

Eastern New Mexico University
Staff Handbook

EASTERN
NEW MEXICO
UNIVERSITY



ENMU Employees Handbook
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Preface

Welcome to Eastern New Mexico University. As a University employee you will have a chance to support the University in providing higher education for the State of New Mexico. The policies and procedures referenced in this handbook are subject to change at any time at the discretion of the Board of Regents. From time to time you may receive information concerning changes in policy and updates. Should you have questions regarding any policies, please ask your supervisor or an officer of your constituency senate.

The University and its employees are subject to additional policies and guidelines that are not detailed in this employee handbook, as well as policies and practices based on federal and state laws. University policies and procedures are collected in the *Administrative and Governance Policies and Procedures* manual (ENMU AGP&P), located online and available from administrative offices and the Office of Human Resources.

This Staff *Handbook* supersedes earlier *Handbook* versions. University policies approved by the Board of Regents that post-date the Staff *Handbook* shall supersede this *Handbook*. No statement contained in this document shall be construed as a limitation of the powers exercised by the Board of Regents of Eastern New Mexico University under the Constitution of the State of New Mexico.

Eastern New Mexico University is an affirmative action and equal opportunity employer. The University does not discriminate on the basis of race, color, religion, national origin, sex, age, disability or veteran status in its programs, activities or employment. Members of the University community requiring accommodations for disabilities should notify the Office of Human Resources and appropriate offices and administrators. Eastern New Mexico University subscribes to Title IX of the Education Amendments of 1972 that prohibits discrimination or harassment on the basis of sex in any educational program or activity receiving federal funds.

1. Employee Practices

- A. Code of Conduct
- B. Conflict of Interest
- C. Employee Information Disclosure
- D. Employment of Relatives
- E. Employees with Multiple Positions
- F. Seniority

A. Code of Conduct

General Policy

In accepting a position with Eastern New Mexico University, employees accept the obligation to be acquainted fully with the mission, philosophy, purposes and objectives of the institution. Employees shall agree without reservation to work to meet goals and carry out effectively all other assigned duties.

Business Ethics

Employees of the University shall maintain the highest standards of business ethics in transactions with the University and the public. University employees will not act on University matters on the basis of personal interest nor will they divulge confidential information to unauthorized persons. (See ENMU AGP&P 65-7, Confidentiality of Records.)

Outside Activities

Employees of the University are expected to perform their duties faithfully and efficiently. An employee should not cause suspicion of improper conflict with interests of the University, with any agency of state government or with the public.

Acceptance of Gifts

Employees of the University shall not accept any favor or gratuity from any person, firm or corporation engaged in or attempting to engage in business transactions with the University or any agency of the state or local government which might affect the employee's judgment in the impartial performance of duties. (See ENMU AGP&P 20-2, Administrator and Staff Code of Conduct.)

B. Conflict of Interest

Conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of the University's business or professional dealings.

Any Eastern New Mexico University employee or employee's spouse who has a financial interest in a business must publicly disclose this interest before Eastern New Mexico

University can purchase goods or services from this business. The public disclosure must be made in writing annually and will be maintained by the University. (See ENMU AGP&P 20-2, Administrator and Staff Code of Conduct.)

C. Employee Information Disclosure

The University recognizes that as a public institution, it has an obligation to the citizens of the State to disclose on request the salary paid to any employee of the institution. In addition, the University recognizes its obligation to its employees not to disclose personal and private information maintained in personnel files.

All personnel records are considered confidential and the property of the University. Personnel records and files will therefore be available or disclosed only to those persons who are authorized by the University to have access to them on a need to know basis or to other such persons authorized by the University under legal rights to review or obtain applicable parts of such records. (See ENMU AGP&P 65-2, Inspection of University Records and 65-1, Confidential Information Security.)

Employees may have access to all information in their own personnel file, such as PAN's, payroll data, performance evaluations, and other normal employment data (including disciplinary actions) initiated by the University. The only articles that may not be seen by an employee are confidential letters of recommendation. (See ENMU AGP&P 15-1, Bill of Rights and Responsibilities for All Members of the University)

D. Employment of Relatives

The employment of immediate family members (spouse, parent, grandparent, child, grandchild, siblings and the same relationships created by marriage) in the same work areas of an organization can cause serious conflicts and perceived problems of favoritism. (See 40-3-18 B., Recruitment and Hiring.)

Employment of relatives is acceptable only within the limitations specified below:

- Relatives may be employed in separate departments, but no relative may be employed in the same department where one of the relatives holds supervisory rank or has hiring authority over the other without the advance approval of the president.
- If there is a change in the family relationship or rank which would violate the above policies, the situation must be corrected within six (6) months by the transfer, resignation or discharge of one or more of the employees so related.

