

STATEMENT OF BASIS AND PURPOSE

Amendments and Additions to Rules of the Public Employees' Retirement Association

1. Rule 1.20D is being revised to clarify that for PERA salary purposes, retroactive salary payments that are made pursuant to court orders, arbitration awards, or litigation and grievance settlements cannot be greater than the rate of pay that a member would have received had he or she remained employed with the employer. This Rule is a codification of PERA's longstanding policy and interpretation of C.R.S. § 24-51-101(42).
2. Rule 1.20F(1)(b) is being amended for capitalization purposes. No changes are being made to the substance of this Rule.
3. Rule 1.20F(3) is being amended to clarify the treatment of performance or merit payments that meet the criteria to be treated as PERA salary pursuant to section 24-51-101(42), C.R.S. The rule previously did not state what month the performance or merit payments would be posted to for purposes of PERA salary, and this amendment addresses that issue.
4. Rule 1.20G(4) is being added to clarify what the manner in which "highest annual salaries," as set forth in section 24-51-101(25), C.R.S., is determined. PERA has a long-standing practice for determining what the highest annual salaries are for purposes of calculating "highest average salary" pursuant to section 24-51-101(25), C.R.S. This rule codifies PERA's long-standing practice and interpretation of this term.
5. Rule 1.20G(5) is being renumbered due to the addition of Rule 1.20G(4).
6. Rule 2.15 is being amended to reflect name changes, affiliations, and disaffiliations of PERA employers.
7. Rule 2.42 is being added to clarify the divisions in which a PERA member or retiree is eligible to vote or become a candidate for election to the PERA Board. It is possible for an individual to be an active member and/or retiree of multiple divisions. Board candidacy and election, as set forth in section 24-51-203, C.R.S., does not address what Board position a member or retiree is eligible to run or vote for when they are members and/or retirees of multiple divisions. This Rule sets forth the criteria for determining these issues.
8. Rule 2.70D is being amended to allow Board members to vote via video conferencing.
9. The actuarial investment assumption rate set forth in Rule 2.90C will be reviewed by the PERA Board at its November 13, 2012, meeting. If the Board chooses to change the rate, this Rule will be amended to reflect the new rate.
10. Rule 6.10A is being renumbered due to the addition of subsections B and C to that rule.
11. Rule 6.10B is being added to clarify that the provisions of Rule 6.10A, regarding weighted service credit for members who have service credit as a State Trooper, also apply to reduced service retirement eligibility rather than solely to full service retirement eligibility. This Rule codifies PERA's longstanding practice regarding reduced service retirement eligibility for individuals with State Trooper service credit.

12. Rule 6.10C is being added to clarify that individuals who qualify for reduced service retirement eligibility under Rule 6.10B will have their weighted service credit utilized in the calculation of the reduced service retirement eligibility. This Rule codifies PERA's longstanding practice regarding reduced service retirement eligibility for individuals with State Trooper service credit.
13. Rule 9.50A(3) is being amended for capitalization purposes. No changes are being made to the substance of this Rule.
14. Rule 10.30 is being amended to correct a spelling error. No changes are being made to the substance of this Rule.
15. Rule 11.20A(2) is being amended to clarify that a member who suspended his or her retirement prior to January 1, 2011, earns more than one year of service credit, and then re-retires, may have a lower highest average salary than he or she had prior to suspending retirement. Due to statutory changes made to the highest average salary calculation in the past few years, it is now possible to have a lower highest average salary upon re-retirement.

Colorado PERA Rules

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Colorado Public Employees' Retirement Association
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Rule 1: Definitions

Rule 1 defines certain terms used in the Rules, and further defines certain terms defined in Article 51, Title 24, C.R.S. For the purposes of Rule 1, except Rule 1.20G, which shall not apply to DPS members who are eligible to retire as of January 1, 2011, the term “member” shall include DPS members and the term “retiree” shall include DPS retirees.

Unless otherwise stated, the terms and phrases contained in these rules shall have the same meaning as specified in Article 51 of Title 24, C.R.S.

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.
- 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, other than sick 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 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~~ 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, other than sick, paid because the individual has accrued in excess of the maximum accumulation allowed by the employer's established leave policy.

(2) Fringe Benefits

Salary does not include employer provided fringe benefits converted to cash payments in lieu of employer payment for the fringe benefits.

(3) Performance or Merit Payments

Performance or merit payments are payments made pursuant to a written plan or policy 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 following criteria have been met:

- The payment must be for performance and is made pursuant to a written plan adopted by the employer which identifies which employees are covered by the plan;
- The written plan specifies objective criteria under which employees may participate in the plan and receive payments pursuant to the plan; and
- The written plan specifies the payments to be made under the plan or the method for determining the payments made under the plan.

