

# **NEW MEXICO JUNIOR COLLEGE EMPLOYEE HANDBOOK**



**Approved by NMJC Board**

**July 18, 2024**

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Welcome to New Mexico Junior College.

Thank you for making New Mexico Junior College your Employer of Choice. Whether you have just joined our staff or are a long-term employee, we are confident that you will find our college a dynamic and rewarding place in which to work, and we look forward to a productive and successful association. We consider the employees of New Mexico Junior College to be one of our most valuable resources. Also, we endorse the policies outlined in this handbook. It is the shared responsibility of all personnel to understand, adhere to and be compliant with the policies, rules, and procedures outlined herein. Your careful review and understanding of this handbook will serve to enhance New Mexico Junior College and help us to operate as the Community's College.

From our inception in 1966, New Mexico Junior College (NMJC) strives to meet our mission by building a culture which values and promotes excellence, effectiveness, responsiveness, access, and community involvement. Within these values, we believe success is promoted through learning, and it is our hope that your NMJC experience meets or exceeds our Mission.

***Purpose – People - Processes***

Sincerely,

*Derek Moore, EdD*

President



## MISSION, VISION, AND VALUES STATEMENT

### ❖ **Mission**

New Mexico Junior College, as a comprehensive community college, promotes success through learning.

### ❖ **Vision**

New Mexico Junior College's mission will be achieved by building a culture that values and promotes excellence, effectiveness, responsiveness, access, and community involvement.

### ❖ **Values**

New Mexico Junior College is committed to the following values in support of its mission as we provide services to a diverse college community. New Mexico Junior College defines college community as its students, employees, partners, and citizens of the area we serve.

#### **Access**

In keeping with this value, the college

- Helps members of the college community overcome their barriers to success; provides convenient, affordable educational opportunities and services;
- Provides support for students transitioning to college and on to other Postsecondary educational opportunities and to the workplace;
- Offers education, training, and activities that meet the diverse interests and needs of the college community; and
- Supports educational opportunities through technology.

#### **Responsiveness**

In keeping with this value, the college

- Continually scans the environment locally, regionally, and nationally to identify opportunities that will meet the ever-changing needs and interests of a diverse and dynamic college community;
- Enriches and increases partnerships to identify and meet the educational needs of the college community;
- Remains flexible to respond creatively and appropriately to the changing world and to the educational, social, and cultural needs of the diverse college community;
- Provides employees with opportunities for professional growth and development;
- Ensures fiscal responsibility and public accountability;
- Offers relevant programs and support services that meet the needs of a diverse college community;
- Contributes to the social, cultural, and economic development of the college community.

## **Effectiveness**

In keeping with this value, the college

- Will build its understanding and commitment of effectiveness by establishing and tracking student outcomes to evaluate and improve learning;
- Promoting employees' roles and responsibilities in fostering a climate of learning;
- Promoting high academic standards through excellent instruction;
- Engaging in sound planning, management, and systematic evaluation for the improvement of programs and services;
- Ensuring adequate, fair, and equitable benefits, policies, and procedures;
- Acquiring and allocating resources to support the mission and goals of the college;
- Keeping the college community aware of college activities, needs, and performance;
- Providing a supportive, caring, student-centered environment;
- Fostering a work environment that encourages open communication, innovation, productivity, accountability, and personal commitment; and
- Providing and using current technologies that support educational and training objectives

## **Excellence**

In keeping with this value, the college will build its understanding and commitment of high standards and quality by

- Committing to an environment of self evaluation and continuous improvement;
- Setting benchmarks to develop an understanding of excellence;
- Nurturing the development and practice of leadership;
- Encouraging and rewarding initiative, innovation, outstanding performance, ethical decision making, and accountability;
- Offering support services that are designed to foster success; and
- Striving for an environment that does not accept mediocrity.

# 1 INTRODUCTION

## 1.1 Introduction to the Employee Handbook

**Adoption Date:** July 18, 2024

**Revision Date:**

The purpose of this employee handbook and the related procedures is to define the relationship between New Mexico Junior College (sometimes hereinafter referred to as “NMJC” or “College”) and its employees within a framework for advancing the mission with service to students as the highest priority. This handbook applies to all employees, except as specifically provided in the written contract between the College and the employee, and provides information about terms and conditions of employment, including compensation, working conditions, benefits, standards of conduct, procedures for addressing concerns, and resources for finding additional information. Some benefits or policies differ by employee type, and this is noted specifically.

College commitments:

- Offer efficient and high-level educational service to the community
- Create a workplace of ethics, integrity, and fairness for all
- Operate in compliance with legal requirements
- Strive for equitable and competitive pay for all employees
- Provide written, clear and equitable procedures
- Respect the professional expertise of all employees
- Provide employees with opportunity for workplace success, including professional development

NMJC is governed by a seven-member board (“Board”) from the New Mexico Junior College District (which consists of Lea County, New Mexico). The Board holds the authority to operate the College and delegates to the President and the administration of NMJC (“Administration”) authority and responsibility to administer, manage, direct and control the activities and workforce of the College including, but not necessarily limited to, the right to:

- Determine and implement methods, means, assignments, reassignments, and personnel in the best interest of the College
- Hire, evaluate, promote, transfer, retain, reassign and relocate personnel
- Relieve its employees from duties because of lack of work, financial exigency, or other legitimate reasons
- Suspend, discipline, or discharge employees for proper cause

The Administration develops procedures that are necessary for the implementation of all College policies, providing opportunities for employee input. The Human Resources Office is responsible for interpreting and overseeing the implementation of personnel policies and procedures. The most current version of the employee handbook supersedes all prior versions.

The NMJC Employee Handbook is created only as an informational guide for employees to familiarize themselves with the resources available to them. The NMJC Employee Handbook is not intended as an employment contract, either expressed or implied, and it does not alter the at-



will status of the employee. The provisions of the NMJC Employee Handbook are not conditions of employment and may be modified, revoked, and/or changed at any time by the College, with or without notification.

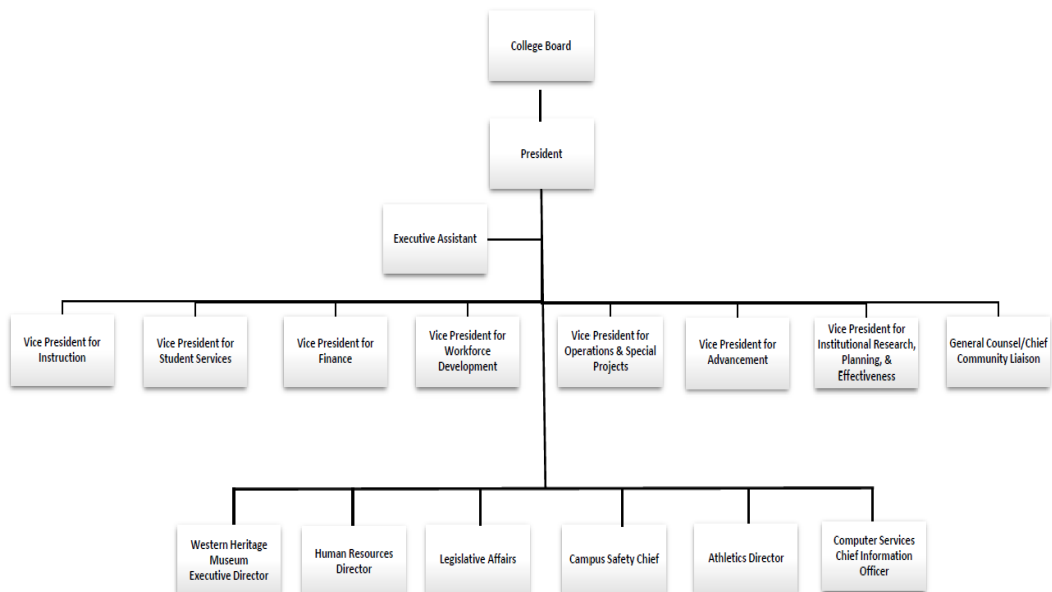
The NMJC Employee Handbook may be amended, modified, deleted and new policies may be added from time to time as the Board deems necessary. Such changes will take place immediately upon approval of the Board.

## 1.2 Organizational Chart

Adoption Date: July 18, 2024

Revision Date:

### New Mexico Junior College Organizational Chart President's Office



**NMJC**  
New Mexico Junior College

### 1.3 Definitions

Adjunct Faculty – temporary employees contracted by NMJC for a temporary classroom instruction assignment not to exceed 9 credit hours FTE per semester.

