INTRODUCTION

Welcome to the New Mexico Institute of Mining and Technology. We are very pleased that you have joined us. The excellence of an institution is ultimately based on the quality of its people. The faculty, scientists and engineers provide academic and research excellence; the professional administrative staff ensures organizational excellence, and the support staff provides the basic skills to keep it all functioning. In this context, Tech offers a work environment where individuals can grow to the full extent of their capabilities and desires.

New Mexico Tech attempts to provide employees with the opportunity to match their skill, experience and capabilities to the needs of the organization. Tech's human resources policies offer direction and opportunity through a careful blend of planning, development, assessment and placement.

From time to time new policies are developed, and outdated policies are modified or deleted to deal with new situations and conditions. Although Tech tries to inform employees of changes in employment policies, the policies in this handbook may change without notice.

The policies stated in this handbook can not be modified, varied or bypassed without the express written approval of the President of the Institute.

This handbook applies to all employees with the exception of students employed through the Financial Aid Office. The provisions for sick and annual leave do not apply to faculty. Situations covered by the "Regulations Governing Academic Freedom and Tenure" are not covered by this handbook. Nothing in this handbook is to be construed as providing a contract, implied or express, of continued employment.

This handbook supersedes all other handbooks.

EQUAL OPPORTUNITY/AFFIRMATIVE ACTION

New Mexico Tech has a comprehensive policy and firm belief in promoting equal employment opportunity for every employee and job applicant. We recruit and employ the best qualified individuals without regard to race, color, creed or religion, national origin, age, sex, ancestry, physical or mental disability, medical condition or veteran status except where these may be bona fide occupational qualification. Equal opportunity at Tech is not restricted to the employment procedure, but applies to all actions such as compensation, benefits, promotions, transfers, termination, layoffs, return from layoff, opportunity for training and development, and for social and recreational programs.

This policy is implemented through Tech's Affirmative Action Program. The program meets the requirements of the federal and state governments with respect to procedures, goal setting and record keeping. Any questions regarding the affirmative action policies and programs at Tech should be directed to the Director of Affirmative
Action and Compliance. A copy of the Affirmative Action Plan is available for inspection in the Affirmative Action, Human Resources Offices or departmental offices.

HUMAN RESOURCES POLICY STATEMENT

New Mexico Tech is committed to the development of a skilled and motivated work force. Education and training are essential components of staff development and, therefore, the Institute is willing to support any such training within the limits of the organization's financial and material resources and operating objectives. Tech tries to provide all employees with the opportunity to match their skills, experience, and capabilities to the needs of the organization. Human resources policies and programs are continuously developed, reviewed and improved to offer direction and opportunity through a careful blend of anticipating and planning of manpower requirements, providing employees with career counseling, and providing a pay system that is based on fairness and performance. Whenever possible, job vacancies are filled by the transfer or promotion of qualified employees from within the Institute.

In addition, it is our intent to provide a competent supervisory staff which is concerned about the welfare and development of employees; to provide open communications for employees to discuss opportunities, questions on Institute policy and other concerns or problems, and to keep employees informed of changes that have an effect on their jobs or families.

General Safety and Health Policy

New Mexico Tech is committed to providing a safe and healthy workplace for all its employees. New Mexico Tech complies with all applicable requirements issued by the federal Occupational Health and Safety Administration and the state and implements a site-specific safety and health program for each of its facilities. Management and all employees share the responsibility for the success of the safety and health program.

The objective of the safety and health program is to reduce or eliminate disabling injuries and illnesses. It is the policy of New Mexico Tech to exercise all precautions necessary to protect employees from all accidents. Management firmly believes that all accidents are preventable.

Managers and supervisors are responsible for developing safety awareness in themselves and in those they supervise. Managers and supervisors must ensure that all operations are performed with the utmost regard for the safety and health of all employees involved, including themselves.

Employees are responsible for wholehearted, genuine cooperation with all aspects of the safety and health program, including compliance with all rules and regulations. Employees are encouraged to be alert to unsafe conditions and report them promptly to their manager, supervisor, or safety coordinator. Employees also are responsible for continuously practicing safety while performing their job duties.

Failure to comply with the safety and health policies and practices may result in disciplinary action up to and including termination of employment.
DRUG ABUSE POLICY

The Drug-Free Workplace Act of 1988 requires that all institutions receiving federal contracts of $25,000 or more, and all institutions receiving federal grants, provide their employees with a drug-free workplace. Department of Defense regulations require that contractors establish procedures to ensure a drug-free work force. The regents and the administration of New Mexico Tech support these requirements. They accept the challenge to maintain for all students and employees a safe and healthy environment. They intend to adhere to both the spirit and letter of the regulations by implementing and enforcing this drug policy. The regents and administration of New Mexico Tech are committed to protecting the rights of all students and employees. In keeping with the mission of New Mexico Tech, emphasis is given to education as a primary vehicle for reducing to zero the use of illegal drugs and the abuse of other drugs. Further, the regents and administration support and encourage research aimed at understanding drug effects and drug abuse and at developing effective treatment methods. All employees must comply with this drug policy and respect the rights of their fellow employees.

Rules Regarding Drugs

The New Mexico Tech Drug Policy prohibits the following:

1. manufacture, distribution, dispensation, possession, sale, purchase or use of illegal drugs on Tech premises or business, or in Tech vehicles or during working hours.

2. storing any illegal drug in a locker, desk, vehicle or other repository on Tech premises.

3. being under the influence of an illegal drug on Tech premises or business, or in Tech vehicles or during working hours. Being "under the influence" of an illegal drug is defined as testing positive at a specified mg/kg level.

4. switching or adulterating any urine or blood sample submitted for testing.

5. refusal to consent to testing when required by this policy.

6. failure on the part of an employee to report to the employee's supervisor warnings by a physician that certain jobs should not be attempted while taking a prescribed drug.

7. failure on the part of an employee to notify the Human Resources Office within five (5) days of a conviction under any criminal drug statute for a violation occurring on Tech premises.

Compliance

All employees must comply with this drug policy.
Employee Drug Abuse Awareness Program

An educational program is being developed. This program will make it possible to inform students, employees and their families about 1) the effects of illegal drugs and drug abuse, 2) the provisions of this drug policy, 3) signs and symptoms of drug abuse and, 4) the availability of treatment for those who seek it. Materials concerning drug abuse and drug effects will be available to all employees and their families. Education about the effects of drugs and drug abuse will be accomplished in many ways. Among these are:

1. Material on drug abuse will be included in academic courses where appropriate.

2. Special courses and seminars will be given and employees will be allowed time off to attend these offerings.

3. An employee assistance program (EAP)(see "Employee Assistance" below) will be able to answer questions about drug abuse and about this policy. The EAP will also be able to refer employees and students to other resources for assistance.

4. The library will make available books, journals, magazines, cassettes, videotapes and special publications giving information on drug abuse, treatment and rehabilitation programs, employees’ rights to a drug-free workplace and laws regarding drug use and abuse. The library will also make this policy available.

5. The Human Resources Office will distribute widely and make available, at several locations, lists of all illegal drugs.

6. Supervisory instruction will be provided on how to recognize when drugs may be contributing to a decline in performance or erratic employee behavior on the job.

Employee Assistance

The New Mexico Tech Employee Assistance Program’s aim is to help employees who are seeking help with drug related problems or have been referred by their supervisors because of declining performance or erratic on-the-job behavior. This program will help employees and students find treatment or counseling whenever it is feasible to do so. Referral to or consultation with the Employee Assistance Program is never mandatory nor a condition for continued employment. The employee has primary responsibility for voluntarily seeking assistance when it is needed.

The Employee Benefit Plan provides some coverage for treatment of drug problems. Also, a variety of leave programs, paid and unpaid, may be available for employees receiving treatment for drug problems.

Employees who have drug problems are urged to seek help. They can contact the Employee Assistance Program without the permission or the knowledge of their supervisors. Assistance will be provided on a confidential basis. The continued
employment at Tech of employees who seek such assistance will NOT be jeopardized because they seek help.

Employees who pursue treatment voluntarily or as a result of referral by the Employee Assistance Program and who continue to work at Tech must meet all established standards of conduct and job performance and comply with this drug policy.

**Drug Testing**

The Department of Defense requires contractors to perform unannounced random drug testing for employees in sensitive positions on DOD contacts. This will be carried out in the following way. At least once a year, a day will be selected at random by the president of New Mexico Tech. Confidential arrangements will be made with the firm carrying out the testing. On that day, all employees in sensitive positions will be considered eligible for testing. A random sample consisting of 10 to 50 percent of those eligible will be tested. The actual sample percent size and the method of random selection will be determined each year by the president of New Mexico Tech. Offers of employment and promotions and transfers to sensitive positions are conditional on testing drug free.

Employees must sign a consent form provided by the Human Resources Office prior to the administration of any drug test authorizing the testing. Refusal to sign this consent form could result in disciplinary action, including termination of employment.

Testing will be conducted in strict accordance with the Mandatory Guidelines for Federal Drug Testing Programs issued by the Department of Health and Human Services. Sample collection will be conducted at a designated facility selected by Human Resources. Employees who are tested will be given the opportunity to submit any information that may have an effect, such as a false positive, on their test results. Competent medical personnel will evaluate this information. If it is determined that the employee's justification for a positive test result is sufficient that test will be declared void. Employees who test positive for illegal drugs may request that a second test be made of that specimen, and will be given the opportunity to explain the test results. A positive test is defined as a specimen that tests positive on the initial immunoassay and is confirmed positive by using gas chromatography/mass spectrometry techniques.

In addition to performing the random drug testing described above, all New Mexico Tech Hoist Operators will receive a mandatory unannounced annual drug test. This test will be administered under the same standards described above.

**Sanctions for Violating the Drug Policy**

Any employee working in a sensitive position who is found in violation of the policy will not be permitted to remain working in a sensitive position. The EMRTC Security Officer will notify the Department of Defense of violations by employees working in sensitive positions.

Any employee who knowingly violates or refuses to comply with the policy may be subject to immediate and severe disciplinary action that may include, but is not limited to, termination. This determination is made solely by the president of New Mexico Tech.
Acknowledgment of Receipt of Policy

All employees of New Mexico Tech will sign a statement acknowledging that they have received a copy of the Policy and have read and understood the Policy. Employees are expected to comply with the provisions of this policy.

Definitions

Definition of an Employee:
An employee is defined as any person on the payroll of New Mexico Tech.

Definition of Illegal Drugs:
As used in this policy, "illegal drug" means any controlled substance included in Schedules I through V of Section 202 of the Controlled Substances Act, 21 U.S.C. Section 812, as amended, updated or republished, heretofore or hereafter, and further defined in 21 C.F.R. Section 1308 (1987), as amended, updated or republished, heretofore or hereafter, except a controlled substance included in Schedules II through V and used by the employee whose conduct is in question pursuant to a valid prescription for medical purposes filled in the United States.

Employees in Sensitive Positions:
"Employee in a sensitive position" means an employee who has been granted security clearance for Department of Defense contract work and whose work currently allows or requires access to classified information, an employee who is certified to operate dump, stake and tractor trucks, backhoes, fork lifts and front loaders, bulldozers, scrapers, graders and cranes, an employee who has responsibility for or access to Institute funds or an employee who works as a campus police officer or security officer.

