

PERSONNEL POLICIES AND PROCEDURES MANUAL

**Adopted by
Board of Regents
New Mexico Highlands University
January 8, 1990**

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**APPLICATION AND INTERPRETATION
OF POLICIES**

1. APPLICATION TO NON-FACULTY EMPLOYEES ONLY

The policies and procedures printed in this manual are policies applicable to New Mexico Highlands University non- faculty employees.

2. NO CONTRACT RIGHTS

This manual is not a contract and provides no contractual rights. Policies and procedures, as well as benefits and services, are constantly under review and may be changed at any time. If such changes occur, manual holders will be forwarded a copy of changes effective upon adoption by the University's Board of Regents.

3. EMPLOYEE KNOWLEDGE OF POLICIES

It is the responsibility of all non-faculty employees to read and become familiar with the provisions in this manual. Employees are required to know the rules, regulations, and policies and procedures of this manual as they apply to their respective job classifications.

ADMINISTRATION AND AMENDMENT

1. ADMINISTRATION OF POLICIES AND PROCEDURES

The University's Personnel Policies and Procedures are administered by the Director of Human Resources.

2. AMENDMENTS TO POLICIES AND PROCEDURES

Amendments to the University's Personnel Policies and Procedures require approval of the Board of Regents.

AFFIRMATIVE ACTION

1. POLICY STATEMENT

This statement reaffirms that New Mexico Highlands University is committed to a program of Equal Employment Opportunity to all its employees and applicants for employment regardless of race, color, religion, national origin or ancestry, sex, age, physical or mental handicap, or Vietnam-era or disabled veteran status. All persons will be treated equitably in all aspects of employment consistent with applicable federal, state, and local laws and the policies and practices of the University.

The primary objective of the University in adopting and operating under this policy is to promote equal employment opportunity for all persons, to ensure equitable treatment of all persons regardless of their race, color, religion, national origin or ancestry, sex age, physical or mental handicap, or Vietnam-era or disabled veteran status.

To comply with this policy and meet its objective, New Mexico Highlands University has developed and maintains an Affirmative Action Plan. The Plan has been distributed to all University departments where it is available for review, and any amendments or changes will also be forwarded to the departments.

2. AFFIRMATIVE ACTION ADMINISTRATION

The President of the University, via a written memorandum, will appoint the Affirmative Action Officer. This Officer will be directly responsible to the President of the University. The Affirmative Action Officer shall be responsible and report to the President for administration, overall implementation, coordination, and enforcement of the University's Affirmative Action Program and Plan.

**THE UNIVERSITY'S RIGHTS TO MANAGE,
DISCIPLINE, AND DISCHARGE**

1. MANAGEMENT RIGHTS

1.1 THE UNIVERSITY RETAINS THE RIGHT:

- 1.1.1 To determine the mission of the University and its constituent school's and departments, and to set standards;
- 1.1.2 To exercise control and discretion over the University's organization and its operations;
- 1.1.3 To direct employees of the University;
- 1.1.4 To hire, promote, transfer, assign and retain employees in positions within the University, and to suspend, demote, lay off, discharge, or take other personnel action with respect to any employee;
- 1.1.5 To discharge at the pleasure of the President any "professional staff" employee as defined in Policy 500, section 1.1.1;
- 1.1.6 To maintain the efficiency of the operations entrusted to the administration and to determine the method, means, and personnel by which such University operations are to be conducted;
- 1.1.7 To take whatever actions are necessary to carry out the functions and mission of the University to maintain uninterrupted service to its students, faculty, and staff in situations of emergency; and
- 1.1.8 To organize the University's structure in an effort to administer a more effective and a more efficient overall operation for providing quality education and University services.

2. RESPONSIBILITY OF SUPERVISOR

2.1 All levels of supervisors are responsible for:

- 2.1.1 Developing and maintaining a productive, stable, and satisfied work force;
- 2.1.2 Ensuring fair and consistent treatment of all employees;
- 2.1.3 Ensuring that their subordinates receive training necessary to the performance of their assigned duties; and

- 2.1.4 Establishing consistent standards for their subordinates' performance of their duties and informing their subordinates of such standards.

3. DISCIPLINE OF EMPLOYEES

- 3.1 General Policy: The University reserves the right, in its sole discretion, to determine appropriate discipline in individual cases, consistent with state and federal law. Nothing in these policies shall be regarded as conferring any right upon employees or imposing any limitation upon the University regarding discipline of any particular severity or disciplines in any particular sequence.
- 3.2 Corrective Discipline: May be used to deal with unsatisfactory performance or misconduct of employees, to provide the employee with the opportunity to become aware of and correct the deficiency and to restore the employee to the status of a productive member of the work force.
- 3.3 Types of Corrective Discipline:
 - 3.3.1 Undocumented Oral Warning: May be used in response to minor infractions or deficiencies in employee performance.
 - 3.3.2 Documented Warning: May be used in response to intermediate or repeated infractions or deficiencies in employee performance.
 - 3.3.3 Written Reprimand: May be used in response to serious or repeated infractions or deficiencies in employee performance. A copy of a written reprimand shall be provided to the employee and a copy forwarded to the Personnel Department. Written reprimands may include:
 - 3.3.3.1 Suspension without pay for serious offenses, for continued low performance or misconduct after previous attempts to correct have failed. Suspension time may not be charged to vacation leave or other types of paid time off.
 - 3.3.4 Discharge:
 - 3.3.4.1 Any employee may be discharged without prior corrective discipline when warranted by the seriousness of the offense in the sole discretion of the Administration.

4. SELECTION OF APPROPRIATE DISCIPLINE

4.1 The University reserves the right to exercise discretion in rendering disciplinary action as determined appropriate by the Administration.

4.2 Each case of inadequate work performance or misconduct is judged individually, and the employee's supervisor shall determine the discipline to be applied based upon the severity of the infraction, the employee's previous record, and precedent in similar cases as determined by that supervisor. The following are suggested guidelines to assist the supervisor in determining the appropriate disciplinary action:

4.2.1 Representative examples of infractions normally warranting lower-level disciplinary action (i.e., oral warning or documented warning) include, single instances of:

4.2.1.1 Substandard work performance.

4.2.1.2 Unexcused absence or tardiness.

4.2.1.3 Loafing or wasting time.

4.2.1.4 Failure to follow safety rules.

4.2.1.5 Failure to act in a courteous or professional manner.

4.2.2 Representative examples of infractions normally warranting higher levels of disciplinary action (i.e., written reprimand, suspension) include, but are not limited:

4.2.2.1 Repeated instances of infractions listed under paragraph 4.2.1, especially instances repeated after an oral or written warning.

4.2.2.2 Insubordination or failure to carry out orders.

4.2.2.3 Gambling (dice, cards, etc.) on premises.

4.2.2.4 Sleeping on work time.

4.2.3 Representative examples of infractions normally warranting immediate discharge include:

4.2.3.1 Drinking alcohol or intoxication on University premises.

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- 4.2.3.2 Violation of Regents' Proclamation/Drug Policy Statement (May 6, 1989).
 - 4.2.3.3 Conviction of a crime the nature of which bears a relationship to the requirements, duties, or responsibilities of the job.
 - 4.2.3.4 Willful damage or destruction of University property.
 - 4.2.3.5 Assault on another person on University property.
 - 4.2.3.6 Theft or dishonesty toward the University, its employees, or its students.
 - 4.2.3.7 Falsification or omission of information on an employee application, time card or other University records.
- 4.2.4 In any instance in which a supervisor believes suspension without pay or discharge may be warranted, the supervisor, may initially impose suspension with pay pending further investigation.

5. APPROVALS OF DISCIPLINE:

- 5.1 Except for discharges of employees, any Department Director/Dean may take corrective disciplinary action against an employee under his/her authority, consistent with department policies which may require higher level approval, but in any case of documented disciplinary action, should inform the Personnel Director of the disciplinary action taken. Discharges may be effected only in accordance with the procedures set forth in paragraph of this policy (Policy 400).

6. DISCHARGE OF EXECUTIVE EMPLOYEES

- 6.1 Pursuant to the policies of the University Board of Regents, professional (exempt) staff employees, as described in this policy, are appointed by the President of the University and serve at the pleasure of the President. Their employment is "at will" and is terminable at any time during the term of their appointment without any requirement of the statement of any cause therefore, upon written notice of termination signed by the President and delivered to the other party.
- 6.2 Nothing stated in these policies shall be interpreted to qualify, modify, or limit the "at will" nature of the employment of exempt, professional staff employees, or to qualify, modify, or limit the authority of the President to discharge such employees at his or her pleasure.
- 6.3 Discharge of professional (exempt) staff employees is complete upon issuance of a notice of discharge by the President.

