

RESOLUTION 2020-A

CONCERNING THE RETURN TO WORK PROVISIONS OF THE PUBLIC EMPLOYEES RETIREMENT ACT

Whereas, SB 207 was signed into law and became effective July 1, 2010; and

Whereas, SB 207 requires that public retirees, including retirees from all public law enforcement, fire service, EMS first responder, water and waste water and other public agencies wait a minimum of 12 months before they can return to work as a public employee or independent contractor; and

Whereas, current law forbids public safety employees from collecting their pensions when they do return to public employment; and

Whereas, law enforcement, fire service, EMS first responder, water and waste water and other municipal departments throughout rural and small town New Mexico have difficulties in finding eligible candidates who are qualified to serve in such vital positions as police officers, senior administrators such as municipal police chiefs, fire fighters, EMS first responders, water and waste water operators, municipal clerks and administrators and other municipal personnel; and

Whereas, law enforcement, fire service, EMS first responder, water and waste water and other public agencies throughout rural and small town New Mexico will lose invaluable knowledge, insight, professionalism and maturity by not being able to employ retired law enforcement personnel, fire service, EMS first responder, water and waste water and other municipal employees from jurisdictions within the state; and

Whereas, municipalities in rural areas and smaller communities in New Mexico depend on the ability to employ retired law enforcement, fire service, EMS first responders, water and waste water operators and other vital employees from other jurisdictions; and

Whereas, government entities and law enforcement, fire service, EMS first responder, water and waste water and other public agencies invest thousands of dollars in specified training and cultivating personnel whose skills and professionalism are often invaluable to their organization at the time of retirement; and

Whereas, New Mexico's growing and maturing rural and small town population demands qualified, dedicated and professionally-trained personnel in all fields of law enforcement, fire service, emergency response, water and waste water operation and general municipal operations; and

Whereas, retired employees who return to work would be required to make contributions as if they were current employees; and

Whereas, retired employees who return to work would accrue no additional service credits or retirement benefits; and

Whereas, municipalities that hire retired employees who return to work would be required to make municipal contributions as if the returning employees were current employees, and any re-employment would be capped at 30 hours per week; and

Whereas, New Mexico has a relatively small pool of applicants who are eligible, qualified and dedicated to serve behind the badge; and

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports legislation that exempts part-time (less than 30 hours per week) law enforcement, fire service, EMS first responders, water and waste water and other municipal employees who return to work in municipalities with a population of fewer than 3,500 people, from the retiree return to work laws.

Passed, Approved and Adopted this 3rd day of September at the City of Santa Fe, New Mexico.