

1 AN ACT
2 RELATING TO EDUCATIONAL RETIREMENT; INCREASING THE SALARY A
3 RETIRED MEMBER MAY EARN WITHOUT A SUSPENSION OF THE MEMBER'S
4 RETIREMENT BENEFITS WHEN RETURNING TO WORK; INCREASING THE
5 TIME ALLOWED FOR RETURNING TO WORK.

6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

8 SECTION 1. Section 22-11-25.1 NMSA 1978 (being
9 Laws 2001, Chapter 283, Section 2, as amended) is amended
10 to read:

11 "22-11-25.1. RETURN TO EMPLOYMENT--BENEFITS--
12 CONTRIBUTIONS.--

13 A. Except as otherwise provided in Subsections B,
14 F, H and I of this section, until January 1, 2024, a retired
15 member who begins employment with a local administrative unit
16 at a level greater than one-quarter full-time employee,
17 regardless of salary level, is required to suspend the
18 member's retirement benefits until the end of that employment
19 unless the member has not rendered service to a local
20 administrative unit for at least twelve consecutive months
21 after the date of retirement.

22 B. Until January 1, 2024, a retired member who
23 retired on or before January 1, 2001, has not suspended or
24 been required to suspend retirement benefits pursuant to the
25 Educational Retirement Act and returns to employment with a

1 local administrative unit is not required to suspend the
2 member's retirement benefits.

3 C. A retired member who returns to employment with
4 a local administrative unit in accordance with this section
5 is entitled to receive retirement benefits during that
6 employment but is not entitled to acquire or purchase service
7 credit for that employment.

8 D. A retired member may return to employment with
9 a local administrative unit only if the member submits an
10 application to return to work, on a form prescribed by the
11 board, the board approves the application and the applicant
12 complies with other application rules promulgated by the
13 board.

14 E. A retired member who returns to employment
15 pursuant to Subsection A, B, F or I of this section shall
16 make nonrefundable contributions to the fund as would be
17 required by Section 22-11-21 NMSA 1978 if the retired member
18 were a non-retired employee. The local administrative unit
19 employing the retired member shall likewise make
20 contributions as would be required by that section.

21 F. Until January 1, 2024, a retired member who
22 retired on or before January 1, 2001, who suspended or was
23 required to suspend retirement benefits under the Educational
24 Retirement Act is not required to suspend the member's
25 retirement benefits if the retired member has not rendered

1 service to a local administrative unit for an additional
2 twelve or more consecutive months, not including any part of
3 a summer or other scheduled break or vacation period, after
4 the initial date of retirement.

5 G. A retired member who returns to employment with
6 a local administrative unit shall make contributions to the
7 retiree health care fund during the period of that employment
8 and in the amount specified in Section 10-7C-15 NMSA 1978.
9 The local administrative unit employing the retired member
10 shall likewise make contributions during the period of that
11 employment and in the amount specified in that section.

12 H. A retired member may return to employment with
13 a local administrative unit without a suspension of the
14 member's retirement benefits; provided that:

15 (1) the retired member has not rendered
16 service to a local administrative unit for at least ninety
17 days after the date of retirement;

18 (2) prior to the date of retirement, or
19 within ninety days after the date of retirement, the retired
20 member did not enter into any formal or informal agreement
21 with a local administrative unit or with any contractor
22 providing services to a local administrative unit to return
23 to employment; and

24 (3) the retired member earns a salary of
25 less than twenty-five thousand dollars (\$25,000) per year.

1 I. A retired member may return to employment with
2 a local administrative unit without a suspension of the
3 member's retirement benefits; provided that:

4 (1) the retired member has not rendered
5 service to a local administrative unit for at least ninety
6 days after the date of retirement; and

7 (2) the retired member returns to employment
8 for a period of no more than sixty consecutive or
9 nonconsecutive months pursuant to this subsection.

10 J. As used in this section:

11 (1) "rendered service" includes employment,
12 whether full or part time; substitute teaching; voluntarily
13 performing duties that would otherwise be, or in the past
14 have been, performed by a paid employee or independent
15 contractor; and performing duties as an independent
16 contractor or an employee of an independent contractor; and

17 (2) "local administrative unit" includes any
18 entity incorporated, formed or otherwise organized by, or
19 subject to the control of, a local administrative unit,
20 regardless of whether the entity is created for profit or
21 nonprofit purposes."_____