

The information in this document is meant to serve as a guide for faculty and staff members and does not constitute a binding representation of New Mexico State University (NMSU) or New Mexico Educational Retirement Board (NMERB). NMSU reserves the right to interpret, change, modify, amend, or rescind these guidelines in whole or in part at any time without the consent of employees.

Eligibility for the Return to Work (RTW) program or options is determined by the NMERB and not NMSU.

Hiring Process



Retirees shall be subject to the same hiring policies and procedures as other prospective applicants, if re-employed, including the competitive hiring process required for certain positions. However, NM ERB retirees returning to faculty positions may only be employed as college non-contract faculty.

Before Working



Effective July 1, 2019, per NMERB regulation, NMERB and Alternative Retirement Plan (ARP) retirees **must complete** the NMERB [Return to Work \(RTW\) Application](#) and receive approval from NMERB **before** they can work at NMSU. The approved application must be received by NMSU Human Resource Services prior to working.

NMERB- New Mexico Education Retirement Board

Return to Work Options May 18, 2022

- **NMERB Retiree Return to Work Program:** The 12 consecutive month layout period for employees who retired after January 1, 2001, remains unchanged. Application process required; if approved, the retiree will receive a copy of the approved RTW application to provide to the employer. Employee and employer pay nonrefundable contributions.
- **NMERB Retiree working .25 FTE or less:** No waiting period required, application process required; if approved, the retiree will receive a copy of the approved RTW application to provide to the employer. No contributions are required by employee/employer. If the employee is working for other NMERB employers, the FTE will be combined with the FTE of all other employers. The resulting FTE must not exceed .25 FTE for any month of the fiscal year.
- **NMERB Retiree earning less than \$15,000:** There is a required 90 consecutive day layout period from the employee's retirement date, application process required; if approved, the retiree will receive an approved copy of the RTW application to provide to the employer. No contributions are required by employee/employer. If the employee is working for other NMERB employers, the gross earnings will be combined with the gross earnings of all other employers. The resulting gross earnings must be less than \$15,000 for the fiscal year.
- **NMERB Retiree Return to Work 36 Months Program:** There is a required 90 consecutive day layout period from the employee's retirement date, application process required; if approved, the retiree will receive an approved copy of the RTW application to provide to the employer. Employee and employer pay nonrefundable contributions. Maximum employment period of 36 months, need not be consecutive.





7/1/19 most PERA retirees* contributed to NMERB and NMSU contributed on their behalf. Effective with 1st payroll after 5/20/2020 they do not contribute, NMSU continues to contribute employer contributions to the general fund.

*excluded certified police officers that remained working as certified police officer

PERA Retirees submit documentation of their PERA retirement with their NMERB Employee Data Form. PERA retirees will not contribute to NMERB.

Benefits



NM ERB retirees who are hired in a regular or non-regular term position will accrue the same number of annual leave days per fiscal year (prorated based on FTE) as regular employees. All earned annual leave must be used or forfeited by June 30th of every fiscal year. Retirees will not be paid any annual leave upon termination of employment with the university.

More Information

Questions related to Return to Work Retirees may be directed to Benefit Services.

Questions regarding return to work applications or retirement benefits should be directed to NMERB.

References:

[New Mexico House Bill 360 \(2019\)](#)

[New Mexico Senate Bill 111 \(2020\)](#)

[New Mexico House Bill 73a \(2022\)](#)

[NMSU Administrative Rules and Procedures 6.15 Re-Employment of Retirees](#)

[NMSU Administrative Rules and Procedures 8.12 Retirement, Educational \(ERB\)](#)

[NMERB RTW Information for Retirees and Revised Forms](#), 6 May 2020.

[Return to Work Electronic Application](#)

Resources:

[NMERB](#)

[NMSU Benefit Services retiree page](#)

<https://hr.nmsu.edu/forms/>

Contact Information:

NMERB - Member.Help@state.nm.us

Santa Fe- (505) 827-8030

Albuquerque- (505) 888-1560

Toll-Free- 1-866-691-2345

NMSU Benefit Services- benefits@nmsu.edu.

Office- (575) 646-8000

Fax- (575) 646-2806