

NEW MEXICO HIGHLANDS UNIVERSITY

PERSONNEL POLICIES AND PROCEDURES MANUAL

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

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October 27, 2011, December 2, 2016**



NEW MEXICO HIGHLANDS UNIVERSITY®

VISION 2020

VISION STATEMENT

Our vision is to be a premier comprehensive university transforming lives and communities now and for generations to come.

MISSION STATEMENT

New Mexico Highlands University is a public comprehensive university serving our local and global communities. Our mission is to provide opportunities for undergraduate and graduate students to attain an exceptional education by fostering creativity, critical thinking and research in the liberal arts, sciences, and professions within a diverse community.

STRATEGIC GOALS FOR 2020

HIGHLANDS UNIVERSITY WILL ACHIEVE ACADEMIC EXCELLENCE, ACADEMIC INTEGRATION AND STUDENT SUCCESS.

We commit to establishing and strengthening systems, structures and programs to enhance students' holistic well-being and success at all levels of study (including life-long learning), through the delivery of High-Impact Practices such as research and creative opportunities, increased student engagement, and service learning.

HIGHLANDS UNIVERSITY WILL ACHIEVE STRATEGIC ENROLLMENT MANAGEMENT.

We commit to establishing and implementing a strategic enrollment management plan that includes target enrollments, recruitment, and retention strategies for all academic degree programs and all locations.

HIGHLANDS UNIVERSITY WILL ACHIEVE A VIBRANT CAMPUS LIFE.

We commit to enhancing campus life for students, staff, faculty, alumni and community through expanded intellectual and recreational programs and services at the main campus and Centers, with a commitment to safety and inclusion.

HIGHLANDS UNIVERSITY WILL BE A COMMUNITY PARTNER.

We commit to developing, expanding, and enhancing collaborative community partnerships for mutual benefit in the areas of leadership, community and economic development, community service, academic enrichment, entertainment, and recreation.

HIGHLANDS UNIVERSITY WILL ACHIEVE TECHNOLOGICAL ADVANCEMENT AND INNOVATION.

We commit to using technology strategically to support quality, efficiency, and innovation in daily operations, student support services, and teaching and learning.

HIGHLANDS UNIVERSITY WILL ACHIEVE ENHANCED COMMUNICATION AND EFFICIENCY.

We commit to engaging in proactive communication at all levels to provide efficient and effective services.

EXCELLENCE

DIVERSITY

ACCESSIBILITY

RESPONSIVENESS

CORE VALUES

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**APPLICATION AND INTERPRETATION
OF POLICIES**

1. Scope of Application

The policies and procedures printed in this manual cover eligible New Mexico Highlands University employees with the exception of tenured and tenure-track faculty unless otherwise noted.

2. No Contract Rights

This manual is intended to summarize current University policies. This manual is not intended to, and does not give rise to any additional rights or remedies and is not a contract. The Board of Regents reserves the right to change, delete or amend any University policy or procedure unilaterally and without notice.

3. Employee Knowledge of Policies

It is the responsibility of all non-faculty employees to read and understand the policies and procedures in this manual. Employees are responsible for knowing the rules, regulations, policies and procedures in 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.

EQUAL EMPLOYMENT OPPORTUNITY AND NON-DISCRIMINATION POLICY

1. Policy Overview

New Mexico Highlands University is committed to providing a working and learning environment that provides equal opportunity to all current and prospective employees. Current and prospective employees will be considered for employment, promotions and other job opportunities on the basis of merit, and as otherwise required by law.

2. Scope and Applicability

This policy covers all aspects of employment including hiring, assignment of duties, compensation and benefits, training, discipline and termination.

3. Policy Statement

It is the policy of the University to prohibit unlawful discrimination and harassment against employees or applicants for employment on the basis of race, color, religion, national origin or ancestry, sex, age, physical or mental disability or handicap, serious medical condition, spousal affiliation, sexual orientation, gender identity, veteran status or any other basis prohibited by applicable law.

Any applicant or employee who feels that he or she has been discriminated against or harassed should report the incident to the Department of Human Resources, a supervisor, or campus security.

The Department of Human Resources located in the Rodgers Administration Building, Room 108.
The mailing address is Box 9000 Las Vegas, New Mexico 87701.

SEXUAL HARASSMENT POLICY

1. Introduction

It is the policy of New Mexico Highlands University to maintain a community in which students, faculty, staff and administration are free to work, study, and reside without being subjected to sexual harassment. Such behavior subverts the mission of all involved.

Sexual harassment is a form of discrimination on the basis of sex and is, therefore, prohibited on campus and in programs and activities sponsored by New Mexico Highlands University.

Sexual harassment constitutes an unacceptable and punishable offense at NMHU, which may include disciplinary action up to and including dismissal.

2. Sexual Harassment Defined

Sexual harassment may take many forms, including unwelcome conduct of a sexual nature and conduct that is not necessarily sexual in nature, but which is unwelcome and directed at a person because of his or her gender.

A. Sexual harassment involving unwelcome conduct of a sexual nature can include sexual advances, requests for sexual favors or other verbal, non-verbal or physical conduct of a sexual nature when:

Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

Submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting the employee; or

Such conduct is so severe or pervasive that it affects an individual's work performance or creates an intimidating, threatening or abusive working environment.

Sexual harassment is distinguished from voluntary sexual relationships when the conduct directed towards you is unwelcome. Conduct of a sexual nature is unwelcome when you did not request or invite the conduct and view the conduct as offensive and undesirable.

Conduct of a sexual nature can include, but is not limited to:

Verbal, non-verbal or physical sexual advances;

Pressure for sexual favors;

Touching of a sexual nature;

Sexual assault;

Sexual gestures;

Sexual or "dirty" jokes;

Offensive personal jokes and comments of a sexual nature;

Displaying or distributing sexually explicit drawings, pictures and written materials.

- B. Sexual harassment can also involve acts of verbal, non-verbal or physical aggression, intimidation or hostility based on sex or sex-stereotyping, but not involving conduct of a sexual nature, when such conduct is so severe or pervasive that it affects a student's/employee's ability to work, participate in or benefit from an education program or activity or creates an intimidating, threatening or abusive educational environment. Such conduct can include, but is not limited to:

Offensive jokes or comments, not necessarily sexual in nature, but directed at a person because of his or her gender or sexual orientation;

Threats or insinuations that lack of sexual favors will result in reprisals, withholding support for promotions or transfers, change of assignments, or poor performance reviews.

Sexual harassment against an employee/student can involve any member of the New Mexico Highlands University community, including faculty, staff, employees, students, guest speaker, visiting student or contractor.

