



701 Camino de los Marquez Santa Fe, NM 87505 (505) 827-8030 (505) 827-1855 fax
6201 Uptown Blvd. NE Ste 204 Albuquerque, NM 87110 (505) 888-1560 (505) 830-2976 fax

Return To Work Program Application

NM Educational Retirement Board (ERB) retirees may return to employment under the *Return to Work Program* without affecting their retirement benefits if they meet certain requirements. Retirees must be in compliance with Section 22-11-25.1 NMSA 1978 and 2.82.5.15 NMAC and a Return to Work application **must** be completed. A 12 month layout period is required under most circumstances. (If you retired before January 1, 2001 and since that time have not had your benefits suspended or have been required to have your benefits suspended you may not be required to have a layout period.) Effective July 1, 2011 retired members under the Return to Work program shall make non-refundable member contributions to the ERB Fund and will not earn additional service credit or be able to purchase service credit for Return to Work employment. Employers will continue to make the employer contributions as specified by statute.

Complete the application and mail it back to the Santa Fe address above. Please DO NOT FAX the application.

<i>Please Print</i>			
Name: _____			
Address: _____			
	City	State	Zip
Social Security Number: _____		Contact Phone Number: _____	

1. When did you last retire from an NMERB employer? _____
2. When was the last day you worked for an NMERB employer including but not limited to: full time employment, part time employment, substitute teaching, services rendered as an independent contractor and/or employment with an independent contractor, volunteering in an otherwise paid position, working less than .25 of a full-time equivalency or earning less than \$15,000 in a fiscal year?

List Dates: _____

3. Have you completed a one year layout by not working for a consecutive 12 month period for any NMERB employer since retirement?

Yes No Dates of one year layout: _____ to _____

4. Have you ever suspended your retirement benefits or been required to suspend retirement benefits? Yes No

If yes, please provide dates: _____

5. Are you currently employed by an NMERB employer? Yes No

I understand that NMERB must verify the information provided prior to my returning to employment under the Return To Work Program. I understand that if the information given by me is found to be incorrect, I will become ineligible for the Return To Work Program. I understand that if I receive retirement benefits and am not eligible to participate in the Return To Work Program or I violate the rules of the Return To Work Program I will be required to pay back all retirement payments, plus interest I received during my period of ineligibility.

Member Signature (please sign in the presence of a notary)

Date

Notary Public	
State of New Mexico)	
County of:)	
)	
Signed and sworn to before me by _____ on the day _____ of _____, 20 _____	
_____ My commission expires	_____ Notary Public

NMERB Use Only

- Eligible under A (22-11-25.1(A) _____ Eligible under F (22-11-25.1(F) _____
 Eligible under B (22-11-25.1(B) _____ Ineligible for RTWP as of _____

Authorized Signature _____ Date _____



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Return To Work Program FAQs (for NMERB Retirees Only)

Q: What are the requirements for a member who retired after January 1, 2001?

A: A member who retired after January 1, 2001 must complete a twelve month layout period. During this layout period the retired member must not have been employed in any capacity by an NMERB employer. This includes full time employment, part time employment (including employment where earnings *are equal to or less than* \$15,000 or a .25 full time equivalency), services as a volunteer which in the past have been performed by a paid employee, substitute teaching, services rendered as independent contractor and/or employment with an independent contractor. See Section 22-11-25.1(A) NMSA 1978 and 2.82.5.15(A)(1)(2)NMAC.

Q: What are the requirements for a member who retired on or before January 1, 2001?

A: A member who retired on or prior to January 1, 2001 and has not since that time suspended retirement benefits (eg. voluntary suspension for the purpose of increasing one's service credit) or been required to suspend benefits, (eg. suspension of benefits imposed by ERB due to earnings exceeding limits of RTW exception rule, i.e. earning an amount equal to or more than the greater of .25 FTE or \$15,000) is eligible to return to full time employment without affecting retirement benefits. A layout period is not required. See Section 22-11-25.1(B) NMSA 1978 and 2.82.5.15(G) (1-4) NMAC.

Q: What are the requirements for a member who retired before January 1, 2001 and subsequently voluntarily suspended or was required to suspend retirement benefits?

A. A member who retired prior to January 1, 2001 and has since suspended retirement or had retirement benefits suspended is eligible for the Return to Work program if a twelve month layout period was completed anytime after the initial retirement and prior to engaging in the Return to Work position. In addition, the member must, if currently employed, terminate employment, re-retire and complete a minimum 90 day waiting period. The 90 day waiting period is counted from the effective date of the latest retirement and shall not include any scheduled breaks, vacations, paid administrative or sick leave, or holidays consisting of more than two business days. The 90 day period shall not include any portion of the period used to satisfy the 12 month consecutive month layout period. (If the retiree has not had a consecutive 12 month layout period after the first retirement and the suspension of benefits, the retiree will need a 12 month consecutive layout period after the second retirement before he/she is eligible for Return to Work.) See Section 22-11-25.1 (F) NMSA 1978 and 2.82.5.15 (B) NMAC.

Q. What happens after acceptance into the Return to Work program?

A. If you qualify for the Return to Work Program after submitting an application, you may work for an ERB local administrative unit without affecting your retirement benefit. You will not be subject to a requirement that you earn a minimum or maximum amount of earnings.



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Return To Work Statute (Section 22-11-25.1 NMSA 1978) (Excerpted provisions)

Section 22-11-25.1(A)

Except as provided in subsections B and F of this section, beginning January 1, 2002, and continuing until January 1, 2022, a retired member may begin employment at a local administrative unit and shall not be required to suspend retirement benefits if the member has not rendered service to a local administrative unit for at least twelve consecutive months after the date of retirement. If the retired member returns to employment without first completing twelve consecutive months of retirement, the retired member shall remove himself or herself from retirement.

Section 22-11-25.1 (B)

A retired member who was retired on or before January 1, 2001 and has not since suspended or been required to suspend retirement benefits pursuant to the Educational Retirement Act [22-11-1 NMSA] may, at any time prior to January 1, 2022, return to employment for a local administrative unit and shall not be required to suspend retirement benefits.

Section 22-11-25.1 (D)

A retired member shall not be eligible to return to employment pursuant to Subsection A, B, or F of this section unless an application to return to work, on a form prescribed by the board, has been submitted to, and approved by, the board and the applicant has complied with such other rules and promulgated by the board.

Section 22-11-25.1 (F)

Beginning July 1, 2003 and continuing until January 1, 2011, a retired member who retired on or before January 1, 2001, who subsequently voluntarily suspended or was required to suspend retirement benefits and who has not rendered service to a local administrative unit for at least ninety days may begin employment at a local administrative unit without suspending retirement benefits if the retired member was not employed by a local administrative unit for an additional twelve or more consecutive months after the initial date of the retirement; provided that the ninety day period shall not include any part of a summer or other scheduled break or vacation period.

* * * *

House Bill 129 of the 2011 NM State Legislature amends Section 22-11-25.1 to require retired members who return to employment with a Local Administrative Unit (LAU) pursuant to Subsections A, B, or F of Section 22-11-25.1 to pay contributions to the Educational Retirement Fund equal to member contributions that non-retired employees make pursuant to Section 22-11-21. The contributions will not be refundable to the retired member. (LAUs will continue to make the employer contributions as specified by statute.)

*Please Note - Retirees who wish to be employed without affecting their retirement benefits and without application to the Return to Work Program may do so but earnings will be limited to the greater of \$15,000 in a fiscal year or the amount possible under .25 FTE (a quarter of a full time position). See 2.82.2.11(B) NMAC. This is known as the Return to Work Exception rule.