

TITLE 2 PUBLIC FINANCE
CHAPTER 87 VOLUNTEER FIREFIGHTERS
PART 100 GENERAL PROVISIONS

2.87.100.1 ISSUING AGENCY: Public Employees Retirement Association (PERA), P. O. Box 2123, Santa Fe, New Mexico 87504-2123
[2.87.100.1 NMAC - Rp, 2.87.100.1 NMAC, 7/1/15]

2.87.100.2 SCOPE: This rule affects members, affiliated public employers, the retirement board and the association.
[2.87.100.2 NMAC - Rp, 2.87.100.2 NMAC, 7/1/15]

2.87.100.3 STATUTORY AUTHORITY: This rule is authorized by Section 10-11A-6 NMSA 1978, as amended.
[2.87.100.3 NMAC - Rp, 2.87.100.3 NMAC, 7/1/15]

2.87.100.4 DURATION: Permanent.
[2.87.100.4 NMAC - Rp, 2.87.100.4 NMAC, 7/1/15]

2.87.100.5 EFFECTIVE DATE: July 1, 2015, unless a later date is cited at the end of a section.
[2.87.100.5 NMAC - Rp, 2.87.100.5 NMAC, 7/1/15]

2.87.100.6 OBJECTIVE: The objective of this rule is to establish standards and procedures for awarding and reinstating service credit under the Volunteer Firefighters Retirement Act.
[2.87.100.6 NMAC - Rp, 2.87.100.6 NMAC, 7/1/15]

2.87.100.7 DEFINITIONS: [Reserved]

2.87.100.8 - 2.87.100.9 [Reserved]

2.87.100.10 GENERAL PROVISIONS:

A. The chief of each fire department shall file an executed member enrollment form for each new volunteer firefighter member within 30 days after the firefighter joins the department.

B. Service shall be credited by calendar year.

C. In order to post service credit for any member, the chief of each fire department shall electronically report those members who met and those who did not meet the minimum qualifications for service credit through the PERA website, and shall submit an annual reporting form, as prescribed by the association, which acknowledges the truth of the reporting under oath before a notary public no later than March 31 of the year following the year for which service credit is to be credited.

D. The failure to timely provide these records to PERA shall result in the loss of the member's service credit for the preceding calendar year.

[2.87.100.1 NMAC - Rp, 2.87.100.1 NMAC, 7/1/15]

2.87.100.11 APPEAL OF DENIAL OF CLAIM OF BENEFITS: The denial of any claim for volunteer firefighters retirement benefits may be appealed by a claimant. Appeals shall follow the procedures set forth in 2.80.1500 NMAC.

[2.87.100.11 NMAC - Rp, 2.87.100.11 NMAC, 7/1/15]

2.87.100.12 - 2.87.100.19 [Reserved]

2.87.100.20 SERVICE CREDIT FOR PRIOR CALENDAR YEARS:

A. Service shall be credited by calendar year.

B. In order to post or adjust service credit for any member for not more than the two preceding calendar years the member must file with the association the following completed records:

(1) membership enrollment form;

(2) “corrected qualification record” or “adjusted qualification record” as prescribed by the association;

(3) adjusted qualification record executed under oath before a notary public.
[2.87.100.20 NMAC - Rp, 2.87.100.20 NMAC, 7/1/15]

2.87.100.21 - 2.87.100.29 [Reserved]

2.87.100.30 ADDRESS UPDATE: The member is responsible for providing to the association any change of the member’s address.
[2.87.100.30 NMAC - Rp, 2.87.100.30 NMAC, 7/1/15]

HISTORY of 2.87.100 NMAC:

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

VFRA Rule 100, Service Credit Under Volunteer Firefighters Retirement Act, filed on 4-5-95;

VFRA Rule 100, Service Credit Under Volunteer Firefighters Retirement Act, filed on 6-5-95.

History of Repealed Material:

2.87.100 NMAC, Volunteer Firefighters - General Provisions, filed 12/14/2001, repealed 7/1/2015.