Business Office – the office responsible for handling the business and finance operations of the college. Consists of Cashier, Payroll, Accounts Payable, and Finance. Located in John Shepherd Administration Building

Employee At Will - an individual who is not employed under an employment contract but who may be dismissed or quit at any time with or without cause.

Faculty - a nine (9) and/or ten (10) month employee who is not eligible for overtime or compensatory time compensation. Faculty employees receive annual employment contracts.

Grievance – claim by an employee that working conditions have been adversely affected by the misinterpretation or misapplication of a written policy or procedure

Grievant - any employee submitting a grievance as defined above

Human Resources Director - oversees Human Resource operations and activities, including but not limited to, recruitment, selection, classification, employee relations, compensation, benefit administration, job analysis, training and development, and performance management.

Human Resources Office – the office responsible for advertising, screening, and hiring of job applicants. Also handles employee compensation, benefits, and terminations. Located in John Shepherd Administration Building.

Part-time - a position requiring twenty-nine (29) hours or less of work per workweek or adjunct faculty

President – President of New Mexico Junior College

Professional Employee - full or part-time supervisory or administrative employees who are not eligible for overtime or compensatory time compensation. Professional employees generally receive annual employment contracts.

Reclassification – a change in duties responsibilities, qualifications, title and/or salary range of a position as a result of a job evaluation.

Resignation – the voluntary separation from employment prior to retirement by an employee.

Safety Sensitive Position –A safety-sensitive position is a **job or work duty in which an employee's performance of the job impacts the safety of themselves or others**; a position that has a key and direct role in an operation where impaired performance could result in, or risk resulting in a significant error, incident, or accident affecting the health or safety of employees, and/or negatively impact the public, property, finances, or the environment. Safety sensitive positions includes, but is not limited to employee who drive students.

Staff – full-time employees who are eligible for overtime or compensatory time. Staff employees do not usually receive an annual contract and are employees at will.

Unlawful Harassment - conduct that has the purpose or effect of creating an intimidating, a hostile, or an offensive work environment; has the purpose or effect of substantially and unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment opportunities because of the individual's membership in a protected class

Unpaid Leave – Leave that is not paid, and is typically utilized after the employee has exhausted all available accrued leave.

## **2 ACCOUNTABILITY**

### **2.1 Code of Conduct**

**Adoption Date:** July 18, 2024

**Revision Date:**

The College embraces and expects a level of conduct by all employees that includes mutual respect for others, basic courtesy, reciprocity, and behaviors that create a positive and professional environment in which to learn and to work. Employees are required to comply with federal, state, county, and municipal laws and regulations as well as the policies and procedures of the College.

#### **Conduct Expectations**

**Open & Honest Communications.** The College values the robust exchange of ideas and different perspectives. At various times, a College employee may be speaking in a particular capacity - academic setting, employment context, or as a private citizen. Specific standards apply to these different situations. The standards in this Handbook apply when an employee communicates in the course of scope of employment or regarding topics directly related to work. The principles listed in this Handbook seek to promote truth, candid expression, and workplace civility.

All employees are expected to work together in a cooperative spirit to serve the best interests of the College and to be courteous to students, one another, and the public.

Employees are expected to observe the following standards of conduct:

- Recognize and respect the rights of students, other employees, and members of the community.
- Maintain confidentiality in all matters relating to students and coworkers.
- Report to work according to the assigned schedule.
- Know and comply with department and College policies and procedures.
- Express concerns, complaints, or criticism through appropriate channels.
- Observe all safety rules and regulations and report injuries or unsafe conditions to a supervisor immediately.
- Use College time, funds, and property for authorized College business and activities only.
- All employees should perform their duties in accordance with state and federal law, College policies and procedures, NMJC Employee Handbook, and ethical standards.
- Violation of policies, regulations, NMJC Employee Handbook, or guidelines including intentionally making a false claim, offering false statements, or refusing to cooperate with a College investigation may result in disciplinary action, including termination.

## **2.2 Complaints**

**Adoption Date:** July 18, 2024

**Revision Date:**

A complaint is a request for assistance with a problem, conflict, concern, or issue that negatively impacts students, employees, the community and/or the College. If the complaint is not a violation of policy, law or standard practice guidelines, the Human Resources Director will assist the complainant in resolving the issue with the appropriate College resource, employee, or employee group. The College encourages the informal resolution of complaints whenever possible. The informal resolution process may include direct interaction among the individuals involved, a conversation facilitated by a higher-level supervisor, or a conversation facilitated through Human Resources.

However, when a complaint cannot be resolved informally or using an alternative dispute resolution process such as mediation, the College provides for a formal review to resolve the matter.

## **2.3 Performance Improvement and Corrective Action**

**Adoption Date:** July 18, 2024

**Revision Date:**

The College's corrective action process for all employees addresses employee conduct and/or performance that needs improvement or correction, ensuring such matters are dealt with in a fair, consistent, and timely manner. Many situations can be resolved through discussions or coaching with the employee; however, some incidents may be severe enough to merit formal corrective action after one occurrence. The seriousness of the incident and the employee's corrective action and performance history will be considered when determining the level of corrective action to be applied.

The corrective action process may begin at any level, including termination, depending on the nature and severity of the issue. Should new issues occur during a corrective action, the supervisor may include additional performance or conduct issues to an existing corrective action process but must provide formal notice to the employee and sufficient additional response time. The corrective action process may also be used to address investigatory findings.

Except in cases of extremely severe conduct or performance issues, the corrective action process will typically start at the lowest level.

Supervisors must consult with the Director of Human Resources prior to taking any corrective action or notifications to ensure that the level of corrective action is appropriate.

## **Essential Elements of Corrective Action**

- The employee is explicitly informed of the behavior that needs improvement or correction and is given specific work-related examples. It is not sufficient to assume that the employee knows what the problem is.
- Explain acceptable behavior or performance standards and give the employee reasonable time to comply. This may be a longer time frame if a skill needs to be learned or a shorter time frame if it is a behavior to be changed.
- The employee is informed of the consequences of failing to comply. This is not a threat, rather it gives the employee reasonable expectations of the consequences if change does not occur.

## **Order of Corrective Action**

The following outline of the progressive steps will be utilized to address employee conduct that needs improvement or correction. The college wants to give employees a chance to correct their behavior when possible and assist them in doing so. Offenses will be investigated and addressed. Depending on the seriousness, severity, or circumstances of the behavior or conduct, not all steps below will be followed in order.

1. Verbal
2. Coaching
3. Written Warning
4. Action Plan
5. Suspension/Demotion
6. Termination for Cause

## **Action Plan Options**

Working with the Director of Human Resources, the Supervisor may impose any combination of the following:

- Work condition change such as:
  - Employee's workplace activity restricted/modified
  - Decision authority restricted
  - Requirement and/or limitations for professional development
- Leave restrictions
- Job assignment change
- Demotion (assigned to different position/lower pay grade, may include unit reassignment)
- Any other corrective measures as may be appropriate

## **Termination Process**

Termination of regular employment may be used for the most serious incidents or repetitions of improper job performance or conduct. Supervisors will consult with the Director of Human Resources before recommending to terminate employment, and consideration will be given to the severity of the situation. The President must approve all recommendations of termination.

### **2.4 Grievance Policy**

**Adoption Date:** July 18, 2024

**Revision Date:**

All employees are expected to attempt to resolve matters through informal discussion as soon as an issue arises. If an issue is not resolved, the employee may submit a grievance to resolve a difference of opinion about policy interpretation or implementation.

#### **Scope of Grievance**

A grievance is a claim by an employee that working conditions have been adversely affected by the misinterpretation or misapplication of a written policy or procedure. Except where conflicts with written policy or procedure occur, grievable issues do not include supervisor decisions regarding an employee's performance, expectations, and/or job duties, which include content of performance evaluations and corrective/disciplinary action. Grievable issues do not include termination or non-renewal.

#### **Grievance Procedures**

When an employee feels that he/she has not been treated in accordance with the College policies and procedures, the employee has the right to initiate grievance procedures. The following procedures will be established for all grievances:

- a) The complaint can be submitted in writing to the employee's immediate Supervisor or the Human Resources Director.
- b) After a full and prompt investigation, a decision as to the validity of the grievance and the methods used to resolve the complaint will be made.
- c) If the Human Resources Director and Supervisor cannot resolve the grievance satisfactorily, the complaint will be heard by the President.
- d) The decision rendered by the President will be final.

