

**This is an amendment to 2.82.7 NMAC, Section 9, effective 7/14/2020.**

**2.82.7.9 EMPLOYMENT:**

**A.** Once each calendar quarter, administrative units shall be required to report to the educational retirement board "the full-time equivalency" of members retired for age or service and members receiving disability benefits.

**B.** A member receiving disability benefits may engage in employment in the same manner and such employment shall be considered as partial evidence of ability to return to regular employment, and this, together with medical evidence, may be considered by the board in determining whether the member's disability benefit should continue.

**C.** Members retired for age or service may reside anywhere they choose, and engage in any employment which is not covered by the Educational Retirement Act, without affect to their retirement status.

**D.** If a member who returns to employment and is removed from a retirement status wishes to retire again, ~~[he]~~ the member may do so in accordance with Section 22-11-25 NMSA 1978 and Subsection D of 2.82.5.9 NMAC.

**E.** Retired members who perform services for local administrative units as an independent contractor must meet the criteria set forth for an independent contractor in Subsection ~~[D]~~ C of 2.82.2.11 NMAC.

[2.82.7.9 NMAC - Rp, 2 NMAC 82.7.9, 6/16/2015; A, 10/17/2017; A, 7/14/2020]