

Colorado School of Mines

Protocol to Request and Approve PERA 140 Day Status

Background:

Colorado Revised Statute 24-51-1101 governs the conditions that allow PERA retirees to return to work. Until 2011, retirees were limited to 110 days. We can now designate up to 10 retirees who may work up to 140 days.

Statutory Restrictions: To qualify for the 140 day designation, Mines must determine that there is a critical shortage of qualified candidates and that the retiree has unique experience, skill, or qualifications that benefit Mines. The statute does not define what constitutes a critical shortage.

Further, Mines cannot have more than 10 individuals designated per calendar year. If an individual is designated during a calendar year and subsequently completes the 140 day period or resigns from the 140 day period, no one else can be designated to that 140 day slot until the next calendar year.

Mines Protocol:

A request to be designated for the 140 day work period should be initiated by the retiree and submitted to the department head. If the department head does not concur with the request, he or she will advise the retiree in writing of his or her decision.

If the department head wishes to support the request, he or she will forward the request to the vice president or the provost. The department head must explain how a critical shortage of qualified candidates exists and how the retiree's experience, skill, or qualifications are unique and benefit Mines. If the vice president or provost does not concur with the request, he or she will advise the department head and the retiree in writing of his or her decision.

If the vice president or provost supports the departmental request, he or she should endorse the request, add any information or comments that he or she believes are necessary to the decision, and send the request to the President.

The President may consult with the Executive Committee before making his decision, but will issue the final School decision on the request.

Human Resources must report to PERA the names of individuals who have been designated for 140 days and the names of additional retirees who are granted the 140 day designation after the calendar year begins. Human Resources needs to be notified of designations.

Criteria that can be used:

To determine a critical shortage, consideration can be given to conditions such as:

- Can other faculty teach certain courses generally delivered by the retiree?
- Is there ongoing research under a grant that must be completed?
- Are current projects underway where a specific set of institutional and product knowledge are needed?
- Will there be negative impact to current students' degree progression?
- Are there other factors of relevance that create a critical shortage?

Additional Considerations:

Once it is determined that a critical shortage exists and that the retiree possesses either unique experience, skill, or qualifications that meet Mines' needs, additional factors can enter into the decision to grant the 140 designation. Among these may be:

- Source of Funding/Budget Impacts – grant, E&G, or other funding sources;
- The nature of the tasks and responsibilities the retiree would perform;
- Time constraints – getting things done within a specified deadline that can't be moved;
- Impacts to services to students or Mines in general;
- Benefit to Mines; and
- Other elements that may be relevant to the decision.