



# New Mexico Tech Employee Handbook

Human Resources Department

November 2024

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## Introduction and Overview

### 1. A Welcome Message from New Mexico Tech

Welcome to the New Mexico Institute of Mining and Technology (“New Mexico Tech” or “NMT” or “University”). We are delighted that you have joined us. At New Mexico Tech, the excellence of our institution is rooted in the quality of our people. Our faculty drives academic and research excellence, our professional administrative staff ensures smooth organizational operations, and our support staff forms the essential foundation that keeps everything running. Together, we create an environment where each individual has the opportunity to grow and reach their full potential.

NMT strives to provide employees with opportunities to match their skills, experience, and capabilities with the organization’s needs and goals. University policies offer direction and opportunity through a careful blend of planning, development, assessment, and placement.

Occasionally, new policies are introduced, and outdated ones are updated or removed in response to changing circumstances. All NMT policies are posted on the website. While New Mexico Tech strives to keep employees informed of any changes to employment policies and procedures, there may be times when operational needs require modifications without prior notice. In such cases, updated guidelines will be posted on the NMT website. However, please understand that the policies herein cannot be modified, varied, or bypassed without the express approval of the NMT President. For more information on rules governing policies, please see OP-01, Policy on Policies. Your employment at NMT is at-will<sup>1</sup>, meaning you are free to resign at any time, just as NMT may terminate your employment at any time and for any reason as long as it does not violate state or federal laws. All vice-presidential positions, including assistant and associate vice presidents, as well as directors of major research divisions/centers (e.g., Bureau of Geology, Petroleum Recovery Research Center (PRRC), etc.) serve at the pleasure of the University President and are subject to at-will appointments throughout their tenure. For those holding faculty positions, this at-will status applies only to their administrative roles and does not affect the faculty tenure portion of their employment.

Disclaimer: Nothing in this Handbook constitutes a contract or promise of continued employment.

**This handbook applies to all New Mexico Tech employees unless otherwise excluded. This Handbook supersedes the previous handbook.**

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<sup>1</sup> Does not apply to tenured faculty

## 2. Introduction

New Mexico Tech was founded in 1889 as the New Mexico School of Mines. Over the years, our mission has evolved, and today we stand as an internationally renowned science and engineering research university. Recognized as one of the top institutions nationwide in science, technology, engineering, and mathematics (STEM), NMT consistently ranks among elite universities for academic value and the quality of education.

Students are drawn to NMT for its exceptional academic reputation, personalized mentoring relationships with professors, hands-on laboratory training, and meaningful research opportunities. Our students work alongside world-class faculty in our major research facilities, gaining invaluable experience.

Set in the expansive and picturesque landscape of the Southwest, NMT is rich in history. Socorro County, once the heart of state mining operations, led to the University's founding. That pioneering spirit is still felt today, from the legendary exploits of Elfego Baca to the now-quiet cattle shipping yards in Magdalena and the remote Alamo Navajo Indian Reservation (T'iiistsoh), 29 miles north of Magdalena. These landmarks reflect the region's rich tri-cultural heritage.

NMT is a global leader in a wide range of research fields, including atmospheric physics, astrophysics, biology, biomedical research, computer science, cybersecurity, and energetic materials engineering. Our expertise extends across earth and environmental sciences, various branches of engineering (chemical, civil, electrical, environmental, materials, mechanical, mineral, and petroleum), as well as engineering management. We also excel in geophysics, geoscience, homeland security, hydrology, information technology, petroleum recovery, and space science.

## 3. Mission and Vision Statements

New Mexico Tech strives to be a leading community of scholars committed to research, education, and innovation. Our goal is to advance science, technology, engineering, and mathematics to address the challenges of today and the future. We aim to foster innovation and education through transdisciplinary collaborations, driving progress and discovery across diverse fields.

### 3.1. Mission Statement

New Mexico Tech leads education and research in science, technology, engineering, entrepreneurship, and mathematics (STE<sup>2</sup>M) for New Mexico.

- We **educate** a diverse student body in foundational and collaborative student-focused programs.
- We **lead** by example through life-long learning.
- We **forge** scientists, engineers, and leaders for the future.
- We **serve** the public through research, scientific knowledge, economic development, and STE<sup>2</sup>M outreach benefitting the communities of New Mexico and beyond.

### 3.2. Vision Statement

To be an inclusive, distinguished, and vibrant community of scholars dedicated to continual enhancements in education, research, and innovation to meet the STE<sup>2</sup>M challenges of tomorrow.

## 4. Institutional Values

New Mexico Tech's shared values inform the actions the University community will undertake in fulfilling our mission and in accomplishing our vision.

- **Excellence in Teaching, Scholarship, and Integrity:** We pursue excellence and distinction in our academic, intellectual, creative, and personal pursuits with the highest integrity.
- **Empowering Student Success:** We provide engaging and comprehensive educational experiences that facilitate our students' growth, development, and ability to serve their profession, community, and society.
- **Entrepreneurial and Innovative:** We are creative and innovative problem solvers whose solutions advance disciplines and promote economic impact.
- **Engaging the Community:** We serve the communities we live in, our professional communities, and the public mission of the institution.
- **Equitable, Inclusive, and Collaborative:** We all have a stake in and responsibility for NMT's continual achievement of DEI excellence and in creating an environment where anyone can come and achieve their goals.

## Code of Conduct and Ethics

### 5. Fostering a Culture of Civility, Diversity, and Inclusivity

New Mexico Tech is dedicated to cultivating a culture of civility, diversity, and inclusive excellence, where individuals of all identities and backgrounds feel welcomed, supported, and encouraged to engage in the open exchange of ideas. Our commitment to excellence ensures that attendees at University-sponsored events can expect a safe environment, free from discrimination and harassment. Behaviors that fail to uphold the highest standards of integrity and professional ethics are contrary to NMT's mission and values.

NMT is committed to maintaining the highest standards of ethics and integrity in all academic, research, and administrative operations. We promote these values among our regents, administrators, faculty, staff, students, and anyone acting on behalf of the university or its affiliated entities.

It is the responsibility of everyone to be aware of and comply with all applicable laws, regulations, and University policies. Those involved in research activities must also ensure compliance with the requirements of any applicable contracts or grants.

Please see [New Mexico Tech's Academic Honesty and Research Integrity Resources](#) for detailed information on issues including conflict of interest, plagiarism, consequences of violations, etc. Also see Conflict of Interest, Section 6.1; Intellectual Property/Patents and Copyrights, Section 48; and Consulting and Outside Employment, Section 40; Other policies herein may apply.

NMT's Code of Conduct sets the standard of conduct expected of all employees in their daily work and applies to participants in research, including PIs, Co-PIs, researchers, post-docs, and students. This Code of Conduct sets the expectation that all employees and participants will actively work to create a safe, welcoming, and inclusive environment and strictly prohibits discrimination, harassment, and sexual harassment. Central to this code is the principle of treating others with respect, integrity, honesty, and fairness. As a community, we strive to integrate these values into teaching, research, and business practices.

## **6. Equal Employment Opportunity**

New Mexico Tech is committed to providing equal employment opportunities in all aspects of its personnel practices and procedures. Equal employment opportunity refers to the right of every person or applicant to be judged on the basis of relevant skills, experience, and training without regard to ancestry, race, color, sex, religion, age, national origin, physical or mental disability, pregnancy, childbirth, and related medical conditions, gender identity, sexual orientation, genetic information, spousal affiliation, qualified protected Veterans, political opinions or affiliation, or serious medical condition. NMT is committed to ensuring persons of all these protected classes will have access to the University's programs, facilities, and employment.

This notice and the University's related policies are in accordance with federal and state laws and regulations prohibiting discrimination and harassment. These laws include the [Americans with Disabilities Act \(ADA\)](#), Section 503 and 504 of the [Rehabilitation Act of 1973](#), [Title IX of the Education Amendments of 1972](#), [Title VI of the Civil Rights Act of 1964](#), [Title VII of the Civil Rights Act of 1964](#) as Amended by the Equal Employment Opportunity Act of 1972, the [Age Discrimination Act of 1975](#) and its amendments provided in the [Older Workers Benefit Protection Act of 1990](#), and the [Vietnam Era Veterans Readjustment Assistance Act of 1974](#).

To help ensure nondiscriminatory practices, New Mexico Tech has a Director of [Affirmative Action and Compliance/EEOC](#). Achieving equal employment opportunity requires the active cooperation and awareness of every employee, including those with supervisory responsibility, whether on the University campus or at one of the University's satellite locations or research affiliates.

### **6.1. Nepotism/Conflict of Interest**

New Mexico Tech is dedicated to maintaining the highest ethical standards in all academic, research, and administrative operations. This commitment applies to all individuals associated with the University, including regents, administrators, faculty, staff, students, and others acting on behalf of the institution or its affiliated entities.

A conflict of interest arises when an employee's position at the University could result in a personal financial benefit to themselves or their immediate family. Employees must avoid

using their roles at NMT for personal gain and ensure that all decisions are made in the best interest of New Mexico Tech. (See OP-04: Nepotism/Conflict of Interest policy).

#### 6.2. Disclosure and Reporting

Employees are required to promptly disclose any real or potential conflicts of interest to their unit supervisor. Supervisors, in turn, will recommend a course of action to the President to ensure the conflict does not improperly influence University operations. If necessary, the situation will be reviewed by the President for final approval or denial.

#### 6.3. Solicitation, Gifts, and Political Activity

Employees are prohibited from soliciting for any cause or organization during work hours. Additionally, distributing literature, selling goods, or offering services on New Mexico Tech property is not allowed. Non-employees are also not permitted to engage in solicitation, distribute materials, or offer goods or services for sale on campus.

While on duty, employees must refrain from engaging in any partisan political activities. Furthermore, employees are not allowed to request or accept gifts from any vendor.

#### 6.4. Honesty and Integrity

New Mexico Tech expects its employees to conduct themselves in an honorable fashion. The University considers honesty and integrity as important attributes. Therefore, any misrepresentations of facts or falsification of records, including applications/résumés, personnel records, medical records, leaves-of-absence documentation, or the like, will not be tolerated. The same honesty and integrity standard applies to any NMT investigation. Any violations will result in disciplinary action up to and including termination.

## **Employment and Hiring Policies**

### **7. Human Resources**

New Mexico Tech is dedicated to building a skilled and motivated workforce aligned with the University's mission and goals. We value education, training, and opportunities for growth, and we strive to create a supportive environment where employees can develop professionally and make meaningful contributions.

Supervisors play a key role in fostering this supportive environment by maintaining open communication, addressing concerns, and helping employees navigate opportunities for growth. NMT ensures that employees are informed about any changes that may affect their roles or personal well-being, promoting a transparent and inclusive work culture.

#### **7.1. Recruiting and Hiring Process**

Our hiring process aims to attract the most qualified candidates while promoting internal mobility and diversity. Whenever possible, we prioritize filling vacancies through internal promotions or transfers. All regular and temporary positions are filled in accordance with Equal Opportunity and Affirmative Action policies, ensuring a fair and inclusive process.

When a vacancy occurs, the following steps are taken to ensure an efficient and equitable recruitment process:

- **Position Approval:** The hiring department completes the "Position Description Questionnaire" and "Personnel Requisition" forms, which are signed by the department head and division director/VP before submission to Human Resources. HR then establishes the appropriate pay grade and rate of pay.
- **Job Posting and Advertising:** The position is posted according to the Personnel Requisition form and advertised accordingly. Internal employees are encouraged to apply within the first seven days of posting. Internal applicants who meet the qualifications will be interviewed and considered alongside external applicants.
- **Application Review:** The Human Resources Department reviews all applications to ensure they meet the posted requirements and forwards qualified candidates to the hiring department or search committee.
- **Interview Process:** The hiring supervisor along with the appropriate search committee selects candidates for interviews and submits interview questions to HR for review. After interviews, the search committee completes a Record of Interview Form for each candidate, agreeing on a recommendation.
- **Final Selection:** References are checked for the finalist(s), and the Interview and Selection Summary Form is completed, ranking candidates in order of preference. The hiring unit is obligated to offer the position to each candidate listed in the top section of the form, should the preferred candidate decline.
- **Job Offer:** Once the Human Resources and AA/EEOC Departments have approved the job file, the hiring supervisor may extend a conditional offer. The offer becomes official only after the President has signed the Personnel Action Form.

## 7.2. Internal Hiring and Job Posting

New Mexico Tech believes in giving current employees the opportunity to advance within the University. Regular employees (not in the Probationary Period) are considered for open positions within their department or across campus. If no internal candidates meet the qualifications, the position is opened for external recruitment. All internal applicants will be notified if their qualifications did not meet the position requirements.

## 7.3. Additional Guidelines

To ensure flexibility and compliance with state and federal regulations, New Mexico Tech may revise its recruitment and hiring procedures as necessary. Mandatory training, including Title IX and Online Security Training, is provided to all employees to meet Federal and University requirements.

