

# Return-To-Work Public Safety

HB 236



PERA

Public Employees  
Retirement Association  
of New Mexico

INVESTED IN TOMORROW.



# House Bill 236 (HB 236)



Effective July 1, 2024, HB 236 amends the Public Employees Retirement Act [NMSA 1978 10-11-8] to allow certain members to return-to-work ninety days after retirement in certain public safety-related positions .



But first, let's talk about the elephant in the room...

**Who is eligible?**

**Which public safety position(s) can I return-to-work under?**

**What else do I need to know?**

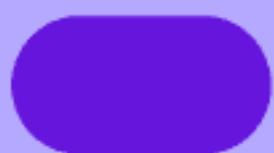




# Which retirees are eligible to return to work?



A retired member on or before December 31, 2023;



A retired member who has not been employed or retained as an independent contractor by the employer from which the member retired for 90 consecutive days; and



Subsequent employment must begin no earlier than July 1, 2024, and no later than June 30, 2027.



# Eligible Public Safety Positions



Adult Correctional Officer



Adult Detention Officer



Courthouse Security Officer



Emergency Medical Dispatcher



Emergency Medical Technician or Paramedic



Firefighter



Juvenile Correctional Officer



Juvenile Detention Officer



Municipal Police Officer



Peace Officer



Protective Services Investigator