### **2.5 Performance Evaluation**

**Adoption Date:** July 18, 2024

**Revision Date:**

The performance evaluation process is designed to work with and encourage the informal day-to-day practice of performance feedback to promote and develop employee success. Performance evaluations are completed on an annual cycle.

The purpose of a performance evaluation is to:

- Review the duties of the position;
- Communicate performance expectations;
- Support the employee in accomplishing their duties;
- Assess and provide feedback on employee performance and conduct;
- Afford the employee a formal opportunity to discuss successes/difficulties that occurred within the review period, and establish goals for the next review cycle;
- Identify strategies and support for continuous growth and improvement.

The performance evaluation process and instruments will be reviewed on a periodic basis by working groups with employee input. Detailed information about the performance evaluation process and the related forms are available from the Human Resources Office. An evaluation should incorporate the input of all supervisors during that evaluation cycle, when possible. If a supervisor has supervised an employee for less than 90 days, either the performance evaluation may be extended by up to three months, or the evaluation may be conducted using the input from the immediate previous supervisor. A performance evaluation may include completed or ongoing corrective action(s) along with the progress/ outcome of those actions. However, the performance evaluation is not a means to initiate corrective action.

## **2.6 Supervisor General Expectations**

**Adoption Date:** July 18, 2024

**Revision Date:**

### **Working with Employees**

The relationship between an employee and supervisor is based on fundamental principles of mutual respect, honest communication, clear expectations, reasonable standards, and consistent feedback. Supervisors and employees should work together to set expectations about appropriate workload and performance in order to promote employee success. Effective discussion and feedback will result in better communication of expectations and achievement of goals for both supervisors and employees in a working partnership.

### **Discussion**

A supervisor uses discussion to facilitate the development of and action planning with their employee, in order to bring about growth. Discussions for this purpose may be informal in nature or may be part of the evaluation cycle. These discussions are not disciplinary but should be a natural and expected part of the supervisor/ employee relationship. Discussion helps build and maintain effective employee and supervisory relationships by facilitating collaborative goal setting. Supervisor and employees should work together to identify the best way to reach those goals. Strategies may include training, new assignments, job-enrichment opportunities, self-study, or additional/alternative work details appropriate to the employee's job description.

### **Essential elements for effective discussion:**

- Gaining Trust - Developing trust through two-way open, honest feedback, communication, and respect.



- Building Relationships - Getting to know skills, values, and motivations of each employee.
- Defining Expectations – Providing information and clarity to help employees better understand departmental workflows and supervisors’ expectations.
- Creating a Plan of Action – Any plan created should start with clear goals that are measurable and attainable.

**Feedback**

Effective discussions include timely and honest feedback.

Feedback should inform employees about their work progress, reinforce positive contributions, and suggest improvements to employees’ work and overall performance, as needed. This may be informal or part of the employee’s evaluation process.

**Essential elements of effective feedback:**

- Sharing Information - Share enough specific information with employees about the quality and quantity of their work to help them fully understand what they need to do to improve their performance or continue doing well.
- Seeking Solutions - Solicit feedback from employees to identify any obstacles to their success and work actively with employees to find ways to overcome those obstacles.
- Continuing Engagement - Conduct periodic feedback sessions with employees to discuss the employees’ progress, evaluate where improvements have been made and where further improvement may be needed, as well as make plans to help the employee reach new goals. These feedback sessions may be part of the employee evaluation cycle or more often, as needed. Supervisors are encouraged to consult with their Human Resources Director as a resource in developing action plans, finding appropriate training suggestions, or for support in initiating\continuing discussion with their employees. This is not discipline, rather mentoring and guidance. If a supervisor finds that the processes contained in these guidelines are unsuccessful in addressing performance concerns, the supervisor should refer to the Corrective Action policy.

**3 BENEFITS**

**3.1 Employment Benefits**

**Adoption Date:** July 18, 2024

**Revision Date:**

New Mexico Junior College recognizes the value of benefits to employees and their families. NMJC supports employees by offering a comprehensive and competitive benefits program. For more information regarding benefit programs, please refer to NMJC T-bird portal, Self Service Banner/Employees/Human Resources/Employee Benefits tab or contact the Human Resources Office.

## **3.2 Group Health Insurance**

**Adoption Date:** July 18, 2024

**Revision Date:**

Group medical, dental, and vision insurance coverage is provided to eligible employees through the New Mexico Public Insurance Authority (NMPSIA). All full-time employees are eligible to participate in the group health insurance program. As permitted by state law, the College shall pay a designated percentage of the premium cost for the full-time employee and any eligible dependents. For eligible employees, the College contributes to the employee's premiums based on the employee's annual salary.

Full-time employees working 30 hours or more per week are eligible for insurance on the first of the month following 30 days of service. To keep coverage in force, every insured employee must work a minimum of 30 hours per week.

The NMPSIA plan includes medical, dental, vision, long-term disability, and life insurance as well as prescription drug coverage. The insurance plan year is from January 1 through December 31. Current employees can make changes in their insurance coverage during open enrollment each year or within the first 31 days of the event when they experience a qualifying event (e.g., marriage, birth, divorce). Detailed descriptions of insurance coverage and eligibility requirements are located in the NMPSIA Benefits Program Guide located on the NMPSIA website <https://nmpsia.com/programGuide.html>. Employees should contact the Human Resources Office for more information.

Retired employees may participate under the provisions of the Retiree Health Care Act. Other eligibility for coverage is per the Consolidated Omnibus Budget Reconciliation Act ("COBRA").

For this purpose, currently a retired employee is defined as any employee who has terminated the employee's employment at NMJC and who, at the time of such termination, was eligible to participate in the College group health, dental and vision insurance, and who qualified for any retirement benefits under the New Mexico Educational Retirement Board or under social security. Inasmuch as coverage provisions change from time to time, employees should contact the Human Resources Office for complete information on group insurance plans.

### **COBRA**

Employees who have been enrolled in the group medical, dental, and vision insurance plans have the option of retaining the insurance for a specified time following termination of employment with NMJC, under the current provisions of COBRA, a continuation of health coverage law. ERISA Administrative Services, NMJC's third party administrator, will notify a terminated NMJC employee of such employee's eligibility and options to continue the medical, dental and/or vision plans and the employee's premium costs. Eligibility and premium costs will depend upon the employee's reason for termination; voluntary termination, involuntary termination, resignation, retirement, termination for cause, or gross misconduct. The Human Resources Office will communicate with the terminated employee and in writing to ERISA Administrative Services the reason for termination.

Life insurance and/or long-term disability insurance are not included in this provision.

An employee's **Spouse or Dependent Child** covered by any of NMJC's group health plans (a "qualified beneficiary"), has the right to elect continuation of coverage under those plans if the person loses group health coverage as a result of any of the following qualifying events ("qualifying event"):

- Death of the employee;
- Termination of the employee's employment (for reasons other than gross misconduct) or reduction in the employee's hours of employment;
- Divorce from/of the employee;
- Employee becomes entitled to Medicare; or
- Child ceases to be a "dependent child" under the group health plans.

**The qualified beneficiary is responsible for informing NMJC of a divorce or a child losing dependent status within thirty-one (31) days of the date of the qualifying event or the date on which coverage would end under the plan because of the event. If NMJC does not receive notice within that thirty-one (31) day period, the qualified beneficiary is not entitled to elect continuation of coverage.**

**FOR A COMPLETE DESCRIPTION OF COBRA BENEFITS, RULES AND PROCEDURES, PLEASE CALL ERISA ADMINISTRATIVE SERVICES AT 1-800- 233-3164 OR 1-505-988-4974 AND ASK TO SPEAK WITH THE COBRA ADMINISTRATOR.**

### **3.3 Behavioral Health Resources**

**Adoption Date:** July 18, 2024

**Revision Date:**

The Behavioral Health Resources program is an employee assistance resource designed to provide highly confidential and experienced help for employees in dealing with issues that affect their lives and the quality of their job performance. New Mexico Junior College wants employees to be able to maintain a healthy balance of work and family that allows employees to enjoy life. The Behavioral Health Resources program is a confidential counseling and referral service that can help employees successfully deal with life's challenges.

NMJC encourages employees to use this valuable service whenever they have such a need. Employees who choose to use these counseling services are assured the information disclosed in their sessions is confidential and not available to NMJC, and NMJC is not given any information on who chooses to use the services. For questions or additional information about this program, employees may contact the Human Resources Office.