CAREER COUNSELING

The Director of Human Resources is available to assist employees in evaluating their skills, education, and abilities for developing goals and plans for their careers whether at Tech or elsewhere. Employees can obtain information on promotional opportunities, educational and training sources, career ladders and job qualification and experience requirements. Call the Human Resources Office to arrange an appointment.

HARASSMENT

Harassment of any kind creates an intimidating, hostile and offensive work environment that destroys working relationships and productivity. It is the policy of New Mexico Tech
that all employees be able to enjoy a work environment that is free of discrimination and harassment. Harassment refers to behavior that is personally offensive, impairs morale, or interferes with the ability of employees to perform well. Any harassment of an employee or employees by any other employee or employees cannot be tolerated. This policy refers to but is not limited to harassment due to age, race, color, national origin, ancestry, religion, sex, physical or mental disability, medical condition or veteran status. Harassment includes unsolicited remarks, gestures, or physical contact; display or circulation of written materials or pictures degrading either to gender or to racial, religious or ethnic groups; and verbal abuse or insults directed at or made in the presence of social, sexual or religious groups. Sexual harassment includes sexual advances, request for sexual favors, and other conduct that is both sexual and offensive.

Individuals who believe they have been subjected to harassment should make it clear that such behavior is offensive to them and should not continue. If the offensive behavior does continue, it should be brought to the attention of the employee's supervisor, the Director of Affirmative Action and Compliance, the Director of Human Resources or another appropriate manager. Any manager or supervisor made aware of a harassment incident must promptly inform the Affirmative Action and Compliance Office and the Human Resources Office of such incidents. The Affirmative Action Office will investigate all harassment complaints.

Managers and supervisors are expected to halt any harassment of which they become aware by restating the Institute's policy and, when necessary, by more direct disciplinary action.

SOLICITATION POLICY

Solicitation by an employee for any cause or organization is prohibited during his or her working time and during the working time of the employee being solicited. Distribution of literature, offers to sell goods, and offers to provide services on Institute property by employees is prohibited during their working time and at any time in working and class areas of the Institute. Non-employees are not permitted to solicit or distribute literature or offer goods and services for sale anywhere on New Mexico Tech's campus.

INTRODUCTION PERIOD

New employees need a period of time to adjust to the organization and to determine whether or not their expectations are being met and their skills match that of the job. All new employees serve a period of introduction. Support staff introduction is for six months (1040 hours) and professional staff is for 12 months (2080 hours). The length of the introductory period is time actually worked. Time off due to any leave of absence or sick leave of more than one week will extend the introductory period by a like length of time.

In the first week of work new employees attend an orientation conducted by the Human Resources Department. Policies, procedures and benefits are explained at orientation
and employees may sign up for the health, dental, vision and life insurance plans as well as other benefits offered by the Institute.

Supervisors provide new employees with copies of their job descriptions and explain the expectations for performance in the new job. Introductory employees’ performance is formally evaluated at least twice during the introductory period. The supervisor will discuss these evaluations with the new employee, explaining what can be done to improve and how to do it.

New employees are eligible for benefits and privileges but are not entitled to use annual leave during the first six months of employment. New employees may not apply for another position on campus until successfully completing their introductory period. In the event of a reduction in force, introductory employees are placed on layoff prior to regular employees who have completed their period of introduction.

An introductory period may be extended one time for up to three months when, in the opinion of the supervisor, the employee’s performance is showing improvement but has not fully reached acceptable standards.

Employees may be terminated during their period of introduction at any time without notice and without explanation. While employees are in their introductory period, they do not have access to the grievance procedure in the event they are terminated or their introductory period is extended.

INCLEMENT WEATHER

Occasionally, employees are unable to get to work or arrive at work late because of bad weather. Time off due to inclement weather is charged to annual leave. If Tech closes due to inclement weather, the remainder of the day shall be considered mandatory annual leave. If Tech remains closed for additional days or opens late due to bad weather, this time will be charged to annual leave or the employee may request leave without pay.

EMPLOYEE STATUS

Employees at Tech are hired in an employee classification of either:

Support Staff: Includes Secretarial/Clerical, Technical, Skilled or Service employees who are paid on an hourly basis and must complete a time card. Support staff employees are eligible for overtime payments or compensatory time after working 40 hours in a work week; they are also eligible for two twenty minute breaks daily and have one hour for lunch. These employees are classified as nonexempt by the Fair Labor Standards Act; or

Professional Staff: Includes Executive, Faculty, Administrative, Supervisory or Professional employees. Professional staff employees may or may not be required to complete a time card depending upon their work responsibilities. Professional staff employees are responsible for their own time, but are expected to work at least 40 hours
per week to complete work obligations. These employees are classified as exempt by the Fair Labor Standards Act.

Positions are classified as:

**Regular Position:** A position expected to be more than 360 days duration. A regular position may be full-time (40 hours per week) or part-time (less than 40 hours). Regular employees are eligible for all benefit programs and privileges.

**Temporary Position:** A position of less than 360 days duration. A temporary position may be full or part-time. Temporary fulltime employees are eligible only for Tech's Employee Health Plan and legally required benefits. Contact the Human Resources Office for further information.

**Emergency Position:** A full or part-time position for a period of time (normally 3 months or less) as determined by the hiring unit and the Director of Human Resources.

**Temporary Services Position:** A full or part-time position employed for a specific project for a period of time not to exceed one year.

Emergency and temporary services employees are not eligible for Tech's voluntary benefits programs, but are eligible for legally required benefits such as Workers' Compensation and Unemployment Compensation.

The length of employment for temporary, emergency and temporary services employees may not be extended except in extraordinary circumstances and with the written concurrence of the Director of Human Resources. Requests to extend these employees must be submitted in writing.

The policies and procedures set forth in this Handbook under the headings "Disciplinary Action" and "Grievance and Complaint Resolution" do not apply to temporary, emergency or temporary services employees.

**Full Time Equivalency (FTE):** Employees working less than full time will be assigned a FTE of .25, .50, or .75 according to the number of hours they are expected to work. The FTE is used to calculate benefits and leave accruals as appropriate.

**WORK WEEK AND HOURS**

The normal workweek is Monday through Friday from 8:00 a.m. to 5:00 p.m. In the event a position's regular working hours vary from the normal workweek, the employee will be informed of the schedule by the supervisor. Work permitting, support staff employees generally receive two short breaks of up to 20 minutes each: one in midmorning and one in midafternoon. Breaks are not cumulative or to be used to leave early from work or to be used to conduct personal business off campus. The one-hour lunch period is usually taken from 12:00 noon to 1:00 p.m. The employee and the supervisor can determine the best times to take breaks and lunch.
OVERTIME

Support staff employees -- those employees classified as nonexempt under the Fair Labor Standards Act -- are eligible for overtime pay or compensatory time off for all authorized time worked over 40 hours in a work week. Overtime pay is one and one-half times the basic hourly rate of pay. Compensatory time off is earned at the rate of one and one-half hours for each overtime hour worked. The workweek for overtime purposes begins at 12:01 a.m. on Monday and ends at midnight on Sunday. Support staff employees earn compensatory time off unless the vice president or division director authorizes overtime payment. The supervisor must authorize overtime and compensatory time before time is worked. However, overtime must be paid or given compensatory time for all hours worked over 40 hours in a work week whether it is authorized or not. Support staff employees who work overtime without authorization may be subject to disciplinary action.

Employees may earn up to 100 hours of compensatory time. Golf course, grounds and campus police may accumulate up to 240 hours of compensatory time. Overtime worked over the maximum allowable accumulation must be paid for by the employee’s department.

Compensatory time off will be granted within a reasonable time after the employee requests it, provided that employee’s absence does not unduly disrupt the operations of the department. Employees must use compensatory time off before using annual leave. Terminating employees are paid for their accumulated compensatory hours at their regular rate of pay.

The Human Resources Office, using the Fair Labor Standards Act guidelines, determines whether a position is exempt or nonexempt and subject to the provisions of this policy.

PAYDAY

Payday for support staff and certain professional employees is biweekly (every other Friday). Employees paid biweekly are required to complete a time card to receive their paychecks. Time cards are signed by the employee, approved and signed by the employee’s supervisor, and submitted to the Payroll Office before the deadline established by the current time card schedule (available in the Payroll Office). Late submission of a time card may result in not being paid until the next payday. EMRTC, Physical Plant and Bureau of Mines employees give their time cards to their supervisor or other designated person. Time cards must be filled out in ink and the employee must initial any changes.

Payday for the professional staff is on the 5th and 20th of each month. If a payday falls on a Saturday the check is issued on Friday and if the payday falls on Sunday the check is issued on Monday.

PERFORMANCE APPRAISAL PROGRAM
The primary purpose for performance appraisal at Tech is to assist employees in achieving their highest potential for productivity. To achieve a high level of work performance, employees must first understand what they are supposed to be accomplishing in their job, i.e., what are the performance goals. Secondly, expected performance levels in carrying out the job responsibilities need to be defined so employees know and understand the criteria being used to measure their performance. And last, employees need to know how well they performed their responsibilities and met expectations, have their positive and productive behavior reinforced, and be given suggestions and direction for improving their performance. The absence of any one of these elements has an adverse effect on performance and productivity.

The performance appraisal program at Tech is designed to provide all of these elements. The performance categories in conjunction with the job description provides the employee with an understanding of what the position is supposed to accomplish, the evaluation tells how well the employee performed, and the supporting comments describe the criteria used to evaluate the employee’s performance and the performance achieved.

The appraisal form also provides space for future performance planning. Here is where the performance objectives for the following year, or other time period, are described. Establishing mutually agreeable performance objectives is one of the most important aspects of the appraisal process.

Timing of performance appraisals is also important. An employee in a new position or whose position or performance is undergoing change may need more frequent evaluation than one who has remained in the same position for a long time. The schedule for evaluating performance at Tech is:

A new employee: temporary and regular employees are evaluated twice during the first few months of employment. Thereafter, evaluations will usually be conducted during the months of February and March of each year. Employees will conduct a self-appraisal and then meet with their supervisor to develop the final appraisal. In the event that there is disagreement concerning the employee’s performance, the supervisor’s appraisal shall prevail. Employees evaluated as marginal performers: three to six months following the marginal performance evaluation.

Supervisors may wish to conduct appraisals outside of those regularly scheduled. This action is generally called for when there is a noticeable change in employee performance -- a significant increase or decrease in effort and achievement, or change in responsibility. Appraisals should also be conducted whenever prescribed goals are accomplished or when conditions change that prevent an employee from achieving agreed to goals. Additional appraisal forms are available for this purpose from the Human Resources Office.

Every formal appraisal must be accompanied by an employee-supervisor conference. The purpose of the conference is to insure the employee understands the evaluation. The conference also allows the employee and the supervisor the opportunity to discuss the employee’s job, how it fits into the organization, and what steps can be taken to improve performance. The supervisor on the appraisal form under Additional Comments records a summary of the significant points discussed. The employee is
also encouraged to add any comments or objections about the appraisal in the section entitled Employee Comments. In the event that there is disagreement concerning the employee's performance, the supervisor's appraisal shall prevail.

When the performance conference has ended, the employee and the supervisor should be in agreement as to what the employee's work is to entail over the next rating period, by what criteria the work will be evaluated, and what the employee can do to improve his or her performance.

The Director of Human Resources can provide assistance and advice in the performance evaluation process whenever requested.