## 7.4. I-9 Employment Eligibility Verification

The Immigration Reform and Control Act of 1986 requires all employers to verify that individuals being considered for employment are eligible to work in the United States. The law requires that new employees complete a Form I-9 (Employment Eligibility Verification) within three 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 their first day of employment, or on the effective date of their employment. Most employees will complete their I-9 in the Human Resources Department. Employees at off-campus sites will complete the I-9 at the office where they work. Instructors with the Community Education Outreach Program will fill out the forms at the Registrar's Office. The completed I-9 forms from these offices must accompany the Personnel Action Form.

Employees unable to provide eligibility documentation within three working days of the effective date of their employment must be terminated. There are no exceptions.

# 8. Supporting Non-Citizen Employment at New Mexico Tech

New Mexico Tech may establish and maintain H-1B and J-1 procedures for petitioning the United States Citizenship and Immigration Services (USCIS) for legal authorization to allow an individual the privilege of legally acquiring and maintaining employment while in the U.S.

Departments seeking Immigration and Naturalization Services (INS) are responsible for covering all related costs through their own institutional or departmental funds. Contractual funds may only be used if the non-immigrant hire is essential for fulfilling a specific contractual obligation.

In some cases, special funding for visa application services may be available from other sources, but departments must provide a detailed justification and secure approval from the President of NMT.

### 8.1. Outline of Procedures for Obtaining Visas

- J Visa – No fee is charged for processing paperwork for a visitor to acquire his/her/their J-status. Human Resources will process the requisite form (DS-2019)–and ensure that the visitor receives it. Express mail fees will be charged to the applicable department.
- H-1B Visa – The I-129 petition packet is submitted to USCIS for approval to grant H-1B status to the visitor, thereby allowing their legal employment in the U.S.
  - o If a visitor's dependents already live in the U.S., Form I-539 must be completed and attached to request a status change for dependents.
  - o Form I-539 requires a processing fee, which is the only fee a visitor must pay.
- Permanent Residency (PR) – New Mexico Tech does not generate any of the petitions, documents, or mandated fees for an employee to obtain his/her/their PR status. Exception: Effective July 16, 2007, the Department of Labor (DOL), [www.foreignlaborcert.doleta.gov/](http://www.foreignlaborcert.doleta.gov/), amended its regulations pertaining to employers' responsibilities toward the acquisition of Permanent Labor Certification applications. Before the employer can submit an immigration petition to the Department of Homeland Security (through USCIS), the employer must obtain:
  - o An approved labor certification request from the DOL's Employment and Training Administration (ETA). The DOL must certify to the USCIS that no qualified U.S. workers are able, willing, qualified, and available to accept the job at the prevailing wage for occupation in the area of intended employment.
  - o This required fee will be absorbed by the department that employs the individual seeking PR status.
  - o An employer's transfer to the alien beneficiary of the employer's incurred costs in the labor certification or application process is strictly prohibited. The following steps are required when an employee is interested in applying for PR status:
  - o An initial request to the Human Resources Department must be submitted in writing.
  - o A form will be generated to the responsible department, notifying it of pending charges and requesting account numbers to be charged.
    - The Human Resources Department will forward this request to an immigration attorney for processing.
    - The fees for this service will be assessed to the individual department.
    - Fees for this service vary.

The President has the sole discretion to approve the hire and to initiate processing all Immigration and Naturalizations of H-1B and J-1 visas and PR requests. Any offer of employment is contingent upon an applicant being able to provide the Human Resources Department with the required documentation proving eligibility to legally work in the United States.

For assistance with employment of faculty/staff under the H-1B, J-1 Visas categories, contact the Human Resources Department.

## **9. Probationary Period for New Employees**

### **9.1. Support and Professional Staff<sup>2</sup>**

All new regular and temporary employees serve a period of introduction. The support staff Introduction Period is for six months, and for professional staff, the Introduction Period is for 12 months. New employees must attend the first new employee orientation conducted by the Human Resources Department following their hire date. Policies, procedures, and benefits are explained at orientation; employees may sign up for the health, dental, vision, and life insurance plans, as well as for other benefits offered by NMT.

Supervisors will provide new employees with copies of their job descriptions and explain expectations for job performance, which is formally evaluated during the period of introduction. The supervisor will then discuss these evaluations with the new employee. The period of introduction may be extended one time for up to three months, when, in the opinion of the supervisor and with the concurrence of the Human Resources Director, the employee's performance has shown improvement, but has not fully reached acceptable standards.

Employees may be terminated during their period of introduction at any time without notice or explanation. While employees are in their probationary period, they do not have access to grievance or appeal procedures.

New employees are eligible for benefits but are not entitled to use annual leave during the first six months of employment. Support staff are eligible to apply for another position on campus after six months; professional staff after one year.

In the event of a workforce reduction, employees in their probationary period will generally be laid off before regular employees who have completed their probationary phase. However, the NMT President may waive this procedure under special circumstances.

### **9.2. Mandatory Training**

All new employees are required to receive New Employee Sexual Misconduct and Awareness Training. All employees have been designated as Mandatory Reporters and are obligated to report any known information about conduct that may reasonably constitute sex discrimination to the Title IX Coordinator for resolution. All employees are required to receive annual Mandatory Reporter Training.

## **10. Employee Categories and Position Classification**

### **10.1. Nonexempt Staff**

This classification includes all support staff such as Administrative/Secretarial/Clerical, Technical, Skilled or Service employees who are paid on an hourly basis and must complete a timecard. Support staff employees are eligible for overtime payments or compensatory time after working 40 regular hours in a workweek. These employees are classified as nonexempt by the Fair Labor Standards Act.

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<sup>2</sup> Does not apply to faculty or students on work study or to GA/TA appointments

## 10.2. Exempt Staff

This classification includes Executive, Faculty, Administrative, Supervisory, or Professional employees. Professional staff employees may or may not be required to complete a timecard, depending upon their work responsibilities. Professional staff are responsible for their own time but are expected to work at least 40 hours per week to complete work obligations, typically 8 a.m.–5 p.m. each day. These employees are classified as exempt by the Fair Labor Standards Act.

## 10.3. Positions

### 10.3.1. **Regular Employees**

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

### 10.3.2. **Regular Limited-Term**

A regular limited-term position refers to a set term of employment of more than 360 days and less than 60 months, as set forth in the Personnel Action Form. A regular limited-term position may be full-time (40 hours per week) or part-time (less than 40 hours per week). Regular limited-term employees are eligible for all benefits programs and privileges.

### 10.3.3. **Temporary and Emergency Employees**

Temporary employees are hired to fill in for employees on leave, on sabbatical leave, or to meet special job needs such as grant work and short-term research appointments of up to one year. Vacancies for temporary positions are filled through New Mexico Tech's regular employment process or as unposted positions, depending on the circumstances of the hiring unit. Full-time temporary employees are only eligible for NMT's Employee Health Plan and legally required benefits.

Temporary and Emergency employees are available to departments that need additional or replacement staff resulting from absences due to illness, leave of absence of regular employee(s), or unanticipated work requirements. The length of emergency employment and any extension thereof will be determined jointly by the hiring unit and the Director of Human Resources and may be subject to reduced work hours. Requests to extend the length of employment for these employees must be submitted in writing and approved by the Human Resources Department with concurrence by the division Vice President or the President.

Emergency employees are not eligible under NMT's Employee Benefits Plan, for benefits such as compensatory time off, holiday pay, annual leave, and sick leave; but are eligible for legally required benefits such as Workers' Compensation and Unemployment Compensation. Emergency employees may be terminated at any time without notice or explanation.

### 10.3.4. **Postdoctoral Appointments**

Postdoctoral employees are initially hired for a period of up to one year. Employment may be extended for an additional year, subject to the availability of funding. Any unit desiring to extend a postdoctoral beyond the first year must have the approval of the President prior to the end of the first year. Postdoctoral employees are retained through the same employment procedures as temporary professional employees and thereby eligible for medical benefits.

#### 10.3.5. **Student Postdoctoral and Research Assistants/Associates**

Graduating students may continue after graduation as Postdoctoral or Research Assistants to complete research projects that were initiated prior to graduation. Such Postdoctoral and Research Assistants/Associates will be considered as full-time temporary employees and eligible for medical benefits. These positions may continue for up to 12 months (up to 24 months with approval of the President).

#### 10.3.6. **Students**

Individuals enrolled as regular students who are not employed under student employment may apply for regular and temporary part-time positions. Students working in regular and temporary part-time positions must participate in the Educational Retirement Board Program and may be eligible to participate in other New Mexico Tech benefits depending on employment status. Typically, these position titles are listed as Student Interns.

#### 10.3.7. **Summer Employment**

High school and college students may be hired for the summer months, generally from late May through early August, with the exact start and end dates dependent on the high school's academic calendar. Students must be 16 years of age or older and must meet the position qualifications for which they are hired. They will be paid the regular starting rate of pay for that position. Summer student employees are not eligible for benefits other than those required by statute.

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

#### 10.4. **Full Time Equivalency (FTE)**

Employees working less than full-time will be assigned a corresponding percentage of the FTE according to the number of hours they are expected to work. The FTE is used to calculate benefits and leave accruals as applicable.

The following are acceptable FTEs per pay period (two weeks):

- .25 equals 20 hours
- .50 equals 40 hours
- .75 equals 60 hours
- 1.0 equals 80 hours

## **11. Hiring Former Employees**

Former employees are assessed for rehire eligibility at the time of their departure and may be considered for re-employment if their qualifications align with the requirements of the open position. However, those who left involuntarily due to unsatisfactory performance or disciplinary action, or whose record is marked as "not eligible for rehire," may only be considered for re-employment with the approval of the Human Resources Director and the President.

## **12. Voluntary Resignation**

New Mexico Tech strives to offer a fulfilling and lasting employment experience. However, if an employee decides to resign, non-exempt staff are encouraged to provide their supervisor with at least two weeks' written notice, while professional staff are encouraged to give at least four weeks' notice. Before departing, employees should visit the Human Resources Department to complete the necessary paperwork.

## **13. Layoff<sup>3</sup>**

If a reduction in the workforce or available work hours within a specific unit at New Mexico Tech becomes necessary due to a lack of work or funding, organizational changes, or other reasons, regular full-time and part-time employees may, at the discretion of the NMT President, receive a minimum of two weeks' advance notice or 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 New Mexico Tech's organizational structure that is responsible for a specific activity or group of activities. A unit may be divided into subunits 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.

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

Regular and limited-term 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 Department will contact them by telephone or mail whenever vacant positions exist for which they may qualify. Employees on layoff may apply 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.

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<sup>3</sup> Does not apply to faculty or students on work study or to GA/TA appointments

If an employee's former position or a position with essentially the same duties in the employee's previous organizational unit becomes vacant and if funding is available, it will be offered to the employee as per the recall schedule described as follows.

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:

| LENGTH OF SERVICE   | RECALL PERIOD |
|---------------------|---------------|
| 6 Months to 5 Years | 6 Months      |
| Over 5 Years        | 12 Months     |

Employees are recalled to work in reverse order of layoff. The employee or employees will be contacted by certified mail return receipt and will have seven days from receipt to contact the Human Resources Department 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.

#### 13.1. Employees on Layoff – Benefits

Employees on layoff may elect to continue medical, dental and vision coverage for up to 18 months through [COBRA](#) (Consolidated Omnibus Budget Reconciliation Act of 1986). If an employee is disabled at the time of layoff, the employee may elect to continue coverage for up to 18 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.

- Employees who are laid off will be paid for accumulated compensatory time, annual leave, and accumulated sick leave as described herein under "Payment for Accumulated Sick Leave."
- Employees on layoff will receive their final paycheck no later than the first regular pay period following layoff, provided property clearance forms have been completed and approved.
- Employees on layoff will be paid for any holiday occurring within two weeks of layoff.
- Employees on layoff, at their request, will be given reasonable assistance in searching for a new position, including résumé preparation, coaching in interview skills, job market identification, and clerical assistance. Any assistance will be limited to six months from the date of layoff.

## 14. University Flexible Work Policy

New Mexico Tech is dedicated to fostering a healthy work-life balance for all its employees. In support of this commitment, NMT has established a flexible work policy. This policy aims to offer flexibility to employees whenever possible, while maintaining the integrity of NMT's academic mission, which relies primarily on in-person interactions among students, faculty, and staff. For eligibility and approval process, please review OP-02, Policy on University Flexible Work.

## Compensation and Benefits

### 15. Wages and Salaries<sup>4</sup>

New Mexico 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 NMT, and pay rates in the job market outside of the University.

Every position at NMT has an established pay range. In general, a new or transferring employee begins at the minimum rate of pay for the position. There may be instances when a transferring or new employee is paid at a higher rate for the position due to advanced education, qualifications, and/or experience. Offers of employment above the minimum rate of pay must have the approval of the Human Resources Department.

#### 15.1. General Pay Adjustment

Wages and salaries may be increased on or about July 1 of each year, depending upon University directives for annual increases and outside influences that affect the economic stability of state-funded entities. All regular-status employees who have completed the Probationary Period are eligible for the July 1 general pay increase.

#### 15.2. Merit Increases

Employee performance reviews will be conducted each year, with merit increases effective on or about July 1 of each year when applicable. Merit increases are determined solely on performance as determined by the annual performance evaluation process and the availability of merit increase funds. Employees in their Probationary Period are not eligible for merit increases.