All payments meeting the above criteria that are paid 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. All other payments meeting the above criteria shall be considered earned in the month in which the performance payment is made.

- (4) Contributions Under Internal Revenue Code Section 125 and 132 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.

- (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.

G. Highest Average Salary

- (1) In calculating Highest Average Salary, the Association shall sort the three 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 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 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 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-year cumulative total for purposes of determining which periods yield the "highest annual salaries."

- (5) This Rule 1.20G shall not apply to DPS members who are eligible to retire as of January 1, 2011.

Rule 2: Administration

Rule 2 assigns affiliated employers to one of the five divisions, sets procedures for administrative review of Board decisions, describes the requirements for regular and special meetings of the Board of Trustees and general meetings of the Association, defines a quorum, describes the election of Board members and officers, and specifies the actuarial methods and assumptions used by the Association. Unless otherwise indicated, for the purposes of Rule 2, where applicable, the term “member” shall include DPS members and the term “retiree” shall include DPS retirees.

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 College
Aims Community College
Arapahoe Community College
Auraria Higher Education Center
Aurora Community College
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
Fort Lewis College
Front Range Community College
Lamar Community College
Metropolitan State ~~College~~ [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 College

- (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 College Access Network~~
Colorado Council on the Arts
Colorado High School Activities Association

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 the Governor

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 School District 50

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 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
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

Eads 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

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

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 R-2J
Telluride School District R-1

Sedgwick County

Julesburg School District Re 1
Platte Valley School District Re3

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 R-104

Weld County

Ault-Highland School District Re-9
Briggsdale School District Re-10
Eaton School District Re-2
[Fort Lupton School District Re-8](#)
Gilcrest 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 RJ-3
Liberty School District J-4
Wray School District RD-2
Yuma School District 1

Boards of Cooperative Educational Services (BOCES)

Centennial 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
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

[Uncompahgre Board of Cooperative Educational Services](#)

Ute Pass Board of Cooperative Educational Services

Boards of Cooperative Services (BOCS)

[San Juan Board of Cooperative Services](#)

[San Luis Valley Board of Cooperative Services](#)

[Southwest Board of Cooperative Services](#)

[Uncompahgre Board of Cooperative Services](#)

Vocational Schools

Delta-Montrose Area Vocational School

[San Juan Basin Technical College](#)

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
Collbran Conservancy District
Colorado District Attorneys' Council
Colorado First Conservation District
Colorado Health Facilities Authority
Colorado Housing and Finance Authority
Colorado Library Consortium
Colorado School District Self-Insurance Pool
Colorado Springs Utilities
Columbine Knolls-Grove Metropolitan Recreation District
Costilla Housing Authority
County Technical Services

[Crown Mountain Park & Recreation District](#)

Cucharas Sanitation and Water District
Cunningham Fire Protection District
Douglas County Housing Partnership
[Douglas Public Library District](#)[Douglas County Libraries](#)

Durango Fire and Rescue Authority
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 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
Memorial Health System
Montrose Fire Protection District
Montrose Recreation District
Monument Sanitation District
Morgan Conservation District
Morgan County Quality Water District
Mountain View Fire Protection District
~~Mountain Village Metropolitan District~~
Mountain Water and Sanitation District
Niwot Sanitation District
North Carter Lake Water District
North Chaffee County Regional Library
Northeast Colorado Health Department
Northeastern Colorado Association of Local Governments
Park Center Water District
Pine Drive Water District
[Pikes Peak Regional Building Authority](#)
Plains Ground Water Management District
~~Prowers Conservation District~~
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 Metropolitan Recreation & Park 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 Filter Plant
Steamboat II Water and Sanitation 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 Wastewater Treatment Facility
Upper Colorado Environmental Plant Center
~~Urban Renewal Authority of Pueblo~~
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
Windsor-Severance Library District
Wray Housing Authority
Yuma Housing Authority
~~Y-W Well Testing Association~~

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-~~23rd~~ 22nd District Court
~~24th District-Denver Probate Court~~
~~25th District-Denver Juvenile 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

E. Denver Public Schools Division

Denver Public School District No. 1

2.42 Division in Which a Member or Retiree is Eligible to Vote or Become a Candidate for Election to the Board

In situations in which an individual is a member and/or retiree of multiple divisions, the following provisions shall apply to determine in which Board election the individual is eligible to vote or to become a candidate for election to the Board:

- A. If the individual is an active member of one division and a retiree of another division, the individual shall be considered a retiree for purposes of determining eligibility to vote and/or become a candidate for election to the Board.
- B. If the individual is a retiree of multiple divisions, the individual shall be considered a retiree of the division from which the retiree first retired for purposes of determining eligibility to vote and/or become a candidate for election to the Board.
- C. If the individual is a retiree of multiple divisions, and the retirement dates are the same, the individual shall be considered a retiree of the division from which the retiree has the largest retirement benefit for purposes of determining eligibility to vote and/or become a candidate for election to the Board.
- D. If the individual is an active member working in multiple divisions, the individual shall be eligible to vote in the division in which he or she has the highest salary posting immediately preceding the date that the Board election ballots are mailed.
- E. If the individual is an active member working in multiple divisions, the individual shall be eligible to become a candidate for election to the Board in the division in which he or she has the highest salary posting in the month that the individual submits his or her candidacy packet to the Association.

2.70 Board Meetings

- A. Regular meetings shall be held not less than quarterly according to an annual schedule adopted by the Board and published in the minutes of the Board. Time and location for such meetings shall be determined by the Board. The annual schedule may be modified by the Board as necessary.
- B. Special meetings may be called by the Chair or any four members of the Board by providing three days' notice to each member of the Board. A call for a special meeting must state the business to be considered, and the time, date and place of such meeting.
- C. A majority of the Board shall constitute a quorum.
- D. Board Action requires a majority vote of a quorum of the Board members. Board members may attend and vote via telephone and/or video conferencing.
- E. No proxy voting shall be permitted.

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 8.00 percent per year compounded annually, net after administrative 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 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.

Rule 6: Service Retirement

Rule 6 defines service retirement eligibility, provides for cancellation of retirement applications, further defines effective date of retirement, identifies the transition from member to retiree, describes benefits payable upon the death of an applicant and describes requirements for direct payments in lieu of contributions. For the purposes of Rule 6, except for Rule 6.50 and Rule 6.60, the term "member" shall include DPS members and the term "retiree" shall include DPS retirees.

6.10 Service Retirement Eligibility

- A. In addition to the eligibility requirements specified in 24-51-602, C.R.S., for members who have service credit as a State Trooper for which a higher contribution rate was required, eligibility for service retirement shall be determined by weighting the State Trooper service credit according to the eligibility requirements for State Troopers.
- B. In addition to the eligibility requirements specified in 24-51-604, C.R.S., for members who have service credit as a State Trooper, as defined in 24-51-101(46), C.R.S., and as a non-State Trooper, eligibility for reduced service retirement shall be determined by weighting the State Trooper or non-State Trooper service credit, as appropriate, according to the reduced eligibility requirements for State Troopers and non-State Troopers.
- C. If a member is eligible for a reduced service retirement benefit pursuant to Rule 6.10B, the weighted service credit will be utilized in the calculation of the reduced service retirement benefit pursuant to 24-51-605, C.R.S.

Rule 9: Survivor Benefits

Rule 9 describes the requirements for designation of named beneficiaries, defines job incurred death, specifies the date on which survivor benefits become payable and the date on which survivor benefits terminate. For the purposes of Rule 9, the term “member” shall include DPS members and the term “retiree” shall include DPS retirees.

9.50 Termination of Benefits

Survivor benefits shall be terminated on the date the survivor dies or is no longer qualified to receive such benefits.

A. Qualified Children's Benefits

- (1) Under the PERA benefit structure, qualified children's survivor benefits shall terminate on the date of marriage of the child, on the date the Board finds that the child is no longer incapacitated, on the last day of the school term in which the child's full-time enrollment ceases, or, for disabled children age 23 or older, on the first day of the month in which the surviving spouse becomes eligible for a benefit.
- (2) Under the DPS benefit structure, qualified children's survivor benefits shall terminate on the date of marriage of the child, on the date the Board finds that the child is no longer incapacitated, or on the last day of the school term in which the child's full-time enrollment ceases. The benefit shall also terminate on the date that an otherwise eligible child is adopted by anyone other than the unremarried surviving spouse of the member, and in such a case eligibility of the child shall be terminated by a subsequent remarriage of said surviving spouse.
- (3) Benefits shall continue during annual vacation months for which the child is not enrolled in school if the child certifies within 30 days after the end of the prior term that they are enrolled for the following term. If the child does not certify within 30 days after the end of the prior term that he or she is enrolled for the following term, that child's benefits will be suspended for those vacation months. If that child later certifies that he or she is or was enrolled in school for the following term, the Association will resume payment of benefits and shall make retroactive payments to the child for the months for which the benefits were suspended due to failure to provide the summer certification. In the case of multiple qualified children, a child who is entitled to retroactive benefits pursuant to this Rule 9.50 A. shall not be paid benefits in an amount that would cause the total amount of benefits paid to the qualified children to exceed the percentage of ~~highest~~ Highest average ~~Average~~ salary ~~Salary~~ as provided in 24-51-908(4) or 24-51-1738 through 1740, C.R.S. The Association shall not pay benefits in excess of the amount it must pay pursuant to the statutory provisions of the Association.