E. Employees with Multiple Positions

An employee working two (2) regular part-time positions totaling 40 hours or more per week will be considered a regular full-time employee. If the total hours regularly worked are fewer than 40, the employee will be considered regular part-time.

An employee working two (2) temporary part-time positions totaling 40 hours or more per week will be considered a temporary full-time employee. If the total hours regularly worked are fewer than 40, the employee will be considered temporary part-time.

An employee working a regular part-time position and a temporary part-time position will be considered a regular part-time employee.

All additional ENMU employment exclusive of the employee's primary duties must have prior approval of the executive administrator and the director of Human Resources. (See ENMU AGP&P 40-2, Employee Classifications.)

F. Seniority

Seniority is defined as the duration of the employee's continuous employment at the University and can be used to determine priorities in promotions and transfers when ability, skill, training and other relevant qualifications are equal as determined by the University. (See 40-3-12, Recruitment and Hiring.)

Seniority applies to all regular full-time employees and to regular part-time employees who work at least half-time. Temporary employees or regular part-time employees who work less than half-time do not accumulate seniority. Seniority is computed from the first day of employment but no employee is entitled to exercise any seniority rights until he or she has completed his or her probationary period.

If a temporary, full-time employee becomes a regular employee with no break in service, seniority accumulation is adjusted to begin with the date of temporary employment. If a part-time employee becomes a full-time employee, seniority accumulation begins on the date of full-time employment. If a student employee or an occasional employee becomes regular, seniority accumulation begins on the date of regular employment.

An employee on an approved leave of absence does not lose accumulated seniority but does not accumulate additional seniority during the leave of absence. In case of layoff, seniority shall be based on length of service in the employee's present department. An employee who has been laid off for lack of work and reinstated within one (1) year retains accumulated seniority to the date of layoff.

2. Employment Policies and Procedures

- A. Recruitment and Hiring
- B. Employee Classifications
- C. Annual Evaluation Process
- D. Probation, Promotion, Transfer
- E. Termination
- F. Rehire and Reinstatement

A. Recruitment and Hiring

The University is committed to ensuring equal employment opportunity; persons shall be required to compete for positions on the basis of job-related criteria and qualifications. For details of recruitment, required background checks, permitted testing, reference checks, hiring, applicant confidentiality and new employee orientation, see ENMU AGP&P 40-3, Recruitment and Hiring.

B. Employee Classifications

The term "staff" refers to any employee who is in a position other than teaching and who does not have faculty rank.

The term "professional staff" refers to personnel holding positions classified as exempt under the Fair Labor Standards Act, as amended. These include such positions as directors, managers, supervisors, engineers, accountants, systems analysts, and counselors. Exempt staff are not eligible for overtime pay.

The term "support staff" refers to personnel holding positions classified as "nonexempt" under the Fair Labor Standards Act, as amended. These include positions such as secretarial, clerical, maintenance and service workers. Support Staff employees are entitled to overtime/compensatory time off (CTO) under the specific provisions of the federal and state wage laws.

There are five types of employees: regular, at-will, externally funded, temporary and occasional. An employee may work either full-time or part-time in any category.

Regular Full-Time Employees: An employee hired for an indefinite time, scheduled to work 40 hours or more per week over a minimum period of nine (9) months per year.

Regular Part-Time Employees: An employee hired for an indefinite time, scheduled to work fewer than 40 hours per week over a minimum of nine (9) months per year.

At-Will Employees (such as senior administrators, project directors, coaches, etc.): An employee hired in an administrative position. The University may terminate an at-will employee at any time, for any reason, with or without cause and with or without notice, as long as the termination is not restricted by a state or federal law or contrary to a clear expression of public policy. At-will employees are considered exempt (professional) employees in terms of accruals of vacation, sick leave and other benefits and are usually hired on twelve (12) month contracts.

Externally Funded Employees (such as those hired under federal contracts, grants, etc.): An employee hired to work for a definite time as spelled out by the funding source. These employees will receive benefits, retirement, etc., if funds are contracted in the grant.

Some employees are partially funded by external grants or funds. If grant funding is not extended through the term of appointment, the University may have to follow policy for the redefinition or termination of employment.

Temporary Full-Time: An employee hired for a work week of 40 hours or more for a limited period of time with a designated ending date. Normally, the limited period of time does not exceed nine (9) months. Exceptions must be approved by the appropriate executive administrator and the director of Human Resources.

