

# Employee Exclusion From PERA Membership

Instructions: Please print or type in dark ink. This form must be completed in its entirety and submitted to PERA via regular mail, fax, or e-mail to [noreply.records@state.nm.us](mailto:noreply.records@state.nm.us) for processing.

## Section 1

### Information About You

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Social Security Number or PERA ID	Name (First, Middle Initial, Last)
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Date of Birth	Phone Number	Would you like direct correspondence by E-mail? If so, include E-mail Address
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Mailing Address	City	State	Zip Code
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Marital Status:  Never Married     Married     Widowed     Divorced\*

\*PERA requires the review of ALL court-endorsed Final Divorce Decrees and Marital Settlement Agreements filed after you became a PERA member. If your divorce was prior to PERA membership, please submit a copy of the first page of your Final Divorce Decree ONLY. If you remarried PRIOR TO PERA membership and are still married to the same person no divorce decrees are required.

## Section 2

### Information About Your Exclusion

Please review the employee exclusion categories on the next page and check the box that applies to your application for exclusion (CHECK ONE BOX ONLY). This form does not apply to employees applying for exclusion as an elected official or on the basis of participation in a private retirement program.\*

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|---|--|--|
| <input type="checkbox"/> PERA retiree working as a legislative worker during the legislative session  | <input type="checkbox"/> Currently contributing to an ERB employer | <input type="checkbox"/> NM Aging & Long-Term Services - Trainee |
| <input type="checkbox"/> PERA retiree working as a precinct board member for a municipal election or an election covered by the election code | <input type="checkbox"/> Retired member from ERB                   | <input type="checkbox"/> Student Employee - with transcripts     |
|   | <input type="checkbox"/> Seasonal or Temporary employee            | <input type="checkbox"/> Part-time Employee                      |

PERA retirees cannot be excluded from PERA membership as Seasonal employees, Temporary employees or Part-time employees. Reemployed PERA retirees must complete the Application for a Reemployed PERA Retiree. \*Please complete the "Employee Exclusion from PERA Membership Elected Official" or "Employee Exclusion from PERA Membership Private Retirement Program" form.

## Section 3

### Your Certification

I understand that I am being excluded from PERA membership due to the exclusion category checked above. I also understand and agree that being excluded under this designation will disqualify me for normal or disability retirement benefits under PERA, and that I will be ineligible to purchase such excluded service at a future date.

Signature of Employee	Date
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## Section 4

### Your Current Employment Information (To be completed by Employer)

Name of Employer	PERA Employer Number	PERA Plan
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Date of Hire (mm/dd/ccyy)	Termination Date (mm/dd/ccyy)
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## Section 5

### Your Employer Certification (To be completed by Employer)

Authorized Employer* Printed Name	Title	Email Address	Phone
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Signature of Authorized Employer*	Date
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## EMPLOYEE EXCLUSION CATEGORIES

Read and select the category that applies to you. Check the corresponding box on the reverse side of this form.

**PERA retiree working as a legislative worker** is defined in NMSA 1978, Section 10-11-8 (D) (1) (2010) as "... a retired member employed by the legislature for legislative session work."

**PERA retiree at time of affiliation** is defined as a PERA retired member who is employed with an employer prior to that employer becoming affiliated with PERA.

**PERA retiree working as an election poll worker** is defined in NMSA 1978, Section 10-11-8 (D) (2) (2012) as a PERA retiree employed temporarily as a precinct board member for a municipal election or an election covered by the Election Code.

**Currently contributing to an ERB employer.** An employee currently employed by an ERB employer and making regular member contributions is excluded from PERA membership.

**Retired members from ERB** are defined as individuals who have retired under and who are receiving a pension pursuant to the provisions of the Educational Retirement Act.

**Seasonal employee or temporary employee** as defined in PERA Rule 2.80.400.10.B. (3) (a) NMAC "... means an employee who works in a position designated by the affiliated public employer as seasonal or temporary and created to last no more than 9 consecutive months. Retired members returning to work with an affiliated public employer shall not be re-employed under this subsection..."

If the employee is still employed in the same position past 9 consecutive months, then the employee would no longer be considered a seasonal or temporary employee and would need to submit an Application For Membership Form and start making member contributions. The employer would need to start making employer contributions for this employee.

**Private retirement** is defined in PERA Rule 2.80.100.7(N) NMAC as "... a retirement program of the affiliated public employer which meets the Internal Revenue Service minimum standards regarding benefits as outlined in 26 C.F.R. Section 31.3121(b) (7)F of the Employment Tax Regulations and IRS Rev. Proc. 91-40." (Employers will need to note Private Plan Name and Tax Designation on the Exclusion Form for PERA Approval)

**Student employee** is defined in PERA Rule 2.80.400.10 (B) (3) (b) NMAC as "... an employee who during at least 8 months in any calendar year, or during the period of employment, is enrolled at an educational institution whose academic credits would be accepted by a state educational institution or a public school district and carrying at least 12 credit hours or is enrolled in an educational institution's graduate studies program and carrying at least 9 credit hours. Any person who is a regular full-time employee is not a 'student' for purposes of exclusion from PERA membership." (Exclusion valid up to 8 months. Documentation needed to recertify and continue Exclusion designation)

**NM Aging & Long-Term Services Trainees** are defined as the trainee participants of the federally funded and state-funded senior employment trainee program, administered by the Aging and Long-Term Services Department.

**Part-time employees** who regularly work less than 20 hours in a 40-hour scheduled work week or fewer than 40 hours in an 80-hour pay period may file for an exclusion from membership. This exclusion does not cover employees previously retired from PERA.