3. Reporting Sexual Harassment

Employees/Students shall report sexual misconduct or harassment to their immediate supervisor; the next-in-line supervisor; the Dean or Director; campus police; or to the Director of Human Resources. If an employee or student is not certain whether sexual harassment is taking place, he or she should report his or her concerns.

- A. Supervisors and managers who have knowledge of sexual misconduct or harassment within New Mexico Highlands University or one of its off campus facilities shall immediately report it to the Human Resources Director and to a person above them in their chain of command.
- B. Under no circumstances, during an investigation, shall a supervisor withhold any information about reported or observed sexual misconduct or harassment.
- C. Supervisors shall report allegations of sexual misconduct or harassment even if the employee/student reporting such misconduct has asked that no action be taken. Supervisors shall explain this obligation to employees who report sexual misconduct or harassment.

4. Time Frame for Reporting Sexual Harassment

In order to allow for a prompt and timely investigation, the complaint should be made as soon as possible, but no later than 90 days following the latest alleged incident of sexual harassment. Even if this time frame has passed, the University encourages the reporting of sexual harassment.

5. Retaliation is prohibited

Retaliation against any person who makes a complaint of sexual harassment, reports that another person is being sexually harassed, or who cooperates in an investigation of a complaint of sexual harassment is strictly prohibited.

If you believe you have been retaliated against or that someone else has been retaliated against for reporting sexual harassment, you should follow the same reporting requirements for reporting incidents of sexual harassment set forth in Section 4 above, Reporting Sexual Harassment.

6. Investigation and Resolution of Reports of Sexual Harassment

The University reserves the right to investigate any reports of sexual harassment, as the University deems appropriate.

All employees/students shall cooperate with investigations of sexual misconduct and sexual harassment complaints.

Appropriate disciplinary action will be taken against any employee, including Staff Members, Faculty members and Administrators, who are found to have engaged in sexual harassment or retaliation up to and including dismissal.

New Mexico Highlands University will also take appropriate action, to the extent possible, against non-employees, such as contractors and guest lecturers, who are found to have engaged in sexual harassment or retaliation.

7. Confidentiality

- A. Allegations of sexual misconduct shall be investigated by the Human Resource Department in a manner that is as confidential as possible and appropriate under the circumstances.
- B. Absolute guarantees of confidentiality or anonymity cannot be given. Every effort will be made to maintain confidentiality or anonymity of the employee.
- C. Employees/students who are interviewed during investigations of sexual misconduct allegations shall maintain the confidentiality of what was discussed during their interviews.

The Director of Human Resources has been designated responsibility for coordinating New Mexico Highlands University's efforts to comply with and carry out its responsibilities under applicable laws prohibiting discrimination and harassment, including Title IX of the Educational Amendments of 1972 and Title VII of the Civil Rights Act of 1964.

The current Human Resources Director is: Donna Castro, Rodgers Administration Building Room 108, Telephone number is 505-426-2240.

The mailing address for Director is: New Mexico Highlands University, Box 9000 Las Vegas, NM 87701.

**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

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

DISCIPLINE AND DISCHARGE

1. Discipline

- 1.1 The primary purpose of discipline is to correct performance or conduct that is below acceptable standards, or contrary to the employer's legitimate interests, in a constructive manner that promotes employee responsibility.
- 1.2 Progressive discipline shall be used whenever appropriate. Progressive discipline can range from a verbal warning to a written reprimand, to a suspension, demotion or dismissal. There are instances when a disciplinary action, including discharge, is appropriate without first having imposed a less severe form of discipline. There are also instances when steps in progressive discipline, as outlined below, may be omitted.

2. Selection of Appropriate Discipline

- 2.1 The University reserves the right to exercise discretion in rendering disciplinary action as determined appropriate by the Administration.
- 2.2 Each case of inadequate work performance or misconduct is judged individually, and the employee's supervisor or the appropriate dean or director, in consultation with the Human Resources Department, shall determine the discipline, except for discharge, demotion or suspension, to be applied based upon the severity of the infraction and the employee's previous record.

Representative examples of infractions which may lead to disciplinary action, including discharge:

- Violation of university policies.
- Violation of state or federal law.
- Threatening behavior.
- Leaving the work site without permission during working hours.
- Gambling (dice, cards, etc.) on premises.
- Failure to report to work without properly notifying the supervisor (AWOL) and/or failure to report to work without required uniform, Safety equipment such as belts and shoes, and/or maintaining proper licensure.
- Unauthorized use or misuse of University property or records

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- Substandard work performance.
- Unsatisfactory attendance or tardiness.
- Misuse of work time while on duty, but not limited to misuse of rest periods, performing personal work, hobbies or personal recreational activities during work time etc.
- Failure to follow safety rules.
- Use of obscene language.
- Moving traffic violations while operating New Mexico Highlands University vehicles.
- Smoking in non-designated areas.
- Engaging in prohibited political activities.

Representative examples of infractions of such a serious nature that the first occurrence may result in immediate discharge includes:

- Unlawful use of and/or possession of controlled substances while on New Mexico Highlands University premises.
- Drinking alcohol or being under the influence of alcohol on University premises during working hours.
- Conduct that constitutes a violation of criminal law on campus or off-campus where such conduct seriously threatens the reputation or educational mission of the University or the health or safety of any member of the University community. On a case by case basis, the University may conduct its own employment investigation and disciplinary proceeding irrespective of any actions taken by law enforcement.
- Willful damage or destruction of University records or property or another employee/students property.
- Acts of physical violence, fighting, threatening or coercing anyone on New Mexico Highlands University premises.
- Theft or dishonesty toward the University, its employees, or its students.
- Falsification or omission of information on an employee application, time card or other University record; regardless of the date of discovery.

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- Unlawful discrimination on the basis of Race, Religion, Color, National origin, Ancestry, Sex, Sexual orientation, Gender identity, Age, Physical or mental disability or handicap, serious medical condition, Veteran's status, Spousal affiliation, and any other basis prohibited by law.
- Sleeping on the job.
- Insubordination, including but not limited to, resisting management directives through actions and/or verbal exchange and/or failure to follow supervisor's instructions or perform assigned work.
- Possession or use of firearms, dangerous weapons or explosives on New Mexico Highlands University premises.

2.3 In any instance in which a dean or director believes suspension without pay or discharge may be warranted, the dean or director, in consultation with the appropriate vice president and with approval from the Director of Human Resources, may initially place the employee on administrative leave with pay pending further investigation.

3. Approvals of Discipline:

3.1 Except for discharge, demotion or suspension of employees, any immediate supervisor, Department Director/Dean may take progressive disciplinary action against an employee under his/her authority, consistent with department policies, but in any case of documented reprimands, must submit a copy of the action to the Director of Human Resources for placement in the employee's personnel file.

4. Discipline of Employees

4.1 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 of discipline in any particular sequence.

