



# COLORADO PERA RULES

Effective January 1, ~~2019~~2020



## RULE 2: ADMINISTRATION

### 2.15 Employer Assignments

#### 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

~~Aurora~~-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

~~Denver~~-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 College

Pueblo ~~Vocational~~-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 State 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:

CollegelInvest

College Assist

Colorado Association of School Boards

Colorado Association of School Executives

~~Colorado Council on the Arts~~

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 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  
~~General Assembly~~  
Joint Budget Committee  
Judicial Department  
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

AdamsArapahoe 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 RE6

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 R31

Salida School District R:32(J)

Cheyenne County

Cheyenne County School District Re5

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 R30

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 C1  
Kiowa School District C2

El Paso County

Academy School District #20  
Calhan School District RJ1  
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  
LewisPalmer 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 Re1  
Cotopaxi School District Re3  
Florence School District Re2

Garfield County

Garfield School District 16  
Garfield School District Re2  
Roaring Fork School District Re1

Gilpin County

Gilpin County School District Re1

Grand County

East Grand School District 2  
West Grand School District 1

Gunnison County

Gunnison Watershed School District Re1J

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Hinsdale County

Hinsdale County School District Re1

Huerfano County

Huerfano School District Re1  
La Veta School District Re2

Jackson County

North Park School District R1

Jefferson County

Jefferson County School District R1

Kiowa County

Kiowa County School District RE-1

Plainview School District Re2

Kit Carson County

ArribaFlagler Consolidated School District No. 20

Bethune School District R5

Burlington School District Re6J

HiPlains School District R23

Stratton School District R4

Lake County

Lake County School District R-1

La Plata County

Bayfield School District 10JtR

Durango School District 9R

Ignacio School District 11 Jt

Larimer County

Estes Park School District R3

Poudre School District R1

Thompson School District R2J

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 C113

Karval School District Re 23

Limon School District Re 4J

Logan County

Buffalo School District Re4

Frenchman School District Re3

Plateau School District Re5

Valley School District Re1

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 Re6  
MontezumaCortez School District Re 1

Montrose County

Montrose County School District Re-1 J  
West End School District Re2

Morgan County

Brush School District Re2 (J)  
Fort Morgan School District Re3  
Weldon Valley School District Re20 (J)  
Wiggins School District Re50 (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 R2

Park County

Park County School District Re2  
Platte Canyon School District 1

Phillips County

Haxtun School District Re2J  
Holyoke School District Re1J

Pitkin County

Aspen School District 1

Prowers County

Granada School District Re 1  
Holly School District Re-3  
Lamar School District Re2  
Wiley School District Re13 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 C7  
Monte Vista School District C8  
Sargent School District Re33J

Routt County

~~Hayden School District Re 1~~

South Routt School District Re 3

Steamboat Springs School District Re 2

Saguache County

Center Consolidated School District 26 Jt

Moffat School District 2

Mountain Valley School District Re 1

San Juan County

Silverton School District 1

San Miguel County

Norwood School District R2J

Telluride School District R1

Sedgwick County

Julesburg School District Re 1

Revere School District

Summit County

Summit School District Re 1

Teller County

Cripple Creek Victor School District Re 1

Woodland Park School District RE:2

Washington County

Akron School District R-1

Arickaree School District R-2

Lone Star School District 101

Otis School District R-3

Woodlin School District R104

Weld County

Ault-Highland School District Re-9

Briggsdale School District Re-10

Eaton School District Re-2

~~Gilcrest School District Re-1~~ Weld County School District Re-1

Greeley School District 6

Johnstown-Milliken School District Re-5J

Keenesburg School District Re-3

Pawnee School District Re-12

Platte Valley School District Re-7

Prairie School District Re-11

Weld County School District Re-8

Windsor School District Re 4

Yuma County

Idalia School District RJ3

Liberty School District J4

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 Digital Board of Cooperative Educational Services  
Colorado River Board of Cooperative Educational Services  
East Central Board of Cooperative Educational Services  
Expeditionary Learning School Board of Cooperative Educational Services  
Grand Valley Board of Cooperative Educational Services  
Mount Evans Board of Cooperative Educational Services  
Mountain Board of Cooperative Educational Services  
Northeast Board of Cooperative Educational Services  
Northwest Colorado Board of Cooperative Educational Services  
Pikes Peak Board of Cooperative Educational Services  
Rio Blanco Board of Cooperative Educational Services  
San Juan Board of Cooperative Educational Services  
San Luis Valley Board of Cooperative Educational Services  
Santa Fe Trail Board of Cooperative Educational Services  
South Central Board of Cooperative Educational Services  
Southeastern Board of Cooperative Educational Services  
Uncompaghre Board of Cooperative Educational Services  
Ute Pass Board of Cooperative Educational Services

