

RESIGNATION OR RETIREMENT OF CLASSIFIED STAFF/ CLASSIFIED DIRECTOR

Classified staff employees are encouraged to give a minimum of two weeks written notice to the district prior to resigning employment.

Mandatory Reporting Requirements

If an employee resigns as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior, or an allegation of a sexual act involving a student who is eighteen (18) years of age or older, regardless of whether the student consented to the sexual act which is supported by a preponderance of evidence, the superintendent is delegated the responsibility for notifying the Colorado Department of Education (CDE) as soon as possible but not later than ten (10) business days after the employee's resignation and for providing any information requested by the department concerning the circumstances of the resignation. The district also shall notify the employee that information concerning the resignation is being forwarded to CDE.

If the district learns from a source other than CDE that a current or past employee has been convicted of, pled *nolo contendere* to, or received a deferred sentence or deferred prosecution for any felony or misdemeanor crime involving unlawful sexual behavior or unlawful behavior involving children, the superintendent must immediately report this information to CDE.

Additionally, in accordance with applicable State Board of Education rules, the superintendent must immediately notify CDE when an employee's resignation is based on any of the following offenses:

1. Felony child abuse, as specified in C.R.S. 18-6-401;
2. A crime of violence, as defined in C.R.S. 18-1.3-406;
3. Felony unlawful sexual behavior, as defined in C.R.S. 16-22-102((9));
4. A felony offense involving unlawful sexual behavior, as defined in C.R.S. 16-22-102(9);
5. Felony domestic violence, as defined in C.R.S. 18-6-800.3
6. Indecent exposure, as described in C.R.S. 18-7-302, or an offense committed outside of this state, the elements of which are substantially similar to the elements of indecent exposure;
7. Physical assault;
8. Battery;
9. A felony drug offense or drug-related offense;
10. A felony committed outside of this state, the elements of which are substantially similar to any offense described in items 1-5 above; or
11. A felony committed outside of this state which, if committed in Colorado, would be a felony, other than those described in items 1-6 above.

The superintendent must also immediately notify CDE when:

1. The employee has forfeited any bail, bond, or other security deposit to secure the employee's appearance and the employee is charged with having committed a felony or misdemeanor described in items 1-6 or 9 above.
2. The employee has paid a fine or enters a plea of *nolo contendere* or received a deferred or suspended sentence for any offense described in items 1-6 or 9 above.

The superintendent must notify CDE as soon as practicable when:

1. The county department of social services or the local law enforcement agency reasonably believes that an incident of abuse or neglect has occurred, and the employee is the suspected perpetrator and was acting in their official capacity as an employee of the district.
2. The district reasonably believes that an employee is guilty of unethical behavior or professional incompetence.

Retirement and Working After Retirement

Any classified staff member or director desiring to retire must submit a letter to the Board of Education informing the Board of their retirement. A director is required to provide a minimum of 30 days' notice of retirement plans to the Board. A classified employee is encouraged to give a minimum of two weeks' notice.

An employee may request to work after retirement, in their current position, for a term of one school year only (limited to 110 days or 140 days per calendar year). If a classified staff member or director is requesting to work after retirement in accordance with Colorado PERA rules and regulations, they must submit a separate letter requesting to work after retirement for the subsequent school year. In that instance, both the retirement letter and the request to work after retirement letter must be received by the Director of Human Resources within 30 days of the notice of retirement.

An exception for a subsequent year may be made for critical shortage of qualified personnel as determined by the District. All appropriate efforts will be made by the District to hire an employee who is not a PERA retiree. The District is limited to no more than 10 staff granted requests for 140 work days per year.

It is the responsibility of the employee to contact PERA to know and understand the policy and process regarding their retirement and work eligibility. Any employee working after retirement must submit all required documentation to Colorado PERA. Upon retirement, the classified staff member or director will have a termination of employment and be paid out for all remaining leave in accordance with CRS 24-51-101(49)*, district policy and contract provisions. All District benefits will be terminated upon retirement and staff working a 110 or 140 work year will no longer be covered under the District's Negotiated Policies and will not be eligible for benefits.

All voluntary payroll deductions will automatically cease upon retirement. If the classified staff member or director is approved to work after retirement, they must notify the Payroll Manager of any deductions they wish to continue. If the payroll manager does not receive written notification, all voluntary deductions will terminate upon retirement.

* CRS 24-51-101(49) “Termination of employment” means the last day of employment for which a member received compensation on which contributions are remitted, including payment for accumulated sick or annual leave, or the last day of a period of unpaid leave of absence, whichever is later.

Adopted: December 8, 1952
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January 21, 2011
December 7, 2005
July 14, 2000
April 15, 1985

LEGAL REFS: CRS 19-3-301 *et seq.* (*Child Protection Act of 1987*)
CRS 22-32-109.7 (*specific duties regarding hiring inquiries and reporting*)
CRS 22-63-202(4) (disclosure of reasons why left employment)
1 CCR 301-37:10.00-10.5(mandatory reporting of unlawful behavior)