4.2 Progressive Discipline: Progressive discipline is designed to allow an employee a reasonable opportunity to become aware of and to meet the requirements of the job, comply with University policies, procedures, practices, and regulations, and allow the employee an opportunity to improve performance. The following sections describe actions used in progressive discipline.

4.2.1 Verbal Warning: If a supervisor considers an employee's performance or conduct in need of correction, the supervisor may meet with the employee for the purpose of providing a verbal warning. During the meeting, the supervisor will explain the

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nature of the unsatisfactory performance or conduct and describe the expectation for the employee to correct his or her performance or conduct. A verbal warning is not documented in the employee's official personnel file; however, the supervisor must keep a record of the date of the meeting and issues discussed.

- 4.2.2 **Written Counseling Statement:** The primary objective should be to advise the employee that there is a performance problem and to advise what he or she can do to restore satisfactory performance. Written Counseling Statements are not documented in the employee's official personnel file; however, the supervisor must maintain a copy of the statement in his or her Department File.
- 4.2.3 **Written Reprimand:** A written reprimand provides an employee a written explanation of the events leading to the written reprimand. The written reprimand should include information that can help the employee improve the identified problem. The supervisor must make it clear to the employee that if performance or behavior does not improve to a satisfactory level within the timeframes listed, more serious disciplinary action may take place. Written reprimands are documented in the employee's official personnel file.

If performance or behavior does not improve, one of the following actions may occur:

- 4.2.4 **Demotion:** A demotion is a formal involuntary downward change, for disciplinary reasons, in accord with section 7, with a reduction in pay from one pay band to a lower pay band.
- 4.2.5 **Suspension:** A suspension is a temporary involuntary separation of employment, without pay, for performance or conduct that has not been satisfactorily corrected through the use of oral and written warnings. Suspension may also be used for misconduct or serious violation of policy. Suspensions range from one (1) work day up to thirty (30) work days, depending on the seriousness of the problem. A suspension requires approval of the dean or director.
- 4.2.6 **Discharge:** Is a permanent involuntary separation of employment from the University for disciplinary reasons. An employee may be discharged without prior progressive discipline when warranted by the seriousness of the offense at the sole discretion of the appropriate vice president or president.

5. Discharge of Executive Employees

- 5.1 Pursuant to the policies of the University Board of Regents, executive employees are appointed by the President of the University and serve at the pleasure of the President. Their employment is "at will" and may be terminated at any time during the term of their appointment without any requirement of a statement of cause.
- 5.2 Nothing stated in these policies shall be interpreted to qualify, modify, or limit the "at will" nature of the employment of executive employees, or to qualify, modify, or limit the authority of the President to discharge such employees at his or her pleasure.

- 5.3 Discharge of executive employees is complete upon issuance of a notice of discharge by the President or his or her designee.

6. Discharge of Probationary, Interim And Temporary Employees

6.1 Discharge

Probationary, Interim, and Temporary employees may be suspended, demoted or dismissed effective immediately with written notice at any time during the term of the appointment without any requirements of a statement of cause and without recourse. To initiate a suspension, demotion or dismissal of a probationary, interim or temporary employee, the supervisor must consult with the office of Human Resource before taking such action, which must be approved by a dean or director.

7. Suspension, Demotion And Dismissal Of Non-Probationary Employees

7.1 Required approvals by the Department of Human Resources

Supervisors contemplating the Suspension, Demotion or Dismissal of a non-probationary employee, must consult with the office of Human Resources before taking such action. Suspensions, demotions, and dismissals require the approval of the Dean or Director, appropriate Vice-President and the Director of Human Resources.

7.2 Computation of time

“Days” pursuant to this policy mean working days, i.e. do not include Saturdays, Sundays or university holidays. Any time period required or allowed by this policy, does not include the day of the action from which this time period begins to run. The last calendar day of the time period shall be included in the computation unless it is a Saturday, Sunday, or a day on which a legal Holiday is observed. In such a case, the period of time runs to the close of business on the next regular workday.

7.3 Pay Status

Employees will normally remain at work on paid status pending the issuance of a Notice of Final Action. However, a Dean/Director may, with the approval of Human Resources place an employee on administrative leave with pay pending completion of the investigative or disciplinary process.

7.4 Notice Requirements

Notices shall be in writing and will normally be served in person by the immediate supervisor, if possible. At the time of service the employee shall be asked to sign an acknowledgement of receipt. If the employee declines, the supervisor shall so note on the letter itself for record purposes. If the notice cannot be presented personally, the letter may be sent certified mail with a return receipt requested. The notice must be properly stamped and addressed to the last address provided by the employee. Service of the notice is complete when the notice is deposited with the United States Postal Service.

7.5 Notice of Contemplated Action (NCA)

- 7.5.1 To initiate a suspension, demotion or discharge of a non-probationary regular or term employee, the dean/director will contact the Director of Human Resources and the appropriate Vice-President. Human Resources will assist in the drafting of the NCA, gathering required documentation and will coordinate a time to meet with the supervisor and employee to present the Notice of contemplated Action. The notice of contemplated action must include the following:
- 7.5.2 Specify the contemplated action
- 7.5.3 Specify the basis for a determination that just cause exists to suspend, demote or discharge the employee
- 7.5.4 Indicate which policies the employee has violated.
- 7.5.5 Specify that the employee has the right to respond to the notice of contemplated action within ten (10) work days of receipt of the NCA if submitting a written response or five (5) work days if requesting to present an oral response.

7.6 Response to a Notice of Contemplated Action

- 7.6.1 The employee may respond orally or in writing to the notice of contemplated action within ten (10) working days of receipt of the NCA. The written response will be submitted to the Dean/Director or to the Director of Human Resources. If the employee wishes to meet with the Dean/Director and present an oral response, he/she must submit a written request for the meeting within five (5) working days from receipt of the notice of contemplated action. Any extension of time must be in writing and agreed upon by both the employee and Dean/Director. Oral response meetings will include a member of the Human Resource office and may include a representative of the employee's choice, to advise the employee, but not to participate.
- 7.6.2 When the notice of contemplated action is served by mail, the employee shall have three (3) additional calendar days in which to submit a written response or submit a request to present an oral response.
- 7.6.3 The purpose of the written or oral response is not to provide an evidentiary hearing but is an opportunity for the employee to respond to the charges against him or her.