Vocational Schools

~~Delta Montrose Area Vocational School~~ Technical College of the Rockies

Other

Colorado Consortium for Earth and Space Science Education

C. Local Government Division

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:

Adams and Jefferson County Hazardous Response Authority  
Alamosa Housing Authority  
Arapahoe Park and Recreation District  
Aurora Housing Authority  
Baca Grande Water & Sanitation District  
Beulah Water Works District  
Black Hawk-Central City Sanitation District  
Blanca-Fort Garland Metropolitan District  
Boulder County  
Boulder County Public Trustee's Office  
Boxelder Sanitation District  
Brush Housing Authority  
Carbon Valley Park & Recreation District  
Castle Pines Metropolitan District  
Castle Pines North Metropolitan District  
Center Housing Authority  
Central Colorado Water Conservancy District  
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  
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  
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  
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 Platteville  
Town of Rico Town of Rye  
Town of Seibert  
Town of Silver Plume  
Town of Timnath  
Tri-County Health Department  
Tri-Lakes Wasterwater Treatment Facility  
Unison Housing Partners  
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

## RULE 3: MEMBERSHIP

### 3.25 Member Records

The Association shall require such information as may be necessary to determine membership status or benefit eligibility including, but not limited to:

#### A. Employer Responsibility

An employer shall provide any information necessary to determine membership status or benefit eligibility including, but not limited to:

- (1) Written or electronic notice of changes in employment status resulting from hire, transfer, promotion, leave of absence, resignation, ~~dismissal~~termination, reinstatement or death.
- (2) Upon request from the Association, certification of previous employment status for periods during which service credit is in question.
- (3) Upon request from the Association, pay patterns, work patterns or other information required to determine service credit or benefits payable.

#### B. Member Responsibility

A member shall provide any information necessary to determine benefit eligibility and to maintain contact with the member including, but not limited to:

- (1) Written notice of changes in name, address or named beneficiary.
- (2) Proof of age for the member or cobeneficiary when such age cannot be determined by existing Association records.

## RULE 4: CONTRIBUTIONS

### 4.15 Payment of Unpaid Contributions

~~Unpaid contributions shall be paid to the Association pursuant to 24-51-402, C.R.S.~~

#### A. Retiree

A person who retired before the Association first notified the employer of a claim for unpaid contributions shall be treated as an inactive member for determining the amount due the Association, and for all other purposes of 24-51-402(3) through (5), C.R.S.

#### B. Non-Member

The cost to purchase service for an individual who was not a member or inactive member when the Association first notified the employer of a claim for unpaid contributions shall be the amount of member contributions which would have been paid, had the individual been properly covered as a member, plus interest accrued from the last date the individual was paid but not properly covered to completion of payment.

#### C. Member or Inactive Member

For an individual who was a member or inactive member at the time the Association first notified the employer of a claim:

##### (1) Cost

The cost to purchase service credit under 24-51-402(3)(b)(1)(A), C.R.S., shall be based on the salary amount and percentage used pursuant to 24-51-505, C.R.S. Such cost shall not be applicable if the individual has less than one year of service credit.

##### (2) Salary Increase Only

If payment of unpaid contributions results in an increase in salary, but no increase in service credit, the amount due shall be the unpaid employer and member contributions plus interest, as provided by 24-51-402(3)(b) (1)(B), C.R.S.

##### (3) Notification to PERA

The Association must receive in writing, within one year after the date the employer pays the unpaid employer contributions, an election from an individual declaring the intent to pay unpaid employee contributions, or the individual's right to make such contributions shall be forfeited.

