

PUBLIC EMPLOYEES' RETIREMENT BOARD

Public Employees' Retirement Association

COLORADO PERA RULES

8 CCR 1502-1

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 Colorado PERA Rules as follows:

1. Rule 1.20F(1)(d) is being added to clarify that leave payouts for members who have reached Internal Revenue Code limits are not included in PERA salary or service credit.
2. Rule 1.20F(4) is being amended in accordance with the statutory change in SB 18-200 to include Internal Revenue Code Section 125 and 132 deductions in PERA salary for all new members hired after June 30, 2019.
3. Rule 1.20F(7) is being amended to correct statutory cross-references in accordance with changes in SB 18-200.
4. Rule 1.20G is being amended in accordance with the change in SB 18-200 that increases the number of years used to calculate highest average salary for members who do not have five years of service credit on December 31, 2019, or who are not members, inactive members, or retirees on that date. This rule specifies how PERA calculates a highest average salary for members who retire without enough months of earned service credit to follow the formula in C.R.S. § 24-51-101(25).
5. Rule 2.15 is being amended to reflect PERA employer name changes, affiliations, and a disaffiliation.
6. Rule 2.20G(2) is being amended to clarify that the PERA Administrative Review Panel's decision becomes final administrative action after 30 days from the date the decision is mailed.
7. Rule 3.20 is being removed in accordance with a statutory change in SB 18-200 that allows nonvested members to retain PERA accounts after their employer disaffiliates from PERA.

8. Rule 4.10A is being amended to clarify that expenses incurred by PERA resulting from delinquent or inadequate funding from an employer's payment of contributions will be paid by the employer.
9. Rule 4.10B is being added to clarify that member contributions and service credit will be assigned to the month that includes the last date in a payroll period.
10. Rule 4.70 is being added to clarify that all members who meet the definition of "state trooper" in PERA law, as well as their employers, regardless of the division assigned, will pay the increased member and employer contributions for state troopers. SB 18-200 expanded the definition of "state trooper" from the state division to also include certain local government members.
11. Rule 7.12B is being amended to confirm and clarify the longstanding policy relating to appeals of medical determinations made by PERA's disability program administrator. This Rule confirms that members who are denied by the disability program administrator for failing to meet the medical criteria for disability have 180 days to appeal the disability program administrator's decision, and 90 days to appeal a denial of the first appeal.
12. Rule 7.75C is being amended to clarify the amount of projected service credit a member will receive pursuant to C.R.S. § 24-51-704 when the member moves from short-term disability to disability retirement. This Rule provides projected service credit for the period of short-term disability.
13. Rule 8.30 is being amended to require retirees who enter into a marriage on or after January 1, 2011, or into a civil union on or after January 1, 2014, and wish to change benefit options under C.R.S. § 24-51-802(3), to provide PERA with necessary documentation of the marriage or civil union within 90 days of the date of the marriage or civil union. This rule also incorporates the existing requirement that a retiree must make the election to PERA within 60 days of the marriage or civil union.
14. Rule 10.20 is being amended to correct statutory cross-references in accordance with changes in SB 18-200.
15. Rule 16.10C is being amended in accordance with a statutory change in SB 18-200 to clarify when an employee will have choice between the PERA defined benefit and defined contribution plans, if an employee is employed in a non-eligible position and subsequently employed in an eligible position.
16. Rule 16.10F is being removed in its entirety as no longer applicable, and subsequent rules are being renumbered accordingly.

17. Rule 16.30 is being amended to correct rule cross-references in accordance with the removal of Rule 16.10F.
18. Rule 16.60A is being amended to change the method by which employers submit contributions for members in the defined contribution plan, and to clarify that expenses incurred by PERA resulting from delinquent or inadequate funding from an employer's payment of contributions will be paid by the employer.
19. Rule 16.95H is being amended to require a person in the local government division who is a candidate for PERA Board election to disclose whether he or she is a member of the PERA defined contribution plan or the PERA defined benefit plan. Local government division members hired on or after January 1, 2019, will be eligible for the defined contribution plan in accordance with SB 18-200.