Temporary Part-Time: An employee hired for a work week of fewer than 40 hours for a limited period of time with a designated ending date. Normally, the limited period of time does not exceed nine (9) months. Exceptions must be approved by the appropriate executive administrator and the director of Human Resources.

Occasional: An employee hired periodically, full-time or part-time, for a period not to exceed thirty (30) consecutive calendar days.

C. Annual Evaluation Process

Each year, every regular full-time and regular part-time University employee is evaluated on his or her performance. Performance evaluations shall be conducted through the use of evaluation criteria, forms and procedures established by the University administration and overseen by the Office of Human Resources.

The purpose of this evaluation is to define and communicate employment expectations, to set priorities for each evaluation period, to assess performance and to determine the employee's eligibility for non-recurring performance awards, should the University administration and the Board of Regents determine such awards can be given. (See ENMU AGP&P 40-10, Evaluation and Performance Pay.)

D. Probation, Promotion, Transfer

Probationary Period

All employees hired into a regular position are hired on a probationary basis. Exempt (professional) employees have a probationary period of the first twelve (12) calendar months of their employment. Evaluations will be conducted at four (4) and eight (8) months of their first year.

Nonexempt (support) employees have a probationary period of six (6) months, with a required evaluation at the three (3) month point of their employment.

An employee may be released from employment during the probationary period with or without cause. (See ENMU AGP&P 40-3-19, Recruitment and Hiring.)

Promotion and Transfer

New positions and job vacancies advertised by the University can be filled from within the University by promotion or transfer of qualified and interested persons (of any classification) who are regular employees. All regular positions or vacancies (full-time and part-time) are covered by this practice. In cases of promotions or transfers, decisions are based on the needs of the University, as well as training, experience, and past performance without regard to race, color, creed, national origin, religion, age, sex, or handicap.

All regular employees, including regular full-time, regular part-time, and full- or part-time externally funded employees are eligible for promotion and transfer. (See definitions under (See ENMU AGP&P 40-2B, Employee Classifications.)

Promotion or transfer during the employee's probationary period is not permitted.

discouraged. Any employee who is promoted or transferred will be required to serve a probationary period in the new position. (See ENMU AGP&P 40-3-19, Recruitment and Hiring.)

E. Termination

There are seven (7) types of official termination or separation from University employment:

Resignation. In the event an employee decides to resign, a written resignation should be submitted as soon as possible and no less than two (2) weeks prior to the effective date of proposed separation. An employee who walks off the job and is absent for two (2) consecutive work days or who fails to return to work following extended illness, injury or personal reason is considered to have resigned.

Released: An employee completing a temporary assignment can be released at its conclusion, or prior to the end date of the probationary period.

Relieved: Employees may be terminated or relieved at any time prior to completion of their probationary period without cause or recourse. At-will employees may be terminated or relieved at any time, with or without cause, and with or without notice.

Layoff: Employees may be terminated or subject to layoff because of reduction in force due to lack of funds, lack of work or other compelling reasons. Every effort is made to place an employee in good standing in another position within the University prior to layoff. Probationary, temporary and occasional employees are normally laid off before regular employees in the same classification and department. See 2.F, Rehire and Reinstatement, for benefits' treatment upon reinstatement.

Discharge: Employees can be discharged after corrective discipline has failed or if the seriousness of the misconduct or situation warrants. (See ENMU AGP&P 40-11, Employee Disciplinary Action and Termination.)

Retired: Employees terminate with the University when they retire from University employment under the New Mexico Educational Retirement Act and/or the University's right to manage.

Death

Notice of Termination

Professional and support employees who are terminated and who have completed their probationary period shall receive written reason(s) for their termination. The period of notice is defined in ENMU AGP&P 40-11, Employee Disciplinary Action and Termination. When given notice of discharge, layoff or other termination, pay in lieu of notice may be given. Pay in lieu of notice will not be granted in cases of dismissal for serious misconduct. (See ENMU AGP&P 40-11-8, Employee Disciplinary Action and Termination.)

F. Rehire and Reinstatement

Definitions

Rehire: The re-employment of any former employee of the University who terminated for reasons other than layoff. All rehires will be considered new employees for purposes of computing accrual rate for vacation, sick leave and other benefits, including seniority.

Reinstatement: The placing back on payroll of any employee who has been temporarily off payroll due to termination because of layoff. While sick leave credits do not accumulate during layoff, accumulated sick leave is held for one year and credited to an employee's account upon reinstatement, if such reinstatement is within the one-year

period. An employee recalled from layoff within one year shall retain credit for prior service in computing accrual rate for vacation, sick leave and other benefits.