In addition, NMJC has contracted with Timely Care as a resource for 24/7 access to virtual mental healthcare that includes scheduled counseling, TalkNow support line, health coaching, and peer support. For more information, please go to <https://app.timelycare.com>.

### **3.4 Flexible Spending Accounts**

**Adoption Date:** July 18, 2024

**Revision Date:**

Full-time employees may be eligible to participate in the Flexible Benefit Plan (Section 125) and, under IRS regulations, must either accept or reject this benefit. A third-party administrator handles employee claims made on these accounts.

New employees must accept or reject this benefit during their first month of employment. All employees must accept or reject this benefit on an annual basis and during the specified time period.

An employee may allocate a certain amount of before-tax salary to purchase covered benefits. No federal or state income tax is paid on funds allocated by the employee to this plan. Several options are available to employees under this plan:

1. **Medical Benefit Plan Premiums:** The employee portion of medical, dental and vision insurance premiums are deducted from the salary before taxes are calculated.
2. **Medical Reimbursement Plan:** Dollars may be deducted from the salary to pay for non-reimbursed medical expenses. This includes such items as required insurance deductibles, co-payments for certain health costs, health care costs that exceed allowable plan maximums, expenses not considered ordinary under the insurance plan, routine physicals, vision care, cosmetic surgery, premiums for other health or disability insurance, etc.
3. **Dependent Care Assistance Plan:** An employee is allowed to pay for child care or other eligible dependent care with before-tax dollars. Included are nursery schools, day care centers and private home care.

Contributions to the plan may be increased or decreased only at the beginning of the plan year (January 1). Exceptions are a change in family status such as marriage, birth of a child, divorce or death of a family member. Contact the Human Resources Office for further plan details and enrollment information.

### **3.5 Holidays and Recesses**

**Adoption Date:** July 18, 2024

**Revision Date:**

NMJC observes and allows time off with pay for the following holidays:

- Independence Day
- Labor Day
- Thanksgiving Break (5 days)
- Christmas Break (5 days)
- New Year's Break (5 days)
- Martin Luther King, Jr. Day

- President's Day
- Spring Break (5 days)
- Good Friday  
If Good Friday falls within the Spring Break Holiday, then no additional day will be given in lieu of Good Friday
- Memorial Day
- Juneteenth

Days recognized as official school holiday leave are subject to change from time to time, as approved by the Board, and specific dates will be published and distributed to employees upon approval of the Board and subject to New Mexico state law.

If one of these holidays falls on a Sunday, it will be observed on the following Monday. If the holiday falls on a Saturday, NMJC will select either the following Monday or the preceding Friday as a substitute holiday.

**Holiday pay.** Full-time regular employees are eligible for holiday pay. Part-time and temporary employees, are not eligible for holiday pay.

Holiday pay shall be at the employee's regular straight-time rate, inclusive of shift premiums, times the employee's regularly scheduled hours (not to exceed eight hours per day).

No additional compensation shall be paid to professional employees who work during the holidays. However, if an exempt employee does work on a designated Federal holiday, an additional day of Earned Personal Leave shall be granted. Designated Federal holidays are as follows:

- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Day
- New Year's Day
- Martin Luther King, Jr. Day
- President's Day
- Good Friday
- Memorial Day
- Juneteenth

When a scheduled holiday occurs during the time an employee is on unpaid leave or long-term disability status, the employee will not be eligible for holiday pay.

**Religious observances.** Employees who need time off to observe religious practices or holidays not already scheduled by NMJC should speak with their supervisor. Depending upon business needs, the employee may be able to work on a day that is normally observed as a holiday and then take time off for another religious day. NMJC will seek to reasonably accommodate individuals' religious observances.

### 3.6 Life Insurance

**Adoption Date:** July 18, 2024

**Revision Date:**

NMJC provides group life insurance and accidental death insurance for full-time employees who work a minimum of thirty (30) hours per week. Employees are eligible for this benefit on the first of the month following 30 days of service. The cost of the basic life premium of this coverage is paid for in full by NMJC. As coverage provisions change from time to time, employees should contact the Human Resources Office for complete information on group life insurance.

### 3.7 Tuition Waiver

**Adoption Date:** July 18, 2024

**Revision Date:**

A full-time employee of NMJC, their spouse, and eligible children are entitled to a total of nine (9) credit hours of tuition-free credit courses per semester, including course fees. In addition, a full-time employee of NMJC, their spouse, and eligible children can take **(1) community education** course/offering at no cost, per semester, provided; (i) the full-time employee was employed by NMJC as of the date of registration for such class or classes and (ii) the minimum number of paid enrollees has been attained to offer the class.

Retirees under the provisions of ERB are entitled to nine (9) credit hours of tuition-free credit courses per semester, including course fees. NMJC retirees are also eligible for one (1) Community Education course/offering at no cost, per semester and per summer session. **Spouses and children are not eligible for free tuition under the retiree policy for retirees who have retired after June 30, 2024.** (\*Retiree tuition waivers are subject to change)

**New employees** must have a start date prior to the start of classes to be eligible to submit a waiver request. **Employees who terminate** on or before the session drop date will lose all employee and dependent waiver coverage for that session. This means that the student will be responsible for the full tuition amount owed on their account for that session.

For purposes of this policy, “eligible children” includes only children of a full-time employee or the full-time employee’s spouse who, at the time they seek to enroll in a course, are: (1) eligible for coverage under the employee’s medical insurance policy through NMJC; and (2) reside full time at the same residence as the full-time NMJC employee or in NMJC housing.

A full-time employee of NMJC is entitled to exercise such employee’s tuition and fee privilege on a released-time basis from the employee’s institutional assignment, if the course takes place during assigned working hours under the following provisions:

1. The course is directly related to the improvement of the employee’s skills in the employee’s current position.
2. The employee’s immediate supervisor has agreed and recommends that the employee

could benefit from the course for current position-related skills improvement.

3. The supervisor has determined through performance evaluation that the employee would benefit from the course for current position-related skills improvement.
4. The course is only taught during regular working hours.
5. The release time has been approved by the supervisor and appropriate Vice President.
6. Any course taken on a release-time basis shall not be eligible for budget increase provision of the salary plan.

### **3.8 Retirement Programs**

**Adoption Date:** July 18, 2024

**Revision Date:**

The Educational Retirement Board (ERB) is a defined benefit plan. The benefit received upon retirement is defined by a prescribed formula based on years of service and an employee's age that may only be altered by the New Mexico State Legislature.

All active full-time NMJC employees are required to participate as regular members in salary deduction payments as required by the New Mexico Educational Retirement Board. All earnings are subject to retirement withholding.

An Alternative Retirement Plan (ARP) is available to faculty and ERB approved professional positions. Election to participate in ARP must be made within ninety days of employment. The ARP is a defined contribution plan in which the employee contributes the current ERB employee rate, and the employer matches with a contribution of employer rate minus three percent (3.25%). Three percent of the employer match goes to the ERB to help pay for the unfunded liability incurred by the plan.

Starting July 1, 2009, ARP employees, if they have made contributions to the alternative plan for seven years or more, have a one-time chance, for 120 days, to become members of the regular retirement plan.

PERA retirees are not eligible for ERB but have to contribute to ERB. Any PERA retiree should contact the Human Resources Office for further information.

Any ERB retiree desiring to return to work for NMJC, either on a part time or full-time basis, must obtain approval for return to work from the New Mexico Educational Retirement Board.

Terminating employees who desire a refund/roll-over of their educational retirement contributions must complete a refund/roll-over request form in the Human Resources Office and have their signature on the request form notarized.

This policy is a summary of the current benefits offered by ERB. These benefits can change. For further information employees should contact the Human Resources Office.

### **3.9 Disability Plan**

**Adoption Date:** July 18, 2024

**Revision Date:**

All full-time employees are eligible to participate in the group long-term disability plan. As coverage provisions change from time to time, employees shall contact the Human Resources Office for complete information on long-term disability.

### **3.10 403b Plan**

**Adoption Date:** July 18, 2024

**Revision Date:**

NMJC recognizes the importance of saving for retirement and offers eligible employees a 403b plan.

Eligibility, vesting, and all other matters relating to these plans are explained in the Summary Plan Document that can be obtained from Human Resources.

