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**TORRANCE COUNTY
BOARD OF COUNTY COMMISSONERS
RESOLUTION NO. R 2021- 50**

**REQUESTING A CHANGE TO THE PUBLIC EMPLOYEES RETIREMENT
ASSOCIATION OF NEW MEXICO RETURN TO WORK PROVISIONS**

WHEREAS, the Legislature of the State of New Mexico enacted Chapter 10, Article 11 NMSA 1978, the Public Employees Retirement Act, establishing the New Mexico Public Employees Retirement Association (“PERA”); and

WHEREAS, pursuant to Section 10-11-8 of said Act, a retiree hired on or after July 1, 2010 who returns to work for a PERA affiliate will have his/her benefits suspended; this prevents a retired member of PERA from collecting both a salary and their retirement benefits (a pension); and

WHEREAS, members who retire after June 30, 2010 who choose to return to work for a PERA affiliate currently only have the following options:

1. Become a contributing member to PERA and resume accruing service credit, whereby the contributing member’s benefit is recalculated; or,
2. If the retired member has completed a 12-month break in service from his/her retirement date, the member can begin employment with the PERA affiliate and choose not to make member contributions; in this case, the retired member does not accrue service credit; and

WHEREAS, due to the COVID-19 Pandemic, it has become increasingly difficult for local governmental agencies such as counties, to recruit and retain qualified applicants, particularly within public safety positions; and

WHEREAS, an amendment or modification to the current PERA legislation at this time imposing a five (5) year moratorium on the current statute pertaining to retired members who choose to return to work for a PERA affiliate would allow retirees to come back and train, mentor and work part-time or full-time assisting cities, counties, as well as the State of New Mexico in filling numerous vacant positions to assist and allow for the governmental entities in the State of New Mexico to continue providing the quality of public service that is necessary and expected from the same.

NOW, THEREFORE BE IT RESOLVED that the Board of County Commissioners of Torrance County hereby requests that the New Mexico State Legislature and Governor Michelle Lujan Grisham consider the adoption of a statute, rule or regulation that addresses the above-referenced PERA restrictions and/or implements a five (5) year moratorium on the enforcement

1 of the same to allow qualified and willing retirees to assist governmental entities in providing
2 necessary services to citizens of New Mexico:

3
4 **DONE THIS 10th DAY OF November, 2021.**

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7 **APPROVED AS TO FORM ONLY:**

BOARD OF COUNTY COMMISSIONERS

8
9 *[Signature]* 11/10/2021
10 County Attorney Date

[Signature]
11 Ryan Schwebach, Chair, District 2

[Signature]
12 Kevin McCall, Vice Chair, District 1

[Signature]
13
14 LeRoy M. Candelaria, Member, District 3
15

16 **ATTEST:**

17 *[Signature]*
18 Yvonne Otero, County Clerk

19
20 Date: 11-10-21
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