3. Grievance and Complaint Procedure

- A. Resolving a Complaint or Grievance
- B. Grievance Committees
- C. Assistance to the Grievant or Complainant

A. Resolving a Complaint or Grievance

A “complaint” is a charge of improper or unfair treatment by another member of the University community. A complaint is a less formal process that does not involve a hearing.

A "grievance" is any of the following:

- (1) An allegation by a faculty or staff member that there has been a violation, misinterpretation or improper application of the terms and conditions of any University handbook or other regulation, policy or procedure applicable to the member.
- (2) An allegation by a faculty or staff member regarding improper, arbitrary or discriminatory application of University policies and practices relating to terms and conditions of the grievant's employment.
- (3) An allegation that a member of the University faculty or staff has engaged in improper conduct in violation of a state or federal statute or regulation.
- (4) An allegation of a dispute between or among University faculty and/or staff that relates to their employment, the resolution of which would benefit the University and further the University's mission. This is not intended to include petty personality conflicts.

Complaints and grievances are addressed through the procedures and processes outlined below and in ENMU AGP&P 40-12, Complaints and Grievances.

Complaints

A complaint should be brought to the employee’s immediate supervisor, who will document the issue and the complainant’s desired resolution and confirm this in writing to the complainant. If there is no resolution, the complaint may go to the next level administrator, who will review the issue. If no satisfactory resolution is achieved, the complainant may appeal to the University president.

Grievances

Generally, grievances are more serious allegations and will be filed in writing. Grievances should be resolved equitably at the lowest level of management possible.

Every effort should be made by all parties to expedite resolution of a grievance. There are four phases to the grievance process: Initial, Formal, Peer Review (optional) and Appeal.

Phase 1--Initial. The grievant presents the grievance to the immediate supervisor, who documents the allegation, considers the issue and provides the grievant with a written response within five (5) working days. If the grievance is resolved, the process ends. If the grievance is still unresolved, and all parties and appropriate University officials have exhausted all attempts to resolve the grievance informally, the employee has a maximum of ten (10) working days after receipt of the written response to file a written grievance with the University grievance facilitator.

Phase 2--Formal. If there is no resolution at the initial (Phase 1) level, the grievant proceeds to the second phase, formal grievance, by filing a "Statement of Grievance or Complaint" form (GR1) with the University grievance facilitator. The grievance facilitator will arrange a meeting with the grievant and respondent(s) to mediate a mutually acceptable resolution. If a resolution that is satisfactory to the grievant is reached, the grievance facilitator will consult with the area executive administrator about the proposed resolution. If the resolution is acceptable to all parties and the area executive administrator, then the formal grievance process is completed.

Phase 3--Peer Review (optional). If the grievant is not satisfied with the resolution, he or she may request a peer review. The grievance facilitator will forward the request for a hearing, with all information of the grievance, to the chair of the appropriate grievance committee and provide procedural guidance for the committee's review process. The committee will conduct a hearing, deliberate, and inform all parties of their recommendation. The executive administrator of the grievant then reviews the committee recommendation and communicates his or her final decision to the parties of the grievance.

Phase 4—Appeal. If any party to the grievance finds that the decision of the executive administrator does not resolve the grievance, that party may appeal to the University president within ten (10) working days of receipt of the decision. The University president will review the grievance and deliver his or her decision regarding the appeal within thirty (30) working days. The decision of the president is final.

B. Grievance Committees

Each year by September 1, faculty and employee constituency groups shall each elect a grievance committee of five (5) members and two (2) alternates to which any grievance from one of their members may be submitted. To hear a grievance, a grievance committee shall consist of not fewer than three (3) nor more than five (5) members.

C. Assistance to the Grievant or Complainant

Throughout this process, the grievant may seek assistance from the designated University grievance facilitator to assist with the grievance procedures. The grievant may also select a University employee to serve as an advisor. Because the complaint and grievance policy and procedures are not considered to be legal or judicial processes, members of the University community shall not have legal representation during any portion of the grievance process. (See ENMU AGP&P 40-12, Complaints and Grievances)

4. Benefits

- A. Leave With Pay
- B. Leave Without Pay
- C. Tuition Waiver
- D. Unemployment Compensation
- E. Worker's Compensation
- F. Other Benefits

A. Leave With Pay

Annual (or Vacation) Leave

The University recognizes the value to the University and to its employees of providing paid vacations of reasonable duration. Vacations provide the employee an opportunity to relax for an extended period and return to the job with renewed interest and vitality.