(End section)

EMPLOYMENT POLICY AND PROCEDURE

Statement of Policy

It is Tech's policy to recruit, select and employ the best-qualified individuals available. Whenever possible, vacancies are filled by promotion or transfer within the Institute. Employment decisions are made on the basis of job-related qualifications without regard to race, color, religion, national origin, sex, age, ancestry, physical or mental handicap, medical condition, or veteran status. All regular and temporary (not summer, emergency or temporary services) positions will be filled through equal opportunity/affirmative action search and recruitment procedures.

From time to time it may be necessary to make exceptions to this policy and procedure. Any such exceptions require the written approval of the Institute president.

Because of the great variety of individual circumstances surrounding employment cases may occur that are not covered in this policy. In such an event the individual case will be decided by the president of the Institute.

When a vacancy occurs, the following procedures shall apply:

Personnel Requisition

Requests to fill vacancies or to create and fill new positions are made to the Human Resources Office using the PERSONNEL REQUISITION form. For emergency, temporary services and temporary employees the requisition includes the expiration date for the position. Newly created positions require that a justification for the new position accompany the requisition. A position description or position description questionnaire must be attached to the requisition. If no position description exists, a representative from the Human Resources Office will assist in developing one. For support staff positions the Human Resources Office will assign the proper starting rate of pay for the position. Starting rates of pay for professional positions must have the concurrence of the Director of Human Resources. Requisitions for replacing a terminating employee must be accompanied by a copy of that employee's written resignation.

Temporary Services
Temporary services employees are utilized to replace regular employees on leave of absence, to staff positions for new construction or remodeling projects and for other special projects with a specific ending date not to exceed twelve months from date of hire.

Personnel requisitions for temporary services require the approvals of affirmative action, the department head, division head, business office and Human Resources. The Human Resources Office will request the desired employees from the New Mexico Employment Security Division’s Socorro Office. The Employment Security Division will refer only those candidates who possess the required job skills. Individuals who have been terminated from Tech for cause may not be rehired as temporary services employees. Temporary services employees initially report to the Human Resources Office for processing and are then sent to the hiring unit.

Temporary services employees must possess the minimum qualifications of the position they are being hired for and will be paid Tech's established minimum rate of pay for that position. These employees are eligible for legally required benefits only, which includes workers’ compensation, unemployment compensation, educational retirement, social security and overtime compensation. Temporary services employees are not eligible for compensatory time off, holidaypay, annual leave, sick leave, and such benefits under the New Mexico Tech Employee Benefits Plan or to participate in any other Tech benefit program.

Hours and days of work depend on the project or projects being worked on. There is no guarantee of the number of hours worked or days worked in a week. Temporary services employees may be released from work during periods of inclement weather, or when there is a shortage of materials or any other condition which prevents working on any given day or days.

In the event there is overtime work or work on holidays, regular employees with the skill and ability to perform the work are to be given first opportunity to perform such work. Temporary services employees may be offered such work only there are not adequate qualified regular employees to perform the work.

Temporary services employees may be terminated at any time without notice or explanation. The policies and procedures set forth in this Handbook under the headings "Disciplinary Action" and "Grievance and Complaint Resolution" do not apply to temporary services employees.

Temporary Employees

Temporary employees are hired to fill in for employees on leave, on sabbatical leave or to meet special work needs such as grant work and short term research contracts of up to one year. Vacancies for temporary positions are usually filled through Tech’s regular employment process.

Emergency Employees
The classification of emergency employee is available to departments needing additional or replacement staff resulting from absences due to illness, leave of absence of regular employee(s) or from unplanned work requirements. The length of emergency employment (normally three months or less) will be determined jointly by the hiring unit and the Director of Human Resources. The New Mexico Employment Security Division may be able to provide a list of qualified applicants who have indicated they will accept temporary work.

Emergency employees are not eligible for compensatory time off, holiday pay, annual leave, sick leave, and such benefits under the New Mexico Tech Employee Benefits Plan or to participate in any other Tech benefit program.

Emergency employees may be terminated at any time without notice or explanation. The policies and procedures set forth in this Handbook under the headings "Disciplinary Action" and "Grievance and Complaint Resolution" do not apply to emergency employees.

Postdoctoral Appointments

Postdoctorals are initially employed for up to year. Their term of employment may be extended for up to one additional year provided funding is available. Any unit desiring to extend a Postdoctoral beyond the second year must obtain the approval of the president of the Institute prior to the end of the second year. Postdoctoral employees are employed through the same employment procedures as regular employees. Postdoctorals are professional employees and are eligible for medical benefits. The policies and procedures set forth in this Handbook under the headings "Disciplinary Action" and "Grievance and Complaint Resolution" do not apply to postdoctoral employees.

Student Postdocs and Research Assistants

Graduating students may continue after graduation as post-docs or research assistants, as appropriate, to complete research projects that were initiated prior to graduation. A written request from the student's research supervisor stating the research projects being worked on and the expected length of time to completion must be made to the Human Resources Office within four weeks of graduation. Such post-docs and research assistants will be considered as full-time temporary employees and eligible for medical benefits. These positions may continue up to 12 months, and up to 24 months with presidential approval. The policies and procedures set forth in this Handbook under the headings "Disciplinary Action" and "Grievance and Complaint Resolution" do not apply to these employees.

Students

Students enrolled as regular students may apply for regular and temporary part-time positions. Students must satisfy the qualifications of the position they are applying for and, if hired, will be paid the regular starting rate of pay for that position.
Students working in regular and temporary positions must participate in Educational Retirement and may be eligible to participate in other Tech benefits depending on employment status and the number of hours worked each week.

**Summer Employment**

High school and college students may be hired for the summer months, May through August. A student is defined as a full time student if registered for the previous spring session and the following fall session and who is at least 16 years of age. An approved PERSONNEL REQUISITION must be obtained prior to making an offer of summer employment.

Students must meet the position qualifications for which they are hired and will be paid the regular starting rate of pay for that position. Summer student employees are not eligible for benefits other than what is required by statute. Summer student employees may work for more than 90 days within the summer months specified above.

Summer student employees are not eligible for compensatory time off, holiday pay, annual leave, sick leave, and such benefits under the New Mexico Tech Employee Benefits Plan, or to participate in any other Tech benefit program. The policies and procedures set forth in this Handbook under the headings "Disciplinary Action" and "Grievance and Complaint Resolution" do not apply to summer student employees.

**Job Posting**

Tech believes that its employees should be given every opportunity to assume more responsibility in their work and as a result improve their earnings. In filling nontenure track regular positions, consideration will be given first to regular employees within the organizational unit where the vacancy exists.

An organizational unit is defined as a segment of Tech’s organizational structure that is responsible for a specific activity or group of activities. A unit may be divided into sub-units to indicate levels of responsibility, e.g., professional or support staff, Electrician I, II, III, or to indicate functional specialties within the unit, e.g., accounts payable or accounts receivable.

Applicant qualifications are based on education and experience the applicant can document. Applicants are required to provide transcripts or certificates of completion to document their education and are required to sign authorizations to release information from past employers. Experience can be actual work experience or it can be experience gained working as a volunteer in some capacity as long as the experience can be documented and verified. Experience gained working as an emergency or temporary services employee in the same position here at Tech will not count towards meeting a required qualification.

A position may, at the request of the unit, be posted within the unit for five (5) days. Interested regular employees within the unit should submit their applications to the Human Resources Office within the five (5) day unit posting period. If a vacancy is not posted within the unit or there are no qualified employees within the unit where the
vacancy occurs, the position is posted for seven (7) days on bulletin boards throughout the campus.

The posting gives a brief description of the job duties, the qualifications required and the salary or wage range for the position. Regular or temporary employees who want to be considered for vacant positions must complete an application form available in the Human Resources Office. Vacancies with two or fewer internal applicants may be advertised off campus after the end of the seven-(7) day posting period. Employees applying after the seven-(7) day internal posting period, or when there are two or fewer internal applicants, will be considered along with all other applicants. Employees on layoff status with recall rights who apply for a posted position will be considered as internal applicants. Emergency and temporary services employees must wait for the seven-(7) day posting period to expire before applying for a position. Employees who are completing their introductory period are not eligible to apply for vacant positions.

Qualified internal applicants must be interviewed. If there are a minimum of three qualified internal applicants for a nontenure track position, the most qualified must be offered the position. If there are only two or fewer qualified internal applicants, the position may be advertised off campus and external candidates considered. The internal applicant must be given the position if outside candidates are less or equally qualified. The Human Resources Office will notify unsuccessful internal applicants that their qualifications did not match the position's requirements.

In some instances a position is posted on campus and advertised off campus simultaneously in the belief that there are no qualified or interested employees on campus. This action requires the written approval of the Institute President. In this instance regular and temporary employees applying within the first seven-(7) days are given first priority. Tenure track professional positions are posted on campus and advertised off campus concurrently.

Exceptional candidates for faculty positions, as determined by a faculty search committee with the concurrence of the Directors of Human Resources and Affirmative Action, may be appointed to temporary, non-tenured positions while requirements for the Ph.D. are completed. The temporary position will not exceed one continuous academic school year and is not renewable.

No person may be transferred from a temporary position to the same or similar regular position directly. The position must be posted on campus, and if there are less than two qualified internal applicants, the position must be advertised off campus. The effective date of an employee's transfer is determined by mutual agreement between the departments. The transfer date shall not be later than 20 working days from the date of acceptance by the staff member.

**Employment Procedures**

a. At the time a PERSONNEL REQUISITION is submitted to the Human Resources Office, appropriate advertising copy should be developed and applicant sources most likely to produce qualified candidates identified. The Human Resources Office places all advertising and, if possible, will select sources that may attract minority and female applicants. The hiring unit is responsible for the cost of advertising. Advertising will be
placed after the seven-(7) day internal posting period is complete and the position has not been filled internally.

c. Applications are received in the Human Resources Office and recorded on the Applicant Flow Register. Applications will be screened against the position description qualifications and those meeting the qualifications will be forwarded to the hiring unit for further consideration. The hiring unit may review applications judged unqualified by the Human Resources Office and request that an application be reconsidered. d. Applicants deemed qualified for further consideration may be telephoned for information, invited for an interview or both. At least two individuals, usually the immediate supervisor and the department or division director in the hiring unit, should interview applicants. Each interviewer must prepare a RECORD OF INTERVIEW form on every applicant interviewed. This form is supplied by Human Resources and is filed in the Human Resources Office at the end of the selection process.

e. The hiring unit must justify in writing, using the APPLICANT EVALUATION FORM, the disqualification or rejection of any applicant who in the opinion of the Human Resources Office meets the selection criteria.

f. The Human Resources Office will notify unsuccessful applicants.

g. Tech's Affirmative Action Plan requires that search committees and hiring departments review the selection procedure and proposed employee with the Director of Human Resources and the Director of Affirmative Action and Compliance PRIOR to making any offers of employment. Non-faculty salaries and wages must be approved by Human Resources prior to any offers.

Pre-employment Testing

Applicants for positions requiring word processing, spreadsheet, data entry and other skills must take and pass the appropriate skill test prior to their application being given consideration.

Hiring Former Employees

Former employees who were terminated for reasons beyond their control, such as layoff or end of temporary employment, will be eligible for rehire if their qualifications meet the requirements of the open position, if they were in good standing at the time of their separation and followed separation procedures.