#### 15.3. Temporary Assignments

Assignments to higher-classified positions give employees the opportunity to cross-train in another position and learn new skills, gain valuable experience, and demonstrate aptitude for another job. The following policy governs compensation for employees temporarily assigned to different positions. Temporary assignments have a maximum duration of six (6) months/960 hours but may be extended with the approval of the President.

##### 15.3.1. **Professional Staff Employees Temporarily Assigned to a Higher Position**

Professional employees may be temporarily assigned to higher classified positions for up to two months (320 hours) with the approval of a Vice President and receive an adjustment in compensation, as agreed upon by the Vice President and President. If needed, the assignment may be extended beyond two months with the approval of the President. An employee in a temporary assignment to a higher classified position is performing significant, time-sensitive, and essential functions of that position and has the authority to initiate and approve actions and decisions typically at the discretion of the incumbent.

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<sup>4</sup> Does not apply to faculty or students on work study or to GA/TA appointments

Employees will return to their regular rate of pay at the end of the temporary assignment, and temporary assignment compensation will not become the employee's permanent salary.

#### **15.3.2. Support Staff Employees Temporarily Assigned to a Higher Classification**

Support staff employees assigned to perform a higher classified position for 30 or more consecutive work days (240 hours) will be paid the minimum rate for the higher classification or receive an eight percent (8%) increase, whichever is greater, for the period of time assigned to the higher classified position. Temporary upgrades require the approval of a Vice President. 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.

#### **15.3.3. Employees Temporarily Assigned to Lower Classified Positions**

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.

#### **15.4. Equity Adjustments**

An equity increase may be granted in two instances:

- If an employee is paid less than other employees in the same job classification, and the employee's qualifications, experience, and performance are equal to other employees in the same job classification, the lower-paid employee is eligible for an equity increase. The review to determine if there is an equity issue may be initiated by the employee, supervisor, or the Human Resources Department.
- If NMT is paying a wage or salary that is significantly less than what is being paid in the job market, the University may adjust that job classification's wage or salary grade and the incumbent's rate of pay. Equity raises must be based on job wage comparison analyses conducted by the Human Resources Department and approved by the appropriate Division Director or Vice President, and the President.

#### **15.5. Demotions**

When an employee is demoted involuntarily, his or her wage or salary will be reduced at the rate of 10 percent 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. An employee facing an involuntary demotion has the opportunity to request a hearing within five work days of the pending demotion. The department/division director, director of HR or designee, and a representative from an appropriate Vice President Office (if requested by the employee) will serve as the hearing officers and will make the final determination regarding the pending demotion. The wage or salary of an employee who voluntarily requests a demotion will be reduced to the midpoint for the new position.

#### **15.6. 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 regular hours in a workweek. Overtime is earned and paid at the rate of one and one-half times the basic hourly rate. The workweek for overtime purposes begins on Monday and ends at midnight on the following Sunday.
- Compensatory time may be earned at a rate not less than one and one-half hours for each overtime hour worked in lieu of overtime pay. Support staff employees wishing to earn compensatory time must have a prior written (e.g., email) agreement with their supervisor. The supervisor must authorize overtime and compensatory time in advance. However, overtime must be paid or compensatory time must be given for all hours worked over 40 regular hours in a workweek, whether authorized or not. However, support staff employees who work overtime without authorization may be subject to disciplinary action, including termination, for consistent violations of authorization requirements.
- Employees may earn up to 100 hours of compensatory time. Golf Course, grounds, and Campus Police employees may accumulate up to 240 hours of compensatory time due to work assignments, as needed, in addition to their regular work schedule.
- Overtime beyond the maximum allowable accumulation must be paid by the employee's department. Compensatory time off will be granted within a reasonable time after the employee requests it, provided the employee's absence does not unduly disrupt department operations. 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 Department, using Fair Labor Standards Act guidelines, determines whether a position is exempt or nonexempt and subject to this policy. Exempt employees are not entitled to overtime pay or compensatory time.

## **16. Payday**

Payday for support and professional employees is biweekly (every other Friday). All employees are on NMT Banweb electronic timesheets. Timecards are submitted electronically by the employee, approved by the employee's supervisor, department chair, or director, and submitted before the deadline established by the current time card schedule (available in the Payroll Office). Late submission or approval of a timecard may result in an employee not being paid until the next payday.

New Mexico Tech may require that certain employees "clock in and out" through a time clock (e.g., Facilities Management employees). All department timecards must be submitted by the same deadline as employees' electronic time; a reminder is sent out every other Wednesday. Both the employee and the authorizing supervisor must approve any changes.

## **17. Employee Benefits**

### **17.1. Employee Benefit Plan**

Regular, regular limited-term, and full-time temporary employees may participate in the New Mexico Tech Employee Benefit Plan that provides health, dental, and vision care reimbursement. Life insurance is offered to regular employees. 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 Department and on the NMT website. Emergency, temporary part-time, temporary services, and student employees are not eligible to participate in these plans.

NMT 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 Department and on the [NMT website](#).

All eligible employees are required by New Mexico statute to become educational retirement members under the Educational Retirement Act (ERA) Section 22-11 NMSA 1978 as amended. Faculty, senior administrators, and specified research staff 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 Department and on the [NMT website](#).

New Mexico Tech and its employees also are required to participate in Social Security programs. Employees anticipating retirement should contact the Human Resources Department three months in advance of the date they intend to leave. Eligible retired employees may continue their health, dental, vision care coverage, and life insurance under the NMT Employee Benefit Plan by paying the required contribution each month. Contact the Human Resources Department or the [NMT website](#) for further information.

#### 17.2. Tuition Benefits

New Mexico Tech offers regular full-time employees three tuition-benefit 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 at NMT. 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 U.S. Internal Revenue Service tax forms.

The second program offers full resident tuition waiver for up to six 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 time from work to attend a class not to exceed six hours per week with the expectation that the time/work will need to be made up. This includes up to three credit hours per semester for work-related professional development (for employees only) and three credit hours per semester for other New Mexico Tech courses.

Lastly, employees taking non-credit community college courses will have one-half of the course fees waived.

IRS tax verification of dependent children may be requested by the Human Resources Department at any time.

### 17.3. Gym Privileges

Regular, limited-term, and full-time temporary employees; employees' spouses; retirees and retirees' spouses; and dependent children under age 21 have access to the gym, its facilities, and programs. Please note that membership fees may apply, and additional fees may be required for some specialized exercise classes.

Regular, regular, limited-term, and full-time temporary employees, employees' spouses, retirees and retirees' spouses, and dependent children under age 21 have access to the gym, its facilities, and programs. Membership fees and other exercise class fees may apply.

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

### 17.4. Swim Center

Regular and regular limited-term employees, full-time temporary employees, and retirees are eligible to purchase a pass for the Swim Center. Spouses and dependent children under the age of 21 of eligible employees, and retirees are eligible for a family membership. 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. More information at the Swim Center [webpage](#).

### 17.5. Golf Course

Regular New Mexico Tech employees receive a discounted membership when purchased through payroll deductions. The employee's membership automatically will be renewed the following year, and the payroll deductions will continue unless the Golf Course shop is notified in writing to discontinue the membership. NMT retirees, spouses, and dependent children are eligible to purchase an annual membership at a reduced rate. For information, contact the [New Mexico Tech Pro Shop](#).

## Workweek, Leave, and Absence Policies

### 18. Workweek and Hours

The normal workweek is Monday through Friday from 8 a.m. to 5 p.m. If a position's required working hours vary from the normal workweek, the supervisor will inform the employee of the schedule. The workday will be determined by the department supervisor.

All NMT employees who do not work at an official University worksite must adhere to requirements mandated in the New Mexico Tech Policy on University Flexible Work (OP-02, Policy on University Flexible Work).

Work permitting, support staff employees generally receive two short breaks for up to 20 minutes each, one in the morning and one mid-afternoon. Breaks are neither cumulative nor can they be used to leave work early or to be used for personal business off campus. The one-hour lunch period is usually taken from noon to 1 p.m. The employee and the supervisor can determine the best times to take breaks and lunch.

### 19. Leave<sup>5</sup>

#### 19.1. Annual Leave

Annual leave provides the opportunity to rest and relax away from the pressures of work, spend time with family and friends, and gain a fresh perspective toward 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:

##### 19.1.1. Accrual of Annual Leave - Support Staff

Regular and regular limited-term employees earn bi-weekly 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. A maximum of 240 hours of annual leave shall be carried forward after the last pay period beginning in December.

Employees terminating employment will be compensated for their unused annual leave at their regular rate of pay.

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<sup>5</sup> Does not apply to faculty or students on work study or to GA/TA appointments

**19.1.2. Accrual of Annual Leave - Professional Staff**

Regular and regular limited-term professional employees earn annual leave at the rate of 6.46 hours per pay period on a bi-weekly basis. Part-time professional employees earn annual leave based on the FTE (full-time equivalency) for their position, e.g., .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 a maximum of 336 hours or 42 working days. Professional employees will be compensated for their unused annual leave at their regular rate of pay.

**19.2. Procedure for Requesting Annual Leave**

Whenever possible, New Mexico Tech will grant annual leave to accommodate an employee. However, work requirements must take priority over scheduling vacations or other time off for employees. Requests for annual leave should be submitted for approval at least three working days in advance to allow for an adjustment of work schedules. Submit leave request forms to the Payroll Office prior to the start of the annual leave. Failure to submit a leave request may result in disciplinary action.

NMT generally suspends operation between Christmas and New Year's Day. Regular employees are granted some days of Institutional Leave, and also use some of their own accrued Annual Leave during that break. Advance notice will be given if there are any changes in the practice.

**19.3. Sick Leave**

New Mexico Tech's sick leave program allows employees to accumulate paid sick leave time.

**19.3.1. Accrual of Sick Leave by Regular Support Staff**

Regular and limited-term 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.

**19.3.2. Accrual of Sick Leave by Regular Professional Staff**

Regular and regular limited-term professional employees earn sick leave at the rate of 4.62 hours per pay period. Part-time professional employees earn sick leave based on the FTE (full time equivalency) for their position, e.g., .5, or .75 FTE. The maximum sick leave that can be earned in a calendar year is 120 hours.

**19.4. Use of Sick Leave**

Sick leave is used for absences due to the employee's mental or physical illness, injury, or health condition; medical diagnosis, care or treatment of a mental or physical illness, injury, or health condition; or preventive medical care.

- Care of the family members of the employee for mental or physical illness, injury, or health condition; or preventive medical care.
- Meetings at the employee's child's school or place of care related to the child's health or disability
- A necessary absence due to domestic abuse, sexual assault, or stalking suffered by the employee or a family member of the employee, provided that the leave is for the employee to:
  - Obtain medical or psychological treatment or other counseling
  - Relocate
  - Prepare for or participate in legal proceedings
  - Obtain services or assist a family member of the employee with any of the activities outlined above.
- With prior supervisory approval, sick leave may be used to cover absences from work for the employee's personal dental and medical appointments and to care for a spouse or dependent school-aged children living in the home. Employees who expect to be off work due to a serious illness, injury, or pregnancy must apply for leave under Family Medical Leave (Section 19.7).
- Employees shall notify their supervisor of an unscheduled absence at least 30 minutes prior to the time they regularly report to work. If the employee is unable to speak to his/her/their supervisor in person, a message (via text/email/VM) must be sent to the supervisor. This message must be followed up with an employee-to-supervisor call not later than 30 minutes from the time they regularly report to work. Failure to do so may result in an unexcused absence. 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 report daily via phone/email/text for the duration of their absence. New Mexico Tech reserves the right to terminate employees who fail to notify their supervisor for three successive days. These decisions will be made on a case-by-case basis.
- Employees on sick leave for over 40 consecutive hours are required to submit a physician's statement 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 a medical leave of absence after sick leave is exhausted.
- Membership in the Employee Benefit Plan is maintained while an employee is on sick leave so 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 the Family Medical Leave Act, the full contribution must be made by the employee 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, Workers'

Compensation payments received for such absence must be signed over to New Mexico Tech and turned in to the Human Resources Department. Upon receipt of the check, the employee's sick leave will be credited equal to the amount of Workers' 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, or engaging in a criminal act.

#### 19.5. 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 (6) months. An employee who has been on sick leave for six months may return to work provided a position is available that the employee has the skill, knowledge and training to fill. Employees on sick leave for more than six (6) months will be terminated; they may submit a 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.
- 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 Department. The employee's supervisor and the Human Resources Director will review and evaluate the request with the employee based on the following factors:
  - o The employee's work experience, training and education
  - o The employee's ability to perform the essential functions of the position
  - o The opportunity for modifying work methods, allowing the employee to perform the essential functions of the job
  - o The employee's ability to work in their position on a reduced-hour basis
  - o The availability of a vacant position that they can perform within or outside of the employee's home department.
  - o 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.)
  - o The status of the work restriction, whether 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 Director of the Human Resources Department and consideration of the essential functions of the position to be filled. 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 Department with a written release from their physician to return to work on a restricted basis. The physician's statement must include the estimated date the employee is expected to return to unrestricted work.