8.0 Final Notice of Disciplinary Action

- 8.1 If an employee submits a written response or presents an oral response, the Dean/Department Chair will take the response into consideration. The dean/director, after consultation with the Human Resource Office will decide on the final action to be taken, whether or not the employee has responded to the NCA. The final disciplinary action, signed by the Dean/Director shall be issued no later than ten (10) working days from the date of receipt of the written response, the oral response or within ten (10) working days following the expiration of the response period. The Notice of Final action should include the following:

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- 8.2 State the final discipline to be taken, which may be upholding the contemplated action, a lesser form of discipline than contemplated, or no disciplinary action.
- 8.3 Notice should contain the basis for a determination of just cause for the suspension, demotion or dismissal.
- 8.4 Statement indicating if the employee responded to the Notice of Contemplated Action.
- 8.5 Specify when the disciplinary action will be effective.
- 8.6 Inform employee that the disciplinary action may be appealed in writing to the Human Resource Department within five (5) working days from receipt of the Final Notice.

9. Appeal Process

9.1 Employee

Employee submits a written appeal to the Human Resources Department within five (5) working days of receipt of the Notice of Final Action. (If the employee does not appeal the disciplinary action within five (5) working days, no appeal is available.).

9.2 Human Resources

Human Resources notifies responding Dean/Director that the employee has filed a timely appeal and establishes an NMHU Hearing Committee. Human Resources coordinates with the NMHU Hearing Committee to determine a date, time and place to hold the hearing. The hearing will be held no later than fifteen (15) working days after receipt by Human Resources of the written appeal unless otherwise agreed by the employee and the responding Dean/Director.

9.3 Human Resources

Human Resources will send a written notice to the employee, the responding Dean/Director stating the date, time and place of the hearing.

10. NMHU Hearing Committee Chair

Chair Person will conduct the hearing in the following manner:

- The parties will exchange exhibits and witness lists no later than five (5) days before the hearing.
- All hearings will be recorded.
- The University shall have the burden of showing that just cause exists for the disciplinary action taken.
- The University shall present its case first; the employee second.

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- Each party shall be entitled to call witnesses, cross-examine the other party's witnesses and introduce exhibits.
- Each party shall be permitted to be accompanied by a representative of his or her choice, including an attorney, who may advise each party but not participate in the hearing.
- The rules of evidence shall not apply. The NMHU Hearing Committee may exclude evidence that they determine is irrelevant, immaterial or unduly repetitive.
- All witnesses shall swear or affirm that his/her testimony will be truthful.
- The NMHU Hearing Committee members may ask questions of the parties and witnesses.
- Each party shall be permitted to make a closing statement.
- The NMHU Hearing Committee will prepare a report summarizing their factual findings and include their recommendations as to whether cause does or does not exist to support the disciplinary action. The written report will be issued to the University president within ten (10) working days of the hearing.

11. **President's Final Decision**

The President "or his designee" in his or her sole discretion may accept, modify or reject, in whole or in part, the recommendation of the NMHU Hearing Committee. The President will issue a final decision in writing to the affected parties. The President's decision is final and binding upon the parties.

12. **Retaliation Prohibited**

Retaliation is prohibited against any employee who uses this policy or participates in a proceeding pursuant to this policy. Any employee who either directly or indirectly retaliates against another employee engaged in this process may be subject to discipline based on Policy 400.

HIRING OF EMPLOYEES

1. **General**

- 1.1 All hiring and promotion decisions shall be based on the demonstrated qualifications of interested candidates, including past work performance, education and relevant work experience.

2. **Hiring Of Exempt Employees**

- 2.1 The Hiring Authority will complete a Personnel Requisition form, and submit the form, with necessary approvals, to the Human Resources Department in order to initiate the recruitment process.
- 2.2 The Human Resources Department will advertise the position through appropriate media.
- 2.3 The Hiring Authority shall select a Search & Screen Committee as described in the Search and Screen Procedure Manual.
- 2.4 The Hiring Authority shall select employees in accord with the Search and Screen Procedure Manual.

3. **Hiring Of Non-Exempt Employees**

- 3.1 The immediate manager/supervisor will complete a Personnel Requisition form, and submit the form, with necessary approvals, to the Human Resources Department in order to initiate the recruitment process.
- 3.2 The Human Resources Department may screen or refer all applications for the vacant or new position to the Hiring Authority.
- 3.3 The immediate manager/supervisor will review applications and interview applicants before submitting his or her selection to the Human Resources Department. Once a selection is made, a personnel action form (PA-1) must be submitted to the Human Resources Department, with required approvals. The applicant may not start employment until the PA- 1 is approved.

4. **Alternative Procedures**

- 4.1 Named in a Contract or Grant Award – A hiring authority may fill a new or vacant position under this procedure with an individual specifically named in a contract or grant.
- 4.2 Presidential Appointments – The University provides an exception to competitive hiring of direct reports to the President and Athletic Coaches.

4. Orientation

4.1 New employees must participate in a new employee orientation workshop offered by the Human Resources Department.

5. Probationary Period

5.1 All new employees hired into a regular or term position are on a probationary status for twelve (12) calendar months from the date of hire. Employees who have completed the probationary period and transfer from one regular or term position to another shall be required to serve a six (6) calendar month probationary period.

5.2 An employee may be terminated during the probationary period in accordance with Policy No. 695, (paragraph 1.1.3.1).

6. Age Limitation

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

7. Employment Of Relatives

7.1 For the purpose of this section, a member of the immediate family is a spouse, parent, child, domestic partner, brother or sister, aunt, uncle, nephew, niece, grandparents, mother-in-law, father-in-law, sister-in-law, brother-in-law, step-parent, children of domestic partners, step-brother, step-sister, grandchild, great grand- child, great grand-parents, and 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. Any exception must be approved by the President.

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 determination of salary;
- 7.2.5 granting of leave;
- 7.2.6 evaluation
- 7.2.7 all other individual employment actions
- 7.2.8 supervision

7.3 Immediate family and relatives, regardless of employment classification, including student employees, may be employed in separate departments, but a member of the immediate family may not be employed in a department in which one relative would hold a supervisory rank over the other. The only exception made will be in the hiring of Athletic Coaches.

7.5 Immediate family and relatives not holding supervisory rank or having hiring authority may be employed in the same department.

8. Employment Eligibility Verification

The Immigration Reform and Control Act of 1986 (IRCA) requires all employers to verify that individuals being employed are eligible to work in the United States. The law requires that new employees complete a Form I-9 (Employment Eligibility Verification) within 3 business days of commencing employment. There are no exceptions to this requirement.

As prescribed by federal law, employees who are unable to provide eligibility documentation within 3 work days of the effective date of their employment must be terminated. IRCA does not provide any exceptions.

EMPLOYEE CLASSIFICATION

1. **General**

This policy describes the various classifications of positions in terms of employment designation (exempt or non-exempt) and employee definition

2. **Employee Fair Labor Standards Act (FLSA) Designation**

2.1 **Exempt FLSA Employee** - Exempt employees are salaried employees and are exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act. Exempt employee positions include, but are not limited to, such positions as directors, managers, and professional staff, such as engineers, attorneys, accountants, system analysts, and counselors. This list is for illustrative purposes only, and is not meant to be all inclusive.