Employees are expected to request leave, in advance, from their supervisors to assure that duties can be reassigned and operations continued in the employee's absence. While annual leaves are normally scheduled in accordance with the employee's wishes, the University reserves the right to schedule an employee's vacation in accordance with the needs of the University.

Annual leave is earned during actual time worked and during paid sick leave, vacation time, holidays and leaves of absence with pay. For annual (or vacation) accrual rates and other details, see ENMU AGP&P 40-7, Leave.

Holidays

Only regular employees (full-time or part-time who work twenty (20) hours or more per week) are eligible for paid holidays. Temporary or occasional employees are not eligible for paid holidays.

The holiday period is the calendar day observed as the holiday; however, for an employee on a shift crossing midnight, it is the 24-hour period beginning with the regular starting time on the calendar day observed as the holiday.

Holidays Observed

- Workday preceding New Year's Day
- New Year's Day
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day

- Thanksgiving Day
- Friday following Thanksgiving Day
- Workday preceding Christmas Day
- Christmas Day

Special Circumstances Regarding Holidays: When a holiday falls on Saturday, an employee who normally works Saturdays observes the holiday on Saturday. All other employees observe the preceding workday. When a holiday falls on Sunday, an employee who normally works Sundays observes the holiday on Sunday. Any other employee observes the following workday within the work schedule.

When New Year's Day or Christmas Day falls on Saturday or Sunday, the workday given in lieu of New Year's Day or Christmas Day shall be used in determining the preceding workday.

Regular nonexempt (support) staff required to work on a holiday receive pay for the hours worked at one and one-half times their current straight time rate of pay or a day off for the holiday. The University reserves the right to adjust the actual observance of all holidays.

Sick Leave

Sick leave is used only for:

1. Personal sickness or injury.
2. Pregnancy.
3. Quarantine of employee's household.
4. Partial days not worked when an employee, who has been on sick leave, returns to work on part-time basis while recovering from the sickness or injury.
5. Medical examination, dental and eye care for employee.
6. Illness or medical examination, dental and eye care for immediate family member: including parents, children, grandparents, grandchildren, siblings or spouse.

Only regular employees (full-time or part-time who work 20 hours or more per week) accrue sick leave. Temporary or occasional employees do not accrue sick leave. (For rates of accrual and other details, see ENMU AGP&P 40-7-4B, Leave.) The University also provides a Medical Leave Bank for employees who have exhausted all their accrued sick and annual leave time. (See ENMU AGP&P 40-15 Medical Leave Bank.)

Other kinds of leave with pay include authorized University closures (for example, in cases of inclement weather or other emergency), death in the family/bereavement, voting, jury duty, etc. These types of leave are detailed in ENMU AGP&P 40-7, Leave.

Family Medical Leave Act (FMLA)

In compliance with the Family Medical Leave Act, the University will provide eligible employees with up to twelve (12) weeks or 480 hours of job-protected (FMLA) leave for certain family, sick and military-related leave. The University requires employees to use sick leave and annual leave accruals concurrently with FMLA leave. For assistance with or information about FMLA leave, see ENMU AGP&P 40-7, Leave, or contact the Office of Human Resources.

Military Leave of Absence

The University grants military leaves of absence by reason of service in the uniformed services to employees, in accordance with applicable law (up to fifteen days or the period specified by law). Service in the uniformed services includes active duty, active and inactive duty for training, National Guard under Federal Statute, and the period for which an employee is absent from his or her job for an examination to determine fitness of the employee to perform such duty. Employees seeking military leave of absence should notify their supervisor and contact the Office of Human Resources for assistance. (See ENMU AGP&P 40-7-7, Leave.)

B. Leave Without Pay

The University may grant leaves of absence without pay to employees in case of illness, injury, personal reasons, for school attendance, sickness in family and for other bona fide reasons. In cases of extended illness or injury, leave of absence is taken only after all sick leave and vacation time are exhausted.

Regular employees, full-time or part-time, are eligible for leave without pay. Approvals must be obtained from the employee's supervisor, dean/director, area executive administrator, vice president for Business Affairs, and the director of Human Resources.

C. Tuition Waiver

The Educational Assistance/Tuition Waiver Program is provided to encourage employees to take advantage of the educational opportunities available at the University.

The University will waive regular tuition for one course not to exceed four (4) credit hours each semester or summer session subject to the restrictions listed below. The waiver privileges also apply to non-credit courses but exclude correspondence and extension courses. The waiver does not apply to fees for seminars and workshops offered by Distance Education.

