

Opinion No. 60-142

August 9, 1960

BY: OPINION of HILTON A. DICKSON, JR., Attorney General

TO: Mr. Paul Masters Administrative Officer Department of Public Health P. O. Box 711
Santa Fe, New Mexico

QUESTION

QUESTION

Can service credit rendered to the State of New Mexico, Department of Public Health by a person loaned to us in lieu of monetary grant by the United Public Health Service count toward retirement under the provisions of the Public Employees Retirement Association of New Mexico?

CONCLUSION

See analysis.

OPINION

{*522} **ANALYSIS**

Section 5-5-1, N.M.S.A., 1953 Compilation (P.S.) under Subsection (G) defines "employee" as any person, including any elected official, who is in the employ of any public employer and whose salary is paid by warrant or any other medium from any income of said public employer.

It appears from your letter that this employee was paid by the Federal Government from August 1, 1951 to July 31, 1953. This being true, he is not entitled to service credit for this period since he would not be an "employee" within the meaning of the above section.

If the employee has worked for the department under complete control of the department and at the same time was paid by state warrant he would be entitled to service credit for the time he so worked.

By: Hilario Rubio

Assistant Attorney General