### **3.11 Social Security**

**Adoption Date:** July 18, 2024

**Revision Date:**

NMJC does participate in Social Security payroll deductions except for a small percentage of eligible employees who on January 9, 2007 elected not to participate in the Federal Old Age, Survivors, Disability and Health Insurance (Social Security).

### **3.12 Wellness Program**

**Adoption Date:** July 18, 2024

**Revision Date:**

The NMJC Wellness Program (“Wellness Program”) is an optional program to promote organizational and individual wellness among members of the campus community through education and prevention. It is recommended that a person engage in a physical activity for a minimum of three hours each week. The Wellness Program grants each participating employee an hour from work each week to engage in physical activity. Time off from work to participate in the Wellness Program must be taken in minimum 15-minute increments.

The Wellness Program is open to regular full-time employees who have been employed at NMJC for at least 30 days. Participants in the Wellness Program must sign up once a year during either the fall, spring, or summer registrations. Each campus department will handle signup, and the participant and the participant’s supervisor will sign all forms. All records will be submitted to and



maintained at the Human Resources Office. Time off work to participate in the Wellness Program must be coordinated with the participant and the participant's supervisor. Wellness time off is not to be utilized on Fridays. Each participant can use only Caster Activity Center, the CORE or the NMJC Track for the Wellness Program. Participants are required to submit a log at the end of each pay period to their supervisor.

Full time NMJC employees have access to annual Corporate membership at the Center for Recreational Excellence (CORE). Family members may be enrolled, but must reside in the same household and follow the rules of benefit eligibility. See the Human Resources Office for more information.

### **3.13 NMJC Employee Health and Fitness Program**

**Adoption Date:** July 18, 2024

**Revision Date:**

New Mexico Junior College Employees engaging in employee Health and Fitness Program will be eligible for sixteen (16) hours of additional Earned Personal Leave for every six (6) months of active health, wellness, fitness and quality of life participation. Various health, wellness, fitness, and quality of life factors have been assigned numerical values, and employees will qualify for the incentives based on the amount of health, wellness, fitness, and quality of life points earned during a six (6) month period. The NMJC Employee Fitness Manual, as adopted from time to time, provides further details.

For further information, contact the Human Resources Office.

### **3.14 Service/Retirement Awards**

**Adoption Date:** July 18, 2024

**Revision Date:**

NMJC has programs that recognize excellent service and communicates to its employees pride in a job well done. Service/Retirement awards are a part of this recognition and reflect the commitment and effort of employees to earn them. Service Awards are presented at an Annual Awards Banquet in the fall and the Retirement Awards are presented at an Annual Retirement Reception in the spring.

The Longevity Stone located next to the Ben Alexander Student Center recognizes employees who have dedicated years of service to NMJC. The Longevity Stone represents fulfillment by dedicated employees and individuals of a promise made when NMJC was first formed to be a school which would make the founders of NMJC proud.

The Joe Garcia Rose Garden Stone recognizes deceased employees of NMJC who had a minimum of five years of service to NMJC.

### **Eligibility for service awards**

1. Current full-time employees who have attained five (5) years of continuous service and every five (5) thereafter.
2. Only actual employment (other than contingent status) shall count as length of service for purposes of this program.
3. The annual cut-off date for determining service awards is December 31.

### **Eligibility for Retirement Awards**

1. Retirement effective July 1st of current fiscal year through July 1st of upcoming fiscal year.
2. Notification of planned retirement must be received by April 1st of the current year for recognition at the retirement reception.

### **Eligibility for Inclusion on the Longevity Stone**

1. Full-time employees who have attained twenty (20) years of service to NMJC. Full-time employees who have attained forty (40) years of service to NMJC shall have a diamond symbol placed beside their name on the Longevity Stone.
2. Members of the NMJC Board who complete twenty (20) years of service on the Board are eligible for inclusion on the Longevity Stone.
3. Only actual full-time employment (other than contingent status) shall count as length of service for purposes of this program. This requirement does not apply to NMJC Board members.
4. The Human Resources Office shall make the determination of time/years of service that apply toward inclusion on the Longevity Stone.

### **Eligibility for Inclusion on the Joe Garcia Rose Garden Stone**

1. Deceased full-time employees who have attained a minimum of five (5) years of continuous service to NMJC are eligible to be included on the Joe Garcia Rose Garden Stone.
2. Only actual full-time employment (other than contingent status) shall count as length of service for purposes of this program.
3. The Human Resources Office shall make the determination of time/years of service that apply toward inclusion on the Joe Garcia Rose Garden Stone.

## **3.15 Thunderbird Health Center**

**Adoption Date:** July 18, 2024

**Revision Date:**

NMJC has entered into a partnership with Nor Lea Hospital to operate the Thunderbird Health Center, ensuring that high-quality healthcare services will be readily accessible to the campus community.

The Thunderbird Health Center is available at no cost to NMJC students, faculty, and staff. Participants will not need insurance to access limited primary-care services at the Thunderbird

Health Center. Any additional treatments or services beyond those provided at the Thunderbird Health Center will be the responsibility of the individual.

NMJC is committed to supporting the health and well-being of its campus community and believes that the Thunderbird Health Center will play a vital role in achieving this goal. For more information about the Thunderbird Health Center and the services offered, please contact our Help Desk at (575) 492-2577 or asknmjc.edu.

## **4 COMPENSATION**

### **4.1 Employment Status/Contracts**

**Adoption Date:** July 18, 2024

**Revision Date:**

All Staff employees are AT-WILL employees. The College has the right to suspend, demote, dismiss with or without cause or to take other disciplinary action against Staff employees. Staff Employees shall not be suspended or dismissed for reasons that violate the law.

Contracts for Professionals, other than the President, in previously approved positions are generally prepared for a fiscal year and may, in some circumstances, be for a shorter time period. Offers for new contracts for the next fiscal year will be made no later than June 1 of each year. When an offer of a new contract is made, the Professional shall indicate acceptance for the ensuing year by signing and returning the contract within fifteen (15) workdays after their receipt of the contract. Failure to provide a timely acceptance by signing and returning the contract will be deemed a rejection of the offer. Contracts for Professionals may be terminated at any time, with or without cause, upon ninety days' advance written notice of termination.

Contracts for Faculty in previously approved positions are generally prepared for a fiscal year and may, in some circumstances, be for a shorter time period. Faculty will be offered a new contract for the ensuing fiscal year unless they are otherwise notified in writing on or before March 31. When an offer of a new contract is made, the Faculty member shall indicate acceptance for the ensuing year by signing and returning the contract within fifteen (15) workdays after their receipt of the contract. Failure to provide a timely acceptance by signing and returning the contract will be deemed a rejection of the offer.

The College owes no further contractual obligation to any employee at the expiration of the employee's annual contract, if any. The College has no obligation to renew any employment contract nor does any employee have the right to expect re-employment regardless of funding source. No employee, including the President, has the authority to give express or implied assurance of employment to an employee regardless of the funding source beyond any current contract period.

## **4.2 Reclassification/Compensation Adjustments/New Positions/Budget**

**Adoption Date:** July 18, 2024

**Revision Date:**

Job classifications are reviewed each year prior to budget planning sessions. If an employee or the supervisor believe the duties and responsibilities of a position have permanently and significantly changed in scope and responsibility as a result of, but not limited to, process changes, reorganization of a work unit or consolidation of work unit duties, a formal request for a position review may be initiated.

Reclassifications will only occur at the beginning of a fiscal year. Job titles may only be changed with the approval of the President. Once job titles are appropriately approved, the Human Resources Office shall be immediately notified.

Requests for new positions shall be made by March 31 of each year, which will allow the new position to be considered for inclusion in the budget process. Requests for new positions shall be made to the Vice President for Finance and the President.

## **4.3 Overtime, Comp Time, On-Call, and Call Back Pay**

**Adoption Date:** July 18, 2024

**Revision Date:**

NMJC recognizes overtime in accordance with the Fair Labor Standards Act (FLSA). Overtime is defined as the number of hours during a workweek, which exceeds forty (40) hours worked during the week by the employee. Overtime is computed on a weekly, not a daily basis. NMJC employees that fall under this category must have permission from their supervisor and President prior to working overtime hours. Failure to do so will result in discipline up to and including dismissal.