##### (4) Payment by Member or Inactive Member

###### (a) Deadline for Start of Payment

If an individual elects pursuant to 24-51-402(4), C.R.S., to pay all or any portion of the unpaid employee contributions, the lump-sum payment or the first installment payment must be made no later than the first full month following one year after the date the employer pays the unpaid employer contributions.

###### (b) Lump-Sum Payment

Eligibility to make payment under 24-51-402, C.R.S., shall be forfeited if payment is not made within 30 days following the date on which the lump-sum payment is due.

###### (c) Installment Payments

Installment payments shall be subject to the provisions of Rule 5.30 B. If the purchase agreement is cancelled pursuant to Rule 5.30 B(2) or (4), eligibility to make payments under 24-51-402, C.R.S., shall be forfeited.

#### D. Defined Contribution Plan

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If an employer fails to provide an eligible employee membership in the Defined Contribution Plan or the required level of contributions to a member's account in the Defined Contribution Plan, the employer shall pay all unpaid employer contributions pursuant to 24-51-401, C.R.S. et seq., plus interest at the actuarial investment assumption rate.

##### (1) Payment of Employer Contribution plus Interest to Account

The amount of contributions plus interest shall be allocated to the eligible employee or member's Defined Contribution Plan account in the same proportion as would have been paid had the contributions been made timely. (For purpose of clarity, pursuant to 24-51-1505(1), C.R.S., any contribution exceeding the amount in table A in 24-51-401(1.7)(a), C.R.S., plus attributable interest, shall be paid to the employer's division trust fund.)

##### (2) Election by Eligible Employee or Member to Pay

The eligible employee or member shall have the option to pay the full amount of member contributions to the eligible employee or

member's Defined Contribution Plan account. Any such individual who elects to pay all or any portion of unpaid member contributions shall notify the Association of such election within one year after the date the employer pays the unpaid employer contributions, and may make payment by any method provided in Rule 4.15C(4).

(3) Payment by Employer of Interest

Upon receipt by the Association of amounts paid pursuant to Rule 4.15D(2), the employer shall pay interest on the unpaid member contributions at the actuarial investment assumption rate during the time such member contributions should have been made until the date the contributions are received by the Association. The interest paid by the employer pursuant to this Rule 4.15D(3) shall be allocated to the eligible employee or member's Defined Contribution Plan account.



## RULE 11: EMPLOYMENT AFTER RETIREMENT

### 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 the any remaining thirty days or one hundred ninety six 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), ~~on January 1 of each year~~, the employer must provide the Association with a list of any and all service retirees employed by the employer no later than March 31st 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 service retirees by March 31st of the applicable calendar year at the beginning of each year. However, once ten 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.

#### 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.
- (2) For the purposes of this Rule, “state college or university” has the same definition as 24-51-1101(1.8)(e)(l), C.R.S.

## **RULE 14: VOLUNTARY INVESTMENT PROGRAM (401(k) PLAN)**

Rule ~~14~~ ~~14~~ establishes requirements for enrollment, changes to participation, suspension and resumption of contributions, submission of monthly contribution report and withdrawal ~~describes certain requirements of:~~ ~~The Voluntary Investment Program, is a 401(k) plan, known as PERA's 401(k) Plan,~~ established pursuant to Section 401(k) of the "Internal Revenue Code of 1986," as amended. ~~For the purposes of Rule 14, the term "member" shall include DPS members and the term "retiree" shall include DPS retirees.~~ In addition to this Rule 14 and Part 14 of Article 51 of Title 24, C.R.S., the Voluntary Investment Program, or "401(k) Plan", is also governed by PERA's 401(k) and Defined Contribution Plan and Trust Document adopted by the Board (the "Plan document").

### **14.10 Enrollment in the 401(k) Plan**

- A. Any employee of an affiliated employer may enroll in the 401(k) Plan in accordance with the terms of the Plan document. ~~Enrollment shall be effective upon receipt by the Plan of contributions or a rollover for the member.~~
- B. A person whose assets are transferred from the state defined contribution match plan to the 401(k) Plan pursuant to 24- 51- 1402(5)(a), C.R.S., shall be automatically enrolled in the 401(k) Plan.