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

#### 19.6. Payment for Accumulated Sick Leave<sup>6</sup>

- Regular full-time and part-time employees who have completed one year of employment, and are leaving for other than disciplinary reasons, will be compensated for their accumulated sick leave to a maximum of 800 hours at 50 percent of their regular rate of pay.
- Regular full-time and part-time employees (excluding all faculty appointments) may choose to receive payment for unused sick leave hours earned during the preceding calendar year, in excess of 600 hours at 50 percent 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 are attained, the maximum of 1,040 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 March 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 the time of termination or retirement.
- Employees should go to the Human Resources Department to request the 600-hour maximum. Employees choosing the 1040-hour maximum need not make a selection.

#### 19.7. Family Medical Leave

- The Family Medical Leave Act of 1993 [29 U.S. C Section 2601 et seq.] (FMLA) entitles a qualified employee to take up to 12 weeks unpaid, job-protected leave in a 12-month period for the following reasons:
  - The birth of a child or placement of a child for adoption or foster care
  - To bond with a child (leave must be taken within one year of the child's birth or placement)
  - To care for the employee's spouse, child, or parent who has a qualifying serious health condition
  - For the employee's own qualifying serious health condition, whereby the employee is unable to perform their job
  - For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child or parent

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<sup>6</sup> Does not pertain to faculty

- Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave)

#### 19.7.1. **Definitions**

- A qualified employee is defined as any employee who works at a jobsite where the employer maintains at least 50 workers within 75 miles, who has been employed for a minimum of 52 weeks (need not be consecutive), and who has worked at least 1,250 hours during the 12 months preceding the leave. A military family provision in the law allows for 26 weeks of FMLA.
- For information regarding a serious health condition (illness, injury, impairment, or physical or mental condition), please contact the [Human Resources Department](#). Please also refer to the federal [FMLA](#) website for further information.
- Below is a list of examples of serious health conditions. However, it should be noted that this list is not all-inclusive, as there may be other health conditions that qualify for FMLA leave. Contact the Human Resources Department for further information.
  - o Inpatient care (overnight stay) in a hospital, hospice or residential medical care facility, or any subsequent treatment in connection with such inpatient care; or
  - o Continuing treatment by a health care provider which includes any one or more of the following:
  - o Any period of incapacity for more than three consecutive days due to a health condition, and any subsequent treatment or incapacity relating to the same condition; or,
  - o Any period of incapacity or treatment due to pregnancy or for prenatal care; or,
  - o Any period of incapacity or treatment due to a chronic serious health condition; or,
  - o A period of incapacity which is either permanent or long-term due to a condition for which treatment may not be effective; or,
  - o Any period of absence to receive multiple treatments by a health care provider, or under the orders of a health care provider.

Regular employees may request a leave of absence of up to 12 weeks in any 12-month period to care for their own serious health condition; to care for a spouse, son, daughter, or parent with a serious health condition; for qualifying exigencies related to the employee's family member's deployment to a foreign county; to care for a newborn child, a newly adopted child, or a child placed in the employee's home for foster care.

Spouses employed at New Mexico Tech are jointly entitled to a combined total of 12 weeks of adoption or foster care leave. Sick leave is used to cover all or part of the leave. Employees may request that, when sick leave is exhausted, annual leave be used to cover all or part of the remainder of the leave. When sick leave and annual leave are exhausted, the remainder of the leave shall be leave without pay.

To maintain coverage in the Employee Benefit Plan, employees on adoption or foster care leave without pay are responsible for paying the employee/employer portion of any health

or life insurance premiums, which must be made by the first day of the month for coverage to continue.

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

#### 19.8. Requesting FMLA Leave

A Family Medical Leave Request form should be submitted as soon as the employee is aware of the need for leave. When the need 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 Department, and the completed form must be returned there. The Human Resources Department will inform the employee of the status of the request as quickly as administrative procedures permit; but, in any case, not later than five working days following receipt of the request.

#### 19.9. Medical Certification

Federal regulations permit, and NMT requires, certification by the attending medical provider for any employee's request for FMLA leave for medical reasons. These [forms](#), available in the Human Resources Department, and must be submitted along with the request for Family Medical Leave within 15 working days of its start. Final approval will not be granted until the Human Resources Department receives the medical certification form. Failure to provide medical certification may result in the leave request being denied; both the attending physician and the 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.

#### 19.10. Intermittent Leave

FMLA leave for an employee to care for themselves, or to care for a specified dependent, may be taken intermittently as need requires. For foreseeable leave or the need for a reduced schedule, the employee and supervisor must work out a schedule and agree on work hours and time off. This agreement must be in writing, with a copy submitted to the Human Resources Department. Employees are expected to notify their supervisor of any changes regarding intermittent FMLA leave.

When intermittent leave is certified for a chronic condition or a serious health condition that is episodic in nature, an employee is required to contact their supervisor (as specified in Section 19.4) to advise that their unscheduled absence is related to approved intermittent FMLA.

A long-term need for intermittent leave may require an employee to transfer to an alternate position, if one is available, to accommodate the employee's need for time off. The alternate position will have pay and benefits comparable to the employee's regular position. At the end of the intermittent leave period, the employee will be returned to their regular position, or to a comparable position with comparable pay and benefits.

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

19.11. Returning to Work from Leave

Employees returning to work from an FMLA leave of three or more days to care for their own medical condition must present a statement from their physician certifying they can 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.

19.12. Confidentiality of Medical Records

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 Department. The Human Resources Department Benefits Administrator must approve any other requests to view these records.

An employee cannot be required to disclose additional medical information or doctor’s notes outside of that provided in their original medical certification or recertification or to disclose medical information to personnel who are not charged with processing or administering requests for Family and Medical Leave.

19.13. 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 both the employee/employer 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.

**20. Other Types of Leave**

20.1. Holidays

Regular and regular-term employees of New Mexico Tech enjoy paid holidays each year.

|                                                                                          |                                                                                                  |
|------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| New Year’s Day<br>Martin Luther King Jr<br>Spring Holiday*<br>Memorial Day<br>Juneteenth | Independence Day<br>Labor Day<br>Thanksgiving<br>Friday following Thanksgiving<br>Winter Holiday |
|------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|

\*As determined by administration

- All employees are expected to work the last scheduled workday prior to and the first scheduled workday following a holiday, unless they have received prior approval from the employee's supervisor.
- 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 one and one-half for each hour worked in addition to holiday pay.
- Holidays occurring on Saturday will be celebrated on the preceding Friday. Holidays occurring on Sunday will be celebrated on the 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.

#### 20.2. Institutional Leave

Institutional leave will be granted to employees for various holidays and emergency situations; it is granted at the discretion of the University. Institutional leave is provided to regular and regular-term employees of NMT when NMT is closed other than scheduled holidays.

#### 20.3. Personal Day

Regular and regular limited-term employees receive one paid personal day off of the employee's choice each payroll calendar year. Regular part-time employees receive a paid personal day based on their full-time equivalency: that is, 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 request. Partial days cannot be used. Personal days are calculated on a calendar-year basis and must be used within the payroll calendar year; if not used, they cannot be carried forward and must be used prior to the last pay period in December.

#### 20.4. 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 Payroll Office. Employees are expected to return to work if they are released from jury duty prior to 12 p.m. (noon). Employees need to provide their supervisor and the Human Resources Department with a copy of the notice to serve.

#### 20.5. Witness Duty

If subpoenaed to appear in court as a witness, an employee will be granted time off with pay provided the employee or employee's family is not a party to the suit. A copy of the subpoena must be provided to the supervisor and Human Resources Department.

#### 20.6. Paid Time Off to Vote

Employees who are registered voters and are unable to get to the polls due to work requirements will be granted, upon request, up to one hour with pay to vote on the day of the election.

Supervisors will determine what time of day to let the employee off. Requests for time to vote should be made with the appropriate supervisor prior to the day for which leave is requested.

#### 20.7. Military Service

Employees will be granted leave with pay to attend required Military Reserve or National Guard training not to exceed 30 days annually. Employees are expected to provide their supervisor and the Human Resources Department with a copy of their orders.

#### 20.8. Bereavement and Emergency Leave

Employees will be granted three days of bereavement leave with pay. The employee must complete a Request and Authorization for Leave form; attach a copy of acceptable documentation (obituary, death certificate), and submit it to their supervisor and the Human Resources Department within three days of returning to work to receive pay. Failure to submit proper documentation to the supervisor and the Human Resources Department within the designated time period will result in denial of bereavement pay.

Employees may be granted up to three days of emergency leave with pay each calendar year due to life-threatening illness or injury in their immediate family.

Immediate family is defined by NMT as any member of the employee's family who resides in their home and any of the following relations to the employee: spouse; grandparents; in-laws; children; grandchildren; parents; siblings; and step-children.

### 21. Leave Without Pay<sup>7</sup>

Regular full-time staff may request a leave of absence without pay for up to 30 days, which is granted at the discretion of New Mexico Tech and requires the approval of the appropriate department/division director. Leave without pay may not be taken in place of annual or sick leave.

Regular full-time employees who have completed 10 years of employment may request an extended leave of absence without pay for up to one year, which is granted at the discretion of NMT 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 for 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 Plan by paying the full monthly contribution. Arrangements can be made in the Human Resources Department.

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<sup>7</sup> Does not apply to faculty or students on work study or to GA/TA appointments

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

This leave is separate and apart from any leave requested to accommodate a disability under the Americans with Disabilities Act or New Mexico Human Rights Act. For information on requesting a reasonable accommodation please refer to the University's non-discrimination policies under the Affirmative Action/EEOC Director & ADA Compliance Officer.

#### 21.1. Retirement

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

#### 21.2. Donated Leave Program<sup>8</sup>

Regular approved employees may request donated sick and/or annual leave when they are diagnosed with a catastrophic medical condition, or a life-threatening medical emergency or injury defined as unexpected, non-elective, and so severe as to require medical treatment that prevents them from working.

##### 21.2.1. **Procedure/Eligibility**

The program applies only to regular employees of New Mexico Tech. The regular employee cannot be in their Probationary Period. This policy does not cover employees' family members.

An employee wishing to participate in the voluntary annual and/or sick leave transfer program must submit a written request to the Human Resources Department. The following must be provided:

- A licensed health care provider's description of the nature, severity, and anticipated duration of the emergency involved as provided by the employee or legally authorized representative
- A statement that the recipient is unable to work all or a portion of their work hours
- Any other information which may be reasonably required.

The employee will be expected to return to duty on the date specified in the verification or certification form. Employees will not earn vacation, sick, or personal leave while on donated leave.

If, when a request for donated leave is submitted, and the employee's leave balances are soon to be exhausted, the employee must request leave without pay for the time period between the request and the donated leave use. Employees should, when possible, request the donated leave a month in advance of exhausting all available annual, sick, compensatory, and personal leave.

Upon receipt of all completed pertinent documents, the Human Resources Department will evaluate the request and determine eligibility based on medical severity and other factors.

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<sup>8</sup> Does not apply to faculty or students on work study or to GA/TA appointments

If donated leave is unused by the recipient, it will be reinstated by prorating the remaining leave among donating employees.

A regular employee, as defined above, may request donated leave once per rolling 52-week period.

The maximum number of hours of donated leave that can be requested and/or used by an employee is 320 (40 days) of leave. Hours and/or days of leave will be ~~pro-rated~~ prorated to equal 40 days of leave for regular part-time employees.

### 21.3. Voluntary Donation of Annual Leave and Sick Leave

In accordance with the provision of section 10-7-10 NMSA 1978, the donation of sick leave is governed by the following restrictions:

- Employees who have accumulated more than 600 hours of sick leave can transfer additional time over 600 hours to another employee (via the donated leave reserve)
- The dollar value of the transferred leave shall equal 50 percent of the monetary value of the total hours transferred by the donor employee;
- No more than 120 hours of sick leave may be transferred by the donor in any one fiscal year, with the exception of the year in which an employee retires, when said employee may transfer up to 400 hours of sick leave; and
- Donations of sick leave may be made only once per fiscal year on the pay date immediately following the first full pay period in January, unless the employee is retiring.

## **Workplace Conduct, Safety, and Facilities**

### **22. Workplace Violence**

New Mexico Tech is committed to fostering a professional, inclusive, and welcoming workplace. All employees are expected to practice common courtesy and maintain safe, appropriate behavior at all times during work time—whether on the job, on NMT property, or while representing the University off-site. Any involvement in physical violence, threats, or provocative remarks that incite violence or contribute to an unsafe or uncomfortable work environment is strictly prohibited. Employees who engage in such behavior will face severe and immediate disciplinary action, up to and including termination.

#### **22.1. Guide for Employees**

Employees may sometimes exhibit signs of losing control, which could escalate into aggression or violence. If you become a target of workplace aggression or violence, or if you observe such behavior, please follow these procedures:

1. Notify your supervisor immediately. All acts of violence or aggression, whether physical or verbal, must be reported. Your supervisor will contact Campus Police if immediate action is necessary.
2. If your supervisor is unavailable, call Campus Police at x5434. Explain the situation to the dispatcher, who will assess whether additional emergency services are required.
3. If there is immediate danger or imminent harm, call 911.