Generally, NMJC does not budget for overtime pay and agrees to grant compensatory time off in lieu of overtime wages. Compensatory time shall be taken at a rate of time and one-half for each overtime hour worked if it is taken outside the week that it was earned. If the compensatory time is taken during the week it was earned, it shall be taken hour-for-hour. Any request to take compensatory time in lieu of overtime pay shall be in writing. The employee must be permitted to use comp time on the date requested unless doing so would “unduly disrupt” the operations of NMJC.

Accrued compensatory time shall not be carried forward beyond the two-week period following the overtime hours worked unless approved by the employee’s supervisor. All overtime worked and compensatory time taken shall be approved in advance by the employee’s supervisor and the President. As taken by the employee, compensatory time shall be reported on the electronic timesheet, approved by the appropriate supervisor and forwarded to the Business Office for payroll documentation.

The requirements of the FLSA policy shall be strictly adhered to for proper compliance and shall not be waived by agreement between the supervisor and the employee.

Professional employees that do not fall under this section shall be responsible for ensuring that the requirements of the FLSA are met with respect to all employees under their supervision.

#### **4.4 Time Reporting**

**Adoption Date:** July 18, 2024

**Revision Date:**

Support, Maintenance and other designated employees under the provision of the Fair Labor Standards Act (FLSA) shall be required to report all time worked. Currently, our method of recording is by use of an electronic timesheet. Each member of staff and designated employees shall accurately record his/her time when reporting for work, when on their lunch period, when the employee leaves for the day, any overtime, compensation time or holidays. Any and all overtime/compensation time must have prior approval from the supervisor and the President. An explanation of the overtime duties performed will be required on all overtime entries. Electronic timesheets must be submitted according to the published payroll schedule.

Failure to use required electronic timesheets & leave reports, inaccurate reporting of time worked or leave taken, altering another employee's electronic timesheet or records, or causing someone to alter your timesheet or records, shall result in discipline up to and including dismissal.

#### **4.5 Payroll Payments and Direct Deposit**

**Adoption Date:** July 18, 2024

**Revision Date:**

Payroll payments for Professional and Faculty employees are disbursed by the Business Office after 8:00 a.m. on the 15<sup>th</sup> and last working day of the month. When the 15<sup>th</sup> day or last working day of the month falls on a Saturday, Sunday or Bank Holiday, payroll payments will be disbursed by the Business office on the preceding workday.

Payroll for Staff, Adjunct Faculty, Part-time employees and student work-study employees is disbursed by the Business Office after 8:00 a.m. on the 10<sup>th</sup> and the 25<sup>th</sup> day of the month. When the 10<sup>th</sup> and/or 25<sup>th</sup> working day falls on a Saturday, Sunday or Bank Holiday, payroll will be disbursed by the Business Office on the preceding workday.

Direct Deposit is NMJC preferred method for issuing payroll. To utilize direct deposit, employees must login to the T-bird Web Portal and set up their Direct Deposit. Direct Deposit will remain in effect until changed by the employee. It is the employee's responsibility to notify the Business Office when there is any change to their bank and/or bank account that affects their direct deposit. Any change **MUST** be received in the Business Office at least two weeks prior to the payday for which the change is to occur. Employees should never close an account until they know the cancellation has taken effect. If an employee closes the account prior to the cancellation of the direct deposit, the bank will eventually notify the Business Office. The Business Office will then issue a paper check and notify the employee.

It is the employee's responsibility to review their pay stubs for accuracy. Employees must immediately notify the Business Office if their pay stub appears inaccurate.

Payroll Schedules, W2's, paystubs and other pay information is available on the T-bird Web Portal.

#### **4.6 Externally Funded Positions**

**Adoption Date:** July 18, 2024

**Revision Date:**

Externally funded positions are those funded by resources other than College general funds. Externally funded employees are covered by the terms and conditions of the College's Employee Handbook, with the following exceptions:

- Employment in the externally funded position is contingent upon the continuation of external funding.
- The College may assign an employee in a general fund position to an externally funded position.
- Other variations as required by the specific terms of the external funding source.

#### **4.7 Salary Adjustment Degrees Earned**

**Adoption Date:** July 18, 2024

**Revision Date:**

- A. Employees who complete a degree above that which they now hold **may** be eligible to receive an increase in their base salary for the following fiscal year. The degree should be related to the position the employee now holds. Employees must be full-time for at least twelve (12) months prior to the completion of the degree. Prior to enrolling for a degree for which a salary adjustment may be requested, employee must receive approval of their supervisor and the area Vice President.
- B. An employee will only receive recognition once for each type of degree awarded (i.e., Associate's, Bachelor's, Master's, and Doctorate). An employee shall not receive an increase for earning a lower degree than already held. An employee may only receive an increase for earning the same level degree as already held if the degree is directly related to the position and no increase for the same level degree has been previously awarded.
- C. Salary adjustments will occur at the beginning of the fiscal year, July 1. All degrees completed after June 30th will be considered for the next fiscal year. The increase in pay will not be automatic. Employees completing a degree have the responsibility of reporting this by March 1st and providing an official transcript to their supervisor. In the event an employee has not graduated by March 1st, but will by June 30th, the employee may submit an official letter from a Registrar or graduate office indicating all degree requirements have been met (with an effective date).

- D. Faculty members who obtain a degree above their minimum degree requirement for their current position will receive an increase based on the Faculty Step Pay Scale. Contact Human Resources Office for the Faculty Step Pay Scale.
- E. All Full-time employees, excluding Faculty members completing a degree above their minimum degree requirement for their current position will receive an increase of one (1) step increment on the Non-Faculty Pay Scale.
- F. Only degrees earned going forward will be eligible for the increase. There will be no retroactive pay increases.

## **5 COMPLIANCE**

### **5.1 Ethical Standards & Conflicts of Interest**

**Adoption Date:** July 18, 2024

**Revision Date:**

NMJC expects all employees to conduct themselves and NMJC business in a manner that reflects the highest standards of ethical conduct and in accordance with all federal, state, and local laws and regulations. This includes avoiding real and potential conflicts of interests.

Conflict of interest occurs when an employee is in a position to influence a decision or utilize information that the employee has access to as a result of their position, which may result in a personal gain for the employee (or for a family member or any immediate family member).

An NMJC employee shall treat their position as a public trust and shall use the powers and resources of their position to advance the interests of NMJC and shall not obtain personal benefits or pursue private interests that are incompatible with the public interest. All NMJC employees shall conduct themselves in a manner that maintains the appearance and fact of integrity in the ethical discharging of their position responsibilities.

Pursuant to state law, NMJC employees shall not request or receive money, items or gifts of value, favors, gratuities or promises from any person, firm or corporation that is engaged in or attempting to do business (either directly or indirectly) with NMJC. An employee having (or whose family has) any sort of financial or managerial relationship (whether directly or indirectly) with a business attempting to do business with NMJC shall disclose such relationship in writing to the Procurement Officer before NMJC can purchase goods or services from the business. The employee disclosure shall be made in writing annually and shall be maintained on file in the Business Office. In following the New Mexico Procurement Code, NMJC shall purchase goods and services from the source most advantageous to NMJC.

No employee shall accept other employment or engage in any activity that might reasonably cause the employee to disclose confidential information acquired by reason of the employee's employment with NMJC.

### **5.1.1 Pecuniary or Proprietary Interest**

**Adoption Date:** July 18, 2024

**Revision Date:**

A conflict of interest arises when employees in their official capacity are or may become involved with a contract, grant, purchase, sale, service, or decision that might affect their personal financial interest or the financial interest of a close relative. Those relatives include a spouse, domestic partner, child, grandchild, parent, grandparent, brother, or sister of the whole or half blood and their spouses, nephew, niece and the parent, brother, sister or child of a spouse, and child of a domestic partner.

### **5.1.2 Employment of Relatives**

**Adoption Date:** July 18, 2024

**Revision Date:**

Everyone at the College should be hired, recognized or promoted because of their skills, character and work ethic. To prevent nepotism, favoritism or conflicts of interest NMJC places some restrictions on hiring an employees' relatives.

For the purposes of this policy a "relative" is someone who is related by blood or marriage within the third degree to an employee. This includes parents, grandparents, in-laws, spouses or domestic partners, children, grandchildren, siblings, uncles, aunts, nieces, nephews, stepparents, stepchildren and adopted children.