7. DISCHARGE OF NON-EXEMPT EMPLOYEES

7.1 LIMITATION OF DISCHARGE

Discharge of a non-exempt employee may be initiated by such employee's supervisor upon written request to the Director of Human Resources that discharge proceedings be initiated. Such request shall set forth all the reasons supporting the proposed discharge.

7.2 NOTICE OF DISCHARGE

The Director of Personnel shall serve a written notice of discharge on the person in accordance with the law governing service of process of civil actions. The written notice of discharge must contain:

- 7.2.1 A clear and concise statement of the alleged cause or causes for discharging the employee.
- 7.2.2 A designation of a place within the University, a date no less than five nor more than ten days from the date of service of the notice of discharge, and a time of day at which place and time a hearing will be held before the EEO Committee sitting as hearing authority (Hearing Authority) to determine if cause exists for discharging the employee.
- 7.2.3 A statement that the requirements concerning the time and date for the hearing may be shortened or lengthened by mutual agreement of the employee and the Director of Personnel, evidenced by an agreement in writing to that effect.
- 7.2.4 A statement that the person is entitled to be represented by counsel at the hearing; that the person has a right to present relevant testimony, either personally or through witnesses on his or her behalf; to present other information pertinent to the issue; and that he or she has a right to cross-examine witnesses or evidence adverse to him or her.
- 7.2.5 A statement that the employee may waive the hearing if he or she does not wish to contest the discharge, and that the waiver may be accomplished by signing the waiver form enclosed with the notice and returning it to the Director of Personnel.

- 7.2.6 A statement that the hearing will proceed at the place and time specified unless the employee and the Director of Human Resources mutually agree to another time or place in writing or unless the employee signs and returns the waiver form, and that a failure to appear at the hearing will not delay the hearing and may lead to the finalization of the proposed discharge.

7.3 STATUS OF EMPLOYEE PENDING HEARING:

An employee to whom a notice of discharge has been issued may remain at work pending the final disposition of discharge proceedings, unless he or she was suspended with pay by his or her supervisor prior to the issuance of the Notice of Discharge, or unless the Director of Personnel determines, in his or her discretion, that it would be inappropriate or not in the best interest of the University for such employee to remain at work, in which case the Director of Personnel shall suspend such employee with pay pending the disposition of such employee's discharge proceedings.

7.4 DISCHARGE

- 7.4.1 Within the time prescribed or at the time agreed to by the parties, a hearing shall be held before Hearing Authority. The purpose of the hearing shall be for the Hearing Authority to determine whether cause exists for the discharge of the employee, as stated in the notice. The hearing shall be conducted in the following manner:

- 7.4.1.1 The employee may be represented by counsel as may the University;
- 7.4.1.2 Although the hearing shall be conducted in an informal manner, the contentions and defenses of each party to the hearing must be allowed to be amply and fairly presented without substantial prejudices;
- 7.4.1.3 All hearings must be documented;
- 7.4.1.4 The University or its attorney shall present evidence to establish that cause exists for discharging the employee. Thereafter, the employee shall present evidence to establish that cause does not exist for the discharge or refusal to re-employ. The Hearing Authority may allow rebuttal evidence if, in its opinion, such is necessary and equitable;
- 7.4.1.5 Both parties shall have the right to cross-examine witnesses introduced by the opposing party;

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7.4.1.6 All witnesses shall swear or affirm that their testimony will be truthful. The secretary of the Hearing Authority shall swear the witnesses;

7.4.1.7 Neither the technical rules of evidence nor of civil procedure shall apply, but the Hearing Authority may require reasonable substantiation of statements, records, exhibits or other testimony in order to ensure that its final decision is supportable.

7.5 DECISION OF THE HEARING AUTHORITY

7.5.1 CONTENTS. After the completion of the hearing, the Hearing Authority shall render its decision in writing. If the Hearing Authority finds that there is not sufficient cause to discharge the employee, the decision need only indicate that such cause was not demonstrated and that the employee will not be discharged. If the Hearing Authority determines that sufficient cause exists, the decision shall so state and shall set forth a brief statement of the reason(s) for the discharge.

7.5.1.1 In the event that the Hearing Authority upholds the discharge of an employee due to a Reduction-in-Force (RIF) pursuant to Policy No. 695, paragraph 3, the decision of the Hearing Authority shall clearly specify that the discharge was pursuant to a RIF and not from any cause personal to the discharged employee.

7.5.2 Service. Within ten days of the date of the hearing, the Hearing Authority shall serve a written copy of the decision upon the employee. Service of the decision shall be in accordance with the law for service or process in civil actions or by certified mail to the person's address of record. The action of the Hearing Authority in discharging an employee shall be effective on the date that a copy of the decision of the Hearing Authority is served upon the person discharged. Proof of mailing of a written copy of the decision by the Hearing Authority to the person discharged shall establish due service after three days from the date of mailing.

POLICY 475

1. QUALIFICATIONS FOR HIRING AND PROMOTING OF ALL EMPLOYEES

- 1.1 All hiring and promotion decisions shall be based on the demonstrated qualifications of interested and available candidates, including past work performance and relevant experience.
- 1.2 University employees shall be given preference in selection over outside applicants provided their qualifications are substantially equal, as determined by the University.
- 1.3 Recognizing the need to help support the economy of the State of New Mexico and to alleviate the plight of its citizens who must leave to seek employment elsewhere, the University will give preference to the employment of New Mexico residents provided their qualifications are substantially equal to those of nonresident candidates, as determined by the University.

2. HIRING OF EXEMPT EMPLOYEES

- 2.1 The Hiring Authority, an Administrator who will supervise the prospective employee, of the vacant or new position will complete a Personnel Action-1 (PA-1) form with necessary approvals, including approval of the President, and submit form to the Human Resources Department in order to begin advertisement of the vacant position.
- 2.2 The Personnel Department will advertise the position through the University's Affirmative Action mailing list, along with local, statewide, regional, or national news publications.
- 2.3 The Hiring Authority shall select a Search & Screen Committee consisting of University employees who will review applicants for the new or vacant position.
- 2.4 After the Search & Screen Committee completes the review of applicants, the committee will recommend top applicants to the Hiring Authority.
- 2.5 The Hiring Authority will review applications and submit selection to the Human Resources Department.

3. HIRING OF NON-EXEMPT EMPLOYEES

- 3.1 The Hiring Authority of the vacant or new position will complete a Personnel Action -1 (PA-1) form with necessary approvals and submit it to the Human Resources Department.
- 3.2 The Personnel Department will refer applications and applicants that meet the qualifications of the vacant or new position to the Hiring Authority.
- 3.3 The Hiring Authority will review applications and interview applicants before submitting his or her selection to the Human Resources Department.

4. ORIENTATION

- 4.1 On the first day of employment, or as soon as it can be arranged by the Personnel Department, a new employee will participate in a new employee orientation.

5. PROBATIONARY PERIOD

- 5.1 Except for Executive, Administrative, and Professional positions, all new employees hired into a regular position will be on probation for the first six (6) calendar months. During this time, the Supervisor shall determine whether or not the employee is performing satisfactorily, and the employee determines whether or not he/she is satisfied with the position.
- 5.2 An employee may be terminated during the probationary period in accordance with Policy No. 695, (paragraph 1.1.3).
- 5.3 Probationary periods may be extended for bona fide reasons. Such extensions must have the approval of the Personnel Director.

6. AGE LIMITATION

- 6.1 Normally, the University does not hire persons under 18 years of age. Any exceptions must be requested by the Hiring Authority and approved by the Personnel Director. Applicable federal and state laws are observed.

7. EMPLOYMENT OF RELATIVES

- 7.1 For the purpose of this provision, a member of the immediate family is a spouse, parent, child, brother or sister or any other person residing in the same household. Except as provided below, the employment of more than one member of a family is not prohibited by the University.