### **23. General Safety and Health**

New Mexico Tech is dedicated to providing a safe and healthy workplace for all employees. In compliance with state regulations and OSHA standards, NMT implements a safety and health program tailored to each facility. Both management and employees play vital roles in the success of this program.

The primary goal is to minimize or eliminate workplace injuries and illnesses. NMT takes a proactive approach to ensure the safety of its employees, believing that most accidents can be prevented.

Managers and supervisors are responsible for promoting safety awareness and ensuring that all operations are conducted with the highest regard for safety and health. Employees are expected to fully cooperate with all aspects of the safety program, including following safety rules and regulations. They should remain vigilant to potential hazards and report any unsafe conditions promptly to their supervisor or safety coordinator.

Failure to adhere to NMT's safety practices may result in disciplinary action, up to and including termination of employment.

### **24. Vehicle and Equipment Operation**

Only authorized employees are permitted to operate any of New Mexico Tech's motor vehicles or equipment. Authorization to operate these vehicles will be granted by appropriate personnel only after training and/or passing a defensive driving test every four years; and only after the employee has demonstrated competence and responsibility. Permission to use a NMT motor vehicle or equipment is not guaranteed and may be revoked by the division's Vice President or the President for any reason. For more information on New Mexico Tech motor vehicles, see Section 39.

#### 24.1. Equipment Maintenance and Use

Employees are expected to use equipment responsibly, perform necessary maintenance, and adhere to all operating guidelines. Equipment is costly and may be challenging to replace, so care must be taken to ensure its longevity. If any equipment, machines, tools, or vehicles are damaged, defective, or in need of repair, employees must notify their supervisor immediately. Prompt reporting helps prevent further deterioration and reduces the risk of injury.

Improper, careless, negligent, or unsafe use of equipment or vehicles may result in disciplinary action, up to and including termination. In the event of an accident involving a University vehicle or equipment, the employee may be required to undergo drug screening as soon as possible. Violating New Mexico Tech's safety standards is considered a serious offense and may also result in disciplinary action, up to and including termination.

Safety glasses and hearing protection are mandatory when operating certain equipment or machinery. Supervisors will inform employees of these requirements. Additionally, all protective guards must be in place on machinery, work areas must be kept clean, and loose-fitting clothing or long hair must be securely restrained before operating any machinery with moving parts. Supervisors are available to answer any questions regarding the proper care and use of equipment or vehicles.

#### 24.2. Reporting of Accident

Anyone who witnesses an accident on New Mexico Tech property must immediately notify Campus Police at **575-835-5434** or **911**. If it can be done without risk, they should also take steps to protect coworkers and property. This immediate response helps prevent further harm, ensures that first aid can be administered, and facilitates transportation to emergency care if needed.

Any NMT employee involved in an accident on University property or while on University business may be required to undergo testing for alcohol, drugs, or other intoxicating substances as soon as possible.

Employees who sustain any injury at work, no matter how minor, must notify their supervisor immediately. This allows New Mexico Tech to complete the necessary documentation and assess the need for emergency medical treatment. Prompt reporting is essential to protect the employee's rights to Workers' Compensation benefits.

## 25. Firearms

Carrying a firearm on New Mexico Tech premises is unlawful and strictly prohibited, except in the following circumstances:

- A peace officer
- University security personnel
- Students, instructors, or other University-authorized personnel involved in ROTC programs or state-authorized hunter safety training
- Individuals participating in a University-approved program, training, class, or activity involving firearms
- Individuals in a private vehicle on University premises, for the lawful protection of themselves or others, as permitted by New Mexico State Statute 30-7-2.4

For this policy, "University premises" include:

- All NMT buildings and grounds, including playing fields and parking areas where New Mexico Tech or NMT-related activities occur
- Public buildings or grounds, including playing fields and parking areas not owned by the University but used for University-related and sanctioned activities

#### 25.1. Concealed Weapons

Carrying a handgun, whether openly or concealed, on University premises (including its offsite facilities) is not allowed, except within a vehicle if the registered owner is over 19 years old, in accordance with New Mexico State Statute 30-7-2.4.

## 26. Children in the Workplace

New Mexico Tech values an environment that supports a healthy balance between work and family commitments. While NMT does not permit the workplace to be used for childcare, it encourages departments to accommodate employees who need to attend to family responsibilities by allowing flexibility during breaks, lunch hours, or leave. The University understands that brief and occasional visits by employees' children may occur for various reasons; however, the frequent or extended presence of children during work hours is not permitted.

## 27. Personal Pets Service Animals on NMT Property<sup>9</sup>

The presence of domesticated or undomesticated animals, personal pets, reptiles, birds, or rodents on New Mexico Tech property can be disruptive or offensive to some individuals. In certain situations, these animals may pose safety hazards or exhibit unpredictable behaviors, potentially leading to accidents in the workplace.

To maintain a safe and comfortable environment, it is prohibited to bring any personal pets or other animals into NMT buildings, with the exception of service animals. Anyone who brings an animal onto University grounds is responsible for using a leash and cleaning up

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<sup>9</sup> Does not apply to students and Residential Life policies regarding animals and pets

any waste the animal produces. Exceptions to this policy can only be made by the President of NMT.

Employees who violate this guideline may face disciplinary action. Non-employees who violate this guideline may be banned from bringing animals onto University grounds or after persistent violation personally banned from the campus.

### 27.1. Service Animals

This policy does not apply to service animals for individuals who require their assistance. Students planning to bring a service animal into classrooms, offices, or labs should first contact Student Disability Services, while employees should reach out to the Human Resources Department to ensure appropriate measures are in place for everyone's safety.

### 27.2. Service Animals in Labs

While service animals are welcome at New Mexico Tech, they may pose risks in laboratory environments. Therefore, a hazard assessment must be conducted before bringing a service animal into any lab to protect both the animal and other individuals in the lab.

- For Students: Contact Student Disability Services, which will collaborate with HAZMAT to determine if, and under what conditions, it is safe for the animal to enter the lab.
- For Employees: Contact the Human Resources Department, which will work with HAZMAT to assess the safety of bringing the animal into the lab.

If it is deemed unsafe for the service animal to be in the lab, NMT will strive to provide alternative accommodations for the student or employee. If, at any time, the presence of the service animal poses a threat to the health and safety of individuals in the lab, the animal must be removed, and its presence will be reevaluated.

## 28. Drug-Free Workplace

New Mexico Tech receives federal grants and contracts exceeding \$100,000, and is thus subject to the Drug-Free Workplace Act of 1988, the special Drug-Free Workforce rules promulgated by the Department of Defense, and the Drug-Free Schools and Communities Act. The Board of Regents has directed the President to institute and maintain programs that meet the requirements of federal drug and alcohol regulations. These programs are administered through the Human Resources Department.

### 28.1. General Policy Prohibiting Drugs and Alcohol

The unlawful possession, manufacture, use, or distribution of illicit drugs and alcohol on New Mexico Tech property or during any University-related activities is prohibited and violates University policy. University property includes all NMT's motor vehicles and lands and buildings controlled by the Board of Regents. Federal law and NMT policy require employees to notify their immediate supervisor within 10 days of any conviction for a criminal drug offense that occurs in the workplace. Supervisors must then report this information to the Human Resources Department through the appropriate channels.

New Mexico Tech has several sanctioned venues for alcohol use, including the Golf Course, Macey Center, President's House, Fidel Center, and Raul and Shari Deju University House.

## 28.2. Disciplinary Sanctions for Employees

Employees who violate the University's drug and alcohol policies are subject to termination, demotion, or suspension. Additionally, employees may be required to report to the Employee Assistance Program (EAP) for a clinical assessment and participate in a recommended counseling/rehabilitation program. When returned to work, the employee must comply with all University policies and maintain acceptable job performance or be subject to appropriate disciplinary action.

## 28.3. Drug-Free Workplace Plan

New Mexico Tech (NMT) is committed to maintaining a zero-tolerance workplace, free from illegal drugs and alcohol, in compliance with 10 CFR 707. The unlawful possession, manufacture, use, or distribution of illicit drugs (as defined by the Controlled Substance Act, 21 U.S.C. 812) and alcohol is strictly prohibited on NMT property and during University-related activities to ensure a safe and healthy environment for students and employees.

Note: While the State of New Mexico has legalized cannabis for medicinal and recreational use, the possession or use of marijuana by NMT employees remains prohibited under the Federal Controlled Substance Act as a Schedule I substance.

Designated Employee Screening: Employees working in sensitive departments, holding security clearances, working on federal or state contracts, handling funds, operating equipment, or in law enforcement are subject to:

- Pre-employment drug screening
- Random drug screening throughout the year, conducted by a contracted outside agency

### 28.3.1. **Non-Negative Test Results**

- Employees who test non-negative will face disciplinary action and must undergo an assessment by the Employee Assistance Program ([EAP](#)). Failure or refusal to submit to testing will constitute a non-negative test and may result in termination.
- The EAP will determine a rehabilitation plan, including counseling or treatment. HR will assist in scheduling appointments with EAP providers.
- Employees who complete treatment may be subject to continued random screening.
- Failure to comply with the rehabilitation plan may result in termination.

## 28.4. Employee Reporting Requirement

Employees in designated positions must notify their supervisor in writing within five working days of any drug-related arrest or conviction.

## 28.5. Workplace Drug-Related Convictions

If an employee is convicted of a drug-related violation in the workplace, NMT will take appropriate action, which may include termination.

## **29. Smoking and Vaping on Campus**

New Mexico Tech is committed to providing a healthy and safe environment for all students, employees, and visitors by reducing exposure to Environmental Tobacco Smoke (ETS) and complying with the New Mexico Clean Indoor Air Act (House Bill 48, 1985, as amended).

To protect non-smokers from the hazards of secondhand smoke, the use of tobacco products and vaping is prohibited in all NMT buildings, facilities, and vehicles. Smoking and vaping are also not allowed during organized indoor and outdoor events held on University property. This policy extends to all smoking products, including clove cigarettes and e-cigarettes.

### **29.1. Smoke-Free Areas**

- All buildings and facilities, including classrooms, offices, dining areas, restrooms, and most residence halls (NMT [Residential Life Policies](#))
- Corridors, elevators, and enclosed walkways
- NMT-owned vehicles
- Indoor and outdoor athletic or Institute-sponsored events

### **29.2. Outdoor Smoking Areas**

Smoking and/or vaping is only permitted outdoors on University property, except during specified organized events. Individuals choosing to smoke outdoors must remain 25 feet away from doorways, open windows, enclosed walkways and ventilation systems to prevent smoke from entering enclosed buildings and facilities. To accommodate students, faculty, staff and visitors who do smoke, designated smoking areas will be provided and marked by signs.

Anyone who chooses to use smokeless tobacco on campus must discard waste products in a sanitary manner.

### **29.3. Sanctions for Violations**

Students, faculty, and staff who violate the smoking and vaping policy are subject to disciplinary action, which may range from an initial warning to more serious penalties, depending on the frequency and severity of the violations. The success of reducing Environmental Tobacco Smoke (ETS) on campus relies on the cooperation and commitment of the entire community.

For visitors and non-employees found in violation of the policy, the following sanctions will apply:

- First offense: An initial warning and reminder of the campus smoking and vaping policy
- Repeat offenses: Prohibition from entering campus grounds for a designated period, as determined by University administration

### **29.4. Information on Smoking**

New Mexico Tech will provide information and educational services to students, faculty, and staff upon request.

## Performance and Evaluation

### 30. Performance Evaluation Program<sup>10</sup>

The primary purpose for performance evaluation at New Mexico Tech is to assist employees in achieving their highest potential for productivity. To achieve a high level of work performance, employees first must understand what they are supposed to be accomplishing in their job, i.e., identifying their performance goals.

Second, expected performance levels in carrying out their job responsibilities need to be defined, so that employees know and understand the criteria being used to measure their performance.

Finally, employees need to:

- Know how well they performed their responsibilities and met expectations
- Have their positive and productive behavior reinforced
- Be given suggestions and direction for improving their performance

The absence of any one of these elements could adversely affect performance and productivity. The performance evaluation program at New Mexico Tech, therefore, is designed to provide all of these elements.

Performance categories, in conjunction with the job description, provide the employee with an understanding of what they should accomplish in the position. The evaluation measures how well the employee performed, and supporting comments describe the criteria used to evaluate both the employee's performance and the performance achieved. The evaluation form also provides space for future performance planning. Performance objectives for the following year, or another time period, are described in this section. Because evaluations are not relevant to the grievance process, establishing mutually agreeable performance objectives is one of the most important aspects of the process.

The Annual Performance Review will be conducted during each fiscal year. A copy of the annual performance review will be placed in the employee personnel file. An employee in a new position, or whose position or performance is undergoing change, may need more frequent evaluation than an individual who has remained in the same position for a long time. The schedule for evaluating performances at New Mexico Tech is as categorized:

#### 30.1. New Employee

Temporary and regular employees are evaluated during the Introductory Period; thereafter, evaluations generally will be conducted during each fiscal year. Employees will meet with their supervisor to develop the final evaluation. In any disagreement regarding the employee's performance, the supervisor's evaluation shall prevail.