2.2 **Non-Exempt FLSA Employee** - Non-exempt employees are employees paid on an hourly basis and are subject to the minimum wage and overtime provisions of the Fair Labor Standards Act. Non-exempt staff employees are paid on the bi-weekly payroll and hours worked are reported on a time sheet. They are entitled to premium compensation for overtime work. Non-exempt employee positions include, but not limited to, such positions as secretarial, clerical, maintenance, and service workers. This list is for illustrative purposes only, and is not meant to be all inclusive.

2.3 The Human Resources Department, utilizing tests described by the United States Department of Labor, determines whether positions are designated exempt or non- exempt.

3. **Employee Definitions**

3.1 Professional: The term "professional staff" refers to employees holding positions classified as "exempt" under the Fair Labor Standards Act, as amended.

3.2 General: The term "general staff" refers to employees holding positions classified as "non-exempt" under the Fair Labor Standards Act, as amended.

4. **Employee Definitions**

4.1 Regular Full-Time: An employee hired on a continuing basis scheduled to work forty (40) hours per week.

4.2 Regular Part-Time: An employee hired on a continuing basis scheduled to work or more, less than forty (40) hours per week.

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- 4.3 Term Appointment: A term appointment employee is hired (full-time or part-time) into a position that is designated to run for a defined period of time of not more than one year; however is renewable depending of the funding source (e.g. grants and contracts).. Employees hired for a term appointment will be separated from the University as of the specified date unless the supervisor notifies the employee that the appointment will be extended. For the specified period of appointment, term employees are entitled to all other rights and privileges as regular status employees, except the right to appeal separation at the end of the appointment. Term appointment employees are not placed on layoff status at the end of the appointment.
- 4.4 Interim: An employee hired 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 a Vice-President. An interim employee classification must be approved by the President.
- 4.5 Executive: Employees hired into positions that directly report to any of the following: The President, Chief Financial Officer, Chief Academic Officer, Chief Student Officer, Associate Vice-Presidents. These employees serve at the pleasure of the president. Employees hired into coaching positions serve at the pleasure of the President. Contracts are normally written for one (1) year terms. The employment is “at will” and is terminable at any time during the term of the appointment without any requirement of a statement of any cause. 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, or designee, and delivered to the appointee.
- 4.6 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 end date.
- 4.7 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 end date.
- 4.8 Change from Temporary to Regular:
- 4.8.1 When a position is changed from Temporary or Interim 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 475). The incumbent of the Temporary or Interim position may be considered along with other applications for the Regular position.
- 4.8.2 Temporary employees hired into regular positions must serve a probationary period as described in Policy 475.

WAGE AND SALARY ADMINISTRATION

1. WAGES AND SALARIES

- 1.1 The University will endeavor to maintain competitive pay consistent with general economic conditions, employee performance, and budget limitations.
- 1.2 The Human Resources Department shall maintain a current Salary Schedule.

2. SALARY INCREASES

- 2.1 On an annual basis, the Vice President for Finance and Administration shall present to the President a proposed compensation package. The President shall review and, if necessary, revise the compensation package and present it to the Board of Regents for final approval. Salary increases for employees are normally effective at the beginning of each fiscal year.
- 2.2 Promotional Increases:
 - 2.2.1 Promotional increases are awarded at the time of promotion and must take the employee to at least the minimum of the salary band for the new position.
- 2.3 Reclassification:
 - 2.3.1 Reclassification resulting from significant changes in duties and responsibilities may warrant a salary adjustment.
 - 2.3.2 Reclassification may be upward or downward with appropriate salary adjustments. Employee salaries being adjusted must fall within the new salary band.
 - 2.3.3 Reclassification may be initiated upon request of the Director/Dean. The reclassification consists of a comprehensive review and description of the duties and responsibilities of the position.
 - 2.3.4 The appropriate salary band and pay level should be determined by the Human Resources Department in consultation with the appropriate Vice-President and immediate supervisor and/or director.
- 2.4 Shift Premium:
 - 2.4.1 Employees, in non-exempt positions, assigned a regularly scheduled shift in which at least four (4) hours of the shift are after 5:00 p.m. or before 8:00 a.m. shall receive fifteen (.15) cents per hour shift differential.
- 2.5 Job Class Reductions:
 - 2.5.1 Job Class Reductions are normally a result of a reduction in job duties and responsibilities. Job Class Reductions may warrant a reduction in pay. The

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appropriate salary band and pay level should be determined by the Human Resources Department in consultation with the Department Manager/Supervisor and appropriate Vice-President.

2.6 Transfer:

2.6.1 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 adjustment.

2.7 New Positions:

2.7.1 All new positions must be evaluated and classified by the Human Resources Department.

2.7.2 The Human Resources Department shall establish an appropriate salary band and range, based on the duties and responsibilities, for the new position.

2.8 Overtime for Non-Exempt Employees

2.8.1 The Fair Labor Standards Act requires that covered, non-exempt employees receive overtime pay at one and one-half times the employee's regular rate of pay for all hours worked over 40 hours in a workweek.

In order to receive overtime pay, an employee must work more than 40 hours in the 7-day work week. Non-work hours are not considered hours worked and do not count when determining whether overtime compensation is due. Such non-work hours includes-release time for class, time off for vacation and sick leave, jury duty and other types of leave. The work week commences on Saturday at 12:01 a.m. and ends at 12:00 midnight on Friday.

For the purposes of calculating overtime pay, designated university holidays will be considered hours worked.

2.8.2 All overtime work must be pre-approved by the Department Director/Dean. Employees must note all time worked on their time sheets, including overtime, whether or not the overtime was pre-approved as required by this policy. Employees will be paid for all hours worked, including unapproved overtime. However, an employee who fails to obtain pre-approval for overtime work may be disciplined for violating this policy.

2.9 Compensatory Time for Non-Exempt Employees

Compensatory time may be granted in lieu of overtime pay if there is a written agreement, in advance, between the supervisor and the employee that the employee will receive compensatory time in lieu of a cash payment for overtime. Compensatory time is accrued at one and one-half hours of compensatory time for each hour of overtime worked. No employee may accrue more than 240 hours of compensatory time.

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- 2.9.1 All hours worked must be reported on the employee's timesheet. All hours in the work day during which an employee is not working, such as sick or vacation leave, jury duty, etc., must also be reported on the employee's timesheet.
- 2.9.2 Non-Exempt employees separating from the University will be paid for any unused compensatory time at a rate of compensation not less than the average regular rate received by the employee during the last 3 years of the employee's employment or the final regular rate received by the employee, whichever is higher.

