

NMERB Retiree re-hire rules/regulations - current

Retirees collecting a monthly retirement benefit under the NMERB or the NMARP can return to work at an NMERB institution and continue to receive their monthly benefit payment, if the below rules are followed:

1. Return to Work Exception Rules
 - a. The exception rules currently allow retirees to return to a working status with an NMERB employer without a specific layout period (but this may change due to IRS requirements).
 - b. There are two possible re-hire scenarios:
 - i. .25 FTE rule – the retiree can return to work in an employment status equal or lesser than .25 FTE and work without contributing to NMERB while working and continue to receive the monthly retirement benefit.
 - ii. \$15,000 rule – the retiree can return to work at any FTE but gross fiscal (July-June) earnings cannot exceed \$15,000 and work without contributing to NMERB while working and continue to receive the monthly retirement benefit.
2. Return to Work Program
 - a. Retirees must layout for 12 consecutive months.
 - b. The RTW program requires that during the layout period, no services (either paid or unpaid) be provided to an NMERB employer.
 - c. Once the layout period is completed, the retiree can apply for the RTW program.
 - d. Once approved, the retiree can work for the NMERB employer in any status without restriction on FTE or earnings; however the employee will be required to contribute to the ERB fund as any other employee would while working.
 - i. Contributions are required and non-refundable.
 - ii. The retiree does not earn any other service credit while contributing
 - iii. The retiree continues to receive the monthly retirement benefit while employed.