#### 30.2. Employees Evaluated as Marginal Performers

Employees evaluated as marginal performers will be re-evaluated within three to six months. Supervisors may wish to conduct other evaluations in addition to those regularly

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<sup>10</sup> Does not apply to faculty or students on work study or to GA/TA appointments

scheduled. This action generally is taken after a noticeable change in employee performance; a significant increase or decrease in effort and achievement; or a change in responsibility. Evaluations also should be conducted whenever prescribed goals are accomplished, or when conditions change that prevent an employee from achieving agreed-upon goals. Additional evaluation forms are available for this purpose from the Human Resources Department.

Every formal evaluation must be performed by the employee's immediate supervisor at an employee-supervisor conference to ensure that the employee understands the evaluation. The conference also provides the employee and the supervisor with an 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 evaluation form under "Additional Comments") summarizes the significant points discussed. The employee also is encouraged to add any comments or objections about the evaluation under the section "Employee Comments." In any disagreement regarding the employee's performance, the supervisor's evaluation shall prevail.

At the conclusion of the performance conference, the employee and the supervisor should agree 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/her/their performance.

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

Performance evaluations are not subject to the grievance process.

## **Disciplinary Action and Complaint Resolution**

### **31. Inappropriate Workplace Behavior**

Workplace bullying, or abusive behavior, refers to actions or omissions that a reasonable person would find hostile, based on the severity, nature, and frequency of the behavior. Bullying can include, but is not limited to, repeated verbal abuse (e.g., derogatory remarks, insults, or threats), intimidating or humiliating actions, sabotage of an employee's work, or attempts to exploit someone's known psychological or physical vulnerability. Typically, a single act does not constitute bullying.

Examples of workplace bullying may include:

- Name-calling
- Verbal or written abuse
- Exclusion from activities
- Physical abuse or coercion
- Spreading gossip, lies, or false accusations
- Mocking or laughing at a person
- Unjustified constant criticism of someone's work
- Setting someone up to fail
- Using condescending or demeaning language

### **32. Disciplinary Action for Improper Behavior and Performance**

New Mexico Tech is committed to maintaining a respectful and productive work environment. Disciplinary action is used to address improper behavior or unsatisfactory performance, with the goal of helping employees correct their actions and meet the University's standards.

#### **32.1. Grounds for Disciplinary Action**

Disciplinary action may be taken for the following, but not limited to:

- Unacceptable workplace conduct, such as aggression, insubordination, dishonesty, or failure to follow reasonable directives
- Violations of Equal Opportunity policies, safety regulations, or any New Mexico Tech rules and procedures
- Unlawful behavior or actions that endanger the health, safety, or welfare of others, whether on campus or during University-sponsored events
- Falsification of records, misappropriation of funds, or fraudulent claims
- Damage, theft, or unauthorized use of New Mexico Tech property or the property of others

- Use, possession, or influence of alcohol or controlled substances on campus
- Misuse of sick leave or excessive (three (3) days or more) absences without notification
- Acts of aggression, including violence, fighting, threats, bullying, or abusive language
- Unauthorized carrying of firearms or explosives on New Mexico Tech property
- Failure to cooperate in investigations or tampering with official notices

### 32.2. Progressive Disciplinary Process

Most cases will follow a progressive disciplinary process. However, more severe infractions may warrant immediate suspension or termination. The steps typically include:

### 32.3. Verbal Warning/Counseling

The first step involves the supervisor verbally warning and counseling the employee. This private discussion aims to clarify expectations, provide specific examples of unacceptable behavior or performance, and set clear goals for improvement. The employee is given time—typically no more than 30 working days—to demonstrate the required changes.

### 32.4. Written Reprimand

If performance or behavior does not improve, the supervisor will issue a written reprimand. This formal process includes:

- A meeting between the supervisor and employee, with a witness present if necessary
- Documentation of the specific incidents of unacceptable behavior or performance
- Clear explanation of required improvements and a set timeline, typically no more than 30 working days
- Notification that failure to meet these standards will result in further disciplinary action, such as suspension or termination

The written reprimand is filed with the Human Resources Department and becomes part of the employee's record. The employee signs the reprimand to acknowledge receipt, though refusal to sign does not prevent the disciplinary process from proceeding.

### 32.5. Disciplinary Suspension

If the employee still fails to meet expectations, the supervisor, with approval from Human Resources, may impose a suspension. For staff, this typically involves a suspension without pay for up to three days. For faculty, suspension may be administrative leave with pay, following the procedures outlined in the "Regulations Governing Academic Freedom and Tenure" (RGAF) policy.

The suspension letter outlines that failure to improve performance upon return may result in termination. This step is also documented and filed with Human Resources.

### 32.6. Termination or unpaid suspension

If the employee's performance remains unsatisfactory following the suspension, termination or unpaid suspension may be initiated. The employee will be provided with:

- A written notice of termination or unpaid suspension
- An opportunity to submit an appeal letter within five working days
- A meeting with the division director or designee to present their individual argument against the contemplated disciplinary action
- After the meeting, the division director or designee may decide to uphold the termination, unpaid suspension or consider alternate disciplinary measures

In extreme cases of misconduct, immediate suspension pending termination may be warranted. Employees in their Probationary Period are not entitled to due process protections during termination.

### 32.7. Academic Freedom Considerations

In cases involving academic freedom, faculty members may invoke the "Regulations Governing Academic Freedom and Tenure" (RGAFT) and its appeals process. If there is a dispute about RGAFT applicability, it will be referred to the Faculty Senate Academic Freedom and Tenure Committee for a recommendation to the Provost and Vice President of Academic Affairs (VPAA). If a faculty member is dissatisfied with the Provost's decision, they may appeal to the President.

### 32.8. Campus Police and Other "Cleared" Employees

Campus Police officers and security officers may be suspended with pay, pending consideration of discharge, for violations of the [Officer Code of Conduct](#). Employees with DOE/DOD or other governmental agencies' "security clearance" may be suspended without pay pending consideration or discharge if their security clearance is denied or revoked.

## 33. Sexual Misconduct and Title IX

In addition to the policies and procedures outlined in this Employee Handbook, [federal Title IX regulations](#) require Institutions of Higher Education (IHE) to also have specific Sexual Misconduct and Sex Discrimination Policies and Procedures.

The NMT [Sexual Misconduct](#) Policy applies to all employees, students, and visitors. All students, faculty, staff, postdoctoral scholar affiliates and others participating in University programs and activities are subject to the NMT Title IX Procedures.

### 33.1. Violations

Violations of these forms of sexual misconduct (collectively "[Title IX Prohibited Conduct](#)") jeopardize the equal access to education that Title IX is designed to protect. To fall within the jurisdiction of Title IX, the alleged violation under "Title IX Prohibited Conduct" must have taken place in a University program or activity and against a person at the time the conduct occurred.

### 33.2. Required Training

According to Title IX regulations and the Violence Against Women's Act (VAWA), all new employees at Institutions of Higher Education (IHE) are required to receive New Employee Sexual Misconduct & Sex Discrimination Awareness Training. Annual Trainings will be facilitated as noted within the Title IX regulations.

### **34. Sexual Misconduct Reporting Options and Procedures**

#### **34.1. Tell Someone and Get Help**

If you or someone you know is a victim of sexual misconduct, including sex-based harassment (e.g., sexual assault, intimate partner violence, stalking), or other forms of sex discrimination, please consider telling someone what happened and obtaining available resources and support:

- New Mexico Tech Campus Police, (575) 835-5555, Student Activities Center (SAC)
- NMT's Human Resources Director for employees and work-related incidents, (575) 835-5955, Brown Hall 118D
- NMT's Title IX Coordinator, (575) 835-5953 or (575) 322-0001, Fidel 238
- NMT's Affirmative Action/Equal Employment Opportunity Commission (AA/EEOC), (575) 835-5005, Cramer Hall, Room 115
- Dean of Students, 575-835-5548, Fidel 241
- Dean of Graduate Studies, (575) 835-5513, Fidel 280
- Residential Life staff member, (575) 835-5900; Resident Assistant, or a trusted professor, administrator, academic advisor, teaching assistant, supervisor, or any NMT employee
- A provider or counselor at the Student Health Center, Student Access Services, or Counseling Center, Fidel Suite 151, (575) 835-5094 or (575) 835-6619.
- Complete and submit Tech's online Sexual Misconduct & Title IX [Reporting Form](#)
- Contact the NM Sexual Assault Program, (505) 883-8020

#### **34.2. Employee Options and Procedures**

In order for New Mexico Tech to officially respond to a report or complaint of Sexual Misconduct, the Title IX Coordinator or Campus Police must be informed of the incident. All employees, except for Confidential Employees<sup>11</sup>, are considered mandatory reporters and thus obligated to notify the Title IX Coordinator. Names and specific details of a report will remain private and only disclosed with the permission of the complainant/victim, except on a need-to-know basis, or when the laws pertaining to minors and vulnerable adults apply.

##### **34.2.1. Option 1: Pursue internal (University) Grievance Process**

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<sup>11</sup> Currently, the list includes Faculty Senate Umbuds, Staff Umbuds, NMT Counseling Center Counselors and NMT Health Center medical staff

New Mexico Tech has one Sexual Misconduct Policy and a few different procedures to resolve situations depending upon the alleged behavior and status of parties involved. Some incidents may not fall under Title IX jurisdiction; however, the University has other processes in place to resolve incidents of alleged prohibited conduct. The Title IX Coordinator, Human Resources Director, and AA/EEOC Director can explain those procedures.

The Title IX Coordinator also can explain complainant's rights, reporting options, support resources, the resolution process, and parties' rights. In addition:

- Physical evidence can be collected by police
- All relevant witnesses can be interviewed by trained Title IX or AA/EEOC staff, or a law enforcement officer.
- An investigation can take several days to several weeks, based on circumstances. Parties will be updated.

Upon completion of the investigation, a report will be shared with the parties and reviewed by an Administrative Adjudicator, or a Hearing Panel for a formal resolution. If agreed upon by the parties, the matter can be handled by an informal resolution process. Parties will be notified of any University allegations, investigations, necessary meetings, hearings, resolution decisions, appeals, resources, and support.

New Mexico Tech refers to the party impacted (i.e., victim) by the incident/behavior as the Complainant, and the alleged party (i.e., perpetrator) as the Respondent. Here are their rights:

- Complainants and Respondents are equally entitled to have one advisor/advocate present to support them during any University interviews or disciplinary proceeding.
- Both the Complainant and the Respondent shall be informed of the outcome of any institutional disciplinary proceeding alleging sexual misconduct.
- If either party disagrees with the finding of the formal grievance process, they have a right to request an appeal.
- Parties may also agree to have the matter resolved through an informal grievance process.
- The Title IX Coordinator can help establish a "No Contact Order" or other interim preventative measures or accommodations until the matter is settled.

#### **34.2.2. Option 2: Pursue criminal charges**

- A Complainant may prefer that NMT Campus Police or local law enforcement handle the case.
- Legal options can be explained in detail by NMT's Title IX Coordinator or Campus Police.
- These investigations would be conducted by NMT Campus Police or in conjunction with the Socorro Police Department.

- Upon completion of the investigation, a report is forwarded to the 7<sup>th</sup> Judicial District Attorney for possible prosecution for criminal charges.

#### 34.2.3. **Option 3: Pursue both internal and criminal charges**

The process outlined in Options 1 and 2 occur simultaneously. NMT may be asked to temporarily delay its investigation until preliminary work can be completed by law enforcement. Internal University judicial and criminal adjudication processes occur independently.

#### 34.2.4. **Option 4: Report incident/assault, but choose not to pursue charges at present time**

Reporting options and support will still be explained by the Title IX Coordinator. Complainants can change their mind and pursue charges at a later date; however, any delays in pursuing the case internally may reduce available options.

Some protective measures (e.g., campus “No Contact Order”) may be issued between the Complainant and Respondent/suspect.

Employment, housing, classroom, and other accommodations can be provided. Depending on the report, the related crime will be reported in NMT’s Crime I statistics records as mandated by the federal Clery Act. Names will remain anonymous.

#### 34.3. Important Considerations

- Counseling is strongly encouraged in all cases.
- Medical treatment is recommended as appropriate.
- Complainant may elect to continue with the process, stop at any time, or initiate the process at any time, as long as the Respondent is still associated with NMT at the time.
- Complainants may choose not to participate in the formal process and decide to approach a counselor instead.
- Contact NMT’s Title IX Coordinator or review the [Title IX Website](#) for additional details.

Contact the New Mexico Crime Victims Reparations Board at 1-800-306-6262 to determine eligibility for assistance with financial losses due to the crime.

