

RETIREE RETURN TO WORK

A retired member of the Educational Retirement Board Association (ERBA) is eligible to who returns to work for the School District a Local Administrative Unit, as defined in the Educational Retirement Act, must submit a return to work application to the ERB and receive approval prior to working for the District as an employee or independent contractor. Retirees are responsible for complying with all return to work statutes and rules. A retiree who violates return to work statutes and rules may have their retirement benefits suspended, be required to reapply for retirement, and be required to pay back all pension payments the retiree received while ineligible without suspension of the member's retirement benefits provided that the retired member has not rendered service to a local administrative unit, including a local school district, for at least 90 days after the date of retirement, and returns to work for no more than 36 consecutive or nonconsecutive months. "Rendered service" under this provision shall mean full or part-time employment, substitute teaching, independent contractor work or volunteer service which would otherwise be performed by a paid employee or independent contractor. The Superintendent shall adopt administrative rules procedures to implement and monitor employment falling within this provision.

Adopted: _____

LEGAL REF.: 22-11-25.1(I) NMSA 1978
2.82.5.15 NMAC

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.