POLICY 475

- 7.2 A member of the immediate family or an employee may not hold a University position in which he/she would routinely participate in the following activities involving his/her immediate family:
- 7.2.1 appointment;
 - 7.2.2 retention;
 - 7.2.3 promotion;
 - 7.2.4 fixing of an individual salary;
 - 7.2.5 granting of leave;
 - 7.2.6 other individual employment actions of the University affecting a member of his/her family.
- 7.3 A member of the immediate family of an employee in an assignment, such as a committee member, shall not participate in the following activities or decision making involving his/her immediate family member:
- 7.3.1 appointment;
 - 7.3.2 retention;
 - 7.3.3 promotion;
 - 7.3.4 fixing of an individuals salary;
 - 7.3.5 granting of leave;
 - 7.3.6 supervision, or; other individual employment action of the University for a member of his or her immediate family.
- 7.4 Immediate family and relatives, regardless of employment classification, may be employed in separate departments, but no relatives may be employed in a department in which one relative would hold a supervisory rank over the other.
- 7.5 Immediate family and relatives not holding supervisory or having hiring authority may be employed in the same department.
- 7.6 In any case arising within any prohibition of paragraph 7, priority will be given to the employment of the employee who has been employed by the University for the longer continuous period.

EMPLOYEE CLASSIFICATION

1. STAFF EMPLOYEES

1.1 The term “staff” refers to any employee who does not have faculty rank or who holds a position other than teaching.

1.1.1 Professional: The term “professional staff” refers to employees holding positions classified as “exempt: under the Fair Labor Standards Act, as amended, which positions are described in paragraph 3 of this policy. These include such positions as Directors, Managers, Supervisors, Engineers, Accountants, System Analysts, and Counselors.

1.1.1.1 Pursuant to the policies of the University Board of Regents, professional (exempt) staff employees, as described in this policy, are appointed by the President of the University and serve at the pleasure of the President. Their employment is “at will” and is terminable at any time during the term of their appointment without any requirement of the statement of any cause therefore, upon written notice of termination signed by the President or the appointee and delivered to the other party.

1.1.2 General: The term “general staff” refers to employees holding positions classified as “non-exempt” under the Fair Labor Standards Act, as amended. These include such positions as Secretarial, Clerical, Maintenance, and Service Workers.

2. EMPLOYEE DEFINITIONS

2.1 Regular Full-Time: An employee hired on a continuing basis scheduled to work forty (40) hours per week over a minimum of nine months per year.

2.2 Regular Part-Time: An employee hired on a continuing basis scheduled to work twenty (20) or more, but less than forty (40) hours per week, over a minimum period of nine months per year.

POLICY 500

- 2.3 Temporary Full-Time: An employee in this classification is employed for a workweek of forty (40) hours, for a limited period of time not to exceed six (6) months, with a designated ending date. An exception to the maximum six-month time period must be approved by the concerned Department Supervisor or Department Director, the Personnel Director, and final Budget Authority.
- 2.4 Temporary Part-Time: An employee employed for a workweek of less than forty (40) hours, for a limited time not to exceed six (6) months, with a designated ending date. An exception to the maximum six-month time period must be approved by the concerned Department Supervisor or Department Director, the Personnel Director, and the final Budget Authority.
- 2.5 Interim: An employee employed for a workweek of forty (40) hours or less on an emergency basis for a period of up to, but not to exceed, one (1) year. An emergency position is one created to address and remedy an immediate problem or critical situation within a department of the University as designated by the President or Board of Regents. Interim employee classification must be approved by the President and the Personnel Director. Interim employees are eligible for University benefits.
- 2.6 Multiple Positions:
 - 2.6.1 An employee working two (2) Regular Part-Time positions totaling forty (40) hours per week will be considered a Regular Full-Time employee. If the total hours regularly worked are less than forty (40), the employee will be considered Regular Part-Time.
 - 2.6.2 An employee working two (2) Temporary Part-Time positions totaling forty (40) hours per week will be considered a Temporary Full-Time employee. If the total hours regularly worked are less than forty (40), the employee will be considered Temporary Part-Time.
 - 2.6.3 An employee working a Regular Part-Time and a temporary Part-Time position will be considered Regular Part-Time.
- 2.7 Change from Temporary to Regular:
 - 2.7.1 When a position is changed from Temporary to Regular, the position is considered a new position and should be treated consistently with the policies governing new positions or vacancies (see Policy No. 575).

2.7.2 The incumbent of the Temporary position may be considered along with other applications for the Regular position.

3. FAIR LABOR STANDARDS ACT EXEMPTIONS

3.1 Executive Employee: Primary duties consist of the management of the University, or recognized department or sub-division thereof; regularly directs the work of at least two (2) Full-Time employees and has the authority to hire and terminate other employees or whose recommendation to hire or terminate is given great weight; customarily and regularly exercises discretionary power in matters of substance and devotes no more than 20% of the workweek to non-exempt or non-supervisory activity. Exempt positions include Vice-Presidents and Deans.

3.2 Administrative Employee: Primary duties must be the performance of office or non-manual work directly related to management policies of general business operations, or responsible work that is directly related to academic instruction or training; customarily and regularly exercises discretion and independent judgment; regularly and directly assists a bona fide executive; and executes special assignments and tasks under general supervision; performs under only general supervision work requiring special training, experience, or knowledge; does not spend over 20% of the workweek in non-exempt work. Administrative positions include Directors and Managers.

3.3 Professional Employee: Primary duties must include work requiring knowledge of an advanced type in a field of science or learning usually acquired by a prolonged course of specialized intellectual instruction and study; work that is original and creative in a recognized field of artistic endeavor and the result of which depends primarily on invention, imagination, or talent; work that requires the consistent exercise of discretion and judgment; and work that is mainly intellectual and varied as distinguished from routine or mechanical duties. The Professional employee does not devote more than 20% of hours worked in the week to activities which are not an essential part of and necessarily incidental to the work described. Professional positions include accountants, computer programmers, library associates, counselors and other similar positions.

3.4 Executive, Administrative and Professional employees are appointed by the President of the University. Pursuant to the policies of the University Board of Regents, the appointee serves at the pleasure of the President, and the appointee's employment is "at will." As such, the employment may be terminated at any time during the term of the appointment by written notice of termination signed by the President and delivered to the appointee.

WAGE AND SALARY ADMINISTRATION

1. WAGES AND SALARIES

- 1.1 The University will endeavor to maintain competitive pay and equitable wages and salaries consistent with general economic conditions, employee performance, and budget limitations.
- 1.2 The Personnel Department shall maintain a current Salary Schedule consisting of pay grades and salary ranges.

2. SALARY INCREASES

- 2.1 Salary increases will be based on legislative appropriations and are normally effected in July of each year.
- 2.2 Performance Increases:
 - 2.2.1 Performance increases are based on the employee's satisfactory job performance as reflected in the employee evaluations. The amount allocated is based upon Policy 600 (paragraph 2.1).
 - 2.2.2 Evaluation forms must be completed and returned to the Human Resources Department before performance increases are effected.
- 2.3 Merit Increases:
 - 2.3.1 Merit increases are awarded for truly outstanding performances based upon the employee's job evaluation. These increases are discretionary and may be awarded by the President, provided funds are available.
 - 2.3.2 Evaluation forms must be completed and returned to the Personnel Department before merit increases are effective.
- 2.4 Promotional Increases:
 - 2.4.1 Promotional increases are awarded at the time of promotion and must take the employee to at least the minimum of the salary range for the new position or two steps above his/her salary in the old position, whichever is higher.

POLICY 600

2.5 Reclassification Increases:

- 2.5.1 Reclassification resulting from significant changes in duties and responsibilities normally warrants a salary adjustment.
- 2.5.2 Reclassification on a basis other than job content does not warrant a salary adjustment.
- 2.5.3 Reclassification may be upward or downward with appropriate salary adjustments.
- 2.5.4 Reclassification can be initiated upon job re-evaluation on request of the Director/Dean. The re-evaluation consists of a comprehensive description of the duties and responsibilities of the position.

2.6 Shift Premium:

- 2.6.1 Employees assigned a regularly scheduled shift in which at least four hours of the shift are after 5:00 p.m. and before 8:00 a.m. shall receive fifteen (.15) cents per hour differential pay.

2.7 Demotions:

- 2.7.1 Demotions normally result in a reduction in job duties and responsibilities and a reduction in pay. Appropriate pay level should be determined by the Human Resources Department.

2.8 Transfer:

- 2.8.1 A transfer is a lateral move of an employee from one position to another or one geographical location to another within the same job class. Such moves do not involve a salary change.

2.9 New Positions:

- 2.9.1 All new positions must be evaluated and classified prior to hiring by the Personnel Department.
- 2.9.2 The Personnel Department shall establish an appropriate classification and step level for the new position.