### **14.15 Changes in 401(k) Plan Participation**

Requests for changes in the percent of contributions assigned to each fund or the total amount in each fund must be submitted in the time and manner to the service provider designated by the Plan Administrator ~~in accordance with the timeline as determined by the Administrator.~~ ~~Changes to contributions are effective the first day of the next following payroll period.~~

### **14.20 Suspension of Participation**

A participant may stop contributions to the 401(k) Plan in accordance with the terms of the Plan document. ~~upon request. Changes are effective the first day of the next following payroll period.~~

- A. ~~A participant may resume contributions as soon as administratively practicable, except that contributions may not be resumed within six months after receipt of a hardship withdrawal. Changes are effective the first day of the next following payroll period.~~

### **14.30 Contribution Report**

- A. The employer shall deliver all 401(k) Plan contributions, along with the required report, to the service provider designated by the Plan Administrator within five days of the date contributions were deducted from the employee's salary. If either the report or contributions are delinquent, interest shall be assessed and paid to participants as determined by the Plan Administrator in a manner consistent with the Employee Plans Compliance Resolution System, Rev. Proc. 2016-51, as updated and superseded by future IRS guidance.
- B. The Plan Administrator shall prescribe the form in which 401(k) Plan contributions shall be reported. Interest on delinquent reports or contributions shall be assessed and paid to the Plan Administrator computed on a daily rate on the contribution amount from the due date to the day that both the required report and contributions are received. The Plan Administrator, in its sole discretion, may waive the interest so computed.

### **14.40 ~~Withdrawal~~Distributions**

#### ~~A. — Upon Termination of Employment~~

~~A participant may withdraw the balance in the Distribution of a participant's 401(k) account may commence upon termination of employment as specified in the Plan document.~~

#### ~~B. — Upon Attaining Age 59½~~

~~A participant who has attained 59½ years of age may withdraw monies from the 401(k) account prior to termination of employment.~~

#### ~~C. — Due to Hardship~~

~~(1) — A participant who has not attained 59½ years of age may apply for a hardship withdrawal after contributions to the 401(k) account have been suspended and after all other available withdrawals and loans have been made.~~

~~(2) — A participant applying for hardship withdrawal must show an immediate and heavy financial need as prescribed in the 401(k) Plan document.~~

~~(3) — Hardship withdrawals may not be obtained more than once in six months.~~

### **14.50 Loans**

All eligible 401(k) participants may borrow monies from the participant's 401(k) account subject to loan provisions established by the Board and specified in the Plan document.

### **14.65 Compliance with Internal Revenue Service Code**

A participant may only contribute to the plan up to the maximum contribution limits established by the Internal Revenue Service each year. If a ~~person-participant~~ contributes to another ~~401(k)~~ plan subject to the same maximum limit in the same year as ~~they~~ the participant contributes to ~~the~~ PERA's 401(k) plan, the ~~person-participant~~ is responsible for compliance with the Internal Revenue Service Code regarding maximum allowable contributions.

## **14.70 Beneficiary Designations**

### ~~A. General Provisions~~

Designation of a beneficiary shall be made in the manner prescribed by the ~~Plan document~~ Association. ~~Such designation shall take effect upon receipt by the Service Provider designated by the Association. Designation of a beneficiary may be changed by the participant at any time prior to death. If no such designation is in effect at the time of the death of the participant, or if no person, persons, or entity so designated shall survive the participant, the beneficiary shall be deemed to be the estate of the participant.~~

### ~~B. Beneficiary Designation for Participants Whose Assets are Transferred to the Plan Pursuant to Section 24-51-1402(5)(a), C.R.S., and/or Rule 16.60 D.~~

~~Effective July 1, 2009, a participant whose assets are transferred to the Plan pursuant to Section 24-51-1402(5)(a), C.R.S., and/or Rule 16.60 D, shall have the following beneficiary designation:~~