A former employee who was terminated involuntarily due to unsatisfactory performance or disciplinary action, or whose record has been noted as "not eligible for rehire," may be rehired only with the approval of the Human Resources Office. Any request to hire such an individual must be made in writing to the Human Resources Office. The request must include supporting evidence that the original reasons for termination no longer apply.

References/Employment Verifications
Hiring units are encouraged to check references and verify past employment records on every applicant being considered for interview. The Human Resources Office will provide assistance with this process as time permits. A form for use in performing telephone reference and past employment verification is available. All reference checks and employment verification records are part of the official job file.

**Employment-Administrative Procedures**

The hiring unit initiates the PERSONNEL ACTION form for new and transferred employees. New employees need to report to the Human Resources Office on the first day of work to complete payroll forms, benefit applications and new employee orientation. New employees also must complete an Employment Eligibility form (I-9) and provide evidence of personal identity and employment eligibility documentation within 72 hours of starting employment. Employees unable to provide verification of employment eligibility within 72 hours will be terminated.

**Search Committees**

The Director of Human Resources is an ex-officio member of all search committees.

**Employment of Relatives**

Supervisors or any employee with hiring authority may not employ a relative of their own or relative of their superiors. If family status or employment responsibilities change resulting in a superior-subordinate relationship as described above, the situation must be remedied within six months by transfer, resignation or termination of one of the related employees or by relegate supervisory responsibility to eliminate any direct supervision and wage determination. Relatives are defined as parents, spouse, natural and stepchildren, grandchildren, brothers and sisters, aunts and uncles, nephews and nieces, first cousins and in-laws.

**I-9 Employment Eligibility Verification Policy and Procedures**

The Immigration Reform and Control Act of 1986 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 the verification requirement.

In most instances new employees will complete the Form I-9 on the first day of employment or on the effective date of their employment contract. Most employees will complete their I-9 in the Human Resources Office. Employees at the Environmental Evaluation Group and Phillips Laboratory complete the I-9 at the office where they work, and community college instructors at the Registrar’s office. The completed I-9 from these offices must accompany the Personnel Action Form.

Employees who are unable to provide eligibility documentation with 3 working days of the effective date of their employment must be terminated. There can be no exceptions!
The Human Resources Office provides assistance in preparing the paperwork required to obtain visas. The immigration process is far from being simple or routine and requires the cooperation of the involved employee and the employee’s supervisor.

The H-1 (temporary worker) visa takes approximately 3 months to obtain. The process involves posting a Labor Condition Attestation for 10 days which includes obtaining an U. S. prevailing wage for the position in question. Only after the U. S. Department of Labor approves the labor attestation can we file a petition for the H-1. Tech will submit applications for the H-1 visas only for positions that were advertised and expected to last for more than one year.

Permanent residence is more difficult to obtain and takes approximately one year. The process includes labor certification where we establish the employee as the most qualified individual for a faculty position. If the position in question is not a faculty position, all citizens or permanent residents applying for the position must be proven disqualified for the position before labor certification will be approved by the Department of Labor. Once the Labor Certification is approved, then Tech and the employee can apply for permanent residence. This is a lengthy and complex process. Employees wishing to apply for permanent residence must be employed in a regular fulltime position, have completed one year of service and have the approval of the department chairman and the president.

WAGES AND SALARIES

Tech’s wage and salary administration program gives consideration to types of work performed through job descriptions and position evaluation, quality of job performance as judged by performance evaluation, compensation relationships within Tech and pay rates in the job market outside of Tech.

Initial Rates of Pay

Every position at New Mexico Tech has an established pay range. Usually a new or transferring employee begins at the minimum rate of pay for the position. There may be instances when a new employee is paid at a higher rate, up to the midpoint for the position, due to the advanced qualifications and experience. Offers of employment above the minimum rate of pay must have the approval of Human Resources.

General Increases

Wages and salaries may be increased on or about July 1 of each year depending upon Institute directive for annual increases. All employees are eligible for the July 1 general increase.

Merit Increases
Employee performance reviews will be conducted during January and February of each year with merit increases effective on or about July 1 of each year. Merit increases are determined solely on performance as determined by the annual performance evaluation and the availability of merit increase funds. Introductory employees are not eligible for merit increases.

Temporary Assignments

Assignments to higher classified positions give employees the opportunity to cross-train in another position and to learn new skills, to gain valuable experience and to demonstrate aptitude for another job. The following policy governs compensation for employees temporarily assigned to different positions.

Professional Staff employees:

Professional employees temporarily assigned to higher classified positions may at the request of the vice president or division director and with the approval of the Institute President receive an adjustment in compensation in an amount agreed to by the division director and the President of the Institute. Assigned to a higher classified position means that the temporarily assigned employee is performing the essential functions of the higher classified position and has the authority to initiate and approve actions and decisions that are normally at the discretion of the incumbent of the higher rated position. Employees will return to their regular rate of pay at the end of the temporary assignment.

Support Staff employees:

Employees assigned to perform a higher classified position for eight or more hours will be paid the minimum rate for the higher classification or receive an 8% increase, whichever is greater, not to exceed $2.00 per hour for the period of time assigned to the higher classified position. Temporary upgrades of more than 24 hours require the approval of the vice president or division director. Assigned to a higher classified position means that the temporarily assigned employee is performing the essential functions of the higher rated position. Employees will return to their regular rate of pay at the end of the temporary assignment. Employees temporarily assigned to lower classified positions will earn their regular rate of pay.

Any scheduled pay increases that occur during an employee’s temporary assignment will be calculated on the employee’s regular rate of pay.

Promotions

When an employee is promoted to a new position, the individual’s pay rate is increased to the minimum for the new position, but not less than
8%. A promotion is defined as being accepted or reclassified into a higher rated position.

Reclassification

Occasionally, the duties and responsibilities of a position change substantially. In such an instance the rate of pay for the position may no longer be appropriate. Supervisors may request that a job study be conducted to determine if a position has changed. A staff member of the Human Resources Office will perform the job study. The job study will determine the functions being performed and the qualifications required to perform the job. Once the job description is approved by the vice president or division director and the Director of Human Resources, a rate of pay for the position will be established through position evaluation. A position may as a result of the job study be reclassified upward or downward or remain at the same rate of pay. In the event a position is reclassified downwards, the incumbent's rate of pay will not be reduced. Incumbents paid above the established pay range for their position will have future pay raises suspended until their rate of pay falls within the established pay range.

Equity Adjustments

An equity increase may be granted in two instances. First, if an employee is paid less than other employees in the same job classification and the employees qualifications, experience and performance in the job classification are relatively equal to other employees in that job classification, then that lower paid employee is eligible for an equity increase. Second, if the Institute is paying a wage or salary that is significantly less than what is being paid in the job market, the Institute may adjust that job classification's wage or salary grade and the incumbent's rate. Equity raises must be based on job wage comparison analysis conducted by the Human Resources Office and approved by the appropriate division director or vice president and the president.

Demotions

When an employee is demoted involuntarily, his or her wage or salary is reduced at the rate of 10% per fiscal year, offset by any general or merit increases, until the rate of pay reaches the midpoint of the wage or salary range for the new position. The wage or salary of an employee who voluntarily requests a demotion is reduced to the midpoint for the new position.

SMOKING ON CAMPUS

Smoking is prohibited in all nonresidential buildings on campus except in specifically designated rooms or offices. Department heads with the concurrence of their division director may designate a room or office within their
departmental area as a designated smoking room. Public areas such as cafeterias, meeting rooms, classrooms, hallways and bathrooms cannot be designated smoking areas. Nonsmokers may not be required to use a room designated for smoking for any reason.

Rooms designated as smoking areas must be equipped with an exhaust fan that moves 60 CFM of air for each smoker using the room. The air must be exhausted to the outside and the exhaust must be away from open windows, doors and ventilation systems.

All buildings with designated smoking areas shall be posted with signs stating that smoking is permitted only in designated rooms. Designated smoking rooms or offices shall be posted with signs declaring that smoking is permitted in that room. The entrances of buildings without any designated smoking rooms shall be posted declaring that there is no smoking in the building.

Employees who go outside to smoke should move away from open windows, doors and away from air intake areas of ventilation systems.

The Internet, E-mail and other On-line Services

Electronic mail (e-mail) is an office communications tool for preparing, sending and retrieving electronic messages on personal computers. On-line services such as the Internet are communications tools for sending and retrieving information and messages on personal computers. These systems are provided for business purposes; use for personal purposes is a privilege and is permissible only within reasonable limits. Use of these systems for conducting a business, exchange of or viewing pornographic materials or for activities contrary to law or New Mexico Tech policies is prohibited.

All e-mail and Internet records are considered to be Institute records and should be transmitted only to individuals who have a business need to receive them. Additionally, as Institute records, e-mail and Internet records are subject to disclosure to law enforcement or government officials or to other third parties through subpoena or other process. Employees should always ensure that Institute information contained in e-mail and Internet messages is accurate, appropriate and lawful. E-mail and Internet messages by employees may not necessarily reflect the views of New Mexico Tech’s officers or directors. Abuse of the e-mail or Internet systems, through excessive personal use, or use in violation of law or New Mexico Tech policies, will result in disciplinary action and/or loss of access to New Mexico Tech’s computer systems.

While New Mexico Tech does not intend to regularly review employees’ e-mail and Internet records, employees have no right or expectation of privacy in e-mail or the Internet. New Mexico Tech owns the computer and software making up the e-mail and Internet systems and permits employees to use them in the performance of their duties for the Institute. E-mail messages and Internet records are to be treated like shared paper files, with the expectation that anything in them is available for review by authorized representatives of the Institute. Employee e-mail messages and Internet records may be disclosed to law enforcement or government officials or to other third parties, without notification to or permission from the employee sending or receiving the messages and records.
Employees should also be aware that log-on and other passwords may not be shared with any third party, nor may they be shared with another employee, unless such password(s) is requested by an authorized officer of the Institute.

EMPLOYEE BENEFITS

Tech offers a wide range of employment benefits to its regular and full-time temporary employees and retirees. A full description of the following benefits is available in the Human Resources Office:

- Health, Dental and Vision care
- Life Insurance for employees and their dependents
- Educational Retirement Plan
- Alternate Retirement Plan
- Flex Plan
- Tuition Waiver for employees and their dependents
- Long Term Disability Program
- Employee Assistance Program
- Credit Union
- Tax Sheltered Annuities
- Direct Deposit of Payroll
- Day Care Center
- Gym Privileges
- Use of Tech's Library
- Use of Tech's Computer Center
- Payroll Deduction for Golf Course at a reduced rate, Swimming Pool, and PAS memberships
- U.S. Savings Bonds, and Day Care Center fees.

EMPLOYEE BENEFIT TRUST

Regular and full-time temporary employees may participate in the New Mexico Tech Employee Benefit Plan that provides health, dental and vision care reimbursement and life insurance. These programs are designed to protect employees and their families from the financial burden of serious long-term illness, disability or death. Information about the coverage and costs of each of these plans is available in the Human Resources Office. Emergency, temporary part-time, temporary services and student employees are not eligible to participate in these plans.

RETIEMENT

All employees are required by New Mexico statute to become educational retirement members under the Educational Retirement Act (ERA). Faculty, senior administrators and specified research staff employed after July 1991 are eligible to participate in the Alternate Retirement Plan. A booklet describing rules and regulations governing membership and retirement benefits is available in the Human Resources Office.
Employees hired prior to July 1, 1971, and who exempted themselves from ERA may revoke the exemption by completing the forms available in the Human Resources Office.

