant to 24-51-101(42), C.R.S., if the following criteria are met:

- The payment by the employer of the accrued leave is made in a lump sum at within 60 days after the termination of the member's employment or in periodic payments after severing employment not at the election of the member. Periodic payments must be made over consecutive pay periods and for a period not to exceed the amount of service credit awarded in association with the payment. In the event that periodic payments are made, a single benefit adjustment will be made at the end of the payment period;
- The accrued leave payments are paid at a rate not to exceed the member's most recent rate of pay; and
- The payment is for accrued leave earned by the member pursuant to an established employer policy or employment contract and not as a result of a retroactive grant or an award by the employer.

(b) If each of the above criteria are met, consistent with longstanding PERA practice, the accrued leave payment will be treated as salary in calculating service credit and Highest Average Salary for retirement by applying the payment over the number of months as determined by the member's most recent monthly rate of pay. Additional service credit for these months will be included in the retirement benefit calculation. These months may also be used in the highest average salary calculation.

(c) Salary includes an annual lump sum payment of accrued leave, not at the election of the member, paid because the individual has accrued in excess of the maximum accumulation allowed by the employer's established leave policy.

(d) Notwithstanding anything herein to the contrary, any payout of leave made for a year the member has reached any maximum limit imposed under federal income tax law, including the limitations set forth in section 401(a)(17) of the federal Internal Revenue Code of 1986, as amended, shall not be included in the member's salary or service credit for the year paid or any future year.

(2) Cash Payments in lieu of Fringe Benefits
Cash payments in lieu of fringe benefits paid by an employer will be treated as PERA salary pursuant to section 24-51-101(42), C.R.S., if the Association determines that the payment is includable pursuant to this Rule and is in no way designed to manipulate Highest Average Salary.

(3) Performance or Merit Payments
Performance or merit payments are payments which are in addition to regular salary or which replace regular salary increases in recognition of sustained employee performance over the evaluation period. In order for performance or merit payments to be treated as PERA salary pursuant to 24-51-101(42), C.R.S., the Association must have determined that the payment is includable pursuant to this Rule and is in no way designed to manipulate Highest Average Salary. All payments shall be considered earned in the month in which the performance payment is made, except that payments to DPS members who were eligible to retire as of January 1, 2011, shall be considered earned in the months for which the performance payment was based.

(4) Contributions Under Internal Revenue Code Section 125 and 132
(a) For members who were members, inactive members, or retirees on June 30, 2019, salary shall not include amounts excluded from gross income under a cafeteria plan defined in Internal Revenue Code Section 125, or under a qualified transportation fringe benefit program defined in Internal Revenue Code Section 132(f) (4), so long as such deductions are made in equal periodic deductions through the year.

- (b) For members who were not members, inactive members, or retirees on June 30, 2019, salary shall include amounts excluded from gross income under a cafeteria plan defined in Internal Revenue Code Section 125, or under a qualified transportation fringe benefit program defined in Internal Revenue Code Section 132(f)(4).
- (5) Payments made by an employer for differential pay, as defined in section 414(u) (12) of the Internal Revenue Code of 1986, as amended, shall be treated as PERA salary pursuant to 24-51-101(42), C.R.S.
- (6) Tips
Tips received by a member for services rendered in connection with his or her employment by an employer shall be salary pursuant to section 24-51-101(42), C.R.S.
- (7) One-time payments
PERA employers pay one-time, non-base building payments to their employees as compensation for services rendered. Under section 24-51-101(42), C.R.S., payments made to employees that are actually for services rendered can be PERA salary, but honorariums, cash awards, bonuses, and other payments enumerated in sections 24-51-101(42)(a)(II) and (b)(II), C.R.S., are not PERA salary. One-time, non-performance, and non-merit based payments paid by an employer shall be treated as PERA salary pursuant to section 24-51-101(42), C.R.S. if the employer demonstrates its intent that the payment is a salary payment rather than a bonus, and the Association determines that the payment is includable pursuant to this Rule and is in no way designed to manipulate Highest Average Salary.