- ~~(i) If the participant has an existing account balance with the Plan as of July 1, 2009, the beneficiary for all assets in the account, including those assets transferred pursuant to Section 24-51-1402(5)(a), C.R.S., and/or Rule 16.60 D, shall be the beneficiary designation in effect for the Plan, regardless of whether there was a different beneficiary designated for the assets transferred pursuant to Section 24-51-1402(5)(a), C.R.S., and/or Rule 16.60 D. If no such beneficiary designation for the Plan is in effect at the time of the death of the participant, or if no person, persons, or entity so designated shall survive the participant, the beneficiary shall be deemed to be the estate of the participant.~~
- ~~(ii) If the participant does not have an existing account balance with the Plan as of July 1, 2009, but has an account balance after July 1, 2009 as a result of the transfer of assets pursuant to Section 24-51-1402(5)(a), C.R.S., and/or Rule 16.60 D, the beneficiary of the account shall be the beneficiary, if any, designated with the service provider that hold the assets prior to their transfer on July 1, 2009, as reported to PERA. However, if assets are transferred to the Plan pursuant to both Section 24-51-1402(5)(a), C.R.S., and Rule 16.60 D, and there are different beneficiary designations in effect for such assets, the beneficiary designations for such assets shall be null and void and the participant must designate a new beneficiary. All beneficiary designations can be changed in accordance with Rule 14.70 A. In the absence of a beneficiary designation, the beneficiary shall be determined in accordance with Rule 14.70A.~~

## RULE 16: DEFINED CONTRIBUTION PLAN

### 16.10 Terms

- A. Defined Contribution Plan means the Association's defined contribution plan established pursuant to 24-51-1501, C.R.S., as a component of the 401(k) Plan. The Defined Contribution Plan is a separate trust fund within the 401(k) Plan and is also governed by PERA's 401(k) and Defined Contribution Plan and Trust Document (the "Plan document"). The Defined Contribution Plan is a profit-sharing plan intended to satisfy the requirements of Section 401(a) of the Internal Revenue Code.
- B. Defined Contribution Account refers to an account containing sums transferred to the account via trustee to trustee transfer together with the contributions to the Defined Contribution Plan on behalf of the member of the Defined Contribution Plan and the earnings thereon less any distributions, any losses, and the member's allocable portion of the costs and expenses of administering the Plan.
- C. Commence Employment means the date the employee began actual performance of services in the position eligible for the Defined Contribution Plan and earned salary for such services, regardless of when the payment occurs.
- D. Community College refers to any Community College in the state system of community and technical colleges governed by the State Board for Community Colleges and Occupational Education which shall include Arapahoe Community College, Colorado Northwestern Community College, the Community College of Aurora, the Community College of Denver, Front Range Community College, Lamar Community College, Morgan Community College, Northeastern Junior College, Otero Junior College, Pikes Peak Community College, Pueblo Community College, Red Rocks Community College, Trinidad State Junior College and the Colorado Community College and occupational education system.
- E. Member of the Defined Contribution Plan means an employee who elected to participate in the Defined Contribution Plan pursuant to 24-51-1503(1) or 24-51-1506(4), C.R.S., or who became a member pursuant to 24-51-1501(2) or 24-51-1503(3), C.R.S. and is presently performing services for that PERA- affiliated employer for salary resulting in contributions to the Defined Contribution Plan. Member of the Defined Contribution Plan also means, to the extent required, a member who is inactive but who has a Defined Contribution Account.
- F. Except as expressly provided herein, for purposes of Part 15 of the PERA Statutes and this Rule 16, all time periods shall be determined in accordance with 2-4-108, C.R.S.
- G. Year of Membership in the Defined Contribution Plan means 12 months, not necessarily consecutive, during which contributions are made on the member's behalf pursuant to 24-51-1505(1), C.R.S., to the Defined Contribution Plan. A Defined Contribution Plan member's total years of membership in the Defined Contribution Plan shall be calculated by dividing the total number of months during which contributions were made on the member's behalf to the Defined Contribution Plan by 12. Credit shall not be provided for member contributions transferred pursuant to Rule 16.30 D after an employee elects to participate pursuant to 24-51-1506(4), C.R.S. Years of membership before a 12-month break in service shall not be includable for purposes of determining a Defined Contribution Plan member's years of membership after such 12-month break in service. Each time an election is made to participate in the Defined Contribution Plan after a 12-month break in service, the employee shall have a new Defined Contribution Account with a new vesting schedule.
- H. For purposes of 24-51-1506(4), C.R.S., year of membership in the plan means 12 months of contributions, not necessarily consecutive, with an employer as defined in 24-51-1501(4), C.R.S. A member's total years of membership in the Defined Benefit Plan shall be calculated by dividing the total number of months of contributions by 12. Years of membership before a 12-month break in membership shall not be includable for purposes of determining a member's years of membership after such 12-month break in membership. Each time an election is made pursuant to 24-51-1502(1) or 1503(1), C.R.S., after a 12-month break in membership, the employee shall have a new calculation for years of membership for the purposes of 24-51-1506(4), C.R.S. Years of membership with an employer other than an employer defined in 24-51-1501(4), C.R.S., shall not count towards the calculation of years of membership pursuant to 24-51-1506(4), C.R.S.
- I. For purposes of Rule 16.10 H., reference to 12-month break in membership means 12 consecutive months for which no contributions are made on the member's behalf to the Defined Benefit Plan with an employer defined in 24-51-1501(4), C.R.S.
- J. 12-Month Break in Service means, except as otherwise required by federal law, 12 consecutive months for which no contributions are made on the member's behalf to the Defined Contribution Plan.
- K. Transfer Account means an account within the PERA 401(k) account containing the vested portion of the Defined Contribution Account together with any earnings thereon, less any distributions, losses and the member's allocable portion of the costs and expenses of

