

TITLE 2 PUBLIC FINANCE
CHAPTER 82 EDUCATIONAL RETIREMENT
PART 10 RETIREMENT RECIPROCITY

2.82.10.1 ISSUING AGENCY: Educational Retirement Board, P. O. Box 26129, Santa Fe, New Mexico 87502-0129
[2.82.10.1 NMAC - Rp, 2 NMAC 82.10.1, 6-16-2015]

2.82.10.2 SCOPE: This rule applies to retirees combining service from PERA and ERA for retirement purposes. The governing boards of both systems must adopt these rules.
[2.82.10.2 NMAC - Rp, 2 NMAC 82.10.2, 6-16-2015]

2.82.10.3 STATUTORY AUTHORITY: The Educational Retirement Act, Sections 22-11-1 to 22-11-53, NMSA 1978, the Retirement Reciprocity Act, Sections 10-13A-2 to 10-13A-3, NMSA 1978.
[2.82.10.3 NMAC - Rp, 2 NMAC 82.10.3, 6-16-2015]

2.82.10.4 DURATION: Permanent.
[2.82.10.4 NMAC - Rp, 2 NMAC 82.10.4, 6-16-2015]

2.82.10.5 EFFECTIVE DATE: June 16, 2015, unless a later date is cited at the end of a section.
[2.82.10.5 NMAC - Rp, 2 NMAC 82.10.5, 6-16-2015]

2.82.10.6 OBJECTIVE: Clarification of reciprocity retirement requirements adopted by the ERA and PERA boards.
[2.82.10.6 NMAC - Rp, 2 NMAC 82.10.6, 6-16-2015]

2.82.10.7 DEFINITIONS: [RESERVED]

2.82.10.8 RETIREMENT RECIPROCITY:

A. "Salary" is defined by each state system for that state system. Each system shall certify the member's salary as defined by that system to the payor system, and the payor system shall accept that salary for pension calculation purposes where applicable.

B. The Public Employees Retirement Reciprocity Act applies to normal retirement only, and does not apply to disability retirement or pre-retirement survivor pensions.

C. If a retired member whose service credit at retirement was acquired only under PERA, is subsequently employed by an employer covered under ERA; and the retired member becomes a contributing member of ERA; and the retired member's PERA pension is suspended for the period of membership under ERA; and the retired member acquires service credit under ERA; the subsequently acquired service credit is eligible reciprocal service credit. When the member terminates the subsequent employment and retires again, the subsequent retirement shall be governed by the provisions of the Public Employees Retirement Reciprocity Act.

D. If a retired member whose service credit at retirement was acquired only under ERA is subsequently employed by an employer covered under PERA; the member may remove himself from a retirement status and become a contributing member of PERA; and the member may acquire service credit under PERA which shall be eligible for reciprocity service credit. When the member terminates the subsequent employment and retires again, the subsequent retirement shall be governed by the provisions of the Public Employees Retirement Reciprocity Act.

E. If a member has service credit for the same period of time for employment by public employers covered under different state systems, service credit may only be acquired under one state system for the period of overlapping service credit.

F. If a member retires with service credit under more than one state system for an overlapping period, the member shall be granted service credit for this overlapping period as follows:

(1) PERA shall grant service credit earned for the months the member was employed by an employer covered under PERA in accordance with all applicable PERA statutes and rules.

(2) ERA shall grant service credit for the quarters of ERA service credited to the member in accordance with all applicable ERA statutes and rules less the amount of service credit granted by PERA in subsection 8.6.a (now Paragraph (1) of Subsection F of 2.82.10.8 NMAC) above.

(3) In no case shall a member be credited with more than one month of service credit for all service in any calendar month.

G. Free or purchased military service credit under any state system may only be considered eligible reciprocal service credit under one state system for reciprocity retirement purposes.

H. When a member retires according to the provisions of the Public Employees Retirement Reciprocity Act, each state system under which the member has acquired eligible reciprocal service credit shall furnish the payor system with a certified statement of the member's service credit, and other pertinent data necessary to compute the member's pension.

I. A member retired according to the provisions of the Public Employees Retirement Reciprocity Act shall receive the same cost-of-living adjustments provided by each state system under which the retired member acquired eligible reciprocal service credit. Each state system shall pay the cost-of-living adjustment due under the provisions of that state system for the portion of the total pension attributable to service credit acquired under that state system.

J. A member retiring according to the provisions of the Public Employees Retirement Reciprocity Act shall only elect a form of payment option with the payor system. Each state system shall calculate benefits according to the same form of payment, except in the case of a member who retires under PERA and elects form of payment D, in which case the ERA component of the pension shall be calculated according to form of payment A.

K. Amendments to this rule shall be adopted by the educational retirement board and the public employees retirement board.

[2.82.10.8 NMAC - Rp, 2 NMAC 82.10.8, 6-16-2015]

HISTORY OF 2.82.10 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

ERB 67-3, Rules and Procedures, filed 6/30/67.

ERB 78-1, Rules and Procedures, filed 8/7/78.

ERB Rule X, Retirement Reciprocity, filed 10/3/83.

ERB Rule X, Retirement Reciprocity, filed 2/4/85.

ERB Rule X, Retirement Reciprocity, filed 9/21/93.

History of Repealed Material:

2 NMAC 82.10, Retirement Reciprocity - Repealed 6-16-2015.