G. Highest Average Salary

- (1) In calculating Highest Average Salary, the Association shall sort the three or five periods of twelve consecutive months of service credit in chronological order.
- (2) For a member who was a member, inactive member, or retiree on December 31, 2006, and who has an effective date of retirement on or after January 1, 2009 and has more than 36 months of earned service credit and less than 48 months of earned service credit, the Highest Average Salary shall be calculated using the highest annual salaries associated with three periods of twelve consecutive months of service credit and no annual base salary shall be used.
- (3) For a member who was not a member, inactive member or retiree on December 31, 2006, and who has five years of service credit on December 31, 2019, or a member of the judicial division who does not have five years of service credit on December 31, 2019, or a member of the judicial division who was not a member, inactive member, or retiree on December 31, 2019, and who has more than 36 months of earned service credit and less than 48 months of earned service credit, the Highest Average Salary shall be calculated using the highest annual salaries associated with three periods of twelve consecutive months of service credit and no annual base salary shall be used.
- (4) For a member or inactive member who does not have five years of service credit on December 31, 2019, or a member who was not a member, inactive member, or retiree on December 31, 2019, who has more than 60 months of earned service credit and less than 72 months of earned service credit, the Highest Average Salary shall be calculated using the highest annual salaries associated with five periods of twelve consecutive months of service credit and no annual base salary shall be used.
- (5) For purposes of section 24-51-101(25), C.R.S., and this Rule 1.20G, the term "highest annual salaries" shall mean the salaries associated with four or six periods of twelve consecutive months of service credit that when summed together achieve the highest cumulative value. The salaries associated with each individual twelve month period of service credit shall not be considered separately from the four- or six-year cumulative total for purposes of determining which periods yield the "highest annual salaries."
- (6) This Rule 1.20G shall not apply to DPS members who are eligible to retire as of January 1, 2011.

2.15 Employer Assignments

Employers participate in PERA pursuant to section 24-51-101(20), C.R.S. Employers are assigned to one of five Divisions (State, School, Local Government, Judicial, and Denver Public Schools). State Division employers are further designated as either (A) Institutions of Higher Education or (B) Agencies and Instrumentalities. The PERA website maintains a list of employers and designations for informational purposes.

A. State Division

(1) Within the State Division, one group shall be designated Institutions of Higher Education, and the other shall be designated Agencies and Instrumentalities.

(A) The Institutions of Higher Education group of the State Division shall consist of the following employers and their employees and any other institutions of higher education established subsequent to the adoption of the Rules:

Adams State University
Aims Community College
Arapahoe Community College
Auraria Higher Education Center
Community College of Aurora
Colorado Mesa University
Colorado Mountain College
Colorado Northwestern Community College
Colorado School of Mines
Colorado State University
Colorado State University at Pueblo
Commission on Higher Education
Community College of Aurora
Community College of Denver
Fort Lewis College
Front Range Community College
Lamar Community College
Metropolitan State University of Denver
Morgan Community College
Northeastern Junior College
Otero Junior College
Pikes Peak Community State College
Pueblo Community College
Red Rocks Community College
State Board for Community Colleges and Occupational Education
Trinidad State Junior College
University of Colorado
University of Northern Colorado
Western Colorado University

(B) The Agencies and Instrumentalities group of the State Division shall consist of the following employers and their employees and any other state agency or instrumentality established subsequent to the adoption of the Rules:

CollegeInvest
College Assist
Colorado Association of School Boards
Colorado Association of School Executives
Colorado High School Activities Association
Colorado House of Representatives
Colorado Senate
Colorado Water Resources & Power Development Authority
Colorado Community College System
CoverColorado
Department of Agriculture
Department of Corrections

Department of Early Childhood
Department of Education
Department of Health Care Policy and Financing
Department of Human Services
Department of Labor and Employment
Department of Law
Department of Local Affairs
Department of Military and Veterans Affairs
Department of Natural Resources
Department of Personnel and Administration
Department of Public Health and Environment
Department of Public Safety
Department of Regulatory Agencies
Department of Revenue
Department of State
Department of the Treasury
Department of Transportation
Fire and Police Pension Association
Joint Budget Committee
Judicial Department
Judicial District Attorneys (Districts 1st – 22nd)
Legislative Council
Office of the District Attorneys
Office of Economic Development and International Trade
Office of the Governor
Office of Information Technology
Office of Legislative Legal Services
Office of the Lieutenant Governor
Office of the State Auditor
Pinnacol Assurance
Public Employees' Retirement Association
School for the Deaf and the Blind
Special District Association of Colorado
State Historical Society

B. The School Division shall consist of the following affiliated employers and their employees and any other school district established and affiliated subsequent to the adoption of the Rules:

Adams County
Adams 12 Five Star Schools
Adams County School District 14
Bennett School District 29J
Brighton School District 27J
Mapleton School District 1
Strasburg School District 31J
Westminster Public Schools
Alamosa County
Alamosa County School District Re-11J
Sangre de Cristo School District Re-22J