Regular employees who work at least half-time are eligible, subject to the conditions specified below. Regular full-time and part-time employees paid from soft money contracts or grants and who meet all other requirements are eligible for tuition assistance only if the contract or grant includes funds to pay for the tuition as a fringe benefit. Retired employees shall have the same tuition waiver privilege as regular full-time employees. Temporary employees are not eligible.

Employees are expected to use their tuition waiver outside work hours, unless they secure prior permission from the supervisor. Employees who do not use their tuition waiver may use the waiver privilege for their spouse provided the course is taken for credit. (For additional information, see ENMU AGP&P 40-8-10, Employee Benefits)

D. Unemployment Compensation

Eastern New Mexico University extends coverage of the New Mexico Unemployment Compensation Act 51-1-1, New Mexico Statutes Annotated 1978, to all its employees (non-student). Cost of the coverage is borne by the University.

Eligibility is determined by the New Mexico Department of Workforce Solutions based on the circumstances of the case and the provisions of the Unemployment Compensation Act.

It is the responsibility of each department to submit a completed Personnel Action Notice and an Employee Separation Checklist form to the Office of Human Resources for each case of employee separation. Because the New Mexico Department of Workforce Solutions allows an employer only ten (10) days in which to respond to an unemployment claim, it is important that these forms, in addition to any other pertinent data (i.e., letter of resignation, discharge notice, etc.), be submitted to the Office of Human Resources promptly.

E. Worker's Compensation

If injured on the job, University employees may be protected under the New Mexico Workers' Compensation laws. The Risk Management Division, General Services Department of the State of New Mexico, administers these compensation payments and covers any person receiving a salary or wage from and acting in the service of the University. The Office of Human Resources is the University contact for Worker's Compensation. (See ENMU AGP&P 40-8-6, Employee Benefits).

An employee returning to work from a Workers' Compensation-related accident must submit to the Office of Human Resources a medical statement from the attending health care provider that the employee is able to return to full duties with or without restrictions.

F. Other Benefits

Retirement

Participation in retirement became mandatory as of July 1, 1971. Employees contribute a percentage of their total earnings as established by statute, toward retirement benefits. Temporary employees who have worked fewer than thirty (30) days, students, graduate assistants and research assistants are excluded from this benefit.

Insurance

The University offers voluntary group insurance plans that provide for employees' health and life insurance coverage. The University pays a percentage of the health insurance portion for employees (including employees who are retired or who have been granted disability, as that term is defined in the Educational Retirement Act existing at the time disability is granted) or up to the maximum allowable under law. Complete information about insurance options is available in the Office of Human Resources. Benefits are subject to change as insurance contracts are negotiated periodically.

Annuities

Tax-sheltered annuity plans are available to all employees. Retirement investments may be made under a payroll deduction arrangement. These programs offer the employee income tax advantages. Complete details are available from the Office of Human Resources.

For additional details about employee benefits, see ENMU AGP&P 40-8, Benefits.

5. University's Right to Manage

- A. ENMU Compliance with State and Federal Law
- B. Management Rights
- C. Corrective Discipline

A. ENMU Compliance with State and Federal Law

Eastern New Mexico University complies with all laws of the United States and the state of New Mexico relating to nondiscrimination, affirmative action, employer and employee relations and labor laws. The University is committed to ensuring equal opportunity in employment and to adhering to the practice of affirmative action to recruit, employ, retain and promote those protected under Title VII of the Civil Rights Act of 1964 and the Human Rights Act of the State of New Mexico. (See ENMU AGP&P 40-1, General Personnel Policies.)

B. Management Rights

The University shall retain the right, in accordance with applicable Federal and State laws and Board of Regents policies, to determine the mission of the University and its constituent colleges, schools and departments; to set standards; to exercise control and discretion over the University organization and its operations; to direct employees of the University; to hire, promote, transfer, assign and retain employees in, or relieve employees from, positions within the University and to suspend, demote, discharge or take other disciplinary action against employees; to maintain the efficiency of the operations entrusted to the administration; to determine the methods, means and personnel by which such University operations are to be conducted; and to take whatever actions may be necessary to carry out the functions and mission of the University and maintain uninterrupted service to its students and faculty in situations of emergency. (See ENMU AGP&P 40-11, Employee Disciplinary Action and Termination.)

C. Corrective Discipline

As a method of dealing with unsatisfactory performance or misconduct of employees, corrective discipline is designed to provide the employee with an opportunity to become aware of and to correct the deficiency. The goal is to correct the misconduct or substandard performance and restore the employee as a productive member of the work force.