2.10 Extra Compensation for Exempt Employees:

- 2.10.1 Under the Fair Labor Standards Act, exempt employees are paid a regular salary and are not paid based on the number of hours worked. Exempt employees are expected to meet operational needs and are evaluated on results achieved. Therefore, exempt employees do not normally receive extra compensation. However, exempt employees may, in *limited* circumstances, receive extra compensation from the University for work performed outside the employee's department.

Extra compensation is not intended to compensate employees for cooperative work between University departments where staff provide support for each other on an ongoing basis. Extra compensation will not be paid for services rendered to other units lasting less than a day, such as guest speaking. In all cases, the employee's primary assignment takes priority over the work performed for another unit. The assignment must be approved by the manager of the employee's primary department.

2.10.2 Restrictions:

2.10.2.1 To qualify for extra compensation, the additional work must be performed outside the employee's department, with the employee's work being reviewed by someone other than the employee's regular supervisor.

2.10.2.2 The additional work (for which extra compensation is to be paid) may not, in the opinion of the employee's supervisor and dean or director:

1. Create a time conflict with the performance of the employee's regular duties and assignments or
2. Constitute a "conflict of interest" situation involving the employee, such as a situation that competes with the interests of the employee's primary assignment or the department's interests. The additional work (for which extra compensation is to be paid) must be short term and; therefore, is restricted in both the number or hours worked and the duration of the assignment.

2.11.2 Required Approval

Advance written approval is required by the employee's immediate supervisor and dean or director, the appropriate vice president, the dean or director responsible for the department where the work will be performed, and the individual who will be supervising the additional work.

2.12 Holiday Pay for Non-Exempt Employees

2.12.1 When an authorized holiday falls on an employee's regularly scheduled work day and the employee is not required to work, the employee shall be paid at the employee's hourly rate of pay for the number of hours they-employee would have normally worked.

2.12.2 An employee whose normal work schedule does not include the day observed as a holiday shall be entitled to time off equal to the employee's normal workday.

2.12.3 Employees required to work on the day a holiday is observed, shall be compensated at two and one-half times their hourly rate of pay for all hours actually worked on the holiday. Such compensation shall be in the form of straight time cash payment for all hours actually worked and additional premium compensation, at the University's discretion, of either time off at one and one-half hours of time off for each hour worked or cash payment at one and one-half times the usual hourly rate of pay for all hours actually worked that holiday.

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

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, Term, Executive, probationary and Interim employees are eligible for paid vacation. Temporary Full-Time and Temporary Part-Time employees do not accrue vacation leave.

3. **EARNED VACATION LEAVE**

- 3.1 Vacation leave is accrued during actual work time and during paid sick leave, vacation leave, and holidays.
- 3.2 Vacation leave is not accrued during periods of unpaid leave.

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 6.69 hours of vacation leave per biweekly period. Effective July 1, 2010, new employees in this category will accrue 6.15 hours of vacation leave per biweekly period.
- 4.1.2 Full-time general (Non-Exempt) staff shall accrue vacation leave as follows:
- 3.69 hours per biweekly pay period for the first two (2) years of continuous employment with the University.
 - Upon the completion of two (2) years of continuous employment with the University, the employee will accrue vacation leave at a rate of 4.62 hours per biweekly pay period.
 - Upon the completion of nine (9) years of employment with the University, the employee will accrue vacation leave at a rate of 6.15 hours per biweekly pay period.

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- 4.1.3 Part-time staff shall accrue vacation leave at a pro rata percentage of the full-time rate based on the number of hours for which each such part-time employee is employed.
- 4.1.3 Professional and General Staff working less than twelve (12) months per year accrue vacation leave at a pro rate percentage of the full-time rate based on the number of months employed.
- 4.1.5 Probationary employees are permitted to use accrued vacation leave during their probationary period.
- 4.1.6 If the employee leaves University employment and returns within 90 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.
- 4.1.7 No employee may carry over more than thirty (30) working days (240 hours) of vacation leave from one fiscal year into the next. At the end of each fiscal year (June 30th), any accrued vacation leave in excess of thirty (30) working days is forfeited.

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 Employees must request and receive approval of vacation leave, in advance, from their immediate supervisor.
- 5.3 Employees are required to provide at least (10) calendar days advance notice for any vacation leave request of five (5) days or more duration. This requirement does not apply to emergency vacation leave requests.
- 5.4 Vacation leave may not be taken in excess of the amount accrued unless Leave Without Pay is approved.

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 Employees on scheduled vacation leave when Administrative leave (e.g. inclement weather, etc.) is granted, shall have the leave charged to the employee's vacation leave unless the University closes for a full day. In this case, the employee's vacation leave balances-will not be charged and leave will be charged to Administrative leave.

POLICY 625

- 6.4 Upon separation from the University, Regular, Interim and Executive employees are paid for unused, accrued vacation hours up to a maximum of 240.
- 6.5 Employees on a term appointment, as described in policy 500:4.3 will not be paid for any unused vacation leave at the end of the appointment. Unused vacation leave will be forfeited at the end of the employment period.

7. RECORD KEEPING

- 7.1 The Human Resources Department is the official record keeper of leave records for employees of the University.

HOLIDAYS

1. **GENERAL POLICY**

- 1.1 New Mexico Highlands University observes specific holidays each year and most offices are closed during these holidays.

2. **ELIGIBILITY**

- 2.1 Regular Full-Time, Regular Part-Time, Term, Executive, 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 Martin Luther King, Jr. Holiday, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Friday following Thanksgiving, and eight (8) work days that will include Christmas and New Year's Day.

4. **SPECIAL CIRCUMSTANCE REGARDING HOLIDAYS**

- 4.1 When a holiday falls on an employee's normal day off, the employee will be granted a day off on the work day immediately preceding or following, with the approval of such employee's supervisor, or at another time within thirty (30) days.
- 4.2 Regular Full-Time and Regular Part-Time non-exempt employees required to work on a holiday designated by the University, receive pay for the hours at two and one-half (2 1/2) times their current straight-time rate of pay.
- 4.3 Temporary Full-Time and Temporary Part-Time non-exempt 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 a paid leave of absence on the work day before and after the holiday to be eligible for holiday pay.

5. **RELIGIOUS REASONABLE ACCOMMODATIONS**

- 4.1 Excused absences for observance of religious holidays are permitted for employees. Requests to be away from work to participate in such observances should be submitted at least two weeks prior to the proposed absence. Planned absences for such requests may be taken as either paid vacation leave, if applicable, or leave without pay, or with equivalent time worked at a time and manner agreed upon by the employee and the responsible Supervisor, Dean/Director. Responsible Supervisors, Deans/Directors may make reasonable accommodations for an employee's time away from work for this purpose to the extent practical in the consideration of education, operational, and critical needs of the

University.