Arapahoe County
Adams-Arapahoe School District 28J
Byers School District 32J
Cherry Creek School District 5
Deer Trail School District 26J
Englewood School District 1
Littleton School District 6
Sheridan School District 2
Archuleta County
Archuleta County School District 50 Jt
Baca County
Campo School District RE-6
Pritchett School District RE-3
Springfield School District RE-4
Vilas School District RE-5
Walsh School District RE-1
Bent County
Las Animas School District RE-1
McClave School District RE-2
Boulder County
Boulder Valley School District RE2
St. Vrain Valley School District RE1J
Chaffee County
Buena Vista School District R-31
Salida School District R-32(J)
Cheyenne County
Cheyenne County School District Re-5
Kit Carson School District R-1
Clear Creek County
Clear Creek School District RE-1
Conejos County
North Conejos School District RE1J
Sanford School District 6J
South Conejos School District RE 10
Costilla County
Centennial School District R-1
Sierra Grande School District R-30
Crowley County
Crowley County School District RE-1
Custer County
Custer County Consolidated School District C-1
Delta County
Delta County School District 50(J)
Dolores County
Dolores County School District Re No. 2
Douglas County
Douglas County School District Re 1
Eagle County
Eagle County School District Re-50
Elbert County
Agate School District 300
Big Sandy School District 100J
Elbert School District 200
Elizabeth School District C-1
Kiowa School District C-2
El Paso County
Academy School District #20
Calhan School District RJ
Cheyenne Mountain School District 12
Colorado Springs School District 11
Edison School District 54 Jt
Ellicott School District 22
Falcon School District 49
Fountain School District 8
Hanover School District 28
Harrison School District 2
Lewis-Palmer School District 38
Manitou Springs School District 14
Miami/Yoder School District 60 Jt
Peyton School District 23 Jt
Widefield School District 3
Fremont County
Canon City School District Re-1
Cotopaxi School District Re-3
Florence School District Re-2
Garfield County
Garfield School District 16
Garfield School District Re-2
Roaring Fork School District Re-1
Gilpin County
Gilpin County School District Re-1
Grand County
East Grand School District 2
West Grand School District 1
Gunnison County
Gunnison Watershed School District Re1J
Hinsdale County
Hinsdale County School District Re-1
Huerfano County
Huerfano School District Re-1
La Veta School District Re-2
Jackson County
North Park School District R-1

Jefferson County
Jefferson County School District R-1
Kiowa County
Kiowa County School District RE-1
Plainview School District Re-2
Kit Carson County
Arriba-Flagler Consolidated School District No. 20
Bethune School District R-5
Burlington School District Re-6J
Hi-Plains School District R-23
Stratton School District R-4
Lake County
Lake County School District R-1
La Plata County
Bayfield School District 10Jt-R
Durango School District 9-R
Ignacio School District 11 Jt
Larimer County
Estes Park School District R-3
Poudre School District R-1
Thompson School District R-2J
Las Animas County
Aguilar Reorganized School District 6
Branson Reorganized School District 82
Hoehne Reorganized School District 3
Kim Reorganized School District 88
Primero Reorganized School District 2
Trinidad School District 1
Lincoln County
Genoa/Hugo School District C-113
Karval School District Re-23
Limon School District Re-4J
Logan County
Buffalo School District Re-4
Frenchman School District Re-3
Plateau School District Re-5
Valley School District Re-1
Mesa County
De Beque School District 49 Jt
Mesa County Valley School District 51
Plateau Valley School District 50
Mineral County
Creede Consolidated School District 1
Moffat County
Hayden School District Re-1
Moffat County School District Re No:1
Montezuma County
Dolores School District RE 4A
Mancos School District Re-6
Montezuma-Cortez School District Re-1
Montrose County
Montrose County School District Re-1J
West End School District Re-2
Morgan County
Brush School District Re-2 (J)
Fort Morgan School District Re-3
Weldon Valley School District Re-20 (J)
Wiggins School District Re-50 (J)
Otero County
Cheraw School District 31
East Otero School District R1
Fowler School District R4J
Manzanola School District 3J
Rocky Ford School District R2
Swink School District 33
Ouray County
Ouray School District R-1
Ridgway School District R-2
Park County
Park County School District Re-2
Platte Canyon School District 1
Phillips County
Haxtun School District Re-2J
Holyoke School District Re-1J
Pitkin County
Aspen School District 1
Prowers County
Granada School District Re-1
Holly School District Re-3
Lamar School District Re-2
Wiley School District Re-13 Jt
Pueblo County
Pueblo City School District 60
Pueblo County Rural School District 70
Rio Blanco County
Meeker School District RE1
Rangely School District RE4
Rio Grande County
Del Norte School District C-7
Monte Vista School District C-8
Sargent School District Re-33J
Routt County
South Routt School District Re-3
Steamboat Springs School District Re-2

