

Be it remembered that at the Regular Meeting of the Board of County Commissioners of Luna County in Deming New Mexico, on the 14th day of October 2021, the following proceedings were had and entered of record.

RESOLUTION 21-66

REQUESTING A CHANGE TO THE PERA RETURN TO WORK PROVISIONS

WHEREAS, the legislature of the State of New Mexico has adopted legislation establishing the New Mexico Public Employees Retirement Association (PERA) and legislation amending and modifying the same.

WHEREAS, prior to July 1, 2010, Section 10-11-8C, NMSA 1978, retired members could return to work after ninety days of not being employed by a PERA affiliate and continue receiving their retirement benefits and compensation for their employment provided that during such employment contributions to the fund were required and the retired member would not receive any additional service credit for this employment.

WHEREAS, the retired member returning to work at a PERA affiliate within twelve months of their retirement will be required to contribute to PERA and will receive additional service credit or if returning to employment after at least a twelve month hiatus, the retired member has a brief window in which they can opt out and not be required to make member contributions, nor will they receive additional credit with retirement benefits being suspended under both options.

WHEREAS, the impact of the 2010 amendments was immediate and acute in rural and small communities resulting in highly experienced, trained and educated employees retiring and pursuing employment with non-PERA affiliates, private business or out of state.

WHEREAS, the COVID-19 Pandemic exacerbated the detrimental effects of the 2010 amendments, making the already difficult task of filling positions with even minimally qualified persons, particularly in detention and law enforcement, next to impossible.


WHEREAS, legislation repealing the 2010 amendments, suspending them for a period of at least five (5) years or setting a hiatus period of between two and five years before returning to employment with a PERA affiliate and allowing the retiree to continue receiving their retirement benefits on the condition of making contributions to the fund would allow the large pool of highly experienced, trained and educated employees to return and fill desperately needed positions in detention facilities, law enforcement and dispatch centers and allow for these retirees to train minimally qualified applicants up to the same high standards that existed prior to both the 2010 amendments and the COVID-19 Pandemic.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Luna County requests and encourages the New Mexico Legislature and Governor Michelle Lujan Grisham to consider repealing, amending or suspending the provisions of Section 10-11-8, NMSA 1978 that effectively prohibit retirees of PERA affiliates from returning to employment with the same or a different PERA affiliate, particularly for positions in public safety with municipalities and counties.

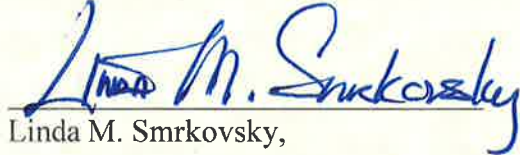
DONE THIS 14th DAY OF OCTOBER, 2021


by the Board of County Commissioners of Luna County

ATTEST:


Barbara L. Reedy, Chairperson
Commissioner, District 1


Berenda McWright,
County Clerk


Linda M. Smrkovsky,
Commissioner, District 2


John S. Sweetser,
Commissioner, District 3