Selection of Appropriate Disciplinary Type

Each case of inadequate work performance or act of misconduct is judged individually and the type of corrective discipline to use depends on the severity of the misconduct, the employee's previous record and any other pertinent factors. It is not necessary that the types of corrective discipline (i.e., verbal warning, documented warning, suspension,

termination) be applied sequentially. The type of corrective discipline should be based on the circumstances of the case.

Types of Corrective Discipline

Verbal Warning: This is generally used for minor misconduct to correct minor faults in employee performance.

Documented Warning: The warning should be signed by the employee indicating that the warning has been read by the employee. The warning is then placed in the employee's personnel file. If the employee refuses to sign the warning, the supervisor and the next level supervisor should indicate this on the form, sign and date the form and forward it to the Office of Human Resources.

Suspension: The University may suspend an employee with or without pay. An employee may be suspended without pay for serious offenses or for continued low performance or misconduct after previous attempts at correction have failed. Suspensions range from one (1) work day up to thirty (30) work days, depending on the seriousness of the problem. Employees may not charge suspension time to vacation or other type of paid time off.

Discharge: Discharge is a possible consequence of failure to correct performance deficiencies. An employee may be discharged when corrective discipline has failed or when the seriousness of the matter is such that the employee should not be permitted to remain on the workforce. This discharge policy does not apply to probationary employees who may be terminated without cause or recourse any time prior to completion of the probationary period. An employee may be discharged without a prior suspension.

Any supervisor may take corrective discipline with an employee under his/her authority, consistent with departmental policies. Copies of any documented disciplinary action (i.e., documented warning or suspension) must be furnished to the Office of Human Resources. Whenever possible, discharge cases should involve prior consultation with the Office of Human Resources. (See ENMU AGP&P 40-11, Employee Disciplinary Action and Termination)

Note: Documentation concerning offensive behavior that has been corrected for a period of three (3) years shall be removed from an employee's personnel file upon the request of the employee.

Notice of Termination (Exempt Employees)

To initiate a suspension or discharge of a post-probationary regular, term, or contract employee, the supervisor must provide the employee with written notice of the contemplated action. Exempt (professional) employees with at least one (1) and not more than three (3) years of completed services may be discharged or laid-off from

University employment by written notice of termination delivered two (2) weeks prior to the effective Date of termination. Professional employees with more than three (3) years of services may be discharged or laid-off from University employment four (4) weeks prior to the effective date of termination. When giving notice of discharge or layoff is not practical, pay in lieu of notice may be given. Pay in lieu of notice will not be granted if in the judgment of the University it is determined that immediate dismissal for serious misconduct is warranted. (See ENMU AGP&P 40-11, Employee Disciplinary Action and Termination)

Notice of Termination (Nonexempt, Temporary and Probationary Employees)

Nonexempt (support), temporary and probationary employees should be given notice, of discharge, lay-off or other termination, where practical, but no minimum notice is required. (See ENMU AGP&P 40-11-15, Employee Disciplinary Action and Termination)

6. Additional Information

- A. Work Schedules
- B. Overtime and Compensatory Time for Nonexempt Employees
- C. Reduction in Force

A. Work Schedules for Nonexempt Employees

Work schedules will be established for each employee by their supervisor. Supervisors may change such schedules based on the needs and requirements of the work unit. (See ENMU AGP&P 40-6, Work Time.)

Work Day: A full-time position shall consist of five (5) eight (8)-hour days per week or four (4) ten (10)-hour days per week. Each workday of 8 hours or more shall include with a 1-hour or a half hour unpaid meal break. However, employees may be required to work other days and hours within the work week as deemed appropriate by University administration.

Work Week: A full-time position will consist of forty (40) hours between 12:01 am Monday and 12:00 midnight Sunday.

Shift Differential Pay: For a full-time position during which an employee is required to work a schedule other than the established work day, shift differential pay will be used. Shift differential pay will be based on three, eight-hour shifts in any twenty-four hour period. The daytime shift receives the base rate of pay, the second shift (swing) receives one additional step, the third shift (graveyard) receives two additional steps.

Attendance and Tardiness

Consistent attendance and punctuality are considered imperative to Eastern New Mexico University operations and are therefore mandatory for each employee. Poor, uncertain or irregular attendance, excessive absenteeism and tardiness that renders an employee insufficiently available for work will be evaluated on a case-by-case basis to determine the merits of retention or termination.

Rest Periods

The University provides a rest period, not to exceed fifteen (15) minutes for every four hours worked. Rest periods can be scheduled by the supervisor and employee, usually on a staggered basis to ensure that no office or department goes unstaffed. Rest periods cannot accumulate for the purpose of taking extended lunch periods, quitting early, or taking other times off, with the supervisor's permission.