Saguache County	East Central Board of Cooperative Educational Services
Center Consolidated School District 26 Jt	Education reEnvisioned Board of Cooperative Education Services
Moffat School District 2	Expeditionary Learning School Board of Cooperative Educational Services
Mountain Valley School District Re-1	Grand Valley Board of Cooperative Educational Services
San Juan County	Mount Evans Board of Cooperative Educational Services
Silverton School District 1	Mountain Board of Cooperative Educational Services
San Miguel County	Northeast Board of Cooperative Educational Services
Norwood School District R-2J	Northwest Colorado Board of Cooperative Educational Services
Telluride School District R-1	Pikes Peak Board of Cooperative Educational Services
Sedgwick County	Rio Blanco Board of Cooperative Educational Services
Julesburg School District Re-1	San Juan Board of Cooperative Educational Services
Revere School District	San Luis Valley Board of Cooperative Educational Services
Summit County	Santa Fe Trail Board of Cooperative Educational Services
Summit School District Re-1	South Central Board of Cooperative Educational Services
Teller County	Southeastern Board of Cooperative Educational Services
Cripple Creek-Victor School District Re-1	Uncompahgre Board of Cooperative Educational Services
Woodland Park School District RE-2	Ute Pass Board of Cooperative Educational Services
Washington County	Vocational Schools
Akron School District R-1	Technical College of the Rockies
Arickaree School District R-2	Other
Lone Star School District 101	Colorado Consortium for Earth and Space Science Education
Otis School District R-3	C. Local Government Division
Woodlin School District R-104	The Local Government Division shall consist of the following affiliated employers and their employees and any other entity of local government or public agency other than state that elect to affiliate with the Association:
Weld County	Adams and Jefferson County Hazardous Response Authority
Ault-Highland School District Re-9	Alamosa Housing Authority
Briggsdale School District Re-10	Arapahoe Park and Recreation District
Eaton School District Re-2	Aurora Housing Authority
Weld County School District Re-1	Baca Grande Water & Sanitation District
Greeley School District 6	Beulah Water Works District
Johnstown-Milliken School District Re-5J	Black Hawk-Central City Sanitation District
Keenesburg School District Re-3	Blanca-Fort Garland Metropolitan District
Pawnee School District Re-12	Boulder County
Platte Valley School District Re-7	Boulder County Public Trustees' Office
Prairie School District Re-11	Boulder Public Library District
Weld County School District Re-1	Boxelder Sanitation District
Weld County School District Re-4	Brush Housing Authority
Weld County School District Re-8	Carbon Valley Park & Recreation District
Windsor School District Re-4	Castle Pines Metropolitan District
Yuma County	
Idalia School District RJ-3	
Liberty School District J-4	
Wray School District RD-2	
Yuma School District 1	
Boards of Cooperative Educational Services (BOCES)	
Adams County Board of Cooperative Educational Services	
Centennial Board of Cooperative Educational Services	
Colorado River Board of Cooperative Educational Services	

Castle Pines North Metropolitan District
Center Housing Authority
Central Colorado Water Conservancy District
Cheyenne Wells Housing Authority
City of Alamosa
City of Boulder
City of Castle Pines
City of Colorado Springs
City of Fort Morgan
City of Las Animas
City of Lone Tree
City of Manitou Springs
City of Pueblo
City of Wray
City of Yuma
Clearview Library District
Collbran Conservancy District
Colorado District Attorneys' Council
Colorado First Conservation District
Colorado Health Facilities Authority
Colorado Housing and Finance Authority
Colorado Library Consortium
Colorado River Fire Protection District
Colorado School District Self-Insurance Pool
Colorado Springs Utilities
Columbine Knolls-Grove Metropolitan
Recreation District
Costilla Housing Authority
County Technical Services
Cucharas Sanitation and Water District
Douglas County Housing Partnership
Douglas County Libraries
Durango Fire Protection District
East Cheyenne Groundwater Management
District
East Larimer County Water District
Eastern Rio Blanco Metropolitan Recreation &
Park District
Eaton Housing Authority
Elbert County Library District
Elizabeth Park and Recreation District
El Paso - Teller County Emergency Telephone
Service Authority
Estes Park Housing Authority
Estes Park Local Marketing District
Estes Valley Fire Protection District
Estes Valley Public Library District
Forest Lakes Metropolitan District
Fremont Conservation District
Fremont Sanitation District
Garfield County Housing Authority
Grand Junction Regional Airport Authority
Grand Valley Fire Protection District
Green Mountain Water and Sanitation District
GVR Metropolitan District
Housing Authority of Arriba
Housing Authority of the City of Boulder
Housing Authority of the City of Colorado
Springs