New Mexico Tech and its employees are also required to participate in Social Security programs and employees are eligible for benefits as provided under the Old Age and Survivors Insurance Program of the Federal Government.

Employees anticipating retirement should contact the Human Resources Office three months in advance of the date they intend to leave.

Retired employees may continue their health, dental and vision care coverage under the New Mexico Tech Employee Benefit Plan by paying the required contribution each month. Contact the Human Resources Office for information.

TUITION BENEFITS

New Mexico Tech offers regular full-time employees three tuition waiver programs.

For employees with one year of service, full resident tuition assistance is offered for dependent children who are enrolled as regular full or part-time students. The student must be in good standing to continue the waiver. For purposes of this policy a dependent is defined as one claimed as a dependent on the most recent Federal Internal Revenue Service tax forms.

The second program offers full resident tuition waiver for up to three credit hours per family each semester to regular full-time employees and their immediate family (spouse and dependent children). Employees may, with the approval of their supervisor, be given administrative time from work to attend a class not to exceed three hours per week.

Lastly, employees taking non-credit community college courses will have one-half of the tuition for those courses waived.

GYM PRIVILEGES

Regular and full-time temporary employees, employees’ spouses and dependent children under age 21, retirees and retirees’ spouses have access to the gym, its facilities and programs. Eligible persons must apply for a gym privilege card to use the facilities or participate in programs offered by the Physical Recreation Unit. Children (age 11 and under) must for their own safety be accompanied and directly supervised by their parent or other authorized responsible individual aged 17 or older.

One guest may accompany authorized gym users (age 17 and over). A person may be signed in as a guest for $3.00, regardless of age, as long as the person who signs the guest in is at least 17 years of age. The sponsor must accompany the guest until the guest leaves.
A valid Tech ID card must be presented to use the gym facility and to checkout sports equipment. Users with gym privilege cards may check out sports equipment for use in the gym only. Cardholders are responsible for any unreturned or damaged equipment checked out with their ID card or gym privilege card regardless of the identity of the person presenting the card. Lost cards should be reported to the equipment check out room at once.

All gym users are expected to be familiar with and follow the rules and regulations governing the use of the gym. The gym and the Institute are not responsible for personal items that are stolen from the gym.

SWIM CENTER

The Swim Center is open year round for lap and recreational swimming. Regular employees, full-time temporary employees, and retirees are eligible to purchase a pass. Spouses, dependent children under the age of 19 of eligible employees, and retirees are eligible for a family membership. Pass forms are available at the Swim Center. Pass purchase is on a yearly basis and is through payroll deduction only. After the first year, payroll deductions continue indefinitely until the Swim Center is notified in writing to discontinue the pass. Retirees pay for their pass when signing up.

GOLF COURSE

The New Mexico Tech Golf Course offers year round recreational play as well as tournament play, and course memberships can be purchased annually. Regular Tech employees receive a discounted membership when purchased through payroll deduction. The employee’s membership will be automatically renewed the following year, and the payroll deductions will continue unless the Golf Course is notified in writing to discontinue the membership. Tech retirees are eligible to purchase an annual membership at a reduced rate. Both Tech employees and Tech retirees can add family members to their membership for an additional fee. For information, contact the NMT Pro Shop.

COMPUTER CENTER USE

Employees may arrange for a personal computer account for home use through a modem. Employees wishing to set up an account should contact the Computer Center for details. There is a monthly fee for the use of the computer center. The monthly fee is waived for New Mexico Tech retirees.

ANNUAL LEAVE

Annual leave provides the opportunity to rest and relax away from the pressures of work, to spend time with family and friends, and to gain a fresh perspective towards work. Employees are encouraged to fully utilize their accrued annual leave. Employees are eligible to take annual leave after completing six months of employment. Annual leave is accumulated as follows:

Support Staff
Regular support staff employees earn annual leave based on the number of hours worked in each pay period. The formula for calculating annual leave is the number of hours worked in the pay period multiplied by .05769. Generally, regular full-time employees earn approximately 10 hours per month (15 working days per year). The maximum annual leave that can be earned in a year is 120 hours. Regular support staff employees with 10 or more years of continuous service earn annual leave based on the number of hours worked multiplied by .08077, which for full-time employees is approximately 14 hours per month (21 working days per year). For these employees the maximum annual leave that can be earned in a year is 168 hours.

Support staff employees with less than 10 years of continuous service accumulate annual leave to a maximum of 240 hours or 30 working days. Employees with 10 or more years of continuous service accumulate annual leave to a maximum of 336 hours or 42 working days.

Employees terminating employment with more than 6 months of service will be compensated for their unused annual leave at their regular rate of pay. Employees with less than six months service will not be compensated for annual leave upon termination.

Professional Staff

Regular professional employees earn annual leave at the rate of 7 hours per pay period when paid on a semi-annual basis and 6.47 hours per pay period when paid on a biweekly basis. Part-time professional employees earn annual leave based on the FTE (full time equivalency) for their position, e.g., .25, .5, or .75 FTE. The maximum annual leave that can be earned in a year is 168 hours.

Regular part-time employees who are employed on a less than 12-month basis can utilize their accrued annual leave only during periods of active employment.

Annual leave may be accumulated to maximum of 336 hours or 42 working days. Professional employees terminating employment with more than 6 months of service will be compensated for their unused annual leave at their regular rate of pay. Employees with less than six months service will not be compensated for annual leave upon termination.

Whenever possible the Institute will grant annual leave at the convenience of an employee. However, the work requirements of the Institute must take priority over the scheduling of vacation or other time off for an employee. Requests for annual leave need to be submitted for approval at least three working days in advance to allow for the adjusting of work schedules. Leave request forms must be submitted to the payroll office prior to the start of the annual leave or no more than 3 working days upon returning from annual leave.

The Institute generally suspends operation between Christmas and New Year's day. This time is charged to annual leave. Advance notice will be given if there are any changes in the practice. Employees who work during the holidays will not be charged for annual leave. Employees without adequate accrued leave will have this time off charged to leave without pay. New employees will be advanced enough annual leave to
cover the Christmas shutdown period. Annual leave advanced to new employees for the shutdown is charged against future earned leave.

SICK LEAVE

One of the most critical events that can occur to a family or an individual is loss of income. Tech's sick leave program allows employees to accumulate paid sick leave time, thereby assuring an income if the employee is unable to work.

Regular support staff employees earn paid sick leave based on the number of hours worked in each pay period. The formula for calculating sick leave is the number of hours worked in the pay period multiplied by .05769. Generally, regular employees earn approximately 10 hours per month (15 working days per year). Earned sick leave is credited the first day of the following pay period in which it is earned. The maximum sick leave that can be earned in a calendar year is 120 hours. Sick leave may be accumulated to a maximum of 1040 hours (130 working days). Temporary, emergency and student employees do not earn sick leave.

Regular professional employees earn sick leave at the rate of 5 hours per pay period when paid on a semi-annual basis and 4.62 hours per pay period when paid on a biweekly basis. Part-time professional employees earn sick leave based on the FTE (full time equivalency) for their position, e.g., .25, .5, or .75 FTE. The maximum sick leave that can be earned in a calendar year is 120 hours. Sick leave is used for absences due to illness, injury or pregnancy. With prior supervisory approval, sick leave may be used to cover absences from work for the employee's personal dental and medical appointments. Employees who expect to be off work due to a serious illness or injury must apply for leave under the Family Medical Leave section of this Handbook.

Employees are expected to notify their supervisor of an unscheduled absence prior to the time they regularly report to work. The supervisor should be informed of the nature of the illness or injury and the expected length of time away from work. Unless other arrangements are made with the supervisor, employees are expected to call in on a daily basis for the duration of their absence. New Mexico Tech reserves the right to terminate the employment of employees who fail to notify their supervisor for three successive days. Such decisions will be made on a case by case basis.

The supervisor may require a doctor's statement of treatment prior to approving sick leave requests. Employees on sick leave for three (3) or more days are required to submit a physician's statement releasing them before returning to work.

When sick leave is exhausted, continued time off will be considered as leave without pay. Annual leave may be used during medical leave of absence after sick leave is exhausted if the employee so requests. A written request must be submitted to the Human Resources Office.

Membership in the Employee Benefit Plan is maintained while an employee is on sick leave as long as the employee's share of the contribution is paid. If the employee is
placed on sick leave without pay, except under the provisions of family sick leave, the full contribution must be made in order to maintain coverage.

Employees absent from work due to a job-related illness or injury and who have accumulated sick leave will be paid sick leave. To receive this payment, Worker’s Compensation payments received for such absence must be signed over to New Mexico Tech and turned into the Human Resources Office. Upon receipt of the check, the employee's sick leave will be credited by the amount of worker's compensation received. When sick leave benefits are exhausted, the employee may retain future Workers’ Compensation checks unless the employee requests that annual leave be used to cover part of the leave. If the employee requests that annual leave be used, the Workers’ Compensation check may not be retained until the annual leave is exhausted.

Sick leave will not be paid if the illness or injury results from war, insurrection, rebellion, participation in a riot or civil disturbance, engaging in a criminal act or from intentionally self-inflicting illness or injury.

Family Medical Leave

The Family Medical Leave Act of 1993 (FMLA) was passed by the U.S. Congress to permit a qualified employee to take unpaid leave to care for themselves, for the birth, adoption or placement for foster care of a child, and for the care of the employee’s child, spouse, or parent with a serious health condition. Family Medical Leave (FMLA Leave) can be taken up to 12 weeks in a rolling 12-month period.

A **qualified employee** is defined as any employee who has been employed for a minimum of 52 weeks (need not be consecutive) and who has worked at least 1250 hours during the twelve months immediately preceding the leave.

A **serious health condition** is defined as an illness, injury, impairment, or physical or mental condition that involves:

a.) Inpatient care (overnight stay) in a hospital, hospice or residential medical care facility, or any subsequent treatment in connection with such inpatient care; or

b.) Continuing treatment by a health care provider which includes any one or more of the following:

• any period of incapacity, due to the health condition, of more than 3 consecutive days and any further treatment or incapacity relating to the same condition; or,

• any period of incapacity or treatment due to pregnancy or for prenatal care; or,

• any period of incapacity or treatment for such incapacity due to a chronic serious health condition; or,
• a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective; or,

• Any period of absence to receive multiple treatments by a health care provider or under the orders of a health care provider.

This definition of serious health condition is not all-inclusive and there may be other health conditions that qualify for Family Medical Leave. Contact the Human Resources Office for further information.

Regular employees may request a leave of absence of up to 12 weeks in any 12 month period to care for a new born child, a newly adopted child or a child placed in the employee's home for foster care. Spouses employed at Tech are jointly entitled to a combined total of 12 weeks of adoption or foster care leave. Annual leave is used to cover all or part of the leave. Employees may request that, when annual leave is exhausted, sick leave be used to cover all or part of the remainder of the leave. When annual leave and sick leave (if requested) is exhausted, the remainder of the leave shall be leave without pay.

In order to maintain coverage in the Employee Benefit Plan, employees on adoption or foster care leave without pay are responsible for paying the employee portion of any health or life insurance premiums. Premiums payments must be made by the first day of the month for coverage to continue.

Employees returning from newborn child care, adoption or foster care leave will be placed in their original position and pay or an equivalent position with like pay.

