

TITLE 2 PUBLIC FINANCE
CHAPTER 80 PUBLIC EMPLOYEES RETIREMENT
PART 2300 LEAVE WITHOUT PAY

2.80.2300.1 ISSUING AGENCY: Public Employees Retirement Association, P. O. Box 2123, Santa Fe, New Mexico 87504-2123
[11-15-97; 2.80.2300.1 NMAC - Rn, 2 NMAC 80.2300.1, 12-28-01]

2.80.2300.2 SCOPE: This rule affects the members, former members, beneficiaries, public employers, retirement board and the association under the Public Employees Retirement Act.
[11-15-97; 2.80.2300.2 NMAC - Rn, 2 NMAC 80.2300.2, 12-28-01]

2.80.2300.3 STATUTORY AUTHORITY: This rule is authorized by NMSA 1978, Sections 10-11-130 and 10-11-8, as amended.
[11-15-97; 2.80.2300.3 NMAC - Rn, 2 NMAC 80.2300.3, 12-28-01]

2.80.2300.4 DURATION: Permanent.
[11-15-97; 2.80.2300.4 NMAC - Rn, 2 NMAC 80.2300.4, 12-28-01]

2.80.2300.5 EFFECTIVE DATE: November 15, 1997 unless a different date is cited at the end of a section.
[11-15-97; 2.80.2300.5 NMAC - Rn, 2 NMAC 80.2300.5, 12-28-01]

2.80.2300.6 OBJECTIVE: The objective of this rule is to clarify how leave without pay status affects members of the association.
[11-15-97; 2.80.2300.6 NMAC - Rn, 2 NMAC 80.2300.6, 12-28-01]

2.80.2300.7 DEFINITIONS: [Reserved]

2.80.2300.8-9 [Reserved]

2.80.2300.10 BREAK IN SERVICE

A. Except as provided in Subsection B below, leave without pay for a period that exceeds twelve (12) weeks shall be deemed a break in service. A member on leave without pay for a period exceeding twelve (12) weeks is no longer continuously employed for the purpose of NMSA 1978, Section 10-11-8(G), as amended.

B. A member who leaves the employ of an affiliated public employer to enter a uniformed service of the United States and is reemployed under the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended, shall be treated as not having incurred a break in service.
[11-15-97; 2.80.2300.10 NMAC - Rn, 2 NMAC 80.2300.10, 12-28-01]

HISTORY of 2.80.2300 NMAC: [RESERVED]