

April 10, 2009

HOUSE EXECUTIVE MESSAGE NO. 27

The Honorable Ben Luján and
Members of the House of Representatives
State Capitol Bldg.
Santa Fe, New Mexico 87501

Honorable Speaker Luján and Members of the House:

Pursuant to the Constitution of the State of New Mexico, Article IV, Section 22, I hereby VETO and return HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR HOUSE BILL 616, as amended, which was enacted during the Forty-Ninth Legislature, First Session, 2009.

House bill 616, the “Return to Work” bill also known as the “double dipping” bill, was intended to address perceived abuses of the state employment system by those minority percentage of public servants who, after having served their full term required for retirement from a public agency, return to a state, local, or municipal agency to continue working. Under the current system these workers are eligible to draw on their earned retirement while also collecting the salary from their second career in public service. Hence the term, “double dipping.”

While in general this system is both fair and efficient -- and provides for an experienced talent pool from which public agencies can hire skilled management and technical employees -- in a few high profile, high salary cases there has been a perception in some quarters that this system has been abused. Frankly, I share that concern.

However, HB616 paints all return-to-workers with the same brush and 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. The reality is that many if not most of these employees have returned to work for fundamental financial necessities: paying for medicines and other health care, paying for their children’s education, paying the mortgage. Which raises the flip side of this issue: The difficulty in attracting and retaining skilled employees with the salaries offered in the public sector as compared to comparable positions in the private sector.

I would also like to clear up the misperception that public employees who return to work after retirement cause a drain on the Public Employee Retirement Association, or PERA, which administers the public employees’ retirement funds. This is simply not true. In fact, because