POLICY 600

2.10 Overtime for Non-Exempt:

2.10.1 The University is covered by the Fair Labor Standards Act, requiring overtime payment for time worked in excess of 40 hours per week.

2.10.2 All overtime work must be pre-approved by the Department Director/Dean. Overtime will be calculated at one and one-half times the rate of pay, except for holiday pay. Holiday pay is 2 1/2 times the rate of pay.

2.11 Compensatory time for Non-exempt:

2.11.1 If the University determines that its legislative funding is inadequate for overtime payment, compensatory time can be taken as equivalent time off. All compensatory time will be pre-approved by the Department Director/Dean. Compensatory time will be calculated at straight time rate. Compensatory time will be used within the pay period in which it was earned when possible. If compensatory time is not used within thirty (30) days of the time is accrued, it will be forfeited.

Changes in accrual rates effective 2/1/04

VACATION

EF Professional	$14.5 * 12 = 174 / 26$	6.69	
EF Professional ½ time	$7.25 * 12 = 87 / 26$	3.346	(3.35)
I1 Interim FT	$8 * 12 = 96 / 26$	3.69	
IP Interim PT	$4 * 12 = 48 / 26$	1.846	(1.85)
NF Non Exempt			
8 hours	$8 * 12 = 96 / 26$	3.69	
10 hours	$10 * 12 = 120 / 26$	4.615	(4.62)
13.33 hours	$13.33 * 12 = 159.96 / 26$	6.152	
NP Non Exempt PT			
4 hours	$4 * 12 = 48 / 26$	1.846	(1.85)
5 hours	$5 * 12 = 60 / 26$	2.307	(2.31)
6.665 hours	$6.665 * 12 = 79.98 / 26$	3.076	(3.08)

VACATIONS

1. GENERAL POLICY FOR VACATION

- 1.1 The University recognizes the value to the University and to its employees of providing paid vacations of reasonable duration. The University encourages its employees to take a vacation each year.

2. ELIGIBILITY

- 2.1 Regular Full-Time, Regular Part-Time, and Interim employees are eligible for paid vacation. Temporary Full-Time and Temporary Part-Time employees earn no vacation leave.

3. EARNED VACATION LEAVE

- 3.1 Vacation is earned during actual work time and during paid sick leave, vacation time, and holidays.
- 3.2 Vacation is not earned during paid or unpaid leaves of absence.

4. VACATION ACCRUAL AND CARRY-OVER

- 4.1 Eligible employees shall accrue vacation leave in accordance with the following rate:
- 4.1.1 Professional (Exempt) staff shall accrue 14 1/2 hours of vacation leave per month and may carry over a leave balance of up to twenty (20) working days (160 hours) from one fiscal year into the next. At the end of each fiscal year (June 30th), any accrued vacation leave in excess of twenty (20) working days is forfeited.
- 4.1.2 Full-time general (Non-Exempt) staff shall accrue vacation leave at a rate of eight (8) hours per month for the first two (2) years of continuous employment with the University. Upon the completion of the two (2) years of continuous employment with the University, the employee will begin to accrue vacation leave at a rate of ten (10) hours per month.

Upon the completion of nine (9) years of employment with the University, the employee will begin to accrue vacation at a rate of 13 1/3 hours per month.

POLICY 625

4.1.3 Part-time General (Non-Exempt) staff shall accrue vacation time at a pro rata percentage at the full-time rate equal to the percentage of full-time work for which each such employee is employed (e.g. a half-time employee would accrue at half the full-time rate or four hours per month the first two years, etc.)

4.1.4 Interim staff shall accrue vacation leave at a rate of eight (8) hours per month.

4.2 Probationary employees are not permitted to use vacation time during their probationary period.

4.3 If the employee leaves University employment and returns by rehire within 180 days, his/her vacation accrual rate will be considered as continuous employment and shall accrue at the same rate as when he/she left University employment.

4.4 No employee may accrue vacation leave over twenty (20) working days (160 hours) at any time or carry over accrued vacation time from one year to the next.

5. SCHEDULING VACATIONS

5.1 While vacations are normally scheduled in accordance with the employee's wishes, continuity of operations must be maintained. Consequently, the University reserves the right to schedule an employee's vacation in accordance with the needs of the University.

5.2 Vacation leave may be taken only upon the prior approval of the employee's immediate supervisor, obtained at least two (2) weeks in advance.

5.3 Vacations are normally taken in full-day units, and may not be taken in increments of less than one (1) hour.

5.4 Probationary employees are not permitted to use vacation leave during their probationary period. Any absence from work during the probationary period will be charged to Leave-Without-Pay.

5.5 Vacation leave taken in excess of the amount accrued will be charged to Leave-Without-Pay.

5.6 Exceptions to normal vacation policies must be approved by the Personnel Director and the President.

6. VACATION CREDITS

- 6.1 During vacation leave, the employee is paid his/her actual straight-time rate of pay.
- 6.2 When a vacation period includes a paid holiday, the holiday is not charged as a day of vacation.
- 6.3 Upon termination, non-probationary employees are paid for unused vacation credits.

7. RECORD KEEPING

- 7.1 The Personnel Department is the official record keeper of leave records for Exempt and Non-Exempt employees of the University.

HOLIDAYS

1. GENERAL POLICY

1.1 The University affords its employees holidays during periods or days identified in paragraph 3.1, in conjunction with national custom.

2. ELIGIBILITY

2.1 Regular Full-Time, Regular Part-Time, and Interim employees normally scheduled to work on a holiday or the day granted in lieu of the holiday are eligible for holiday pay. Temporary employees are not eligible for holiday pay.

3. HOLIDAYS OBSERVED

3.1 Employees will be paid in observance of normal University holidays including New Year's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Friday following Thanksgiving, and a week that will include Christmas Day.

4. SPECIAL CIRCUMSTANCE REGARDING HOLIDAYS

4.1 When a holiday falls on an employee's normal day off, or on a Saturday or a Sunday, the employee will be granted a day off on the work day immediately preceding or following the normal day off or the Saturday or Sunday or with the approval of such employee's supervisor, at another time within thirty (30) days.

4.2 Regular Full-Time and Regular Part-Time employees required to work on a holiday designated by the University receive pay for the hours at one and one-half (1 1/2) times their current straight-time rate of pay.

4.3 Temporary Full-Time and Temporary Part-Time employees required to work on a holiday designated by the University receive straight-time pay for the hours worked.

4.4 Employees must work or be on vacation leave, sick leave or paid leave of absence on the work day before and after the holiday to be eligible for holiday pay.

Changes in accrual rates effective 2/1/04

SICK

EF Professional	$12 * 12 = 144 / 26$	5.538 (5.54)
EP Professional ½ time	$6 * 12 = 72 / 26$	2.769 (2.77)

I1 Interim	$6 * 12 = 72 / 26$	2.769 (2.77)
IP Interim ½ time	$3 * 12 = 36 / 26$	1.38

NF Non Exempt FT	$12 * 12 = 144 / 26$	5.538 (5.54)
NP Non Exempt ½ time	$6 / 12 = 72 / 26$	2.769 (2.77)

SICK LEAVE

1. **GENERAL POLICY FOR SICK LEAVE**

The University, recognizing that employees will from time to time be sick or injured, affords time off with pay to protect employees during these periods. Sick leave will only be used for time during which sickness and injury prevent an employee from working as described in paragraph 5.

2. **ELIGIBILITY**

2.1 Regular Full-Time, Regular Part-Time, and Interim employees are eligible for paid sick leave. Temporary Full-Time and Temporary Part-Time employees earn no sick leave.

3. **EARNED SICK LEAVE**

3.1 Sick leave is earned during paid sick leave, vacation leave, and holidays.

3.2 Sick leave is not earned during paid or unpaid leaves of absence.

4. **SICK LEAVE ACCRUAL**

4.1 Regular Full-Time employees shall accrue twelve (12) hours of sick leave per month.

4.2 Sick leave balances may not be accrued in excess of 130 working day (1040 hours). Any amount exceeding 130 day will be paid each fiscal year. (See Policy 650, Section 9)

4.3 Regular Part-Time employees shall accrue sick leave at a rate prorated based on the accrual rate of Regular Full-Time employees. For example, a half-time employee would accrue at half the full time rate or six (6) hours per month.

POLICY 650

- 4.4 Interim employees shall accrue sick leave at a rate of six (6) hours per month.