Lunch Periods

Lunch periods are one (1) hour in duration and can be scheduled by the supervisor and employee on a staggered basis depending on the needs and requirements of the work unit.

B. Overtime and Compensatory Time Off for Nonexempt Employees

Generally, workloads and work schedules are arranged so that the employee's duties and responsibilities can be accomplished in a normal forty (40) hour workweek. In cases of emergency or in unique situations, overtime may be worked.

Overtime is time worked in excess of forty (40) hours in a standard work week. Overtime must be authorized by the appropriate dean, director or executive administrator. Nonexempt (Support) staff shall receive additional compensation for overtime worked, paid at one and one-half (1 1/2) times of the regular or straight time rate of pay. Overtime is recorded on the employee's time report to the nearest one-fourth (1/4) hour.

Accrued time charged to vacation, sick leave and holidays will be computed as straight time worked. Payment for overtime is normally included in the regularly scheduled paycheck following receipt of the employee's time report by the Office of Human Resources. If an employee works overtime without prior authorization, appropriate disciplinary action may be imposed.

Compensatory Time

Compensatory time off (CTO) may be granted in lieu of payment for overtime at the discretion of the immediate supervisor. If compensatory time is the option elected, a log must be kept in writing. Compensatory time is one and one-half (1 1/2) hours off for each hour worked above the forty (40) hour work week. Time off should be taken within a reasonable length of time determined by the immediate supervisor. (See ENMU AGP&P 40-6, Work Time.)

C. Reduction in Force for Exempt Employees

Reduction In Force (RIF) conditions exist when budgeted monies for the University are insufficient in the opinion of the administration, as verified by the Board of Regents, to continue the current level of personnel. Institutional work-load problems leading to the dismissal of any full-time professional employee shall be demonstrably bona fide. Examples of workload problems may include but are not limited to (a) reduced number of students; (b) changing federal or state requirements; (c) automation of services; or (d) contracted services.

The University administration will coordinate the reassignment, whenever possible, of employees when RIF conditions exist, and the regular procedures for transfer shall apply. If such an arrangement is achieved, it shall not be considered a RIF action.

Procedures for RIF are in lieu of all other procedures relating to notice, grievance, removal, reassignment and other provisions which are triggered not as a result of reduced budgets or work-loads. (Normal notice requirements do not apply under these provisions.)

Upon the request of the president, the RIF Committee shall be convened and shall meet as needed to consider the necessity for RIF action. The committee shall consist of all area executive administrators and two representatives from the exempt and nonexempt employee groups, with the vice president for Academic Affairs serving as chair.

The exempt and nonexempt constituency members shall be elected from the constituency.

The RIF Committee shall review all available data it deems relevant. The chairperson will be responsible for providing the committee with all necessary information including, among other possible data, official Higher Education Department documents, Board of Regents directives, and enrollment statistics covering at least the previous three years and any other input submitted by the University community members.

The committee shall consider the special needs of any area or program to continue a high quality program of service to the University.

The RIF Committee shall recommend to the president the number of positions to be RIF'ed in each of the areas. At this point, the work of the RIF Committee is completed.

If a position is available, an employee may be reassigned to a department or unit if the employee is qualified to perform in that area.

D. Procedures for Handbook Amendment

Amendments to this Handbook may be proposed by the Personnel Policies and Handbook Committee or by an individual employee. The members of the Handbook Committee are elected by the constituency and must be employed at ENMU for a minimum of one year to be eligible for service on the committee. All proposed amendments shall be presented to the constituency senate, which shall

recommend the amendments by a majority vote. Recommended amendments shall be presented to the all regular employees in a referendum. Such amendments, upon approval by a majority vote, shall be presented through governance procedures to the University president. The University president shall submit proposed amendments to the Board of Regents with the president's recommendations for their consideration.

Amendments may also be initiated by the University president in consultation with the constituency senate or by directive of the Board of Regents. Any amendments approved by the Regents will become effective on the day they are approved by the Regents unless otherwise stipulated by the Board. (See ENMU AGP&P 15-2-6, Statement on Governance.)

Conclusion

The purpose of the Staff Handbook is to define the expectations, responsibilities, rights, benefits and protections of Eastern New Mexico University staff and their vital role in fulfilling the mission of University. For additional information about University policies and employee rights, employees should consult the constitution and by-laws of their constituency senate and the University Administrative Governance Policies and Procedures (AGP&P) Manual.

Approved by the Board of Regents, September 28, 2012

Minor revision to §2.D to align with change to policy 40-9: "Promotion or transfer during the employee's probationary period is not permitted." (approved by Regents April 22, 2013).