### Requesting FMLA Leave

An employee should submit a Family Medical Leave Request form as soon as the employee is aware of the need for leave. When the need for such leave is foreseeable, as in the case of adoption, birth or planned medical treatment, leave requests must be submitted at least 30 days in advance of the start of the leave. Family Medical Leave Request forms are available in the Human Resources Office. Return the completed form to the Human Resources Office. Human Resources will inform the employee of the status of the request as quickly as administrative procedures permit, but in any case not later than two working days following receipt of the request in the Human Resources office.

### Medical Certification

Federal regulations permit and the Institute requires certification of the need for FMLA Leave for medical reasons by the attending medical provider. These forms must be submitted along with the request for Family Medical Leave or within 15 working days of the start of the leave. Final action on approval of the leave will not be granted until the medical certification form is received in the Human Resources Office. Failure to provide medical certification may result in the leave being denied. Medical certification forms are available in the Human Resources
Office. The attending physician and the requesting employee must fully and legibly complete the form.

It may be necessary to recertify the continuing need for Family Medical Leave, but not more often than every 30 days. If the initial certification is for more than 30 days, recertification will not be required until the initial certification period expires.

**Intermittent Leave**

FMLA leave for an employee to care for him or herself or to care for a specified dependent may be taken intermittently, as need requires. The employee and the supervisor must work out a schedule and agree on the times to be worked and the time off. This agreement must be in writing and a copy submitted to the Human Resources Office. Employees are expected to notify their supervisor of any changes in need for intermittent FMLA leave.

A long term need for intermittent leave may require an employee being transferred to an alternate position, if one is available, that can accommodate the employees need for time off. The alternate position will have comparable pay and benefits to the employee’s regular position. At the end of the intermittent leave period the employee will be returned to his or her regular position or a comparable position with comparable pay and benefits.

Intermittent FMLA leave time is charged against accrued sick leave until sick leave is exhausted and then against annual leave until it is exhausted. The remainder of the leave will be leave without pay.

**Returning to Work from Leave**

Employees returning to work from a FMLA leave of 3 or more days to care for their own medical condition must present a statement from their physician certifying they are able to resume performing the essential functions of their position. Employees returning from FMLA leave are expected to inform their supervisor of their plans to return to work.

**Confidentiality of Medical Records**

These records and documents pertaining to medical certification, recertification or any other medical record are maintained in a separate confidential file. Records shall be available only to the employee and to staff members of the Human Resources Office. The Human Resources office must approve any other requests to view these records.

**Benefits Coverage While on FMLA Leave**

While an employee is on paid FMLA leave, benefits will continue for the duration of the paid leave. If at any point the leave becomes leave without pay, the employee is responsible for paying the employee portion of any health or life
insurance premiums. Premium payments must be made by the first day of the month for coverage to continue.

Annual and sick leave continue to accrue while an employee is on paid leave. These accruals stop if the leave is or becomes a leave without pay.

Retirement

There are no employee or employer contributions to the retirement plan while an employee is on unpaid leave.

RETURN FROM SICK LEAVE

Employees who have been off work due to illness, injury or pregnancy will, upon presenting a release to return to work from their physician, be returned to the position they left or an equivalent position with equivalent pay, provided they return to work within six months after their leave began. No position will be held open for more than six months.

Employees released by their physician to return to work on a restricted basis due to illness or injury may submit a request to return to work to the Human Resources Office. The employee’s supervisor and the Human Resources Director will review and evaluate the request with the employee. The following factors will be used in evaluating the request to return to work:

The employee’s work experience, training and education.
The employee’s ability to perform the essential functions of his or her position.
The opportunity for modifying work methods so the employee can perform the essential functions of the job.
The employee’s ability to work in his or her position on a reduced-hours basis.
The availability of a vacant position within or outside of the employee’s home department that he or she can perform.
The availability of funds to pay the employee. (If the employee’s regular position is filled by a substitute employee, funds for an alternate position may not be available.)
The status of the work restriction: whether it be permanent or temporary.

Granting or denying the request to return to work on a restricted basis is at the discretion of New Mexico Tech and requires the approval of the Directors of Human Resources and Affirmative Action and Compliance. An employee returning to work on a restricted basis will be paid at the regular rate of pay for the assigned position.

Employees must provide the Human Resources Office with a written release from their physician in order to return to work on a restricted basis. The physician’s statement must also state the estimated date the employee is expected to return to unrestricted work.

An employee who has been on sick leave for more than six months, but less than one year, may return to work providing there is a position available that the employee has the skill, knowledge and training to perform. Employees on sick leave for more than one
year will be terminated. These employees may request in writing to return to work. Granting the request is at the discretion of New Mexico Tech and requires the approval of the President.

An employee returning to work after an absence of 30 days or more is expected to give at least 3 days advance notice of intent to return to work. Failure to return to work at the end of the leave period or when released to work by their physician may result in termination of employment.

(PREVISED)
PAYMENT FOR ACCUMULATED SICK LEAVE

Regular full-time and part-time employees who have completed one year of employment and who are terminating their employment for other than disciplinary reasons, will be compensated for their accumulated sick leave, to a maximum of 800 hours, at fifty percent (50%) of their regular rate of pay. Tenure track and tenured employees will be paid for their sick leave up to 800 hours accrued prior to February 1, 1986.

Regular full-time and part-time employees who are not tenured or on tenure track may choose to receive payment for unused sick leave hours earned during the immediately preceding calendar year in excess of 600 hours at fifty percent (50%) of the employee’s regular rate of pay. Employees must select the 600-hour maximum prior to accumulating 600 hours of sick leave. Once 600 hours of sick leave is attained, the maximum of 1040 hours is automatically selected as the maximum sick leave accrual.

Payment for accumulated sick leave for other than terminating employees will be made with the second paycheck in January of each year.

Employees with a reserve sick leave account will continue to have the account maintained. The reserve sick leave hours are available for use once the employee’s selected maximum hours of sick leave are used or in the sick leave buy back at time of termination or retirement.

Employees should come to the Human Resources Office to request the 600-hour maximum. Employees wanting the 1040 maximum need not make a selection.

The regular employees of New Mexico Tech enjoy ten paid holidays each year.

<table>
<thead>
<tr>
<th>New Year’s Day</th>
<th>Thanksgiving</th>
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<tbody>
<tr>
<td>Good Friday</td>
<td>Friday following Thanksgiving</td>
</tr>
<tr>
<td>Memorial Day</td>
<td>Christmas Eve Day</td>
</tr>
<tr>
<td>Independence Day</td>
<td>Christmas Day</td>
</tr>
<tr>
<td>Labor Day</td>
<td>New Year’s Eve Day</td>
</tr>
</tbody>
</table>

All employees are expected to work the last scheduled workday prior to and the first scheduled workday following a holiday to be eligible for holiday pay. The employee’s
supervisor must approve any variances. Such absences not approved in advance may result in loss of pay for the holiday.

Support employees who are required to work on a scheduled holiday shall be paid one and one-half their regular rate of pay or given compensatory time off at time and one-half for each hour worked in addition to holiday pay.

Holidays occurring on Saturday will be celebrated on the immediately proceeding Friday. Holidays occurring on Sunday will be celebrated on the immediately following Monday.

Regular part-time employees receive holiday pay on a pro-rated basis. Temporary, emergency and student employees are not eligible for holiday pay.

PERSONAL DAY

Regular employees receive one (1) paid personal day off of the employee’s choice each year. Regular part-time employees receive a paid personal day based on their full time equivalency, that is, one-quarter, one-half or three-quarters of a day. The employee’s supervisor must approve the paid personal day at least 24 hours in advance of the start of the requested day.

LEAVE WITH PAY

Regular employees shall be granted time off with pay in the following situations:

Jury Duty

If summoned to appear for jury duty, employees will be paid their regular rate of pay for time served. Any jury duty fees received must be turned in to the Cashier in the Business Office. Employees are expected to return to work if they are released from jury duty prior to 12:00 noon, if jury duty is in Socorro. Employees summoned to serve on jury duty need to provide their supervisor with a copy of the notice to serve.

Witness Duty

If subpoenaed to appear in court as a witness, an employee will be granted time off with pay provided the employee is not a party to the suit.

A copy of the subpoena must be provided to the supervisor.

Time to Vote

Employees who are registered voters and who are unable to get to the polls due to work requirements will be granted, upon request, up to two hours with pay to vote on the day of the election.
Supervisors will determine how much time and what time of day to let the employee off. Requests for time to vote should be made to the appropriate supervisor prior to the day for which leave is requested.

Military Service

Employees will be granted leave with pay to attend required military reserve or National Guard training not to exceed three weeks annually. Employees are expected to provide their supervisor with a copy of their orders.

FUNERAL LEAVE

Employees will be granted up to three consecutive days of funeral leave with pay, one day of which must be the day of the funeral, to arrange for and attend the funeral in their immediate family.

Immediate family is defined as an employee's:

- spouse
- children
- step children
- brother
- son-in-law
- grandparents
- sister
- parents-in-law
- grandchildren
- brother-in-law
- sister-in-law
- any member of the family who resides in your home.

Supervisors may request verification, such as an obituary notice, of the death of the family member.

EMERGENCY LEAVE

Employees may be granted up to three (3) consecutive days of emergency leave with pay each calendar year due to life threatening illness or injury in their immediate family (as defined under funeral leave).

LEAVE WITHOUT PAY

Regular full-time employees may request a leave of absence without pay for up to thirty days. A leave of absence without pay is granted at the discretion of New Mexico Tech and requires the approval of the appropriate division director. Leave without pay may not be taken in place of annual or sick leave.

Regular full-time employees who have completed ten years of employment may request an extended leave of absence without pay for up to one year. An extended leave of absence without pay is granted at the discretion of New Mexico Tech and requires the approval of the President.
Regular employees on sick leave who have exhausted their sick and annual leave accrual are placed on leave without pay for up to one year or a time period equivalent to their length of service from their most recent date of hire, whichever is less.

Employees returning from an authorized leave of absence without pay will be reinstated to their former position or to a like position with similar pay.

While on leave without pay, employees will maintain their accrued benefits but will not continue to accrue or be eligible for benefits if the leave exceeds four weeks. Employees may maintain their membership in the Employee Benefit Trust by paying the full monthly contribution. Arrangements can be made in the Human Resources Office.

Employees failing to return from leave at the scheduled time shall be considered as having resigned, and their employment will be terminated.

**DRIVER’S LICENSE POLICY**

Many positions at New Mexico Tech require the incumbent to operate a motor vehicle and therefore to have a valid New Mexico Driver’s License. Occasionally, an employee loses the right to have a valid license and that employee becomes unqualified to continue in their position.

The following procedures must be followed in dealing with employees who lose their driving privileges and whose position requires them to operate a vehicle:

Employees with less than ten years of continuous service may request a leave of absence without pay of up to thirty days. If their driving privileges are not reinstated within the leave period, their employment will be terminated.

Employees with ten or more years of continuous service may request a leave of absence without pay of up to one year. Such a leave is granted at the discretion of New Mexico Tech and requires the approval of the President. Employees on authorized leave whose driving privileges are reinstated within one year will be reinstated to their former position or to a like position with similar pay. Employees whose driving privileges are not reinstated within the leave period shall be terminated.

Employees on approved leave will maintain their accrued benefits but will not continue to accrue additional benefits. Such employees may maintain their participation in the Employee Benefit Plan by paying the full monthly contribution each month. Arrangements to self-pay for medical and life insurance benefits can be made in the Human Resources Office.