Public Safety Telecommunicator



Sheriff's Deputy



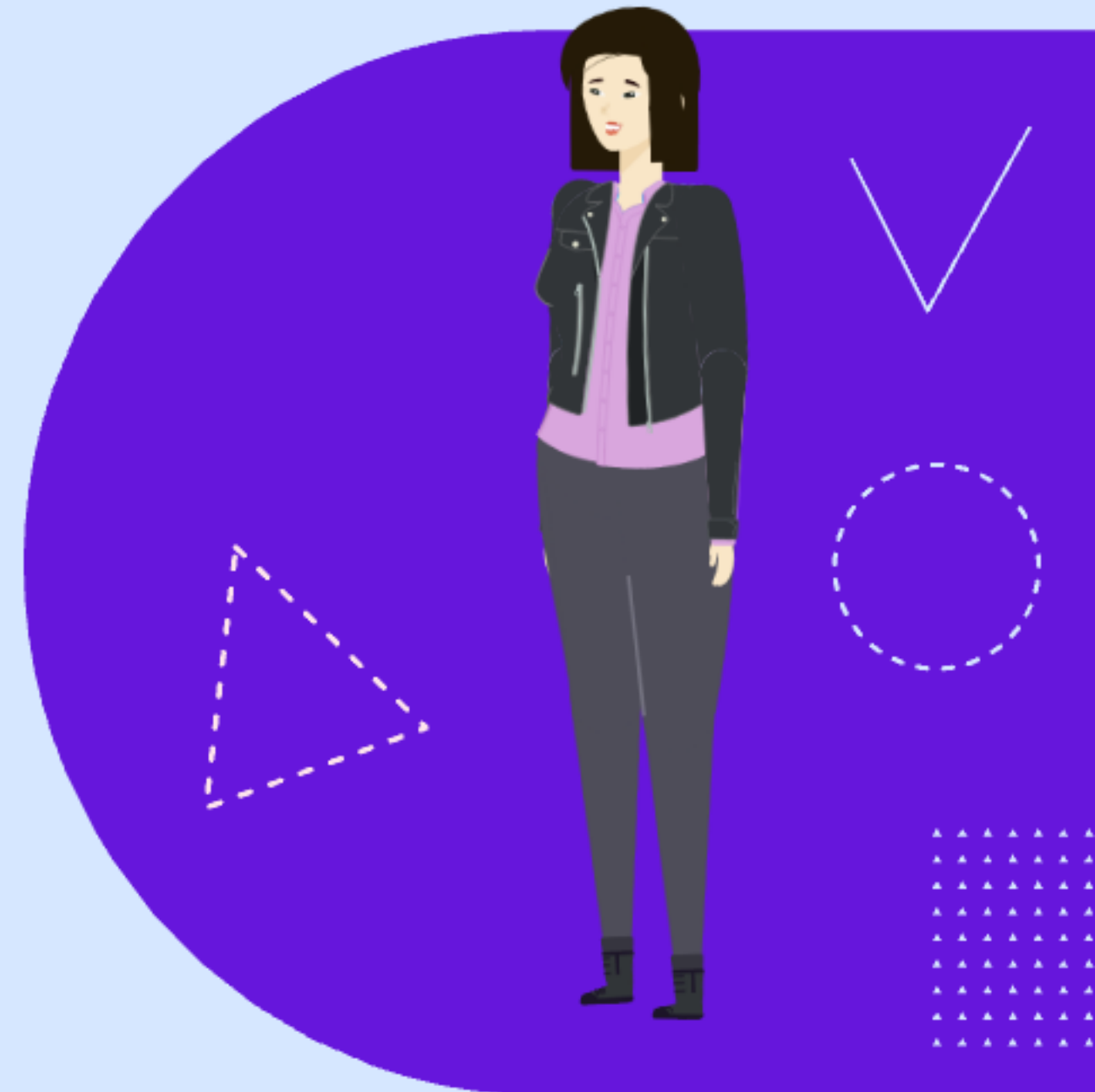
State Police Officer





## Retirees - What Else Do I Need To Know?

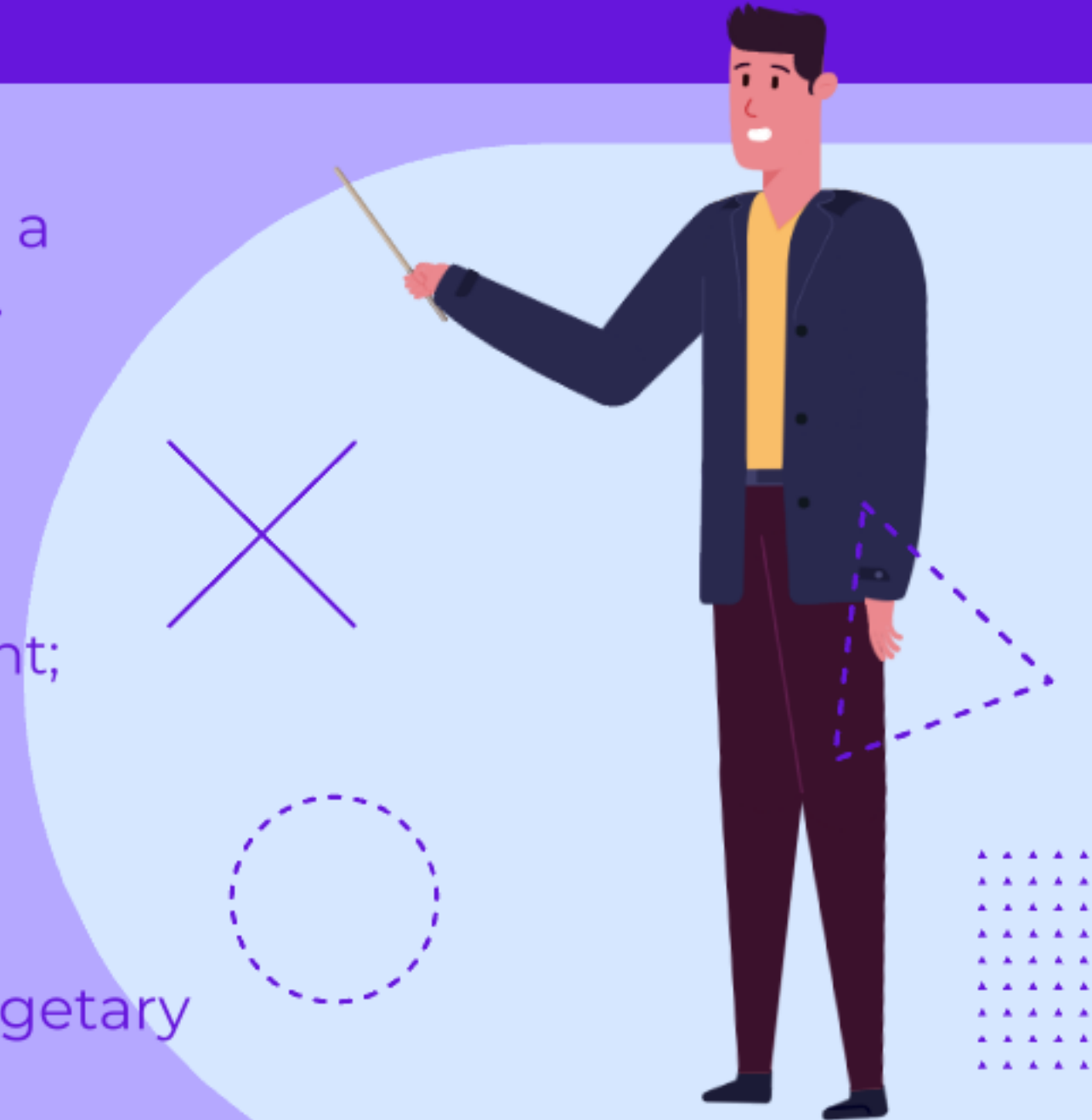
- 1** Retiree's pension, including any cost-of-living adjustment, shall continue to be paid;
- 2** Retiree shall not become a member;
- 3** Retiree shall not accrue service credit;
- 4** Retiree (and employer) shall make non-refundable contributions;
- 5** Retiree shall have no seniority based on pre-retirement employment; and
- 6** Retiree shall receive up to 36 months of pension payments while re-employed.





# Employer - What Else Do I Need To know?

- 1** A retiree shall not be hired for re-employment into a position with a vacancy rate that is lower than 10%.
- 2** The employer shall track and document:
  - a** Date of hire and separation;
  - b** The retired member's position prior to retirement;
  - c** The retired member's salary; and
  - d** The monthly vacancy rate for each position.
- 3** If the employer must layoff employees due to budgetary restrictions, retired members shall be laid off first.



# Q & A

**Q: What if the retiree remains employed beyond 36 consecutive months?**

**A: The retiree's pension payments will be suspended**





# Questions or Concerns?



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