administering the Plan that is established if there is a 12-Month Break in Service from the Defined Contribution Plan or an election is made to become a member of the Association pursuant to 24-51-1506(1), C.R.S., and Rule 16.30 A. The Transfer Account will be an account within the PERA 401(k) account but will be subject to the same distribution and investment election rules as the Defined Contribution Account.

### 16.50 Beneficiary(ies)

Beneficiary designations shall be governed by the terms of the Plan document.

- ~~A. A member of the Defined Contribution Plan who is also a participant in the PERA 401(k) Plan may designate different beneficiaries for each account. In the event no beneficiary is designated for the Defined Contribution Plan Account, the beneficiary shall be the beneficiary designated for the member's 401(k) Plan Account, if any. In the event the member does not have a 401(k) Plan Account, or in the event no beneficiary is designated for the 401(k) Plan Account, or if no person, persons, or entity so designated shall survive the participant, the beneficiary shall be deemed to be the estate of the participant.~~
- ~~B. If a Participant had a Defined Contribution Plan Account balance as of July 1, 2009, and that Participant had assets transferred to the plan on July 1, 2009 pursuant to Section 24-51-1501(2), C.R.S., the beneficiary of the Defined Contribution Plan Account shall be the beneficiary designated for the Defined Contribution Plan Account prior to such transfer of assets. In the event no beneficiary is designated for the Defined Contribution Plan Account, the beneficiary shall be the beneficiary designated for the member's 401(k) Plan Account, if any. In the event the member does not have a 401(k) Plan Account, or in the event no beneficiary is designated for the 401(k) Plan Account, or if no person, persons, or entity so designated shall survive the participant, the beneficiary shall be deemed to be the estate of the participant.~~
- ~~C. If a Participant became a Participant in the Defined Contribution Plan pursuant to Section 24-51-1501(2), C.R.S., and that Participant did not have a Defined Contribution Plan Account balance as of July 1, 2009, but has an Account balance after July 1, 2009 as a result of the transfer of assets pursuant to Section 24-51-1501(2), C.R.S., the beneficiary of the Defined Contribution Plan Account shall be the beneficiary, if any, designated with the service provider that held the assets prior to their transfer on July 1, 2009, as reported to PERA. This beneficiary can be changed in accordance with Rule 16.50 A or Rule 14.70 A. In the event that multiple service providers held assets prior to their transfer on July 1, 2009, and such service providers have different beneficiary designations on file for the Participant, all such designations will be null and void and a new designation will be required to be made in accordance with Rule 16.50 A. In the absence of such a designation, the beneficiary shall be the beneficiary designated for the member's 401(k) Plan Account, if any. In the event the member does not have a 401(k) Plan Account, or in the event no beneficiary is designated for the 401(k) Plan Account, or if no person, persons, or entity so designated shall survive the participant, the beneficiary shall be deemed to be the estate of the participant.~~

### 16.70 Return to Employment

A. A member of the Defined Contribution Plan who elects to receive a distribution of the entire vested balance of his or her Defined Contribution Account pursuant to this Rule and then subsequently returns to membership in the Association before there has been a 12-month break in service shall begin a new vesting schedule for future contributions.