The following restrictions apply to the employment of a relative of a NMJC employee:

- Employment of relatives of a current NMJC employee must be approved by the President.
- NMJC Board member's relatives are prohibited from working for NMJC while the NMJC Board member is serving as a NMJC Board member.
- An employee may not be involved in a supervisory/reporting relationship with a relative.
- An employee cannot be transferred, promoted or hired inside a reporting relationship with a relative.
- An employee cannot be part of a hiring committee when the employee's relative is interviewed for that position.
- No family member of the President may be hired by NMJC
- Relatives not holding supervisory authority may be employed in the same department/division upon the prior approval of the President.
- If an employee becomes related to a supervisor or direct report after both become employed by the College, one or both of the employees may have to be transferred.



### **5.1.3 Consensual Relations**

**Adoption Date:** July 18, 2024

**Revision Date:**

Consensual personal relationships of a romantic or sexual nature between co-workers who are not in a direct supervisory relationship are not of concern to the College unless conduct associated with that relationship:

- Constitutes sexual harassment or discrimination,
- Affects an employee's job evaluation or treatment,
- Interferes with productivity or harmonious work relationships within the workplace.

Consensual dating relationships between a supervisor and an employee the supervisor directly supervises are inappropriate in the workplace and are inconsistent with the College's management philosophy as well as the supervisor's role and responsibilities. Employees who violate this policy may be subject to disciplinary action, up to and including termination.

## **5.2 Outside Employment**

**Adoption Date:** July 18, 2024

**Revision Date:**

Employees shall disclose in writing on the Notification of Outside Employment Form any outside employment. This form shall be submitted to the employee's supervisor prior to engagement in outside employment and annually each September thereafter. The executed Form should be submitted to Human Resources for inclusion in the employee's personnel file.

Outside employment must not in any way create a potential conflict of interest with the proper discharge of an employee's assigned duties and responsibilities, with the best interest of the College, or adversely reflects on the College or its purpose.

## **5.3 Equal Employment Opportunity**

**Adoption Date:** July 18, 2024

**Revision Date:**

NMJC, as an equal opportunity/affirmative action employer and educator, complies with all applicable federal and state laws regarding nondiscrimination and affirmative action. NMJC is committed to a policy of equal opportunity for all persons and does not discriminate based on race/ethnicity, color, national origin, age, spousal affiliation, sex, sexual orientation, gender identity, medical condition, disability, religion, pregnancy, genetic information, or veteran status in employment, educational programs and activities, and admissions and provides equal access to the Boy Scouts and other designated youth groups.

Equal employment opportunity applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training.

NMJC expressly prohibits any form of unlawful employee harassment or discrimination based on any of the characteristics mentioned above. Improper interference with the ability of other employees to perform their expected job duties is absolutely not tolerated.

NMJC will endeavor to make a reasonable accommodation of an otherwise qualified applicant or employee related to an individual's physical or mental disability, sincerely held religious beliefs and practices, and/or any other reason required by applicable law, unless doing so would impose an undue hardship upon NMJC's operations or create health or safety concern.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of the Human Resources Director (575) 492-2790. For information concerning 504 accessibility, contact the Special Needs Coordinator in the Counseling Department (575) 492-2576. NMJC will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. Employees who feel they have been subjected to any such retaliation should bring it to the attention of the Human Resources Director.

Retaliation means adverse conduct taken because an individual reported an actual or a perceived violation of this policy, opposed practices prohibited by this policy, or participated in the reporting and investigation process described below. "Adverse conduct" includes but is not limited to:

1. Shunning and avoiding an individual who reports harassment, discrimination, or retaliation;
2. Express or implied threats or intimidation intended to prevent an individual from reporting harassment, discrimination, or retaliation; or
3. Denying employment benefits because an applicant or employee reported harassment, discrimination, or retaliation or participated in the reporting and investigation process.

Other examples of retaliation include firing, demotion, denial of promotion, unjustified negative evaluations, increased surveillance, harassment, and assault.

Complaints of discrimination should be filed according to the procedures described in the Harassment and Complaint Procedure, Policy 5.7.

#### **5.4 Americans with Disabilities Act (ADA) and Reasonable Accommodation**

**Adoption Date:** July 18, 2024

**Revision Date:**

NMJC is committed to the fair and equal employment of individuals with disabilities under the Americans with Disabilities Act ("ADA") and New Mexico Law. It is NMJC's policy to provide reasonable accommodation to qualified individuals with disabilities unless the accommodation would impose an undue hardship on NMJC. NMJC prohibits any harassment of, or discriminatory treatment of, employees or applicants based on a disability or because an employee has requested reasonable accommodation.

In accordance with the ADA, reasonable accommodations will be provided to qualified individuals with disabilities to enable them to perform the essential functions of their jobs or to enjoy the equal benefits and privileges of employment. An employee or applicant with a disability may request an

accommodation from the Human Resources Office and should specify what accommodation is needed to perform the job and submit supporting documentation explaining the basis for the requested accommodation, to the extent permitted and in accordance with applicable law. NMJC then will review and analyze the request, including engaging in an interactive process with the employee or applicant, to identify if such an accommodation can be made, or if any other possible accommodations are appropriate. If requested, the employee is responsible for providing medical documentation regarding the disability and possible accommodations. All information obtained concerning the medical condition or history of an applicant or employee will be treated as confidential information, maintained in separate medical files, and disclosed only as permitted by law.

It is the policy of NMJC to prohibit harassment or discrimination based on disability or because an employee has requested reasonable accommodation. NMJC prohibits retaliation against employees for exercising their rights under the ADA or other applicable civil rights laws. Employees should use the procedures described in the Harassment and Complaint Procedure, Policy 5.7, to report any harassment, discrimination, or retaliation they have experienced or witnessed.

## **5.5 Reasonable Accommodations for Pregnant Workers Policy**

**Adoption Date:** July 18, 2024

**Revision Date:**

As required by the federal Pregnant Workers Fairness Act (“PWFA”), NMJC will provide reasonable accommodations to employees and applicants with limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause undue hardship to NMJC’s operations.

An employee or applicant may request accommodation due to pregnancy, childbirth, or a related medical condition by submitting the request in writing to the Human Resources Office. The accommodation request should include an explanation of the pregnancy-related limitations, the accommodation needed and any alternative accommodation(s) that might be reasonable. Depending on the nature of the accommodation, the individual may be requested to submit a statement from a health care provider substantiating the need for the accommodation.

Upon receipt of a request for accommodation, the Human Resources Office will contact the employee or applicant to discuss the request and determine if an accommodation is reasonable and can be provided without significant difficulty or expense, i.e., undue hardship. While the reasonableness of each accommodation request will be individually assessed, possible accommodations include allowing the individual to:

- Sit while working
- Drink water during the workday
- Receive closer-in parking
- Have flexible hours
- Receive appropriately sized uniforms and safety apparel
- Receive additional break time to use the bathroom, eat and rest

- Take time off to recover from childbirth
- Be excused from strenuous activities and/or activities that involve exposure to compounds deemed unsafe during pregnancy

An employee may request paid or unpaid leave as a reasonable accommodation under this policy; however, NMJC will not require an employee to take time off if another reasonable accommodation can be provided that will allow the employee to continue to work.

NMJC prohibits any retaliation, harassment, or adverse action due to an individual's request for accommodation under this policy or for reporting or participating in an investigation of unlawful discrimination under this policy.

## **5.6 Family Medical Leave Act (FMLA)**

**Adoption Date:** July 18, 2024

**Revision Date:**

NMJC complies with the federal FMLA, which requires employers to grant unpaid leaves of absence to qualified workers for certain medical and family-related reasons. NMJC also abides by all state and local leave laws. The more generous of the laws will apply to the employee if the employee is eligible under both federal and state laws.

Employees should note there are many requirements, qualifications, and exceptions under these laws, and each employee's situation is different. Employees should contact Human Resources Office to discuss options for leave.

### **General Provisions**

The following text is from the federal notice, Employee Rights and Responsibilities Under the Family and Medical Leave Act. Specific information that the College has adopted to implement the FMLA follows this general notice.

Leave Entitlements Eligible employees who work for a covered employer can take up to twelve (12) weeks of unpaid, job protected leave in a twelve (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 (1) 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 that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered service member's spouse, child, parent, or next of kin may also take up to twenty-six (26) weeks of FMLA leave in a single twelve (12) month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitute accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

**Benefits and Protections** While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave. Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

### **Eligibility Requirements**

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least twelve (12) months;
- Have at least 1,250 hours of service in the twelve (12) months before taking leave; and
- Work at a location where the employer has at least fifty (50) employees within seventy-five (75) miles of the employee's worksite.

