



FIRE AND POLICE PENSION ASSOCIATION OF COLORADO (“FPPA”) **FALL 2021 NOTICE OF PROPOSED RULE-MAKING, PLAN AMENDMENTS, AND PLAN DOCUMENT AMENDMENTS.**

*This Notice of Proposed Rule-Making, Plan Amendments, and Plan Document Amendments, is issued in accordance with FPPA Rule 702.01 and CRS §31-31-202. A public hearing will be held **Thursday, September 30, 2021 at 7:30 a.m.** either at the **Hilton Garden Inn Denver Tech Center, 7675 E. Union Avenue, Denver, CO 80237, 720-528-3012**, or remotely by teleconference via the Zoom meeting link below, should COVID restrictions prevent an in-person hearing:*

A public hearing will be held **September 30, 2021** at 7:30 a.m. by teleconference via the Zoom meeting link below:

JOIN ZOOM MEETING: [HTTPS://FPPACO.ZOOM.US/J/93933812835?PWD=WKVMCLVKYUK2T1DZWKHAQTZJEHZSZZ09](https://fppaco.zoom.us/j/93933812835?pwd=WKVMCLVKYUK2T1DZWKHAQTZJEHZSZZ09)

Meeting ID: 939 3381 2835 **Passcode:** 165098

Dial by your location: Find your local number: <https://fppaco.zoom.us/j/93933812835?pwd=WKVMCLVKYUK2T1DZWKHAQTZJEHZSZZ09>


Note: If the meeting is held in-person, virtual attendance by videoconferencing will not be available.


Please check the FPPA website (www.fppaco.org) for the most up-to-date public hearing location information.

The FPPA Board within its authority under FPPA Rule 702.01 will consider proposed rules and plan amendments on the subjects and issues described below.

Persons desiring to submit written data, views, or arguments to the FPPA Board are asked to submit them to FPPA by Thursday, September 23, 2021. The Board will consider all written submissions as well as any oral testimony taken at the public hearing. Comments will also be accepted via email at kmoore@fppaco.org. Please include your name and business or home address with all correspondence.

A description of the subjects and issues involved in the proposed amendments to the **FPPA Rules and Regulations for the Statewide Defined Benefit (SWDB) Plan**, the **Statewide Death & Disability (SWD&D) Plan**, the **Statewide Hybrid (SWH) Plan**, and the **Statewide Money Purchase (SWMP) Plan** are as follows:

- Amending rules and plan documents to clarify that a Department Chief may be exempted from participating in the Statewide Defined Benefit Plan – Social Security Supplemental Component of the FPPA Defined Benefit System, and that an exempt Department Chief may elect coverage under an employer-sponsored 457 Deferred Compensation Plan in lieu of the SWDB Plan
 - Amending the rules and plan documents to clarify that a Member may not reinstate service credit earned from an Employer that disaffiliated with the SWDB Plan, but may purchase that service credit at the full cost at the time of purchase
 - Amending the rules to clarify that if a Member has elected either Option 1 or Option 4, and has designated a new non-spouse beneficiary, the number of years between the Member’s age at retirement and age 70 is subtracted from the age difference between the Member and the non-spouse beneficiary, and that if this difference is greater than 10 years, the non-spouse beneficiary’s benefit is reduced in accordance with the table in Treas. Reg. § 1.401(a)(9)-6, Q & A-2(c), as may be amended.
 - Amending rules to add the names of the accounts that were formerly referred to as the reentry portion of a Member’s account balance before the enactment of HB20-1044, and where those accounts reside
 - Amending rules and plan documents to clarify that unclaimed accounts or interests shall be reinstated if a successor or beneficiary is later identified and claims the account or interest
 - Amending the rules and plan documents to clarify that when a Member who has previously participated in DROP and returns to work with the same Employer, adjustments shall be made to recoup any overpayments of benefits made during the reemployment period
 - Amending rules to include additional criteria for establishing a common law marriage in Colorado in accordance with January 2021 Colorado Supreme Court opinion
 - Amending the rules to allow for written determinations, disclosures, notices, hearing officer recommendations, and requests for evidentiary hearings to be provided by means other than U.S. Mail, including electronic transmission
 - Amending the rules to clarify that if a Member is employed or reemployed either full-time or part-time in a position directly involved with the provision of police or fire protection in which the Member is capable of meeting the physical requirements of the position, the disability benefit provided to the Member may be discontinued after a review by the DDRC
 - Amending the rules and plan documents throughout to substitute gender neutral pronouns for gender specific pronouns, or
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- remove pronouns and substitute articles or nouns, and modify sentences so that subjects agree with predicates
 - Amending the rules and plan documents to comply with recent amendments and to update references to the Internal Revenue Code, Treasury Regulations, and federal legislation
 - Amending the SWH Rules and SWH Plan Document to clarify the process for changing mandatory contribution rates
 - Amending the SWMP Plan document to repeal the vesting schedule