- 4.2 No employee shall discriminate against any employee or other individual because of individual's religious believe or practice or any absence thereof. A refusal to accommodate is justified only when undue hardship to the University would result from each alternative of reasonable accommodation.

SICK LEAVE

1. GENERAL POLICY FOR SICK LEAVE

The University recognizes that employees and members of an employee's immediate family will get sick or injured and that a reasonable period of time off with pay should be granted to employees during such periods. Sick leave can only be used for the purposes defined in this policy.

2. ELIGIBILITY

2.1 Regular Full-Time, Regular Part-Time, Term, Executive, probationary and Interim employees are eligible to accrue sick leave.

2.2 Temporary Full-Time and Temporary Part-Time employees do not accrue sick leave.

3. EARNED SICK LEAVE

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

3.2 Sick leave is not accrued during unpaid leaves of absence.

4. SICK LEAVE ACCRUAL

4.1 Regular Full-Time employees shall accrue 5.54 hours of sick leave per biweekly pay period.

4.2 Part-time staff shall accrue sick leave at a pro rata percentage of the full-time rate.

4.3 Employees, whose normal work year is less than 12 months, accrue sick leave on a pro-rated basis.

4.4 Employees may carry over a sick leave balance of up to 130 working days (1040 hours) from one fiscal year into the next.

5. USE OF SICK LEAVE

5.1 Sick leave may be used only for the following:

5.1.1 Personal illness or injury (including pregnancy, childbirth, and other related medical conditions).

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 illness or injury.

5.1.4 Transporting an immediate family member for medical services.

- 5.1.5 Caring for immediate family member, defined as spouse, parent, grandparent, child, brother, sister or any other person residing in the same household of employee, who becomes ill or injured and requires personal assistance from the employee. Length of time charged to sick leave under this paragraph shall not exceed five (5) consecutive work days, unless the employee is eligible for Family and Medical Leave Act leave pursuant to the Family and Medical Leave Act policy. For those employees who are not eligible for Family and Medical Leave Act leave, more time may be allowed at the discretion of the employee's Department Director/Dean in extreme cases.
- 5.1.6 Sick leave may also be requested and used for doctor's appointments and other pre-scheduled health-related absences. An employee requesting sick leave for a pre-scheduled appointment must request the leave at least twenty four (24) hours in advance unless an emergency situation exists.
- 5.1.7 Supervisors **may** authorize an employee to use accrued sick leave to attend the funeral of a relation by blood or marriage, **with the exception of cousins**, who do not fall under the definition of relative under policy 670 Section 3.3.1.

6. SICK LEAVE PRACTICES

- 6.1 The employee requesting sick leave shall personally place the call unless extraordinary circumstances exist which render the employee unable to call.
- 6.2 An employee who calls in sick shall not be allowed to change the leave designation to any other type of leave at a later date.
- 6.3 Employees are required to call the immediate supervisor when unable to report to work due to illness or injury within one (1) hour of the employee's work shift.
- 6.4 When an employee is absent for five (5) 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.
- 6.5 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.
- 6.6 When a holiday falls during the time an employee is on sick leave, the holiday will be charged rather than sick leave.
- 6.7 The University reserves the right to require an employee to see a licensed healthcare provider of the University's choice to render a medical opinion on an employee's condition in regard to such employee's use of sick leave, as appropriate.

Failure to comply with the practices established above will result in the employee being placed on Absence Without Authorized Leave (AWOL) status and may result in disciplinary action.

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 An employee who calls in sick will automatically have his/her leave charged to leave without pay **if sick leave accruals are exhausted.**

9. PAYMENT OF ACCRUED SICK LEAVE

- 9.1 For Regular employees in non-exempt positions, 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 Employees on a term appointment, as described in policy 500:4.3 will not be paid for any accrued sick leave.
- 9.3 Payment for unused, accrued sick leave, as discussed in 9.1 above, shall be made on the last work day in July, or in the case of voluntary termination or retirement, payment will be included in employee's last paycheck.
- 9.4 Payment for unused, accrued sick leave will not be included or used by the Educational Retirement Board for retirement benefit calculations.

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:

POLICY 670

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).

POLICY 690

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.

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, 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.

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- 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.

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- 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.

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- 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:
 - 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.

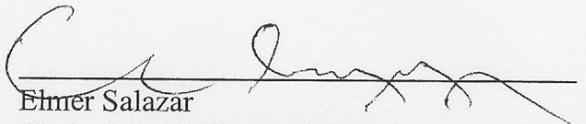
3.7 The University shall be the sole judge and determinant in implementing and applying this policy.

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.”

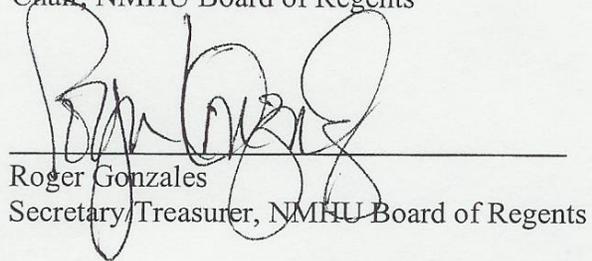
Policy 475, paragraph 1.2 is deleted and replaced with the following: University employees, along with any individuals on the layoff roster, shall be given preference,

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.

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

The following code of Conduct is applicable to all employees of New Mexico Highlands University:

1.1 Conflict of Interest

- 1.1.1 All University employees are required to report, in writing, to the President any outside employment, research and consulting activities, substantial 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 the employee or an employee's family member has a 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 acquired in the course of their employment, or take an official act for their or another's private or personal gain.
- 1.1.5 No employee shall seek or accept any favor or gratuity from any person, firm, or corporation which is engaged in or attempting to do business with the University or any agency of state, or local governments which might affect the employee's judgment in the impartial performance of duties.
- 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 a financial interest.
- 1.1.7 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.
- 1.1.8 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.

1.2 For the purposes of this policy, the following definitions apply:

- 1.2.1. "Family member" means spouse, domestic partner, parents, children, siblings, brother-in-law, sister-in-law, step brother, step sister, by blood or marriage.

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1.2.2. "Financial Interest" means an interest held by an employee or the employee's family member that is:

- (1) an ownership interest in business; or
- (2) any employment or prospective employment for which negotiations have already begun.

1.2.3. "official act" means an official decision, recommendation, approval, disapproval or other action that involves the use of discretionary authority

2. General Provisions

- 2.1 Employees shall be truthful and honest.
- 2.2 No employee shall engage in any discriminatory conduct.
- 2.3 Employees shall be patient, dignified, courteous and respectful.
- 2.4 Employee shall not misappropriate or misuse public property or public funds.
- 2.5 Employees shall comply with any code of ethics applicable to their particular occupation or profession.