Employees who are on approved leave of absence and who fail to return from leave upon the restoration of their driving privilege shall be considered as having resigned, and their employment shall be terminated.

**VOLUNTARY RESIGNATION**
The staff of New Mexico Tech hopes that employment here will be fulfilling and long lasting. However, in the event of resignation, employees are to give their supervisor written notice at least two weeks (four weeks for professional staff) in advance of the date the employee intends to leave.

Prior to termination, employees need to report to the Human Resources Office to complete necessary paperwork and turn in their identification card and employee handbook. The final paycheck will be released after final processing has been completed.

(ending section)

SECTION

REDUCTION IN FORCE

I. In the event it becomes necessary to reduce the number of employees or reduce the available work hours in a defined organizational unit of Tech because of lack of work or funds, organizational changes, or any other reason, regular full-time and part-time employees will, at Tech’s option, be provided with a minimum of 2 weeks advance notice or with up to two weeks pay in lieu of notice. Temporary and emergency employees will be given at least 24 hours notice, but will not receive pay in lieu of notice.

An organizational unit is defined as a segment of Tech's organizational structure that is responsible for a specific activity or group of activities. A unit may be divided into sub-units to indicate levels of responsibility, e.g., professional or support staff, Electrician I, II, III, or to indicate functional specialties within the unit, e.g., accounts payable or accounts receivable.

II. The selection of regular employees for layoff or reduced hours shall be based on the employee's performance and ability to perform the remaining work as judged by the organizational unit's supervisory staff. When performance and ability to perform the remaining work are judged to be relatively equal, then the length of continuous regular service will be the deciding factor. Emergency and temporary employees are laid off before regular employees. Organizational units must consult with Human Resources and Affirmative Action Offices in the selection process.

III. Regular employees selected for layoff may apply for any existing vacant positions for which they have the training, skill and experience to perform. While regular employees are on layoff and eligible for recall, the Human Resources Office will contact them by telephone or mail whenever vacant positions exist for which they may qualify. Employees on lay off may compete for vacant positions and will be given consideration as regular employees. Employees accepted in a position will have the job title and rate of pay for the new position.

IV. If an employee's former position or a position with essentially the same duties in the employees previous organizational unit becomes vacant, it will be offered to the employee as per the recall schedule described below.
V. Regular employees on layoff may be recalled to work during their recall period before hiring a new employee in the same or similar position. The recall period is based on an employee’s length of service at the time of layoff as shown in the following table:

<table>
<thead>
<tr>
<th>LENGTH OF SERVICE</th>
<th>RECALL PERIOD</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 Months to 5 Years</td>
<td>6 Months</td>
</tr>
<tr>
<td>Over 5 Years</td>
<td>12 Months</td>
</tr>
</tbody>
</table>

Employees are recalled to work in reverse order of layoff. The employee or employees will be contacted by mail and will have 7 days to contact the Human Resources Office with a decision to return to work or not. Employees accepting recall will be accorded appropriate service credits. Length of service after recall will be computed from the most recent date of hire reduced by the length of time on layoff. Employees refusing recall or not responding to the letter of recall will not be contacted in the event of future vacancies.

VI. Employees on layoff:

a. may elect to continue medical, dental and vision coverage for up to 18 months following layoff. If an employee is disabled at the time of layoff, the employee may elect to continue coverage for up to 27 months. The employee benefit claims administrator will contact the employee to make the proper arrangements. The employee is responsible for the full cost of monthly premiums.

b. will be paid for accumulated compensatory time and annual leave and for accumulated sick leave as described under the section of this handbook entitled "PAYMENT FOR ACCUMULATED SICK LEAVE."

c. will receive their final pay check not later than the first regular payday following layoff, provided property clearance forms have been completed and approved and the employee identification card and employee handbook are turned in.

d. will be paid for any holiday occurring within two weeks of layoff.

e. will at their request be given assistance in searching for a new position that includes resume preparation, coaching in interviewing skills, job market identification, and clerical assistance

Workplace Violence

New Mexico Tech expects and requires all employees to use common courtesy and engage in safe and appropriate behavior at all times while on the job, on Tech property, or representing New Mexico Tech away from the job. Any involvement in physical violence, threats or provocative remarks that could incite violence are unacceptable and violate this standard of appropriate behavior. Employees engaging in such activities are subject to immediate and severe disciplinary action.
An employee’s actions may show signs of losing control and impending violence. Employees who are objects of workplace violence or who observe violent acts should follow these procedures:

1. Notify your supervisor immediately. All acts of violence, physical and verbal, should be reported. Your supervisor will contact campus police if the situation dictates such action is necessary.

2. If your supervisor is not available, call campus police at 5434. Explain the situation to the dispatcher and whether emergency medical care is required.

3. Remain calm. Your staying calm may help the other person stay calm. Don’t interrupt or argue with the person. Listen calmly and respond with a firm, but not angry, tone of voice. Do only what you can safely do to calm the person down. If physical violence erupts, try to leave the area as quickly as possible.

DISCIPLINARY ACTION

The purpose of disciplinary action is to provide employees the opportunity to correct undesirable work-related behavior and unsatisfactory performance. With this in mind, it is essential that every supervisor thoroughly investigate each situation as it occurs so that all the facts are known. The dignity of the employee is to be respected throughout the disciplinary procedure. This procedure does not apply to those situations covered by the "Regulations Governing Academic Freedom and Tenure."

The progressive steps that follow provide the employee with three major items of information:

a. The employee’s performance does not meet acceptable Tech standards; this must be documented with dates, times and examples.

b. The acceptable standards of performance for the employee's position.

c. The specific action to be taken if the employee fails to meet acceptable standards of performance.

Although discipline is generally progressive in nature, some employee behavior is serious enough to warrant immediate and severe discipline. Employees may be suspended immediately with pay, pending consideration of discharge, for the following:

- Willfully endangering or threatening to endanger the health, welfare and safety of themselves or another person. This includes the carrying of firearms, knives, explosives or other weapons on Tech property. The carrying of weapons on Tech property is prohibited.

- Reporting to work under the influence of, using or distributing in any way alcohol or any other controlled chemical substances on New Mexico Tech property.
- Refusing to perform a legitimate work order, or willfully violating established written standard operating procedures, rules and regulations.

- Theft, willful damage, destruction or unauthorized use of Tech property.

- Performing work in a careless manner or without adhering to accepted work methods or techniques.

- Failure to report to work for three consecutive days without notification.

In addition, Campus police officers and security officers may be suspended with pay, pending consideration of discharge for violations of the Officer Code of Conduct. EMRTC employees may be suspended with pay, pending consideration of discharge if their security clearance is denied or revoked.

No employee shall be discharged for any such unacceptable behavior or performance until after the employee is given (1) a written notice of the dates and examples of the employee's unacceptable behavior or performance, and that Tech may discharge the employee for such unacceptable behavior or performance, (2) at least five days to prepare to respond to the written notice, and (3) an opportunity to meet with the employee's division director or another person designated by the division director to respond to the allegations and evidence referred to in the written notice. After the time scheduled for such meeting, the vice president, division director or other designated person may discharge the employee if there are reasonable grounds to believe that some or all of the allegations and evidence referred to in the written notice are correct and support discharge.

Under ordinary circumstances, the following steps will be followed. However, the procedure may be altered or abbreviated in extraordinary situations.

I. COUNSELING: The first step in disciplinary action is for the supervisor to counsel the employee about the problem. This discussion should be conducted privately and in a pleasant manner. The supervisor's first objective is to determine if the employee understands the rules and standards to be met. If the employee does not understand his or her responsibilities, the supervisor needs to explain fully what is expected. The employee must also understand how his or her performance does not meet acceptable standards. Dates, times and examples of unacceptable behavior or performance should be provided for the employee. This step is designed to give the employee the opportunity to correct the substandard performance or behavior, not to threaten or discipline.

II. THE WRITTEN REPRIMAND: With this step the procedure becomes part of the employee's personnel and work record. The reprimand includes a formal meeting with the employee where the supervisor reiterates what standards the employee must meet for success on the job, how the employee has not met these standards, and that failure of the employee to meet expectations within a specified period of time will result in disciplinary action which may include suspension or discharge. A letter confirming the details of the meeting is mailed to the employee's home within 24 hours of the meeting. A copy with the employee's signature is sent to the Human Resources Office, the
department head and the supervisor retains a copy. The employee’s signature indicates receipt of the letter, but does not necessarily indicate agreement with it.

THE DISCIPLINARY ACTION STEPS THAT FOLLOW REQUIRE THE INVOLVEMENT AND CONCURRENCE OF THE DIRECTOR OF HUMAN RESOURCES.

III. THE DISCIPLINARY SUSPENSION: If the employee’s performance still does not meet requirements within the time specified in the written reprimand, the supervisor with the concurrence of the Director of Human Resources proceeds to the next step, disciplinary suspension. Again, the supervisor meets with the employee to discuss the substandard performance. Disciplinary suspension includes a three- (3) day suspension from work without pay, usually occurring on Tuesday, Wednesday and Thursday. The suspension letter will indicate that continued failure to correct the substandard performance within a specified time period after the employee returns from suspension will result in termination. Letter distribution is the same as for the written reprimand.

IV. TERMINATION: If the employee’s performance does not meet the prescribed standards within the time specified in the disciplinary suspension, the employee will be terminated.

No employee shall be terminated unless the employee has been given (1) a written notice of the dates and examples of the employee's unacceptable behavior or performance and that the employee may be terminated for such behavior or performance, (2) at least five days to prepare to respond to the written notice, and (3) an opportunity to meet with the employee's division director or another person designated by the division director to respond to the allegations and evidence referred to in the written notice. After the time scheduled for such meeting, the division director or other designated person may terminate the employee if there are reasonable grounds to believe that some or all of the allegations and evidence referred to in the written notice are correct and support termination.

Employees who consider their disciplinary action unjust are encouraged to use Tech's established grievance procedure.

GRIEVANCE AND COMPLAINT RESOLUTION

The grievance procedure is available to any regular employee, other than during the introduction period, for the resolution of any disagreement or problem arising out of Tech's policies, procedures or actions as they apply to the employment relationship.

In accordance with the Institute's affirmative action plan, the Institute has established a separate grievance process that is administered by the Affirmative Action Office. Any employee who at any time feels he or she has been discriminated against, treated unfairly or harassed because of his or her race, color, religion, national origin, sex, age, physical or mental disability or veteran status should initiate a grievance with the Director of Affirmative Action and Compliance. The Director of Affirmative Action and
Compliance will investigate complaints alleging violation of the Federal Civil Rights Acts, their amendments, Executive Orders or the N.M. Human Rights Act.

Matters covered under "Academic Freedom and Tenure Regulations" are not proper subjects for this procedure.

The employee must initiate the grievance by discussing the problem or disagreement with his or her immediate supervisor within 10 working days of the event upon which the grievance is based.

If the employee and the immediate supervisor are unable to resolve the grievance to the satisfaction of the employee, the employee may discuss the grievance with his or her department or division head within 5 working days of meeting with the immediate supervisor. The employee, the immediate supervisor and the department or division head should make every effort to reach resolution.

Within 10 working days of the meeting with the department or division head, the employee may submit the unresolved grievance in writing to the Director of Human Resources. Grievance forms and assistance in completing the forms are available in the Human Resources Office. The written grievance must include a description of the events giving rise to the grievance including the names of personnel involved, the dates and times the events took place, and a statement of the resolution requested.