5. USE OF SICK LEAVE

- 5.1 Sick leave may be used only for the following:
 - 5.1.1 Personal sickness or injury (including disability due to pregnancy, childbirth, and other related medical conditions).
 - 5.1.2 Quarantine of employee's household.
 - 5.1.3 Partial days not worked when an employee, who has been on sick leave, returns to work on a part-time basis while recovering from the sickness or injury.
 - 5.1.4 Transporting a spouse, parent, child, brother or sister of the employee for medical services when the family member has no other means of reasonably available for such transportation.
 - 5.1.5 Caring for a member of the immediate family, defined as spouse, parent, child, brother, sister or any other person residing in the same household of employee, who becomes ill or injured and requires personal attention when the family member has no other means reasonably available for attention. Length of time charged to sick leave under this paragraph shall not exceed two (2) consecutive work days. In extreme cases, more time may be allowed at the discretion of the employee's Department Director/Dean.

6. SICK LEAVE PRACTICES

- 6.1 Any illness or injury requiring sick leave shall be reported to the supervisor within one (1) hour of the employee's work shift, or as soon as practical.
- 6.2 When an employee is absent for more than two (2) consecutive work days due to illness or injury, he/she shall submit to his/her supervisor and to the Human Resources Department a "Physician's Statement" certifying that he/she was under the doctor's care during the period of absence and was unable to work. At the supervisor's discretion, a "Physician's Statement" may also be required for the first day of absence due to sickness in cases involving an employee's re-occurring absences or chronic illnesses.

POLICY 650

- 6.3 When an employee becomes ill or injured on vacation, he/she may present a "Physician's Statement" verifying the period of illness or injury and charge the period to sick leave rather than vacation.
- 6.4 When a holiday falls during the time an employee is on sick leave, the holiday will be charged rather than sick leave.
- 6.5 The University reserves the right to require a physician of the University's choosing to render a medical opinion of an employee's condition in regard to such employee's use of sick leave.

7. TIME CHARGES

- 7.1 Time charged against sick leave shall not exceed the employee's accruals and shall be charged as straight time.
- 7.2 Employee may elect to charge a sickness absence to his/her vacation accrual, and unless otherwise specified by the employee, sickness absences will automatically be charged to accrued vacation after sick leave accruals are exhausted.
- 7.3 Except in cases of medical emergencies or scheduled doctor's appointments, employees shall be charged a minimum of four (4) hours for any sick leave.
- 7.4 When sick leave and vacation accruals are exhausted or when sick leave accruals are exhausted and the employee does not want to charge vacation, sickness absences will be charged to Leave Without Pay.

8. REINSTATEMENT OF SICK LEAVE

- 8.1 Unused sick leave accrual and the accrual rate as of the date of layoff shall be reinstated for those employees who are recalled from layoff within one (1) year.

9. PAYMENT OF ACCRUED SICK LEAVE

-
- 9.1 Up to 120 sick leave hours accrued beyond 1040 may be converted to cash at a rate equal to 50% of the employee's straight-time hourly rate of pay multiplied by the numbers of hours of unused sick leave in excess of 1040 hours.
 - 9.2 Payment for unused sick leave over 1040 hours shall be made on the last work day in July.

MEMORANDUM

March 28, 1996

TO: All University Exempt Employees

FROM: Wilton Rogers, Jr., Director of Personnel

SUBJECT: Sick Leave Policy Change for Exempt Employees

The University's Personnel Policy 650 (Sick Leave), regarding excessive sick leave payments has been amended to better meet the University's limited financial capabilities. You are impacted by this change because you have an administrative professional contract. Effective march 25, 1996 the amended "Sick Leave Accrual" Personnel Policy 650, Section 4.2 shall read:

4.2 Sick leave balance may not be accrued in excess of 130 working days (1040 hours) at the end of each fiscal year (June 30th).

4.2.1 Sick leave balances of any exempt employee that exceed 1040 hours at Termination or retirement, shall be converted to cash payment at a rate equal to 50% of the employee's straight time hourly rate multiplied by the number of unused sick leave hours in excess of 120 hours. This payment will not be included or used by the Educational Retirement Board for retirement benefit calculations.

The amended policy change eliminates the annual conversion to cash payment of exempt employee's excessive sick leave accrual beyond 1040 hours.

POLICY 670

LEAVE WITH PAY

1. ELIGIBILITY

1.1 Regular Full-Time and Regular Part-Time employees are eligible for Leave With Pay.

1.2 Temporary and Interim employees are not eligible for Leave With Pay.

2. PRACTICES

2.1 Employees shall arrange in advance for absences with their supervisors. If this is not possible, the employee shall notify his/her supervisor of the reason for the absence as early in the work day as possible.

2.2 An employee shall obtain his/her supervisor's permission before leaving the University premises during working hours unless unusual circumstances preclude obtaining such permission.

3. TYPE OF LEAVE WITH PAY

3.1 Death in employee's immediate family. Immediate family is defined as spouse, parent, child, brother, sister or any other person residing in the same household of employee. Up to three days of leave with pay may be granted at the discretion of the Department Director/Dean in charge.

3.2 Occasions when the University is declared closed by the President (i.e., cases of inclement weather, national emergency, etc.). Employees required to work on such days may be granted compensatory time off at straight-time rate.

3.3 An employee who is a New Mexico registered voter is granted, at his/her request, time off from University duties to vote in any government election. Such time off within the daily work schedule is paid for at straight-time to a maximum of two (2) hours.

3.4 Jury Duty and Enforced Court Attendance:

3.4.1 An employee summoned for jury duty or for duty as a witness (other than as plaintiff or defendant) is granted time off with pay at the straight-time rate minus any compensation for the duty of the time spent on these types of duties if the employee presents documentary evidence of the subpoena to the Department Director/Dean and the Human Resources Department.

3.4.2 In lieu of taking leave with pay pursuant to paragraph 3.4.1, an employee may elect to retain monies received from the court. An employee who elects to take leave with pay must remit to the Business Office monies received in connection with his or her enforced court attendance.

3.4.3 An employee summoned as specified above is required to return from his/her work location while temporarily excused from attendance at court, unless it is not practical because of the short time between court sessions or between the time court is recessed and the end of the scheduled work day.

3.5 An employee who is either an enlisted person or an officer in the National Guard or Reserve Corps may, if ordered, attend the annual fifteen (15)-day training period. Such an employee is entitled to regular straight-time pay for this period.

4. PERSONAL LEAVE WITH PAY PROCEDURE

4.1 To record a leave of absence with pay, the supervisor shall mark "Leave With Pay" (LWP) and the specific reason on the employee's time report. In not done, the leave shall be "Leave Without Pay" (LWOP).

LEAVE WITHOUT PAY

1. GENERAL POLICY

- 1.1 The University may grant Leaves Without Pay (LWOP) for extended illness or injury, for personal reasons, for school attendance, for sickness in family, and for other bona fide reasons.

2. ELIGIBILITY

- 2.1 Regular Full-Time and Part-Time and Temporary Full-Time and Part-Time employees are eligible.

3. LEAVE WITHOUT PAY APPROVALS

- 3.1 All Leave Without Pay (LWOP) must have prior approval of the Department Director/Dean and the Human Resources Director.

4. PROCEDURE FOR OBTAINING LEAVE WITHOUT PAY

- 4.1 Employee shall request leave without pay, in writing, from the Department Director/Dean. Requests for leave must be made at least two (2) weeks in advance except, where such notice is impossible or impractical.

5. REINSTATEMENT

- 5.1 While a leave without pay is not recommended or granted without expectation of reinstatement, reinstatement is not guaranteed. Operating conditions may change during the leave without pay making reinstatement impractical.

- 5.1.1 Where practical, the University will attempt to fill the employee's position with a temporary employee during the leave without pay, but the University reserves the right to eliminate the position or fill it with a regular employee, in which case the employee on leave will not be reinstated.

- 5.2 An employee returning from leave without pay for extended illness or injury in excess of 180 days is required to submit a doctor's statement certifying the employee is able to work.

- 5.3 No employee will be permitted to return to work from leave without pay before being cleared by the Personnel Department.

TERMINATION OF EMPLOYMENT

1. TYPE OF TERMINATION

1.1 Each termination must be categorized within one of the following seven (7) official types of termination:

1.1.1 Resignation (constituted by the following):

1.1.1.1 Employee requests such action in writing.

1.1.1.2 Employee abandons or walks off job.

1.1.1.3 Employee is absent for three consecutive work days without permission of, or notification to, supervisor, except when an emergency situation precludes giving notice. Working days are considered consecutive even when broken by holidays or weekends.