3. Solicitation

- 3.1 Employees may not be solicited, nor solicit, at any time during working hours, except when it is conducted by a University organization
- 3.2 For the purpose of this policy, solicitation includes, but is not limited to, electioneering of any kind.

4. Political Activities

4.1 The University recognizes the legitimacy and social importance of political activity by employees. University employees may engage in lawful political activities. However, such activity, like any other personal, non-official undertaking must be done on the employee's own time and should not interfere with University duties. Employees may not:

- Campaign during work hours.
- Use University supplies or equipment for campaign purposes.
- Represent their political views or the views of any candidate as being those of the University.
- Use employee mailing labels (either home or office addresses) produced by the University for distributing campaign materials.
- Distribute campaign material through campus mail unless it has been received by a federal post office and is properly postmarked.

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 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.

- 3.3 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.

- 3.4 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).

**EMPLOYEE EDUCATIONAL ASSISTANCE
Tuition Reduction Program**

1. Eligibility

Full-time and part-time employees and their eligible dependents and University retirees, are eligible to use the Educational Assistance Program, subject to the restrictions stated in this policy.

Eligible dependents include a legal spouse, domestic partner (Affidavit of Domestic Partnership must be filed with the Department of Human Resources), and any natural, legally adopted, or step-children who, as of the original application deadline, are unmarried and have not reached age twenty-five (25). When an employee is no longer married or a domestic partnership is terminated, the ex-spouse or domestic partner is not eligible for tuition benefits under this Program, effective with the academic semester following the date of the divorce or termination of the domestic partnership.

Temporary employees are not eligible for the Tuition Reduction Program.

2. Employee and Retiree Tuition Covered by the Program

For eligible employees, the University will waive tuition for one or more courses, not to exceed the equivalent of resident tuition for eight (8) credit hours each academic semester, and not to exceed the equivalent of resident tuition for four (4) credit hours each summer session.

For retirees, the University will waive tuition for one course up to a total of four (4) credit hours each academic semester.

3. Time Off

Full-time employees may be granted time off with pay per week to attend one (1) course each semester at the discretion of the employee's Director or Dean. The employee participating shall forfeit coffee breaks on class days. Supervisors are encouraged to grant permission for such time off, if possible based on workload or other legitimate business reason. If time off is not feasible, supervisors are encouraged to arrange for an Alternative Work Schedule in order for an employee to attend a class during the day, if possible based on workload or other legitimate business reasons.

Employees granted time off to attend class must either report to class or remain at work. Leaving the work site and failing to report to class is grounds for disciplinary action.

Employees working less than 40 hours per week are not eligible for time off.

4. Dependent Tuition Covered by the Program

The amount of the tuition benefit will be reduced by the amount of tuition waived by any other tuition waiver or tuition scholarship.

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The amount of an individual's dependent education tuition benefit, plus the amount of any need-based financial aid grants, will not exceed the cost of attendance, as defined by the University Student Financial Aid Office.

5. **Taxability**

The value of tuition benefits covered by this policy may be taxable to the retiree or employee. The University makes no representations with respect to the tax consequences of such benefits.

6. **Application Process**

Employees may obtain applications from the Department of Human Resources, which is responsible for administering the Program. Applications and supporting documents must be submitted on or prior to the census date as published in the Academic Calendar.

7. **Excluded Tuition and/or Fees**

Course fees assessed for participation in instructional academic credit courses are not covered.

The mandatory student fee portion of tuition and fees is not covered for eligible dependents.

Non resident tuition in excess of New Mexico resident tuition is not covered.

Tobacco Use

In compliance with the New Mexico Clean Indoor Act, as amended, smoking of tobacco products is prohibited in university buildings, facilities and vehicles. Smoking is allowed only in designated areas.

The Smoking Policy stipulates:

- Smoking is prohibited except in designated areas. Those areas will be well posted and will not be near air conditioning or other ventilation systems which can carry the smoke to other sites.
- Ashtrays are provided in smoking sites
- Smoking is prohibited in university vehicles.
- Smoking is prohibited within 25 feet of any building.
- Smoking is prohibited near windows or air intakes.

Smokeless tobacco is prohibited in university buildings, facilities and vehicles.

This policy applies to all University visitors, students, and employees. It is the responsibility of every member of the University community to conduct himself or herself in compliance with this policy.

Enforcement is the shared responsibility of the entire campus. The success of this policy depends upon the courtesy, respect and cooperation of smokers and non-smokers of the NMHU community.

GENERAL POLICIES

1. Safety

Supervisors shall advise employees of safe work practices. Employees are required to work safely and make full use of safety devices to protect themselves. All necessary safety devices shall be furnished by the University. 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

All tools necessary for work shall be furnished by the University, unless other written arrangements are made with the employee. If an employee negligently misplaces, abuses, or loses tools of the University, it shall be the employee's responsibility to replace the tool with a same type of tool of equal or greater value.

3. Uniforms

The University will furnish uniforms required for various job classifications identified by the University.

4. Keys/Key Cards

University keys and/or key cards for employee work stations may be requested by completing a Key Request Form, available at the Facilities Management Department.

5. Personal Appearance

NMHU employees are expected to present a professional appearance and dress appropriately for the job they perform. When reporting for work each day, employees should be clean and neatly groomed. Employees may not wear cut-offs, shorts, tank tops, or any offensive, suggestive or revealing clothing.

Visible body art, piercing (except ears), and clothing with derogatory or inflammatory language is prohibited.

The appearance standards required of employees will vary according to the nature and duties of their positions. If a supervisor considers an employee to be in violation of the appearance standards, the supervisor may instruct the employee to leave the work site to correct the discrepancy and then report back to the work site. The employee may ask the Dean/Director to review the supervisor's decision. Regular employees sent home will be placed on an Absence without Leave status during the time they are gone.

6. Friends/Family/Children in the Workplace

NMHU discourages employees from being accompanied by friends, family, or children while working; including leaving children on campus in office areas while they are at work. This does not

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eliminate periodic, short visits from friends, family and children as appropriate. Anything other than short visits is not permitted and poses a potential harm for children and liability for the University. The University desires to be a family friendly place of business, to faculty and staff as well as to students; however, the workplace is not the appropriate place for childcare. Even during short periodic visits, children must not be left unattended. If an employee is faced with unusual circumstances regarding visitors at work, the employee should speak with his/her immediate supervisor.

7. Animals/Pets on University Property

Employees are not allowed to have or keep dogs, cats, or any pet in classrooms, offices, residence halls or any other campus building.

Exceptions to this policy are service animals or 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.

8. Mail and Postal Service

Personal mail shall not be sent using university-paid postage.