### 35. Absenteeism<sup>12</sup>

Employees are valued as professionals and are expected to maintain high standards, including punctuality and consistent attendance. Arriving on time, working the full shift, and leaving at the scheduled time are essential job responsibilities. Regular attendance is a key aspect of each employee’s role and performance evaluation. Unscheduled absences can disrupt department operations and affect colleagues. Frequent or patterned absences, whether partial or full days, may lead to disciplinary action, up to and including

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<sup>12</sup> Does not apply to faculty or students on work study or to GA/TA appointments

termination. If an employee is absent for three consecutive days without any contact, it will be considered job abandonment and result in termination.

### 35.1. Disciplinary Action

Employees whose tardiness and/or absences are deemed inexcusable will be subject to disciplinary action up to and including termination. Disciplinary action for unexcused absences or tardiness based on any rolling 12-month period will be administered as follows:

- Two or more unexcused absences during any rolling 12-month period: verbal warning
- Four or more unexcused absences during any rolling 12-month period: written warning.
- Six or more unexcused absences during any rolling 12-month period: termination.

## 36. Employee Complaint Resolution

This policy applies to regular employees, except those in their “Probationary Period,” to help resolve disagreements or problems related to New Mexico Tech’s policies, procedures, or actions as they pertain to employment.

Retaliation of any kind by an NMT employee against another employee who is seeking to resolve a complaint, cooperating in an investigation, or participating in related proceedings is strictly prohibited. Such retaliatory actions are subject to disciplinary measures, up to and including termination. Employees with a pending termination notice from New Mexico Tech are not eligible to use this procedure.

Complaints concerning hiring, work assignments, performance evaluations, disciplinary actions, pay, and demotion are designated as “management rights” and are not subject to this procedure unless the actions were based on discrimination related to race, color, religion, age, national origin, physical or mental disability, veteran status, medical conditions, pregnancy, spousal affiliation, sexual orientation, or gender identity.

Any employee, including emergency hires and those in the “Introduction Period,” who feels they have been discriminated against may file a complaint with the [Director of Affirmative Action/EEOC](#).

This section does not apply to situations and circumstances covered in NMT’s Notice of Non-discrimination.

- [Inquiries and Violations](#) regarding the University’s non-discrimination policies can be directed to the Affirmative Action/EEOC Director & ADA Compliance Officer,
- [Title IX Inquiries and Violations](#) (gender-based discrimination) can be directed to the Title IX Coordinator.
- NMT’s policy, [Regulations Governing Academic Freedom and Tenure \(RGAF\)](#) for issues that involve academic freedom or tenure
- NMT’s [Student Academic Grievance Policy](#) and Procedures that Address Disagreements with Academic Decisions

### 36.1. Complaint Process

The employee must initiate the complaint process by discussing the problem or disagreement with the individual's immediate supervisor within 10 working days of the event upon which the complaint is based; or, when becoming aware of the basis for the complaint.

- If the grievance/complaint is not resolved through discussions, the complainant must submit the complaint in writing to the Human Resources Director within 10 working days of the last meeting with the supervisor. The Human Resources Director, with the assistance of the Director of Affirmative Action/EEOC, shall conduct (or appoint a designee to conduct) an investigation into the complaint; or, will conduct mediation between disputants. Investigation findings and recommendations shall be forwarded to the parties involved within 10 days of receiving the written complaint, unless an alternate timeline is agreed upon.

If the complainant is not satisfied with the responses from the Directors of Human Resources or Affirmative Action/EEOC (or designee), the grievance may be submitted to the President. The President shall appoint a grievance committee comprised of five members and two alternates, including two employees from the support group and two from professional staff, which includes faculty. All committee members must be trained in appropriate adjudication policies and procedures. The President shall appoint one of the members to chair the committee and to conduct the grievance meetings and review. Either party to the grievance may challenge one member of the committee 48 hours prior to the meeting. An alternate will replace the challenged member, as determined by the President. Parties may either attend the pre-hearing meeting to challenge a committee member, or they may submit the name of the committee member they want disqualified, if desired.

The grievance committee shall meet within five working days of their appointment by the President to initiate the grievance review. The committee shall interview parties to the grievance and review all pertinent documents. Parties may submit evidence and may examine and cross-examine witnesses. Any third-party witness or representative must be a current employee of New Mexico Tech. The grievance committee shall render its recommendation in writing to the Division Vice President/Director, who shall render a decision on the committee's recommendation in a timely manner. The decision will be communicated to the complainant and respondent in writing. To appeal the decision of the Vice President/Director, the complainant must respond in writing within 10 days of receiving the decision. The President will review the grievance and all relevant materials, and shall accept, modify or reject the recommendation of the committee and the Vice President/Director's decision. The President's decision shall be final and binding on all parties.

Note: The complaint/grievance process will not be used in the case of termination, but employees may use their appeal rights as outlined in the Handbook's Disciplinary Policy, section 32.

### **37. Complaint Resolution Procedures for Complaints Directed at Instructional Staff**

This complaint policy applies to any employee or student for the resolution of any disagreement or problem arising out of instructional staff (faculty) conduct that is allegedly

inconsistent with New Mexico Tech's policies or procedures, or inconsistent with any federal or state laws, regulations, rules, or policies, as they apply to an employment relationship. Please see, AA-02-Policy on Resolution of Complaints Directed at Instructional Staff.

## **Other Policies and Procedures**

### **38. Driver's License Policy**

Employees whose essential job functions include operating a motor vehicle must hold a valid New Mexico driver's license. A director or designee may authorize a state employee who possesses a valid New Mexico driver's license or approved out-of-state driver's license, and who has completed a defensive driving course to be an authorized driver of a state vehicle. An employee with an out-of-state license must apply for a New Mexico driver's license within the length of time allowed by New Mexico law (currently 30 days). A director may recommend an exemption to this rule by implementing a state waiver form. An employee who loses the right to have a valid license becomes unqualified to continue in any position that requires the operator to possess a valid driver's license.

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

- Employees with less than 10 years of continuous service may request a leave of absence without pay of up to 30 days. If their driving privileges are not reinstated within the leave period, their employment will be terminated.
- Employees with 10 or more years of continuous service may request a leave of absence without pay for up to one year, which 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 or similar position with similar (but not necessarily exact) pay. Employees on approved leave will maintain their accrued benefits, but will not continue to accrue additional benefits while on leave. These employees may maintain their participation in the Employee Benefit Plan by paying the full monthly contribution. Arrangements to self-pay for medical and life insurance benefits can be made in the Human Resources Department.
- Employees whose driving privileges are not reinstated within the leave period shall be terminated.
- Employees who are on approved leave of absence and who fail to return from leave upon the restoration of their driving privileges shall be considered as having resigned, and their employment shall be terminated.

### **39. Operating a New Mexico Tech Vehicle**

Only students, NMT employees and registered University guests may occupy a state vehicle. Supervisors may suspend or revoke vehicle operator privileges of a New Mexico Tech employee who permits an unauthorized individual to operate a state vehicle. In addition, the employee may be held personally liable to the extent permitted by law for any liability for personal injury, death, or property damage arising out of the incident.

- The employee must have the appropriate class of driver's license to operate any state vehicle other than a passenger vehicle.

- No person shall operate a state vehicle for private use. Any domicile-to-duty must be approved and on file in the employee's division office. NMT shall offer defensive driving classes and refresher courses.
- No person shall operate a state vehicle while under the influence of alcohol, controlled substances, or drugs. Unless otherwise authorized by the President, no person shall transport intoxicating beverages of any type, whether in opened or unopened containers, while operating or occupying a state vehicle.
- No person shall smoke or use smokeless tobacco products in any state vehicle.
- No person shall possess a weapon while operating a state vehicle unless they are a certified law enforcement officer on duty.
- No personal pets are allowed in state vehicles.
- All drivers and occupants of state vehicles must wear seatbelts.
- A police accident report for an accident in a state vehicle must be filed expeditiously, particularly if property damage, bodily injury, or an authorized driver may have been at fault. The authorized driver shall provide a copy of the police accident report to the Human Resources Department and to their supervisor. When possible, the authorized driver shall submit to a drug screening immediately following any vehicular accident.

#### **40. Outside Consulting and Employment, and Additional Employment**

New Mexico Tech encourages employees to contribute their expertise to address complex problems by engaging with state, federal, and private organizations. While these activities should be conducted through grants or contracts managed by the University, there may be rare occasions where private consulting arrangements or outside employment are appropriate. However, these activities must adhere to specific standards, align with the institution's mission, and not conflict with the employee's primary responsibilities. See, also OP-04-Nepotism/Conflict of Interest Policy.

Given the varied roles of NMT employees, this policy recognizes that specific cases will be reviewed individually, considering factors such as access to proprietary information and prior salary adjustments.

Exceptions to this policy must be approved by the President and will only be granted under extraordinary circumstances.

To ensure fairness and consistency, all external engagements for full-time employees are subject to a 25% cap on total working time, as outlined below.

##### **40.1. Restrictions and Approval Process**

All employees must obtain prior approval for consulting, outside employment or additional work (see section 40.3). Consulting, outside employment or additional employment must not interfere with the employee's primary duties or create conflicts of interest. See OP-04: Nepotism/Conflict of Interest policy).

##### **40.1.1. Use of University Resources**

Employees may not use NMT resources, including state-owned facilities, students, or administrative support for consulting or outside employment activities unless proper compensation or overhead charges to the University are arranged and prior approval is granted.

#### 40.2. Compensation and Time Limitations (25% Cap)

Total compensation from all NMT sources for full-time employees—including base salary, summer appointments, stipends, grant funding, and other additional compensation directed through NMT—shall not exceed 1.25 times (125%) the employee's base salary during the fiscal year (July 1 to June 30).

The cap applies as follows:

##### 40.2.1. **Fiscal Year Appointees (12-Month, full-time Staff):**

Total compensation for fiscal year appointees through all NMT sources is capped at 1.25 times (125%) their fiscal base salary. Consulting and additional employment are permitted up to 25% of the employee's annual base salary. Staff may engage in external work for up to 25% of their annual working time, provided it does not interfere with their responsibilities at NMT.

##### 40.2.2. **Academic Year Appointees (9-Month, Full-Time Faculty):**

Total compensation through all NMT sources for academic year appointees is capped at 1.25 times (125%) the sum of their academic base salary plus three months of additional compensation (e.g., summer appointments, department chairperson stipends, grant funding). The formula is:

$(\text{Academic base salary} + 3/9 \text{ of the academic base salary}) \times 1.25.$

Faculty may engage in consulting or additional employment for up to 25% of their total working time during the academic year. No restrictions are in place outside the academic year, provided there is no summer appointment. Similarly, additional employment for up to 25% is permissible for individuals having an academic year sabbatical.

Note: Consulting or additional employment time does not accrue from year to year.

#### 40.3. Guidelines

##### 40.3.1. **Time Allocation**

Full-time faculty and staff must ensure that consulting or additional employment does not exceed the 25% cap on total time spent on external engagements, as outlined in Section 40. Consulting or additional employment should occur outside of regular working hours: for staff, during annual leave, or outside of class time or instructional duties for faculty.

##### 40.3.2. **Approval Requirements:**

Approval is required for consulting, outside or additional employment from the employee's supervisor, the relevant Vice President, and the President (or designee).

#### 40.4. Statutory Prohibition on Unlawful Employee Participation and Contemporaneous Employment

All employees must adhere to New Mexico Statutes Annotated (13-1-190, 13-1-193, and 13-1-194), which govern unlawful employee participation and contemporaneous employment.

In cases where additional employment is considered, the following conditions must be met:

- Financial interests or concurrent employment must be disclosed.
- The employee must be able to perform their duties without bias or favoritism.
- The participation must be in the best interests of NMT.

### 41. Personnel and Medical Records

#### 41.1. Personnel Files and Confidentiality

The New Mexico Tech Human Resources Department maintains a personnel file for each employee to facilitate essential employment actions, such as emergency notifications, payroll deductions, and insurance coverage. Medical records and work eligibility forms are kept separately from personnel files for privacy reasons. Any questions regarding personnel files should be directed to the Director of Human Resources.

Personnel files contain personal and sensitive information, and the University ensures that these files are treated with the highest level of confidentiality. Access to personnel files is restricted and managed to protect the privacy of employees.

#### 41.2. Changes in Personal Information

Information in personnel files is used to act on the employee's behalf, so it is essential that personal data is accurate. Please notify the Human Resources Department of any changes to your name, contact information, or driver's license details.

#### 41.3. Access to Personnel and Medical Files

Current employees wishing to inspect their personnel or medical files must schedule an appointment with the appropriate Human Resources representative. Personnel files can be reviewed with an HR staff member present, while medical files are reviewed with the Benefits Administrator. In both cases, no items may be removed, though information from medical files can be copied. Letters of reference in personnel files are not available for review.

### 42. Response to a Reference Inquiry

Requests for employment information for previous NMT employees should be referred to the Human Resources Department. References and/or recommendations for current or former students and employees can be provided by current NMT employees with a disclaimer that such reference/recommendation expresses the opinion of the referee, and not necessarily that of New Mexico Tech.

### **43. News Media**

The official spokesperson for New Mexico Tech is the President, or the person designated by the President to speak to the news media. Academic, research, and other related topics are excluded from this policy. However, faculty and staff need to keep the appropriate VP abreast of their contact with news or social media.

