



## **New Mexico Municipal League Position on Return-to-Work Policies**

Investment, Pensions & Oversight Committee Hearing

September 6, 2022

- **The Municipal League has expressed support for Return-to-Work policies through its policy process**, with members voting to adopt a resolution supporting legislation that would allow retired PERA employees to return to work to fill vacant, vital positions in local governments while maintaining the solvency of the PERA retirement funds and safeguarding employee rights.
- **Members have told us that they have trouble filling a range of municipal jobs**, including public safety (fire, police, paramedics); basic services (water, wastewater, other utilities); and quality of life services (parks, pools, senior services).
- **Communities struggle to fill vacancies for various reasons, including limited applicant pools and competition with other public entities or the private sector.**
  - For public safety positions, larger departments may offer lateral transfers for experienced police officers and firefighters, making it difficult for smaller departments to compete with the higher pay offered by larger departments. In the case of police, legislation passed this year enacted average raises of 16% for state police officers, directly competing with municipal police departments in many cases.
  - For certain specialized jobs, such as water and wastewater facility operations, there may simply be a very small pool of qualified applicants.
- **High vacancy rates can impact residents' access to basic services and also negatively impact public safety** by slowing police and fire response times and leaving communities with limited coverage.
  - For example, the Farmington Police Department has struggled to hire school resource officers (SROs) – the department used to have 8 full time SROs and now has just two dedicated officers covering 4 high schools, 4 middle schools, 12 elementary schools and 1 college.
- **Public safety vacancies can be especially detrimental to some of the state's smallest communities.**
  - For example, the Carrizozo Police Department has just one officer, with the other two positions vacant for over two years.
  - In Cimmaron, the police department consists of two uncertified officers; if they go to the Law Enforcement Academy the town will not have any police coverage, and the town has not able to fill a third open position.
  - When it comes to fire services, many local fire departments, especially in small communities, rely heavily on volunteers – approximately 70% of fire/EMS staffing in the state is volunteer-based. As

departments struggle to find enough volunteers, retired firefighters can help to fill gaps in this shortage.

- Several municipalities said that being able to hire even one retired employee with relevant experience and skills could make a difference.
- **Retirees bring experience and institutional knowledge** that can help strengthen by passing down skills and knowledge to newer employees. **Allowing retirees to return to work can also reduce the need for costly and time-consuming training and certification.**
  - For example, the city of Las Vegas Police Department indicated that in several cases, they have paid for training for new employees who are unable to obtain required certifications or meet other requirements, and are not able to serve.
  - In Belen, the fire department had to remove certain certification requirements for new firefighters due to a lack of qualified applicants.
  - While training is critical for departments, it also reduces availability of personnel. For example, half of Portales Fire Department's 22 operations personnel are currently participating in some type of training, meaning that they are out for training various times per week.
  - Similarly, the Los Lunas Police Department cited challenges in backfilling patrol positions while its uncertified officers spend 16+ weeks at the Law Enforcement Academy, and then another 7-8 weeks on field training before they can answer calls for service on their own. This dynamic also makes it difficult for the department to promote officers to detective and sergeant positions.
  - Returning retirees typically would require less training and in many cases would already have required certifications – however; it's important that any "time out" period would not be so long that certifications would expire.
- **In other, non-public safety areas, vacancies can also impose additional costs on cities.**
  - Socorro has had to use an outside recruitment company to find experienced employees for gas, water, wastewater, and other positions, adding a costly fee that takes away resources from other community needs.
- **The Municipal League supports Return-to-Work provisions contained in recent legislative proposals to ensure PERA solvency and protect municipal employees**, such as requiring returning retirees to return in entry-level positions, limiting the period of employment, and requiring employer and employee PERA contributions. "Time out" periods are appropriate as well, but should take into account any certifications that may expire.
- **Return-to-Work policies can be a viable option for municipalities to fill critical positions, but these policies are not a silver bullet.** It is vital that both local governments and the state invest in longer-term solutions to expand the pool of qualified applicants for municipal and other government positions; for example, by investing in high-quality training, creating effective career ladders, collaborating with local and regional educational institutions, and ensuring competitive pay scales.
- However, **the Municipal League strongly supports providing additional hiring options and flexibility to municipalities** in order to fill critical vacancies and ensure continuation of public services.

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