Housing Authority of the County of Adams
Housing Authority of the Town of Limon
Lamar Housing Authority
Lamar Utilities Board
Left Hand Water District
Longmont Housing Authority
Longs Peak Water District
Louisville Fire Protection District
Maiker Housing Partners
Meeker Cemetery District
Meeker Regional Library District
Meeker Sanitation District
Montrose Fire Protection District
Montrose Recreation District
Monument Sanitation District
Morgan Conservation District
Morgan County Quality Water District
Mountain View Fire Protection District
Mountain Water and Sanitation District
Niwot Sanitation District
North Carter Lake Water District
North Chaffee County Regional Library
North Front Range Water Quality Planning
Association
Northeast Colorado Health Department
Northeastern Colorado Association of Local
Governments
Park Center Water District
Pine Drive Water District
Pikes Peak Regional Building Department
Pine Drive Water District
Plum Creek Water Reclamation Authority
Pueblo City-County Health Department
Pueblo Library District
Pueblo Transit Authority
Pueblo Urban Renewal Authority
Rampart Regional Library District
Rangely Regional Library District
Red Feather Mountain Library District
Red, White & Blue Fire Protection District
Republican River Water Conservation District
Rifle Fire Protection District
Rio Blanco Fire Protection District
Rio Blanco Water Conservancy District
Routt County Conservation District
Sable-Altura Fire Protection District
San Luis Valley Development Resources Group
San Luis Valley Water Conservancy District
San Miguel County Public Library District
San Miguel Regional and Telluride Housing Authority
Scientific and Cultural Facilities District
Sheridan Sanitation District #1
Soldier Canyon Water Treatment Authority
Southwest La Plata Library District
Statewide Internet Portal Authority
Steamboat II Water and Sanitation District
Strasburg Metropolitan Parks & Recreation District
St. Vrain Sanitation District

Tabernash Meadows Water and Sanitation
District
Town of Alma
Town of Bayfield
Town of Crawford
Town of Dinosaur
Town of Eckley
Town of Estes Park
Town of Firestone
Town of Lake City
Town of Lochbuie
Town of Mountain Village
Town of Mt. Crested Butte
Town of Platteville
Town of Rico
Town of Rye
Town of Seibert
Town of Silver Plume
Town of Timnath
Trails Park and Recreation District
Tri-County Health Department
Tri-Lakes Wastewater Treatment Facility
Upper Colorado Environmental Plant Center
Upper Thompson Sanitation District
Washington-Yuma Counties Combined
Communications Center
Weld County Department of Public Health and
Environment
West Greeley Conservation District
Western Rio Blanco Metropolitan Recreation
and Park District
White River Conservation District
Wray Housing Authority
Yuma Housing Authority

D. Judicial Division

The Judicial Division shall consist of judges elected or appointed to positions in the following courts and any court established subsequent to the adoption of the Rules:

1st-22nd District Court
Adams County Court
Alamosa County Court
Arapahoe County Court
Archuleta County Court
Baca County Court
Bent County Court
Boulder County Court
Broomfield County Court
Chaffee County Court
Cheyenne County Court
Clear Creek County Court
Conejos County Court
Costilla County Court
Court of Appeals
Crowley County Court
Custer County Court
Delta County Court

Denver County Court
Denver Juvenile Court
Denver Probate Court
Dolores County Court
Douglas County Court
Eagle County Court
Elbert County Court
El Paso County Court
Fremont County Court
Garfield County Court
Gilpin County Court
Grand County Court
Gunnison County Court
Hinsdale County Court
Huerfano County Court
Jackson County Court
Jefferson County Court
Kiowa County Court
Kit Carson County Court
Lake County Court
La Plata County Court
Larimer County Court
Las Animas County Court
Lincoln County Court
Logan County Court
Mesa County Court
Mineral County Court
Moffat County Court
Montezuma County Court
Montrose County Court
Morgan County Court
Otero County Court
Ouray County Court
Park County Court
Phillips County Court
Pitkin County Court
Prowers County Court
Pueblo County Court
Rio Blanco County Court
Rio Grande County Court
Routt County Court
Saguache County Court
San Juan County Court
San Miguel County Court
Sedgwick County Court
Summit County Court
Supreme Court
Teller County Court
Washington County Court
Weld County Court
Yuma County Court

G. Denver Public Schools Division
Denver Public School District No. 1

2.20 Administrative Review

A. Request for Executive Director Initial Decision
A written request for an initial decision by the Executive Director must be received by the Association within 90 days after the date on which the staff decision is mailedsent. The staff decision shall be sent by electronically through PERA's authorized secure channels or via certified mail.

B. Request for Administrative Hearing
A written request for administrative hearing, including specifics, must be received by the Association within 45 days after the date on which the notice of the initial decision is mailedsent. The initial decision shall be made by PERA's Executive Director or the Executive Director's designee, and written notice of the initial decision shall be sent by electronically through PERA's authorized secure channels or via certified mail.