### **44. Employee Moving and Relocation Reimbursement**

Relocation assistance may be provided to newly hired employees at the University's discretion. This benefit is not guaranteed and is offered based on individual circumstances and budget availability. It does not extend to temporary roles, such as temporary or emergency assignments.

When it is necessary to attract specific personnel, payment for certain costs directly related to relocation may be authorized from available and approved funds.

A new employee is eligible for a moving and relocation allowance only if the offer letter to the new employee so explicitly states. The move, which must be at least 50 miles from the previous residence, shall be made in connection with the start of work at New Mexico Tech. Moving and relocation expenses must be incurred within one year from the date the employee first reported to work at the new location as stated in the job description or offer letter. A specified amount deemed appropriate for the move will be specified in the offer letter. The move itself is solely the responsibility of the new employee.

If an employee (voluntarily or involuntarily) terminates employment with NMT within the first 12 months of the employment period, or prior to one academic calendar for a faculty member on a nine-month appointment, the employee must reimburse NMT in full, unless otherwise specified in the offer letter. The hiring department is responsible for collecting the full amount paid to the employee.

This process applies to all moves regardless of the dollar amount or source of funds. Any exception to this policy must be approved by the President.

#### **44.1. Implementation Procedures**

This policy shall be implemented through these procedures: [Moving and Relocation Procedures](#).

### **45. Policy on Weather and Other Emergency Response**

#### 45.1. Policy for Employees

NMT has the responsibility to balance conducting its education, research, business, and support activities regularly with the safety and wellbeing of its students, faculty, and staff. During periods of inclement weather, employees are expected to be at work as scheduled, but should take reasonable and safe measures to meet their employment obligations. If conditions become so severe as to endanger the University community, the President may temporarily close or suspend University operations, both during and outside of regular business hours. For more information on this policy, see [Policy on Weather and Other Emergency Response](#).

#### 45.2. Announcements/Updates

Official announcements will be made only through official University communications. The official University homepage, [www.nmt.edu](http://www.nmt.edu), is supplemented by email communication and notifications sent through RAVE Emergency Notification System. Please [sign up](#) for the [RAVE Emergency](#) Notification System to receive these alerts.

### 46. Personal Appearance and Attire

Standards of dress, grooming, and personal hygiene play an important role in fostering a positive work environment and upholding NMT's professional image. During business hours and at official university functions, employees are expected to maintain a professional appearance and dress appropriately for their roles and responsibilities. Employees who arrive at work in attire that is not suitable may be asked to return home and change into proper attire.

Supervisors should provide clear guidelines on workplace attire and grooming expectations during the new-hire orientation and throughout the evaluation process. Employees with any questions regarding department-specific attire guidelines should consult with their immediate supervisor.

New Mexico Tech recognizes and respects the significance of religious beliefs and practices for its employees. Accommodations for religious attire will be made whenever possible, though safety requirements may limit certain options. Employees seeking accommodations related to religious dress should contact the Human Resources Department for assistance.

NMT also recognizes and respects all traits historically associated with race, including hair texture, length of hair, protective hairstyles (including such as hairstyles as braids, locs, twists, tight coils or curls, cornrows, bantu knots, afros, weaves, wigs or head wraps), and cultural or religious headdresses (includes hijabs, head wraps or other headdresses used as part of an individual's personal cultural or religious beliefs). Discrimination against such traits is prohibited in the workplace.<sup>13</sup>

### 47. Use of Online Services and Cybersecurity

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<sup>13</sup> It is essential Supervisors do not confuse these with "grooming" or not "proper attire."

New Mexico Tech provides access to online services, including the Internet and social networks, as communication tools for managing, sending, and retrieving information on personal computing devices. These systems are primarily intended for business purposes, with personal use allowed only within reasonable limits. Any use of these systems for conducting private business, viewing or distributing inappropriate content (such as pornography), or engaging in activities that violate state and federal law or NMT policies is strictly prohibited.

#### 47.1. Email and Internet Use Policy

All email and Internet activity conducted using NMT resources is considered official University property and should only be sent to individuals with a legitimate business need. These records may be disclosed to law enforcement, government officials, or third parties through legal processes, e.g., subpoenas.

Employees are expected to ensure that all information sent via email, text or posts on social media related to NMT is accurate, appropriate, and legal. Any excessive personal use or abuse of the email and Internet systems in violation of law or University policies may result in disciplinary action and/or the loss of access to NMT's computer systems.

While New Mexico Tech does not routinely monitor employee's emails or online activities (text or social media), employees should not expect privacy when using University systems. NMT owns and operates all email and Internet resources and allows employees to use them solely for business purposes. Messages and Internet activity may be reviewed by authorized University representatives if necessary.

#### 47.2. Confidentiality and Data Security

Employees must not share logins, passwords, or access credentials with unauthorized individuals, including other employees, unless requested by an authorized NMT officer. Electronic mail, voicemail, and files stored on NMT-owned systems are presumed to be confidential unless explicitly made accessible to others or required by law.

Only authorized personnel may access private data for legitimate University business or security reasons. Requests for access to records should be directed to the Custodian of Public Records. To maintain data integrity and security, all work-related information must be stored on NMT-owned technology resources.

Employees with access to sensitive information are responsible for maintaining its confidentiality and ensuring data security in compliance with University policies.

#### 47.3. Telephones

Use of New Mexico Tech phones is strictly for University business. All calls using NMT business lines may be reviewed and costs for personal calls will be charged back to the employee. Excessive use of NMT-paid time and the use of its phones to conduct personal business constitute theft of NMT time, and will be grounds for disciplinary action up to and including termination.

### **48. Intellectual Property/Patents and Copyrights**

New Mexico Tech has adopted policies regarding data, patents, copyrights and intellectual property that include both technological and scientific work, and scholarly/artistic works. This policy can be found at [IP Patents and Copyrights](#).

#### **49. Faculty Policies, Procedures, and Guidelines**

The current, up-to-date listing of the policies, procedures, and guidelines related to faculty can be found on the [Academic Policies and Procedures](#) webpage.

## Appendices

### Appendix I. Moving and Reimbursement Procedures

#### A. General

New Mexico Tech recognizes that payment or reimbursement of the costs associated with the relocation of new employees may be an important consideration in the recruitment process. Thus, hiring officers may negotiate, with the approval an appropriate Vice President or the President, a moving and relocation allowance to reimburse some portion, or pay for all, of the moving and relocation expenses for new employees when the payment is in the best interest of NMT, benefits the recruitment effort, and funds are available. Moving and relocation expenses can be paid as a flat allowance (a reasonable fixed amount; no receipts required) or as a moving and relocation expense reimbursement (receipts required). As explained in greater detail further in these procedures, the payment of the moving and relocation expenses will be reflected in the new employee's earnings, and subject to income taxes.

#### B. Employee Eligibility

These procedures apply to eligible newly hired NMT regular full-time staff and regular faculty members (excluding temporary and emergency positions) who relocate for their new NMT employment at least 50 miles from their prior residence. To receive moving and relocation payments, and unless otherwise specified in one's written employment offer, a new employee must satisfactorily remain employed at NMT for at least the first 12 months (or nine months for a faculty member on a nine-month appointment) from the employment start date. An employee who does not satisfy this requirement shall be liable to refund to NMT all moving and relocation payments received from NMT under these Procedures. These procedures also apply to faculty members hired into positions that are less than 1.0 FTE but not less than 0.5FTE.

#### C. Payment Methods

The Moving Advance Payment/Reimbursement form is required to apply for moving and relocation-related payments. This form is located on the following websites:

- Accounts Payable - <https://www.nmt.edu/finance/accounts-payable.php>
- Payroll Office - <https://www.nmt.edu/finance/payroll.php>
- Travel Office - <https://www.nmt.edu/finance/travel.php>

#### D. Moving and relocation payment methods include:

##### Flat Allowance or Advance Payment

When the applicable hiring department decides to pay the new employee an agreed-upon flat amount (a reasonable fixed amount; no receipts required) and the new employee elects to receive such a payment prior to the employment start date, this allowance or advance payment will be processed through the Accounts Payable Office using a Moving Advance Payment/Reimbursement Form. A copy of the offer letter stating the amount of the moving and relocation allowance and evidence that the offer has been accepted must be submitted to the Accounts Payable Office as supporting documentation.

No taxes will be withheld at the time of the payment, but all applicable income taxes will be withheld from the employee's payroll once employment starts. Hiring departments must advise the new employee that income taxes related to the moving and relocation allowance will be withheld from the first paycheck by default. The new employee can contact the Payroll Office to spread the withholding amount over several pay periods if needed and allowed by the IRS rules.

#### E. Reimbursement

If the new employee elects to receive the reimbursement payment after the employment start date, the moving and relocation allowance will be processed by the Payroll Office as a regular paycheck and will not exceed the allowance approved in the offer letter. A copy of the offer letter stating the amount of the moving and relocation allowance and evidence that the offer has been accepted must be submitted to the Payroll Office as supporting documentation. If a reduced reimbursement is requested, the hiring department must state the amount on the Moving Advance Payment/Reimbursement Form and provide supporting documentation for the reduction.

#### F. Allowable Expenditures

Allowable expenditures are reasonable expenses of the new employee and members of one's household for:

- Moving household goods and personal effects (including storage expenses) and household pets from the former home
- Traveling to the new home
- Temporary living expenses at the new location
- One house-hunting trip
- They include, but are not limited to:
  - The cost of a professional moving service if approved by the appropriate division head (President or Vice President) of the hiring department, as applicable;
  - The cost of shipping a personal vehicle;
  - The costs incurred in a self-service move, such as equipment rental, truck fuel, labor to load and unload, packing supplies, and shipping expenses;
  - The cost of driving a personally owned or rented vehicle, based on the most direct route from the former home to the new home; mileage is reimbursed at the actual cost of gas and oil, or the New Mexico mileage rate in effect at the time of travel;
  - Parking fees and tolls while in transit;
  - Air transportation costs from the new employee's former home to the new home;
  - Temporary transportation expenses, such as those for a rental car, if the new employee is relocated without transportation; use of this benefit for more than seven days requires prior written approval from the hiring department;
  - Storage and insurance for moving household goods and personal effects for up to 60 days;

- o The actual cost of lodging during the move; or, if the employee stays at the personal residence of a friend/relative, the lodging component of NMT's travel per diem amount and the meal and incidental expense allowances for en route travel days defined in the NMT Business Office Travel Procedures;
- o Temporary housing expenses are incurred when a relocated employee arrives at the new job location and is unable to obtain permanent housing. Depending on available funds, this expense may be limited by the appropriate division head (President or Vice President) of the hiring department, as applicable; use of this benefit for more than seven days requires prior written approval; the allowable amount follows the lodging limitation for New Mexico in-state travel in the NMT Business Office Travel Policy;

#### G. Unallowable Expenditures

Expenses that will not be reimbursed by NMT include, but are not limited to:

- Amounts in excess of the maximum agreed upon with the hiring department
- Expenses incurred prior to the date of the written offer of employment
- Extraordinary items requiring special handling and/or packing, such as a boat
- Real estate transaction costs; lease termination fees
- Any entertainment expense
- Any type of moving expenses deemed unreasonable

#### H. Tax Obligations

In accordance with IRS regulations effective January 1, 2018, all employee moving and relocation expenses are considered taxable. Federal and State income taxes and Social Security and Medicare taxes related to the payment of moving and relocation expenses will be withheld from a future paycheck. Payments made directly to the moving carrier will be reported as taxable income to the employee. Subject to the provisions of these procedures, the following table summarizes the income taxability of certain relocation expenses:

#### I. Sponsored Projects

If the provisions of the applicable grant or contract for a sponsored project place greater restrictions on allowances for moving and relocation expenses than NMT policy and procedures as defined herein, such greater restrictions shall prevail. The new employee, even if one received an advance moving and relocation expense payment, will work with the Payroll Office to complete the Moving Expense Worksheet within 60 calendar days after the check for the payment is issued to the new employee, or no later than the timing allowed under the IRS guideline for an accountable plan. All supporting documentation, including the offer letter and receipts, must be provided to the Payroll Office documenting that the move occurred in the allowable time frame.

For federal awards, under the guidelines imposed by the U.S. Office of Management and Budget (OMB) Uniform Guidance (2 CFR 200.464, Relocation Costs of Employees), relocation expenses may under certain circumstances and subject to limitations, be considered allowable direct charges.

For non-federal awards, when not allowed by the federal agency but allowed by the non-federal sponsor, a written justification for the inclusion of relocation costs should be provided to ensure that the non-federal sponsor follows more flexible spending guidelines.

Any amount not allowed by the funding agency but allowed by NMT Moving Policy and Procedures must not be charged to the sponsored project, but may, with the approval of the hiring department, be charged to a discretionary fund provided by the hiring department.

## **Appendix II. Additional Information**

- University Organization Charts
- University Policies [NMT Policies](#)
- Bylaws of New Mexico Tech Staff Council [Bylaws NMT Staff Council](#)
- Bylaws of Academic Senate [Faculty Senate](#)

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