~~A.B.~~ A Member of the Defined Contribution Plan who has elected a lifetime annuity distribution option on or after an age that distributions are exempt from penalty under Internal Revenue Code Section 72(t) shall be deemed to be a Retiree of the Association subject to the provisions of Rule 11 and 24-51-1101, et seq., C.R.S.

~~B.C.~~ A Participant in the state defined contribution plan established pursuant to Part 2 of Article 52 of Title 24, as said part existed prior to its repeal in 2009, who has elected a lifetime annuity distribution option on or after an age that distributions are exempt from penalty under Internal Revenue Code Section 72(t) shall be subject to the provisions of Rule 11 and 24-51-1101, et seq., C.R.S.

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### 16.90 Distributions Upon Termination of Employment

Distribution of a member's Defined Contribution Account may commence as specified in the Plan document.

- ~~A. The entire vested balance of the Defined Contribution Plan member's Defined Contribution Account shall become available for distribution as soon as administratively practicable following the date of the Defined Contribution Plan member's termination of membership in the Association, but the distribution shall not be made earlier than the date all of the member's contributions are credited.~~
- ~~B. At the election of the member of the Defined Contribution Plan and subject to procedures of the Association, the distribution may be made in the following manner:
  - ~~(i) by lump sum payment of the entire vested portion of the Defined Contribution Account;~~
  - ~~(ii) by partial distribution of an amount designated by the member of the Defined Contribution Plan;~~~~

- ~~(iii) — by monthly payments in an amount designated by the member of the Defined Contribution Plan until the entire remaining Defined Contribution Account is distributed;~~
- ~~(iv) — by a combination of the methods specified in subsections (i) through (iii); or~~
- ~~(v) — by purchasing with the Defined Contribution Plan member's vested Defined Contribution Account a lifetime annuity contract from an insurance company or other authorized third party annuity provider.~~

Notwithstanding anything herein to the contrary, the distribution options specified in this Rule 16.90 B shall apply to the person's Transfer Account.

~~C. Distributions due to death will be paid to the Defined Contribution Plan member's beneficiary.~~

~~D. Except as provided in Article 15 of the PERA 401(k) Plan and this Rule 16, the procedures and restrictions for distributions shall be the same as for the PERA 401(k) Plan.~~

~~E. A. A member of the Defined Contribution Plan who elects to receive a distribution of the entire vested balance of his or her Defined Contribution Account pursuant to this Rule and then subsequently returns to membership in the Association before there has been a 12 month break in service shall begin a new vesting schedule for future contributions.~~

## **RULE 17: DEFERRED COMPENSATION PLAN (457(b) PLAN)**

Rule 17 ~~establishes requirements for enrollment, changes to participation, suspension and resumption of contributions, submission of monthly contribution report and withdrawal describes certain requirements of~~ the Deferred Compensation Plan, which is a 457(b) plan, known as PERA's 457(b) Plan, established pursuant to Section 457(b) of the "Internal Revenue Code of 1986," as amended. In addition to this Rule 17 and Part 16 of Article 51 of Title 24, C.R.S., the Deferred Compensation Plan, or "457 Plan", is also governed by the Deferred Compensation Plan document adopted by the Board (the "Plan document"). For the purposes of Rule 17, the term "member" shall include DPS members and the term "retiree" shall include DPS retirees.

### **17.10 Enrollment in the 457(b) Plan**

Any employee of an employer who has affiliated with the ~~Deferred e~~Compensation ~~P~~plan pursuant to section 24- 51- 1602, C.R.S. may enroll ~~in the 457(b) Plan in accordance with the Plan document. Enrollment shall be effective upon receipt by the Plan of contributions or a rollover for the member.~~

### **17.20 Changes in 457(b) Plan Participation**

Requests for changes in the ~~amount or investment of contributions percent of contributions assigned to each fund or the total amount in each fund~~ must be submitted ~~to the service provider designated by the Plan Administrator in accordance with the timeline in the time and manner as determined by the Plan Administrator. Changes to contributions are effective as soon as administratively practicable, but in no event before the later of the first day of the next payroll period or the first day of the month after the day the service provider receives a properly executed Voluntary Salary Deferral Agreement for the participant.~~