1.1.1.4 Employee fails to return to work within the prescribed time limits following an authorized Leave of Absence.

1.1.2 Release (constituted by the following):

1.1.2.1 Termination at the end of temporary employment.

1.1.3 Relieved of Duties (constituted by the following):

1.1.3.1 Termination during the six (6) months probationary period. Employees may be terminated any time prior to completion of the probationary period without recourse.

1.1.4 Layoff (constituted by the following):

1.1.4.1 Termination because of reduction of work force due to lack of funds, work, or other reasons requiring a reduction in force in the judgment of the University.

POLICY 695

1.1.5 Discharge (constituted by the following):

1.1.5.1 Termination for unsatisfactory performance, or misconduct, or for other reasons deemed appropriate by the University pursuant to the procedures set for in Policy No. 400, paragraph 7; or, in the case of professional (exempt) staff, termination at the pleasure of the President.

1.1.6 Retired (constituted by the following):

1.1.6.1 Termination under the New Mexico Educational Retirement Act and/or University's age policy.

1.1.7 Deceased

2. BENEFITS DURING TERMINATION

2.1 All benefits (see Policy 800) are also terminated for employees terminated as Resignations, Released, Relieved, or Discharged.

3. REDUCTIONS-IN-FORCE (RIF):

3.1 A general staff (non-exempt) employee may be terminated at any time during the term of his or her contract, after notice and a hearing, upon a determination by the University that a reduction-in-force of general staff (non-exempt) employees is required. Bases for RIFs may include, but are not limited to, decreased amounts of work for, or reorganization of, the general staff; decreased revenues or other budgetary constraints; changes in the educational programs of the University; court orders; or legislative mandate.

3.2 To the extent that circumstances permit, the Vice President for Administration Services, with the assistance of the Director of Personnel, shall report to the President of the University any circumstances which may ultimately require a RIF, in order that notice be given to general staff (non-exempt) employees of the possibility of RIF, and so that consideration may be given to means by which a RIF may be avoided.

3.3 When the President concludes that a RIF is necessary, a Plan for RIF shall be developed by the Vice President for Administration Services for presentation to and consideration by the President. The RIF Plan shall not identify individuals to be discharged, but rather shall focus upon the staffing needs of the University and the resources available to meet such needs,

POLICY 695

with particular respect to positions that may be eliminated while still fulfilling basic staff functions. The RIF Plan shall include, but need not be limited to:

- 3.3.1 a detailed description of the cause or causes requiring RIF;
 - 3.3.2 a description of all adjustments already made by the administration in attempting to avoid a RIF, if any (e.g. reduction by attrition);
 - 3.3.3 designation of the employee classifications of the general non-exempt staff for which the RIF is proposed and the number of positions to be reduced in each classification, with a justification for eliminating such positions; and
 - 3.3.4 a discussion of alternatives (if any) considered by the Vice President for Administrative Services and an explanation of why such alternatives were rejected.
- 3.4 The President shall consider the recommendations of the Vice President for Administration for the adoption of the RIF Plan, and may make such modifications to the Plan recommended by the Vice President as the President deems appropriate.
 - 3.5 Any Plan for RIF adopted by the President shall be made available to all staff by providing notices thereof in the office of each building that copies are available at the President's office within two work days after adoption by the President.
 - 3.6 Based upon the Plan approved by the President, the administration shall perform a study of the University's general staff (non-exempt) personnel within the employee classifications designated in the RIF Plan to determine which person or persons must be wholly or partly discharge in order to implement the Plan.
 - 3.7 The administration shall select persons for RIF by directing the current supervisor of employee classifications designated for RIFs under the RIF Plan to identify the lowest performing employees in their supervisory groups, and such employees shall be designated for RIFs by the administration.

- 3.8 The current supervisor of employees in each employee classification designated for RIFs under the RIF Plan shall rate the performance of each such employee on a rating form to be supplied by the administration. Such rating form may be based on the University's standard evaluation form(s) or may be specially designed by the administration to reflect the attributes necessary for success in the particular employee classifications designation for RIFs under the RIF Plan. The rating form shall specify the score for each performance category (Value Factor) of 5 points. The supervisor shall then rank the employees on the basis of the number of points each received on his or her rating form, and shall return the ratings forms and the rankings to the Director of Personnel within the time specified for completion of the evaluations.
- 3.8.1 The supervisor(s) may consult with the Director of Personnel concerning the implementation of the evaluation.
- 3.8.2 If different employees in employee classifications designated for RIFs under RIF Plan have different supervisors, the supervisors may consult with each other and with the Director of Personnel to insure that the rating system is applied uniformly.
- 3.8.3 There shall be no requirement of observation of performance by a supervisor specifically for the purpose of completing the rating form; however, each supervisor shall review prior evaluations of the individuals considered for RIF for a period of three years, if such evaluations are available. If a supervisor lacks familiarity with an individual's performance (e.g., a new supervisor), the Director of Personnel may assign the evaluation to a present or past administrator or supervisor who has greater familiarity with the individual's performance.
- 3.8.4 The Director of Personnel may devise such other measures as he or she sees fit to deal with situations in which implementation of the performance rating cannot occur in the normal manner, so long as such measures are rationally designed to select the best certified personnel for retention.

- 3.9 Based upon the ratings and rankings received from the supervisors, the lowest ranked employee(s) within each employee classification designation for RIF under the RIF Plan shall be notified of their discharge by the Director of Personnel. The ratings forms and rankings upon which the selections are based shall be available for review by the person(s) thereby identified for discharge.
- 3.10 If, as a result of the applications of the selection criteria, a person is selected to be discharged from an employee classification designated for RIFs, but such person ("the affected person") is qualified for a vacant position within another employee classification within the University not designated for RIFs, the person shall be considered for transfer or reassignment to the vacant position. The fact that there are one or more other employees within the employee classification designated for RIFs who scored higher than the affected person, and that such person(s) may be qualified for vacant positions in employee classifications not designated for RIFs, shall not require that the higher scoring person(s) be transferred or reassigned to the vacant positions.
- 3.10.1 The transfer/reassignment obligation shall arise only when there exists a vacant position for which the affected person is currently qualified. There shall be no obligation on the part of the University to create a vacancy.
- 3.10.2 The transfer/assignment obligation shall arise only after the selection of the person or persons to be released from an employee classification designated for RIF, and shall apply only to the affected person.
- 3.11 The affected person shall be entitled to the procedure due discharged non-exempt employees provided under Policy 400, paragraph 7.
- 3.12 For a period of one calendar year after the effective date of the discharge of any employee discharged as part of a RIF pursuant to this policy, the University shall offer such person any position(s) which becomes available during such period for which such person is qualified, provided that such person has complied with the eligibility requirements specified below.

- 3.12.1 In order to be eligible for recall in the event an opening occurs, a person discharged pursuant to a RIF must, within 30 days after the effective date of the discharge, file with the Director of Personnel a written statement requesting to be considered for recall and providing an address at which the person may be contacted. Such person must notify the Director of Personnel of any change in address, within 10 days after changing residences, in order to insure proper notification in the event of a recall.
- 3.13 In the event that there is more than one eligible person qualified for a position, the selection criteria used in initially identifying employees for discharge pursuant to a RIF will be applied to determine which eligible, qualified person is to be recalled.
- 3.14 Any person selected for recall hereunder shall receive written notification of the recall, by certified mail, at the address provided. The recalled person must accept the position offered through recall in writing. Such acceptance must be received in the office of the Director of Personnel within ten (10) calendar days after mailing of the recall notice to the person. Rejection of the offer, in writing or by failure to timely respond, shall result in forfeiture by the recalled person of any further recall rights under this policy. Thereafter, an offer of recall will be made to the next eligible qualified person to be recalled, or if there is none, the position will be filled by another applicant.
- 3.15 Any person recalled pursuant to this policy shall have all accrued but unused vacation time and sick leave restored, and be given credit for all years of actual service in the University for salary purposes.
- 3.16 After the one year recall period has expired, any person discharged under this policy shall no longer have any right to be recalled. Such persons who wish to be re-employed thereafter shall file applications for employment and will be treated as would any other applicant for a vacant position.

4. **SENIORITY**

In any decision pertaining to the termination of employment of any employee subject to these policies, or the recall from lay off of any such employee, neither the seniority of the employee to be terminated nor that of any other employee shall be a factor.