A description of the subjects and issues involved in the proposed amendments to the **Colorado Springs New Hire Pension (CSNHPP) Plan Rules and Regulations**, the **Colorado Springs New Hire Pension Plan Document for Fire Component**, and the **Colorado Springs New Hire Pension Plan Document for Police Component** are as follows:

- Amending rules to clarify that unclaimed accounts or interests shall be reinstated if a successor or beneficiary is later identified and claims the account or interest
- Amending the rules to include additional criteria for establishing a common law marriage in Colorado in accordance with January 2021 Colorado Supreme Court opinion
- Amending the rules to clarify references to the Normal payment option in calculating an alternate payee's portion of a Member retirement benefit
- Amending the rules throughout to substitute gender neutral pronouns for gender specific pronouns, or remove pronouns and substitute articles or nouns, and modify sentences so that subjects agree with predicates
- Amending the rules to clarify that pursuant to HB20-1044, on or after January 1, 2021, FPPA shall transfer the DROP assets of all Members of the Plan to the Fire and Police Members' Self-Directed Investment Fund
- Amending the plan documents to clarify when a death benefit to a non-spouse beneficiary must commence under the provisions of the Internal Revenue Code
- Amending the rules and plan documents to comply with recent amendments and to update references to the Internal Revenue Code, Treasury Regulations, and federal legislation

A description of the subjects and issues involved in the proposed amendments to the **FPPA Multi-Employer Deferred Compensation Plan** are as follows:

- Amending the plan document throughout to substitute gender neutral pronouns for gender specific pronouns, or remove pronouns and substitute articles or nouns, and modify sentences so that subjects agree with predicates
- Amending the plan document to provide that FPPA or its designated Administrator shall determine whether a domestic relations order meets the qualification criteria under the Internal Revenue Code
- Amending the plan document to include requested information as additional information to be provided to a Plan Participant
- Amending the plan document to clarify when a Deferral amount is included in the gross income of a Participant
- Amending the plan document to comply with recent amendments and to update references to the Internal Revenue Code, Treasury Regulations, and federal legislation

The rules and plan amendments are proposed pursuant to the Board's authority under CRS § 31-31-202, as amended, CRS § 31-30.5-212, CRS §§ 31-31-204(2.5), 31-31-502(5), 31-31-815, and 31-31-901(1) and (2), to the FPPA Rules & Regulations, the Statewide Hybrid Plan Document, the Statewide Money Purchase Plan Document, the Colorado Springs New Hire Pension Plan Documents, and the FPPA Multi-Employer Deferred Compensation Plan Document.

The specific proposed amendments to rules and plan documents are more completely described in the actual proposed amended rules and proposed plan amendments. Copies are available for review at www.fppaco.org or may be obtained by contacting FPPA's Office of the General Counsel, 5290 DTC Parkway, Suite 100, Greenwood Village, CO 80111, 303-770-3772, or 800-332-3772 during regular business hours. Individuals with disabilities needing auxiliary aids may request assistance by contacting Karen Moore at the same address or telephone numbers.

Fire & Police Pension Association

5290 DTC Parkway, Suite 100, Greenwood Village, CO 80111

Telephone: 303-770-3772 in the Denver Metro area or 800-332-3772 toll free Statewide

