



# State of New Mexico

## Office of the Governor

Bill Richardson  
Governor

### EXECUTIVE ORDER 2009-033a

#### ESTABLISHING THE NEW MEXICO TASKFORCE ON RETURNING PUBLIC SERVICE EMPLOYEES

**WHEREAS**, during the 2009 Regular Legislative Session, House Bill 616 ("HB 616"), which was also known as the "return to work" bill, passed the House and Senate but was vetoed by Governor Richardson. The Governor, along with various public service employees, concerned citizens, and the Attorney General, were concerned about significant legal issues which were raised with the passage of HB 616;

**WHEREAS**, the intent of HB 616, was to address perceived abuses of the public service employment system; namely, a small minority of public service employees who, after having served the full term required for retirement from a public agency, return to a State, local, or municipal agency to continue working and whether such return was an abuse of the public service employment system;

**WHEREAS**, under the current system these workers are eligible to draw their earned retirement while also collecting a salary from their second career in public service;

**WHEREAS**, in HB 616, all returning public service employees are portrayed in the same negative light. The fact is that the majority of these people are extremely dedicated, skilled, and caring employees who are devoted to public service, and whose salaries in both their first and second public service careers are far from egregious;

**WHEREAS**, many if not most of these public service employees have returned to work for fundamental financial necessities; paying for medicines and other health care, providing for their children's education, and keeping pace with their mortgages;

**WHEREAS**, it is well known that there is a difficulty in attracting and retaining skilled employees with the salaries offered in the public sector as compared to comparable positions in the private sector;

**WHEREAS**, while this system is generally both fair and efficient, and provides for an experienced talent pool from which public agencies can hire skilled management and technical employees, there have been a few high profile cases which lend concern for potential abuses of the system; and

**WHEREAS**, there are legitimate concerns with New Mexico's return to work laws that needs further examination, including investigation of potential abuses of the system and concerns with the morale of employees who feel they may be denied opportunities for upward mobility.

**NOW THEREFORE**, I, Bill Richardson, Governor of the State of New Mexico, by virtue of the authority vested in me by the Constitution and Laws of New Mexico, do hereby establish the New Mexico Task Force on Returning Public Service Employees (hereinafter "Task Force") which shall be instituted as follows:

1. The purpose of the Task Force shall be to:
  - a. Work with the State Personnel Director to consider potential legislation or regulations to restrict and limit proliferation of returning public service employees in a fair and equitable manner that prevents egregious abuses of the system while recognizing that the majority of these employees return to work out of financial necessity and preserving the public sector's ability to attract and retain the best and brightest; and
  - b. Review existing laws, regulations, and policies that are intended to prevent potential abuses of the system.
2. The Governor shall appoint the membership of the Task Force as follows:
  - a. The State Personnel Director, who shall serve as Chair;
  - b. The Public Employee Retirement Association Director, or designee;
  - c. The State Treasurer, or designee;
  - d. The Attorney General, or designee;
  - e. A New Mexico State Senator;
  - f. A New Mexico State Representative;
  - g. The Mayor of a city;
  - h. The Human Resources Director of a large county government;
  - i. A representative from the New Mexico Association of Counties;
  - j. A representative from the New Mexico Municipal League;
  - k. A representative from the New Mexico State Lodge Fraternal Order of Police;
  - l. A representative from the American Federation of State, County and Municipal Employees, Council 18;
  - m. A classified State employee;

- n. A state university faculty member;
  - o. A business community member;
  - p. A community citizen.
3. The Task Force shall convene at the discretion of the Board Chair.
  4. The State Personnel Office shall provide administrative staff and support to the Task Force.
  5. The term of each member shall be from the date of appointment until twenty (20) days after the adjournment of the next regular session of the Legislature in 2010, unless otherwise determined by the Governor.
  6. The Task Force may form subcommittees.
  7. The Task Force shall prepare and present a prioritized set of recommendations for the Governor's consideration no later than December 15, 2009, unless otherwise directed by the Governor.
  8. The Task Force shall be an advisory body that makes recommendations to the Governor and in no event shall make final decisions regarding policy.
  9. Task Force members shall serve voluntarily and shall receive no pay for their services, nor shall they be reimbursed for travel or subsistence expenses, unless otherwise provided by law.

**THIS ORDER** supersedes any other previous orders, proclamations, or directives in conflict with this Executive Order. This Executive Order shall take effect immediately and shall remain in effect until such time as it is rescinded by the Governor.

ATTEST:

  
MARY HERRERA  
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE THIS  
1<sup>ST</sup> DAY OF SEPTEMBER, 2009

WITNESS MY HAND AND THE GREAT  
SEAL OF THE STATE OF NEW MEXICO

  
BILL RICHARDSON  
GOVERNOR