5. **OTHER ADMINISTRATIVE REQUIREMENTS:**

- 5.1 Department Directors/Deans are responsible for confirming the following to the Personnel Department prior to the employee's departure upon termination:

POLICY 695

- 5.1.1 That the employee does not have accrued vacation time that would extend the termination date beyond the last day actually worked.
- 5.1.2 That the employee has provided a forwarding address.
- 5.1.3 That the employee has turned in University equipment, tools, keys, privilege card, etc.

**Resolution Amending the Personnel Policy & Procedures Manual
In Regard to Reductions-in-Force and Establishing a Layoff Policy**

WHEREAS, the Board of Regents of New Mexico Highlands University desires to amend the Personnel Policy & Procedures Manual in regard to the policy regarding reorganization and reductions in force and to establish policy in regard to layoffs;

WHEREAS, the Personnel Policy & Procedures Manual adopted by the Board of Regents on January 8, 1990 ("Manual"), provides that the Manual may be amended by the Board of Regents;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. Policy 695, paragraph 3 (including all sub-parts), entitled "Reductions-in-Force (RIF)" is deleted in its entirety and is replaced with the following:
 3. Layoff Policy
 - 3.1 From time to time it may be necessary for the University, or any unit within the University, to reduce, change, eliminate or otherwise modify its programs and services in response to budgetary constraints, legislative mandates, or any other condition affecting the University. In the event of such circumstances, it may be necessary to eliminate one (1) or more non-exempt staff positions.
 - 3.2 When there is more than one individual employed under a position title being eliminated within the affected department(s) or office(s), those employees will be retained who will best meet the needs of the University taking into account the employee's length of continuous service and other appropriate factors.
 - 3.3 If appropriate, the University may attempt to transfer employees from positions that are being eliminated to other similar positions that are not scheduled to be eliminated.
 - 3.4 An employee being laid off shall be given written notice of no less than fifteen (15) calendar days or in lieu of advance notice will be given two weeks severance pay. The notice shall include the effective date of the layoff and the reasons for the layoff.

- 3.5 Non-exempt staff who have been laid off shall be placed on a “layoff roster” for six (6) months.

Benefits

During the time an individual is on the layoff roster:

- The individual may retain health insurance coverage through the Consolidated Omnibus Budget Reconciliation Act (COBRA) by paying the full insurance premium. (COBRA coverage is available for up to eighteen (18) months.)
- The University will stop making retirement contributions as of the date of the layoff. In the event of re-employment, retirement contributions by the employee and the University will begin as of the date of the re-employment.
- The individual may continue other employer-supported benefits, such as educational benefits, in which they participated before being laid off. Individuals who are laid off may not initiate any employer-supported benefits while on the layoff roster.

- 3.6 Individuals to be laid off or listed on the layoff roster will be given notice of any vacant position at the University of similar or lower classification. A similar classification shall mean one that is substantially comparable in duties, responsibilities, salary, and minimum qualifications. The Office of Human Resources will notify individuals on (or to be placed on) the layoff roster of a vacant position of similar or lower classification and provide information regarding the deadline for applications. Individuals on the layoff roster, along with University employees, shall be given preference, when practicable, over outside applicants as provided in Policy 475, 1.2. An individual shall be provided with notice under this policy for six (6) months from the date of the layoff and in the event of re-employment will retain accumulated seniority to the date of the layoff, but does not accrue additional seniority during the layoff period.

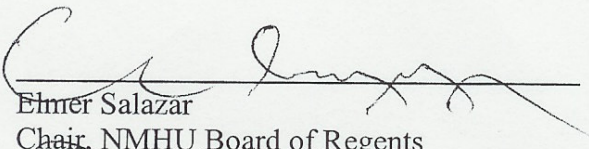
- 3.7 The University shall be the sole judge and determinant in implementing and applying this policy.

Policy 695, paragraph 2 is amended by the addition of the following sentence:
“Benefits in the event of layoff are addressed in Policy 695, 3.”

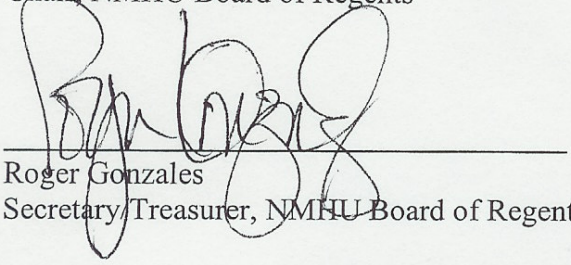
Policy 475, paragraph 1.2 is deleted and replaced with the following: University employees, along with any individuals on the layoff roster, shall be given preference,

when practicable, in selection over outside applicants provided their qualifications are substantially equal, as determined by the University.

Passed by the New Mexico Highlands University Board of Regents at its meeting of May 23, 2002.



Elmer Salazar
Chair, NMHU Board of Regents



Roger Gonzales
Secretary/Treasurer, NMHU Board of Regents

GRIEVANCE PROCEDURE

1. GENERAL POLICY

- 1.1 While the University endeavors to maintain pleasant working conditions which lead to cooperative, effective working relationships for all employees, it recognizes that misunderstandings and disagreements may arise regarding terms and conditions of employment. However, for questions and complaints not resolved through informal discussions, the University has established a formal Grievance Procedure. The Grievance Procedure is applied only to those matters for which the University has the ability to provide a remedy.

2. DEFINITIONS AND LIMITATIONS

- 2.1 "Grievant" shall mean an employee who is personally and directly affected by a condition for which he or she seeks a resolution.
- 2.2 A "grievance" shall be an allegation by an employee that the treatment he or she has received from a supervisor is a violation, a misinterpretation, or an inequitable application of University policy, administrative rules, or procedures that directly and adversely affects the grievant. A single grievance may be submitted jointly by more than one grievant.
- 2.3 "Resolution(s)" shall be the proposed written decision by the appropriate administrator(s) in response to the grievance.
- 2.4 "Parties in Interest" shall be the grievant and the supervisor or other University employee(s) whose conduct or actions are the subject of the grievance.
- 2.5 The following situations are not covered by this grievance procedure and are therefore not grievable under this policy:
- 2.5.1 The discretionary act(s) of professional judgment relating to the evaluation of the work performance of any employee by his or her immediate supervisor;
 - 2.5.2 Any personnel decision made by the President or Board of Regents, including, but not limited to, a discharge, transfer or any other action directly and adversely affecting the employment of the employee;

- 2.5.3 Situations in which the President or Administrator(s) are without authority to act;
 - 2.5.4 Situations where the remedy for the alleged violation exclusively resides in some person, agency, or authority other than the President or the University;
 - 2.5.5 Situations as to which a different procedure or remedy has been provided and;
 - 2.5.6 Situations as to which the procedure within the University is prescribed by state or federal authority.
- 2.6 A grievance cannot be filed by a former employee any more than five (5) days after the effective date of termination or discharge of employment.

3. GENERAL PROVISIONS

- 3.1 An employee who has a grievance and is unable to resolve it informally must inform his/her supervisor of the desire to invoke the formal Grievance Procedure.
- 3.2 A grievance must be in writing and contain a statement of grievance, the circumstances upon which it is based, the University's policy allegedly violated, and remedy being sought.
- 3.3 Grievances must be filed within five (5) working days following the act being grieved or discovery of circumstances which gave rise to the grievance.
- 3.4 All steps of the grievance procedure are considered confidential and should not be open to the public.
- 3.5 Employee filing the grievance and employees required as witnesses to give testimony in a grievance meeting shall be given time off with pay if such meetings are scheduled during work hours.
- 3.6 Non-University persons, former employees, or employees on suspension, layoff, or other unpaid status shall not receive pay to attend grievance hearings.

4. STEPS IN GRIEVANCE PROCEDURE

- 4.1 An employee grievance is to be submitted in writing to the aggrieved employee's Department Director/Dean with a copy to the Personnel Director within five (5) working days following discovery of the condition which gave rise to the grievance.

POLICY 699

- 4.2 A meeting with the aggrieved employee and Department Director/Dean to resolve issue(s) in the grievance shall be held within five (5) working days of the receipt of the written grievance. A resolution shall be submitted to the employee by the Department Director/Dean with a copy to the Personnel Director within five (5) working days following the meeting.
- 4.3 If the employee is not satisfied that the grievance is resolved by the written resolution or if the grievance is not resolved within five (5) working days, the employee may request the Chairperson of the University's Equal Opportunity (EEO) Committee to hold a formal hearing, which shall be held before the Committee within ten (10) working days of the written request. The chairperson of the EEO Committee will render its decision, in writing, as promptly as practical.
- 4.4 The decision of the Equal Employment Opportunity (EEO) Committee is final.