B. Dependent Parent's Benefits

Dependent parent's benefits shall terminate on the date the parent remarries.

Rule 10: Increase in Benefits

Rule 10 further defines eligibility for and determination of annual increases in benefits. Rules 10.10 and 10.20A. shall not apply to DPS members or retirees.

10.30 ~~Proration~~ of Annual Increase for Post-January 1, 2011 Benefit Recipients

This Rule shall only apply to post-January 1, 2011 benefit recipients whose benefit is based on the account of a DPS member or DPS retiree or whose benefit is based on an account of a member of the PERA benefit structure who began membership on or before December 31, 2006.

- A. When the benefit recipient receives his or her first annual increase after becoming eligible for the annual increase pursuant to Part 10 of the PERA statutes, in addition to receiving the applicable compounded annual increase percentage in July, the benefit recipient shall also receive:
 - (1) A one-time payment that is not compounded on the base benefit or retirement allowance, whichever is applicable, recognizing the period between the month in which the benefit recipient first became eligible for the annual increase to July of the year in which he or she receives his or her first annual increase. The amount of the one-time payment shall be the amount of the annual increase percentage paid in July multiplied by the base benefit or the retirement allowance, whichever is applicable, multiplied by the number of months the benefit recipient has been eligible for the annual increase.
 - (2) Upon re-retirement under sections 24-51-1103(1.5) or 24-51-1726.5, C.R.S., whichever is applicable, each benefit segment is eligible for the one-time payment as described in subsection (1) above.
- B. For benefit recipients receiving multiple benefits, excluding benefit recipients who receive multiple benefit segments pursuant to sections 24-51-1103(1.5) or 24-51-1726.5, C.R.S., whichever is applicable, each benefit shall be looked at separately when determining eligibility for the annual increase and in determining the amount of the one-time payment as described in paragraph A. (1) above.
- C. For benefit recipients receiving multiple benefit segments pursuant to sections 24-51-1103(1.5) or 24-51-1726.5, C.R.S., whichever is applicable, in which at least one or more is a reduced service retirement benefit, the total service credit across all benefit segments will be used in determining eligibility for the annual increase.

Rule 11: Employment After Retirement

Rule 11 describes conditions under which retirees may be employed with and without a reduction or suspension of benefits, describes the conditions under which employer contributions must be paid on retirees performing services after retirement for a PERA employer and describes the conditions for recalculation of benefits upon termination of employment after retirement. Unless otherwise indicated, for the purposes of Rule 11, the term "member" shall include DPS members and the term "retiree" shall include DPS retirees.

11.20 Termination of Employment After Retirement

- A. PERA Retirees Who Suspend Benefits Before January 1, 2011

- (1) Employment of Less Than One Year

A retiree who earns less than one year of service credit, following suspension of benefits and resumption of employment in a position subject to membership, shall receive a refund of member contributions made during the period of membership together with the amount of matching employer contributions, upon resumption of benefit payments. The amount of matching contributions shall be determined based on the service credit earned during the period of suspension and the age of the retiree.

(2) Employment of One Year or More

A retiree who earns at least one year of service credit following suspension of benefits and resumption of employment in a position subject to membership shall, upon subsequent retirement, receive a recalculated benefit which reflects the additional service credit earned during the period of membership and any ~~increase~~ inchange to the Highest Average Salary.

B. PERA Retirees Who Suspend Benefits on or After January 1, 2011 and DPS Retirees

(1) Employment of Less Than One Year

A retiree who earns less than one year of service credit, following suspension of benefits and resumption of employment in a position subject to membership, shall receive a refund of member contributions made during the period of membership, upon resumption of benefit payments.

(2) Employment of One Year or More

A retiree who earns at least one year of service credit following suspension of benefits and resumption of employment in a position subject to membership shall build a new benefit segment. Upon termination of employment, the retiree shall have the option to either refund the account pursuant to Section 24-51-1103 or 24-51-1711, C.R.S., whichever is applicable, or elect to receive a second benefit based upon the plan provisions that governed the retiree's initial retirement benefit. The retiree will be immediately eligible for a second benefit upon termination of employment, regardless of the retiree's age.