C. Administrative Hearing

E-(1) Notification of Scheduled Administrative Hearing
The person for whom the hearing is being conducted or their attorney, if represented, and the person representing the PERA administration will be notified electronically through PERA's authorized secure channels or via by certified mail and first class mail of the time, date and place of the hearing no less than 45 days prior to the date of the hearing.

D-(2) Submission of Information Prior to the Hearing

(f)(a) No less than 30 days prior to the date for which the hearing is scheduled, the person who requested the hearing and the person representing the PERA administration each shall submit: (a) a statement which includes the issues presented, a brief analysis of those issues, the names of all witnesses to appear, a brief description of their expected testimony, and (b) the written information to be considered at the hearing.

(2)(b) No less than 20 days prior to the date for which the hearing is scheduled, the person who requested the hearing and the person representing the PERA administration each shall submit: a responsive statement including, to the extent appropriate, the same elements set forth in Rule 2.20 ~~DC (12) (a), and (b)~~ and any additional written information to be considered at the hearing. After this submission, no further written information is to be submitted unless good cause is shown for the late submission.

E(3) Burden of Proof

The person who requested the hearing shall bear the burden of proof by a preponderance of the evidence at the hearing.

D. F. Consolidation of Administrative Appeals

Any party to an appeal may request consolidation of an executive director initial decision or administrative hearing in appropriate circumstances. The party requesting consolidation must make such request in writing no later than 30 days after the deadline for a written request for executive director initial decision or administrative hearing is due pursuant to Rule 2.20A or B. Within 10 days of such a request, the other party may submit a written response stating that party's position regarding consolidation. The decision to consolidate at the executive director initial decision stage will be made by the Executive Director. Upon request of either party, the Board Chair at his or her in their discretion; the request to consolidate at the administrative hearing stage will be made by the hearing officer in their discretion may direct consolidation of executive director initial decisions, and/or administrative hearings in appropriate circumstances. The party requesting consolidation must make such request in writing no later than 30 days after the deadline for a written request for executive director initial decision or administrative hearing is due pursuant to Rule 2.20A or B. Within 10 days of such a request, the other party may submit a written response stating that party's position regarding consolidation.

G. E. Administrative Hearing

- (1) **Appointment of Panel Members**
The Panel shall consist of three Board members appointed by the Chair.
- (2) **Responsibilities of Panel**
The Panel shall hear and consider the evidence and then shall issue written findings of fact, conclusions of law, and the decision. After thirty days from the date the Panel's decision is mailedsent, the Panel's decision shall constitute final administrative action appealable under Colorado Rule of Civil Procedure 106(a)(4) unless either party chooses to appeal the decision to the PERA Board pursuant to subparagraph (3) section (F) below. Written notice of the Panel's decision shall be sent electronically through PERA's authorized secure channels or viaby certified mail to each person who requested the hearing or to their attorney, if represented, and to the person representing the PERA administration.
- (3) **Hearing Officer**
An administrative law judge from the Office of Administrative Courts shall serve as a non-voting hearing officer for administrative hearings. The non-voting hearing officer shall issue pre-hearing rulings as needed and conduct the hearing.

(3) F. Review by the Board

- (a) (1) Any party may choose to appeal the Panel's decision to the PERA Board. If any party chooses to appeal, it must submit a written request for review to the PERA Board, which must be received by the Association within 30 days after the date on which the Panel's decision is mailed. If no appeal is made to the PERA Board within the 30 days, the Panel's decision shall become final administrative action at the expiration of the 30 days to appeal to the PERA Board.
- (b) (2) If a request for review to the PERA Board is filed prior to the deadline, the PERA Board shall review the matter based on the existing evidentiary record. The Board's review of the matter shall be limited to issues of law and shall not include review of the factual findings by the Panel. The record for Board review shall include the written materials considered by the Panel, the findings of fact, conclusions of law, and the Panel's decision. The Board may permit

briefs and oral argument, if requested by a party at the time of appeal. The three Board members who served on the Panel shall not participate in the Board's review. After review, the Board shall issue a written decision affirming, reversing, or modifying the Panel's decision. Alternatively, the Board may remand the matter to the Panel with instructions to make further factual findings on specific issues that will assist the Board in determining issues of law; however, the Board may not alter any factual findings made by the Panel. Once the Panel has conducted its additional factual findings, the matter shall be re-submitted to the Board to issue its written decision. Written notice of the Board's final decision shall be sent electronically through PERA's authorized secure channels or viaby certified mail to the parties or to their attorney, if represented, within 10 days of the date on which the written decision was made.

(4) (3)

If the PERA Board reviews the Panel's decision pursuant to subsection (3) of section (G) of this Rule, the Board's decision after its review shall constitute final administrative action appealable under Colorado Rule of Civil Procedure 106(a)(4).