CODE OF CONDUCT

1. GENERAL POLICY

1.1 Pursuant to Section 10-16-11, NMSA (1978), the following code of Conduct is applicable for all personnel of New Mexico Highlands University:

1.1.1 All University employees are required to report, in writing, to the President any outside employment, research and consulting activities, controlling interest (greater than 20%) in a business; and any financial interest that an employee has reason to believe may affect the University.

1.1.2 All University employees shall disqualify themselves from any University proceedings that involve a business in which they have financial interest.

1.1.3 No University employee shall acquire a financial interest in a business at a time when he/she has reason to believe that it will be directly affected by his/her official actions.

1.1.4 No University employee shall use confidential information or University employment for their or another's private or personal gain.

1.1.5 No employee shall request or accept a gift or loan for himself/herself or another 1) if it tends to influence him/her in the discharge of his/her official duties or 2) if he/she, within two years, has been involved in any official action directly affecting the donor or lender.

1.1.6 No employee shall purchase or influence the purchase of services, equipment, instruments, materials, or other items for the University or its programs from any firm in which the employee has an interest.

1.1.7 No employee shall make unauthorized use of privileged information acquired in connection with the University's activities.

POLICY 700

1.1.8 No employee shall permit transmission to a private firm, or make other use for personal gain, of University productions, research results, materials, records, or information that are not made generally available.

1.1.9 No employee shall let an outside activity interfere with his/her primary obligation to the University. This does not mean that the employee may not enter into an outside consulting activity, but, if he/she does, it must not be allowed to interfere with University assignments.

1.1.10 The Vice Presidents or President's designee are available to advise staff members on matters relating to possible conflicts of interest.

2. Employee Personal Information Disclosure Policy

2.1 The University recognizes that as a public institution it has an obligation to the citizens of the State and a legal mandate from the Legislature of the State to disclose upon written and justified request the salary paid to any employee of the University.

2.2 The University also recognizes its obligation to its employees not to disclose information maintained in the University or Personnel files and protected by law.

3. Solicitation

3.1 Employees may not be solicited, nor solicit, at any time during working hours.

3.2 For the purpose of this policy, solicitation also includes electioneering of any kind.

EMPLOYEE BENEFITS

1. GENERAL POLICY

1.1 Eligibility: Regular Full-time, Regular Part-Time, and Interim employees are eligible. Temporary employees are not eligible. University employees desiring benefits must make arrangements with the Personnel Department. The Personnel Director will provide application(s) for employee benefits or refer a benefit provider, one who will furnish specific benefits to the University, to an employee for an informational appointment. The employee shall make the necessary appointment with the benefit provider away from their work station and at a time not to interfere with the employee performing job duties.

1.1.1 Health coverage is provided for eligible employees and their dependents with major medical coverage in an indemnity, PPO or HMO insurance plan.

1.1.2 Life insurance plans provide \$10,000 coverage for employees and \$2,000 and \$1,000 coverage for spouse and dependents respectively.

1.1.3 Dental coverage provides for treatment and services to employees and dependents.

2. Voluntary Employee Benefits

2.1 Tax shelter Annuity (TSA) and Individual Retirement Plan (IRA): Employees may enter into contracts with various insurance companies for tax deferred annuities and individual retirement plans and have the payment made by payroll deduction. At the request of the employee, the University will divert the amount of the employee's salary contracted for deductions to the employee's plan account. The University only acts as a collector of the premiums without endorsing any of the participating companies. Information on insurance companies is available in the Human Resources Department.

2.2 Life Insurance and Accidental Death and Dismemberment (AD&D): Supplemental life insurance and accidental death and dismemberment coverage for employees is available through payroll deduction at various face value amounts. Information on coverage and companies is available in the Human Resources Department.

2.3 Long-Term Disability: Coverage that provides an employee with a reduced income, upon completions of the specified waiting period, due to permanent or total disability is available in the Personnel Department.

3. Other Benefits

3.1 Retirement: Participation is mandatory, effective July 1, 1971, for University employees in the Education Retirement System in which employees and employer participate. Employees are eligible for retirement when their age

and years of service total seventy-five (75) years. There is a reduction according to a lesser age and years of service. The University contributes 8.6% while the employee contributes (7.6% of employee salary). An employee leaving the University for any reason may withdraw premiums he/she has paid, with interest earned, or leave the funds in the account. Refund is not automatic. Forms must be completed in the Personnel Department. Information regarding the retirement plan and refunds are available at the Personnel Department.

- 3.2 Employee Tuition Waiver: Regular full-time employees of the University may be released from job duties to attend one (1) tuition-free course per semester at the University. Employees may enroll in one (1) course up to four (4) credit hours without charge. Employees may enroll in a course only if the Director/Dean and Personnel Director find the employee's work will not suffer and that the course will contribute to the employee's intellectual development. The employee participating shall forfeit coffee breaks on class days.

If the employee does not participate in the tuition-free course, his/her spouse may participate in the tuition-free course. Spouses who have never attended NMHU must complete an admission application and be admitted by the Admissions Office before course registration.

- 3.4 Worker's Compensation: The University provides for medical treatment and wage compensation for an employee who sustains an injury in the course of employment. All job-related injuries which require medical attention must be reported to the employee's immediate supervisor, who completes an emergency room form for hospital treatment.

All bills for medical treatment and prescriptions should be directed to the Personnel Department. Wage compensation does not begin until the employee has missed seven (7) consecutive days because of the injury. Beginning on the eighth (8th) calendar day of employee's disability, Workers' Compensation will provide two-thirds (2/3) of the employee's gross salary, normally received, through the Personnel Department. If the period of disablement extends past the twenty-eighth (28th) day, wage compensation will then be paid for the first seven days. Information and emergency room forms are available at the Personnel Department.

POLICY 800

- 3.4 Unemployment Compensation: The University extends coverage of the New Mexico Unemployment Compensation Act to all employees. Cost of the coverage is paid by the University. Eligibility is determined by the New Mexico State Employment Security Department based on the circumstances of the case and the provisions of the Unemployment Compensation Act.
- 3.5 Activity Card: Employees' identification cards serve as activity tickets for them and their immediate families for University-sponsored activities and access to University activity facilities (i.e. swimming pool, tennis courts, etc.

GENERAL POLICIES

1. Safety

- 1.1 Supervisors shall advise employees of safe work practices. Most accidents are caused by carelessness. Employees should work safely and make full use of safety devices to protect themselves. Employees shall inform the supervisor immediately if they observe unsafe working conditions, unsafe work practices or any other hazards to safety on the campus.

2. Tools

- 2.1 All tools necessary for work shall be furnished by the University, unless other arrangements are made with the employee. If an employee negligently misplaces, abuses, or loses tools of the University or leaves tools unattended, it shall be the employee's responsibility to replace the tools.

3. Wearing apparel

- 3.1 The University will furnish wearing apparel required in various job classifications identified by the University.

4. Telephone Calls

- 4.1 Telephones are for University business. Personal telephone calls, both local and long distance, are prohibited, except in an emergency.

5. Keys

- 5.1 University keys for employee work stations may be requested by completing the Key Request Card and making arrangements with the Business Office and Physical Plant.

6. Campus Facilities

- 6.1 The personal use of University facilities is restricted to those normally provided for the use of students and employees, such as the bookstore, library, gymnasium, stadium, student center, and swimming pool. University property is not for personal use. Automobiles, tools, equipment, and supplies shall be used for University purposes only.

7. Mail and Postal Service

- 7.1 Personal mail should not be addressed to employees at the University because of the large volume of official University mail which must be handled daily.

8. Personal Savings

- 8.1 The University assists employees in their savings program with the State Employees Credit Union through payroll deductions.

MEMORANDUM

February 19, 1992

TO: Administrative Heads
Deans
Department Heads
Directors

FROM: President Gilbert Sanchez

Attached is a copy of the Policy on Animals/Pets on University Property. This policy is effective immediately. Please advise all personnel in your office/area of this policy.

**New Mexico Highlands University's
Policy on
Animals/Pets on University Property**

- Administrators, faculty, staff, and students are not allowed to have or keep dogs, cats or any pet in classrooms, offices, dormitories or any other campus building.
- Exceptions to this policy are seeing-eye dogs, animals that are housed under approved conditions in research, laboratories and fish, provided that the container is cleaned regularly so that it does not present a health hazard and no illegal species are kept.

February 19, 1992