### **17.30 Suspension of Participation**

A participant may stop contributions to the 457(b) Plan ~~upon request. Changes are effective the first day of the next following payroll period in accordance with the terms of the Plan document.~~

~~A. A participant may resume contributions as soon as administratively practicable, except that contributions may not be resumed within six months after receipt of an unforeseeable emergency withdrawal. Changes are effective as soon as administratively practicable, but in no event before the later of the first day of the next payroll period or the first day of the month after the day the service provider receives the change.~~

### **17.40 Contribution Report**

The employer shall deliver all 457(b) Plan contributions, along with the required report, ~~in the form and manner to the service provider~~ designated by the Plan Administrator, ~~within five days of the date contributions were deducted from the employee's salary. If either the report or contributions are delinquent, interest shall be owed to participant accounts, and additional interest shall be assessed and paid to the Association as specified in Rule 4.10.~~

~~A. The Plan Administrator shall prescribe the form in which 457(b) Plan contributions shall be reported.~~

### **17.50 Withdrawal Distribution of Benefits**

~~Distribution of a participant's 457 Plan account may commence as specified in the Plan document.~~

#### ~~A. Upon Termination of Employment~~

~~A participant may withdraw the balance in the 457(b) account upon termination of employment from all employers that are affiliated with the 457(b) Plan.~~

#### ~~B. Upon Attaining Age 70½~~

~~A participant who has attained 70½ years of age may withdraw monies from the 457(b) account prior to termination of employment.~~

#### ~~C. Due to Unforeseeable Emergency~~

~~(1) A participant who has not attained 70½ years of age may apply for an unforeseeable emergency withdrawal after contributions to the 457(b) account have been suspended and after all other available withdrawals and loans have been made. A participant who has commenced receiving installment payments under the 457(b) Plan may request acceleration of such payments in the event of severe financial hardship due to an unforeseeable emergency.~~

~~(2) A participant applying for unforeseeable emergency withdrawal must show a severe financial hardship of the participant or beneficiary resulting from: a) an illness or accident of the participant or beneficiary, the participant or beneficiary's spouse, or the participant or beneficiary's dependent; b) loss of the participant or beneficiary's property due to casualty not otherwise covered by homeowner's insurance; c) the imminent foreclosure of or eviction from the Participant or Beneficiary's primary residence; d) the need to pay for medical expenses of the Participant or Beneficiary, the Participant or Beneficiary's spouse, or the Participant or Beneficiary's dependent, including nonrefundable deductibles, as well as the cost of prescription drug medication; or e) the need to pay for funeral expenses of a spouse or a dependent of the Participant or Beneficiary (as defined in Internal~~

~~Revenue Code § 152, and, for taxable years beginning on or after January 1, 2005, without regard to § 152(b)(1), (b)(2) and (d)(1)(B)).~~

~~(3) Distributions due to an unforeseeable emergency must be limited to the amount reasonably necessary to satisfy the emergency need.~~

~~(4) An unforeseeable emergency withdrawal may not be obtained more than once in a six month period.~~

~~(5) If a distribution due to unforeseeable emergency is approved, the participant must cease deferrals into the 457(b) Plan for a period of six months beginning after receipt of the distribution.~~

~~(6) A distribution on account of unforeseeable emergency may not be made to the extent that such emergency is or may be relieved through reimbursement or compensation from insurance or otherwise, by liquidation of the participant's assets, to the extent the liquidation of such assets would not itself cause severe financial hardship or by cessation of deferrals under the 457(b) Plan.~~

### **17.60 Loans**

All eligible ~~457(b)~~ participants may borrow monies from the participant's 457(b) account subject to loan provisions established by the Board and specified in the Plan document.

### **17.70 Compliance with Internal Revenue Service Code**

A ~~member or retiree~~participant may only contribute to the 457(b) pP Plan up to the maximum contribution limits established by the Internal Revenue Service each year. If a person contributes to another 457(b) plan in the same year as they contribute to the PERA 457(b) pP Plan, the person is responsible for compliance with the Internal Revenue Service Code regarding maximum allowable contributions.