2.35 State Division Candidates

- A. Within the State Division at least one of the members elected to the Board shall be an employee of an employer designated in Rule 2.15 A(1)(A) as an Institution of Higher Education, and at least one of the members elected shall be an employee of a State employer designated in Rule 2.15 A(1)(B) as an Agency or Instrumentality.
- B. Should a State Division candidate who receives the highest number of votes be an employee of one of the employers within the same group as all other current Board members from the State Division, the candidate who receives the most votes and who is employed by an employer from the State Division group not represented on the Board shall be declared elected.

2.90 Actuarial Assumptions

A. Funding Method

The funding method used by the Association shall be the entry age actuarial cost method.

B. Asset Valuation Method

The asset valuation method used by the Association shall be a "smoothed" market value of assets. The difference between actual market value actuarial gains from investment experience and the expected actuarial gains from investment experience is recognized over a four-year period.

C. Actuarial Investment Assumption Rate

The actuarial investment assumption rate is 7.25 percent per year compounded annually, which is net after investment expenses.

D. Other Assumptions

Other actuarial assumptions set by the Board include the mortality table, and the probabilities of age and service retirement, withdrawal from service, disability, and death-in-service. These assumptions shall be set forth in the Association's **Comprehensive Annual Comprehensive** Financial Report, and, upon approval of the Report by the Board, such actuarial factors shall become part of the actuarial assumptions under Rule 2.90.

E. Money Purchase Benefits

The actuarial investment assumption rate and the mortality table shall be used in the actuarial determination of money purchase retirement benefits.

8.10 Election of Options

The election of a benefit option shall be made in writing and shall contain the signature of the member or the signature of the individual(s) appointed to represent the member.

Alternatively, designation may be made electronically as prescribed by the Association.

8.20 Designation of Named Beneficiary, Cobeneficiary or Coannuitant

Designation of a named beneficiary, or cobeneficiary, or coannuitant shall be made in writing and shall contain the signature of the member or the signature of the individual(s) appointed to represent the member. Alternatively, designation may be made electronically as prescribed by the Association. Such designation shall take effect upon receipt by the Association.

A. Named Beneficiary

The member or retiree may designate more than one named beneficiary. If more than one named beneficiary survives the member, the

single payment of the balance of the member contribution account and the amount of the matching employer contributions shall be shared equally. If more than one named beneficiary survives the retiree, the single payment of the balance remaining in the member contribution account and the amount of matching employer contributions shall be shared equally. Designation of the named beneficiary may be changed by the member or retiree at any time prior to death.

B. Cobeneficiary

Only one cobeneficiary can be designated to receive benefits under the provisions of Options 2 or 3.

C. Coannuitant

Under the DPS benefit structure, only one coannuitant can be designated to receive benefits under the provisions of Options P2, or P3.

9.10 Designation of Named Beneficiary

Designation of a named beneficiary or named beneficiaries shall be made in writing; and shall contain the signature of the member or the signature of the individual(s) appointed to represent the member. Alternatively, designation may be made electronically as prescribed by the Association. Such designation shall take effect upon receipt by the Association.

11.10 Employment After Service Retirement

A retiree receiving a service retirement or reduced service retirement benefit may be employed, under certain conditions, without reduction in benefits.

A. Employment with an Affiliated Employer

(1) For a service retiree employed in a position subject to limits on employment after service retirement, employment of more than four hours per day shall be considered one day.

(2) Employment after service retirement shall include all of the time during which a retiree renders any paid service.

B. Employment with a Non-Affiliated Employer

A retiree receiving a service retirement or reduced service retirement benefit may be employed with a non-affiliated employer without a reduction in or suspension of benefits.

C. Employment of Benefit Recipients Other Than Retirees

Cobeneficiaries and survivors are not subject to employment limitations.