The Director of Human Resources will investigate the details of the grievance and will submit a written response to the aggrieved employee within 10 working days of receiving the written grievance.

If the employee is not satisfied with the Director of Human Resource's response, the grievance may be submitted to the President of the Institute. The President shall, within 10 working days, appoint a grievance committee made up of five members and two alternates, including two employees from the support staff, and two employees from the professional staff, which includes faculty. The President shall appoint one of the members as chairman to conduct the grievance meeting. Either party to the grievance may challenge one member of the committee 48 hours prior to the meeting of the committee. An alternate will replace the challenged member. However, the acting committee shall still contain at least two employees from the support staff and two employees from the professional staff.

The grievance committee shall meet within 5 working days of the appointment by the President for the purpose of hearing the grievance. The committee shall interview the parties to the grievance and review all pertinent documents. Parties to the grievance may submit evidence and examine and cross-examine witnesses. A third party who must be a current employee of New Mexico Tech may represent either party.

The grievance committee shall render its recommendation in writing to the President. The President shall render a decision on the committee's recommendation in a timely manner. The President's decision shall be final and binding on all parties unless the decision is appealed to the Board of Regents within 30 working days of the decision. In the event the President's decision is appealed, the decision of the Board of Regents shall be final and binding on all parties.
Complaints Against the President

If the grievance names the President as a party to the grievance, the complainant must comply with the following procedure:

1. The President and persons with complaints against him shall make a good faith effort to resolve complaints by full and fair discussion and without resort to the Regents.

2. Complaints that are not resolved by discussion should be described in a detailed written statement and submitted to the President.

3. The President must within 10 working days after receiving such a statement (a) acknowledge its receipt by letter to the complaining party and (b) prepare a detailed written statement in response and submit both statements to the Regents.

4. The Regents will consider statements they receive at least 10 working days before a scheduled meeting in a closed executive session at that meeting. The Regents will consider statements received by them fewer than 10 working days before a scheduled meeting in a closed executive session the following scheduled meeting.

5. The Regents shall during their closed executive session decide how to respond to complaints and the President's response. The President of the Board of Regents will publicly announce the Regents' decision.

Any retaliatory action of any kind taken by any Tech employee against another employee as a result of such employee seeking to resolve a grievance, cooperating in the investigation or otherwise participating in any proceedings under these procedures is prohibited and shall be grounds for dismissal.

PATENTS AND COPYRIGHTS

Definition of Terms:

1. "Associate" means any person who is a member of the faculty, staff or student body of New Mexico Tech.

2. "Invention or Discovery" means creative ideas that could be reduced to written form, whether patentable or patented, copyrighted, etc.

3. "Inventor" means any associate or associates who participated in the development of an invention.
4. "**Patent Application**" means a formal document describing and claiming rights to an invention, which is formally filed with the United States Patent Office, or the Patent Office of a foreign country.

5. "**Patent**" means a document issued through the patent application process by the United States Patent Office, or its counterpart in a foreign country.

6. "**Search**" means to determine whether patentability is possible by researching prior publications and patents to ascertain if the invention is indeed a new idea. This research is usually completed with the help of the patent attorney, who in turn may employ a firm specializing in patent search.

7. "**Disclosure of Information**" means disclosing ideas through publications, seminars, symposiums, oral representation in the classroom, or any other form of public disclosure. Foreign patents cannot be obtained if such disclosures have occurred. The laws in most foreign countries stipulate that once disclosures have occurred, the idea or invention etc. is in the public domain and no patent rights are obtainable. The United States takes a slightly different view regarding this matter. Patent laws allow the inventor to file a patent application one-year after publication. However, there are some in Congress who feel that the United States should correspond to international laws, and there is a chance that the one year period may be eliminated. Subsequently, disclosure is a significant event in obtaining patents. While publications can be of limited benefit to the researcher and/or inventor, such publications can nullify future patent rights. Therefore, it is suggested that a careful study of patent potential in foreign countries be made before considering publication.

8. "**Sponsor**" means the person or entity providing funds for the research, i.e., Federal and State agencies; private sponsored research, etc. Many private research contracts are written in such a fashion that patent rights belong to the sponsor. This may also be the case in many State and Federal research grants. Contracts should be carefully reviewed to determine who benefits by inventions and/or patents. Many Federal and State agencies are willing to assign the patent rights to the researcher if in turn he or she is willing to grant such agencies certain rights and licenses.


10. "**Patent and Copyright Committee**" means a committee appointed by the President from the staff of the Institute to assist and advise the President concerning patents and copyrights. The committee shall investigate possible patent or copyright value of disclosures made to
the President, and shall act in a general advisory capacity to the patent and copyright management agent of the Institute.

PATENT OWNERSHIP

Conflict of invention ownership and/or patent rights can be avoided by following the basic outline below:

Patents, inventions, copyrights, etc. resulting from work performed at the Institute, with Institute funds, or Institute equipment and/or supplies shall be assigned by the inventor or writer to New Mexico Tech, and become its property. Governmental, industrial or other projects, which have different contractual patent clauses, will be treated accordingly.

Patents, inventions, copyrights, etc. that are developed strictly by the researchers outside of normal working hours as defined in the section entitled "WORK WEEK AND HOURS", without the involvement of Tech property, faculty consultation, and any other Tech resource, are the property of the inventor. However, the inventor has to be able to clearly demonstrate to the department head, division director, and Institute President, that no Tech resources were involved. This includes written documentation indicating where the work was performed, accompanied by a detailed time schedule outlining when the work was performed. In addition, copies of invoices for supplies, materials, equipment, etc. have to be made available. Once reviewed by the department head and/or the division director, this information is then submitted to the President. A letter from the researcher outlining his or her activities and a statement that Institute resources were not involved must accompany the documentation.

DISCLOSURES TO THE PRESIDENT

Faculty, staff, and students are required to disclose all discoveries that may lead to future patents, copyrights, etc. to their department or division head. Once this notification has been completed, the information is forwarded to the President of the Institute.

The President will discuss these discoveries with the Institute patent and copyright management agent. A determination as to the feasibility of filing the necessary patent applications and or copyright documents will be made. If it is appropriate to file such documentation, the researcher and the patent agent and/or attorney will work together to ascertain if the information is unique and undiscovered. If the search indicates that patentability is available, and may prove economically successful to the Institute, the patent agent and/or attorney will prepare the necessary applications. If the determination is made that the idea or invention is of small or no economic benefit, the President may, at his option, return the rights to the researcher who in turn may proceed with the patent application at his own expense.

PATENT ATTORNEY

The Institute retains patent counsel through whom all applications must pass. The name of the counsel is available in the President's office. Only with the written permission of the President may other counsel be retained.
PATENT ROYALTIES
Royalties and licensing fees received for patents, copyrights, etc. are assigned to the New Mexico Tech Research Foundation. The Foundation and inventor will negotiate a generous split of the income. Normally the Foundation will pay the required legal and filing expenses for the patent, copyright, etc. Such expenses are subtracted from the royalty received, and the remainder, or net royalty, is usually divided equally between the Foundation and the inventor. However, every contract is different, and the Foundation will negotiate the division of the "net royalties and license fees" according to the initial agreement.

CONSULTING POLICY
New Mexico Tech encourages its staff to interact with state, federal and private organizations in addressing problems by utilizing their special expertise. Such interactions may be implemented via grants or contracts through the Institute, through the New Mexico Tech Research Foundation, or by private consulting arrangements between staff members and the funding source. The Institute prefers to use the mechanism of grants and contracts via standard procedures channeled through its business office. Such arrangements allow for the use of state-owned facilities, graduate and undergraduate students, secretarial help, telephone, postage, etc., by either direct compensation or through overhead charges. The Institute recognizes, however, that some activities involving relationships between staff and private companies may best be handled through a privately negotiated consulting contract such as, for example, expert testimony given in court from which the Institute and the state must be totally isolated.

The Institute has on its staff a wide range of professional persons who have an extensive variety of duties. The staffs of the College Division, Petroleum Recovery Research Center, Research and Economic Development, and the Bureau of Mines and Mineral Resources because of their different public and institutional responsibilities cannot be uniformly covered by a common consulting policy. Such variables as length of service year, access to proprietary information, previous salary adjustments in lieu of consulting, and certain public responsibilities preclude an Institute-wide policy. Accordingly, the policy outlined below is restricted as indicated below. Individual (persons and cases) exceptions to this policy may be requested through the division directors to the President but generally will be granted only in extraordinary cases.

1. Private consulting shall not be done by full-time professionals of the New Mexico Bureau of Mines and Mineral Resources, Research and Economic Development or the Energetic Materials Research and Testing Center. Lectures at other academic (non-profit) institutions, service on state and federal committees, and other public service efforts for which honoraria may be received are not considered private consulting.

2. Professionals in the College Division may consult subject to the limitations set forth below:
   a) Private consulting may be done up to a total of 15 working days (Monday through Friday except holidays) during the nine months
academic year. A person on an eleven months appointment may consult for a total of 18 days. In neither case shall more than three working days be spent consulting in a month. Persons with part-time regular appointments in the College Division may spend consulting time pro rata (e.g., someone with a 0.5 FTE appointment may spend up to 7 or 8 working days per academic year consulting). Consulting time does not accrue beyond an academic year.

b) Consulting arrangements must be approved in advance by the Department Chair and the Vice President of Academic Affairs. These two persons shall also ensure that arrangements are made to reimburse the Institute at standard rates for use of facilities and personnel.

c) As stated above, the Institute strongly prefers consulting arrangements by grants and contracts through the business office or the New Mexico Tech Research Foundation. Such arrangements should be made whenever possible.

3. Consulting by the staff of the Petroleum Recovery Research Center shall be governed by the following:

   a) Consulting will be done only while on annual leave or outside of regular working hours.

   b) There must be no conflict of interest between the consulting services and responsibilities to perform services related to oil or gas recovery in the State of New Mexico as stated and defined by the charter which established the PRRC.

   c) No outside consulting on enhanced recovery will be done in connection with oil and gas recovery in the State of New Mexico.

   d) The consulting arrangement must be approved in advance by the Director of the PRRC.

CONCLUSION

Thank you for taking the time to read your handbook. It was prepared to help you have a better understanding of the policies and procedures that govern the employment relationship at Tech. Feel free to call the Human Resources Department if you have any questions about any of the topics covered or have suggestions on how the Handbook can be improved or made more useful.
Welcome to the New Mexico Institute of Mining & Technology. We hope your employment at Tech will be an enjoyable and satisfying experience.

The Employee Handbook is provided so that you can become familiar with the policies and procedures that govern the employment relationship. None of the provisions in this handbook are to be considered an implied or express warranty of employment for any period of time or at any wage or salary. If you have questions about any of the provisions in this handbook, be sure to contact the Human Resources Office or your supervisor. They will be happy to answer your questions.

This handbook cannot be ignored, modified or varied by any oral representation or written statements without the express written approval of the President of the Institute.

This Employee Handbook supersedes all other handbooks.

Please sign your name below. Your signature indicates that you have received a copy of the handbook and that you understand it is your responsibility to read the handbook. If you do not understand the handbook, it is also your responsibility to contact the Human Resources Office to ask for assistance.

The Handbook must be returned to the Human Resources Office upon termination of employment at Tech.

________________________________________         ______________
Employee Signature     Date