D. Employment Pursuant to Section 24-51-1101(1.8) and (1.9), C.R.S.

- (1) For the purposes of Section 24-51-1101(1.8), C.R.S., an "employer" is defined to be an entire school district and the charter schools of the district. Charter schools are not separate employers for purposes of Section 24-51-1101(1.8), C.R.S.
- (2) A service retiree who is working for an employer pursuant to Section 24-51-1101(1.8) or (1.9), C.R.S., may also work for one or more employers during the calendar year. Once the service retiree reaches one hundred ten days or seven hundred twenty hours in a calendar year, whichever is applicable, the retiree may only work any remaining days or hours, without a reduction in benefits, for the employer that designated that service retiree pursuant to Section 24-51-1101(1.8) or (1.9), C.R.S. Any employment with another employer will subject the retiree to a reduction in benefits pursuant to Section 24-51-1102, C.R.S.
- (3) For purposes of Section 24-51-1101(1.8) and (1.9), the employer must provide the Association with a list of any and all service retirees employed by the employer no later than March 31st September 1st of the applicable calendar year. The list must be updated with each service retiree who is hired that year.
- (4) For purposes of Section 24-51-1101(1.8) and (1.9), C.R.S., an employer is not required to designate all ten applicable service retirees by March 31st September 1st of the applicable calendar year. However, once ten all applicable service retirees have been designated during a calendar year pursuant to Section 24-51-1101(1.8), C.R.S., no additional service retirees may be designated even if one or more of the designated service retirees ceases work for that employer.
- (5) For purposes of Section 24-51-1101(1.8) and (1.9), C.R.S., a service retiree shall only be eligible for one designation per position per employer in a calendar year. Once designated, the service retiree may not be removed or redesignated during that calendar year.
- (6) For purposes of Section 24-51-1101(1.8) (b.5)(II), and (1.9)(g) C.R.S., beginning on January 1, 2025, the six-year limitation for service retirees is six consecutive

calendar years beginning in the calendar year the service retiree is first designated. Following the sixth consecutive calendar year, a service retiree must take a one calendar year break from such designation before being redesignated.

E. Employment as an Instructor at a State College or University

- (1) An instructor at a state college or university may, but is not required to, determine hours worked for purposes of the limit in Section 24-51-1101(1) or (1.8), C.R.S., as applicable, by deeming each one credit hour taught per semester to equal three hours worked per week in that semester. An instructor who determines hours worked using this method may not exceed seven hundred twenty or nine hundred sixteen hours worked in the calendar year, or the daily equivalent if combining the hourly employment limit with other daily employment.
- (1) For the purposes of this Rule, "state college or university" has the same definition as 24-51-1101(1.8)(e)(I), C.R.S.

12.10 Enrollment

Enrollment in the Health Care Program is subject to receipt by the Association of the prescribed enrollment form(s).

A. Enrollment When First Eligible

- (1) Enrollment of Benefit Recipients
 - (a) Service retirees and reduced service retirees may enroll themselves and any eligible dependents for whom coverage is desired within 30 days after the date of the first benefit payment.
 - (b) Survivor benefit recipients and disability retirees may enroll within 30 days after the date of the first benefit payment.
 - (c) A surviving cobeneficiary who was not enrolled in the Program may enroll within 30 days after the date of the first benefit payment death of the retiree. Coverage and requisite premium deductions will continue for a cobeneficiary whose coverage was in effect at the death of the retiree unless the cobeneficiary requests cancellation of coverage.
- (2) Enrollment of Spouses Not Receiving Benefits
 - (a) The surviving spouse of a retiree who elected Option 1, or a DPS retiree who elected a single life annuity, must notify the Association in writing within 30 days after the date of death of the retiree loss of coverage in order to continue the coverage which was in effect at the death of the retiree.

- (b) The divorced spouse of a retiree must notify the Association in writing within 30 days after the date of the divorce loss of coverage in order to continue the coverage which was in effect at the time of the divorce.
- (c) For purposes of Section 24-51-1204(1)(b), C.R.S., a single life annuity under the DPS benefit structure shall include Option A, Option B, and Option D.

(3) Enrollment of New Dependents

- (a) Newborn or newly adopted children may be enrolled within 30 days after the date of birth or adoption. Other children may be enrolled within 30 days after the date they become qualified as described in 24-51-1204(1)(a), C.R.S.
- (b) Spouses may be enrolled within 30 days after the date of marriage or civil union.
- (c) Dependent parents may be enrolled within 30 days after the date they become dependent parents as described in 24-51-101(14), C.R.S.

B. Enrollment Upon Loss of Other Coverage

Benefit recipients and others eligible for coverage who are not enrolled in the Health Care Program may enroll within 30 days after loss of other coverage.

C. Enrollment Upon Reaching Medicare Eligibility

- (1) Benefit recipients and others eligible for coverage may enroll in the Health Care Program within 30 days after their Medicare effective date.
- (1) Persons enrolled in the Health Care Program may change coverage from one health plan sponsored by the Program to another within 30 days after reaching Medicare eligibility.

D. Open Enrollment

A period of open enrollment shall be held annually. Benefit recipients may enroll themselves and their eligible dependents during the annual open enrollment period.

13.30 Designation of Beneficiary for Life Insurance

Designation of a beneficiary shall be made in writing and must contain the signature of the member or retiree or the signature of the individual(s) appointed to represent the member or retiree, and the date. Alternatively, designation may be made electronically as prescribed by the Association. Such designation shall take effect upon receipt by the Association.

17.80 Beneficiary Designations

Designation of a beneficiary shall be made in the manner prescribed by the Plan document.