### **Requesting Leave**

Generally, employees must give thirty (30) days' advance notice of the need for FMLA leave. If it is not possible to give thirty (30) days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection.

Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

### **Employer Responsibilities**

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

### **Enforcement**

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

For additional information:  
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627  
[www.dol.gov/whd](http://www.dol.gov/whd)

### **NMJC Specific Procedures for Implementing Family and Medical Leave Provisions**

Eligible employees can take up to 12 weeks of unpaid leave in the 12-month period measured backward from the date an employee uses FMLA leave.

Use of Paid Leave. FMLA leave runs concurrently with accrued paid leave, compensatory time, and absences due to a work-related illness or injury. The College will designate the leave as FMLA leave, if applicable, and notify the employee that accumulated leave will run concurrently.

Use of paid leave concurrent with FMLA leave will occur in the following order: Sick Leave, vacation leave, compensatory time, and personal leave. NMJC requires use of accrued paid leave while taking FMLA leave.

Combined Leave for Spouses. Spouses who are employed by the College are limited to a combined total of 12 weeks of FMLA leave to care for a parent with a serious health condition; or for the birth, adoption, or foster placement of a child. Military caregiver leave for spouses is limited to a combined total of 26 weeks.

Intermittent Leave. When medically necessary or in the case of a qualifying exigency, an employee may take leave intermittently or on a reduced schedule. The College does not permit the use of intermittent or reduced-schedule leave for the care of a newborn child or for adoption or placement of a child with the employee.

**Fitness for Duty.** An employee that takes FMLA leave due to the employee's own serious health condition shall provide, before resuming work, a fitness-for-duty certification from the health care provider. When leave is taken for the employee's own serious health condition, the certification must address the employee's ability to perform essential job functions. The College shall provide a list of essential job functions (e.g., job description) to the employee with the FMLA designation notice to share with the health care provider. Fitness for duty is not required when an employee returns to work following leave to care for a family member with a serious health condition; to care for a child following birth, adoption, or foster care placement; or for qualifying exigency leave.

**Reinstatement.** On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave began, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to reinstatement even if the employee has been replaced or the employee's position has been restructured to accommodate the employee's absence. However, an employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

**Status Reports.** An employee on FMLA leave must contact the Human Resources Director via telephone or email on the 1st and 15th day of each month (or the first workday following the 1st and 15th, if those days fall on a weekend or holiday) to report on the status for the reason for the leave, the employee's intent to return to work, and the expected date of return. Employees that require FMLA or have questions should contact the Human Resources Office for details on eligibility, requirements, and limitations.

## **5.7 Support for Nursing Mothers**

**Adoption Date:** July 18, 2024

**Revision Date:**

NMJC recognizes the importance of breastfeeding and supports the accommodation of mothers who choose to continue breastfeeding, nursing, or expressing milk after their return to work. This policy provides procedural guidance, and limitations on NMJC's responsibilities relating to nursing support.

- A. **Employee Break Times:** NMJC works with employees to provide flexible break times as needed for nursing mothers, to facilitate their ability to nurse or to express milk.
- B. **Employee Privacy:** NMJC provides employees with space for nursing or use of a breast pump that is:
  - 1. Clean and private
  - 2. Near the employee's workspace
  - 3. Not a bathroom
- C. **Right to Nurse:** Outside of the workplace, NMJC recognizes the right of any nursing mother to breastfeed her child in any location, public or private, where the mother is otherwise authorized to be present.

**Coordination:** Nursing mothers should meet with their supervisors to discuss their needs; including, frequency and timing of breaks to nurse/express milk, and to develop a schedule that is flexible to meet the nursing needs of the employee and the needs of the department. Supervisors will work with nursing mothers to identify a mutually acceptable location for the breaks, which meets the legal requirements listed above.

- A. Customary Break Time: NMJC provides its employees with up to an hour meal break for an 8-hour work period and a fifteen-minute break during each 4-hour work period. If a nursing mother requires more time to nurse or express milk, she will work with her supervisor to arrange for such time to be granted. A supervisor may require a nursing mother to use paid leave for break time greater than the 15-minute break, but supervisors are encouraged to be flexible and reasonable when creating break schedules for nursing mothers.
- B. Limits on NMJC Responsibility: NMJC will not be liable for providing storage or refrigeration of breast milk, payment for the nursing mother's break time outside of established employee breaks, or payment of overtime while a nursing mother is nursing or using a breast pump.

Source: NMSA 1978, § 28-20-1 and § 28-20-2.

## **5.8 Harassment and Complaint Procedure**

**Adoption Date:** July 18, 2024

**Revision Date:**

It is NMJC's policy to prohibit intentional and unintentional harassment of or against job applicants, contractors, interns, volunteers, or employees by another employee, supervisor, vendor, customer, or third party based on actual or perceived race, color, creed, religion, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth, and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, military service and veteran status, physical or mental disability, genetic information, or any other characteristic protected by applicable federal, state, or local laws. Such conduct will not be tolerated by NMJC.

Furthermore, any retaliation against an individual who has complained about sexual or other harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated. NMJC will take all reasonable steps necessary to prevent and eliminate unlawful harassment.

Unlawful harassment includes, but is not limited to, epithets; slurs; jokes; pranks; innuendo; comments; written or graphic material; stereotyping; or other threatening, hostile, or intimidating acts based on race, color, ancestry, national origin, gender, sex, sexual orientation, marital status, religion, age, disability, veteran status, or another characteristic protected by state or federal law.

Definition of "sexual harassment." While all forms of harassment are prohibited, special attention should be paid to sexual harassment. "Sexual harassment" can include all of the above actions, as well as other unwelcome conduct, and is generally defined under both state and federal law as



unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature whereby:

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of any individual's employment or as a basis for employment decisions.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, a hostile, or an offensive work environment.

Other sexually oriented conduct, whether intended or not, that is unwelcome and has the effect of creating a work environment that is hostile, offensive, intimidating, or humiliating to workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct that, if unwelcome, may constitute sexual harassment depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwanted sexual advances, whether they involve physical touching or not;
- Sexual epithets; jokes; written or oral references to sexual conduct; gossip regarding one's sex life; comments about an individual's body; and comments about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, or cartoons;
- Unwelcome leering, whistling, brushing up against the body, sexual gestures, or suggestive or insulting comments;
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual or other harassment and retaliation against individuals for cooperating with an investigation of sexual or other harassment complaints violate NMJC's policy.

**Complaint procedure.** If an employee believes they have been subject to or have witnessed unlawful discrimination, including sexual or other forms of unlawful harassment, or other inappropriate conduct, they are requested and encouraged to make a complaint. They may complain directly to their immediate supervisor or department manager, the Human Resources Director, or any other member of administration with whom they feel comfortable bringing such a complaint. Similarly, if employees observe acts of discrimination toward or harassment of another employee, they are requested and encouraged to report this to one of the individuals listed above.

All complaints will be investigated promptly, and confidentiality will be protected to the extent possible. A timely resolution of each complaint should be reached and communicated to the parties involved.

If the investigation confirms conduct that violates this policy has occurred, NMJC will take immediate, appropriate, corrective action, including discipline, up to and including immediate termination.

No reprisal, retaliation, or other adverse action will be taken against an employee for making a complaint or report of discrimination or harassment or for assisting in the investigation of any such complaint or report. Any suspected retaliation or intimidation should be reported immediately to one of the persons identified above.

## **5.9 Whistleblowing Procedures & Retaliation Prevention**

**Adoption Date:** July 18, 2024

**Revision Date:**

This policy protecting whistleblowers covers all employees of, and all persons who contract with, NMJC. This policy also extends to former employees and persons who contracted with NMJC when retaliation against such person has resulted in a change of the person's status to that of a non-employee or non-contractor prior to resolution of any alleged retaliation.

No employee of, or person who contracts with, NMJC shall be subject to any discriminatory or adverse employment action or retaliation regarding such employee's or contractor's terms and conditions of employment because the employee or contractor:

- A. Communicates to NMJC or a third-party information about a practice, procedure, action, or a failure to act that the employee/contractor believes in good faith violates a federal law, a federal regulation, a state law, a state administrative rule or any other law, constitutes malfeasance in public office; or constitutes gross mismanagement, a waste of funds, an abuse of authority or a substantial and specific danger to the public;
- B. Provides information to, or testifies before, a public body as part of an investigation, hearing or inquiry into a matter such as described in paragraph A; or
- C. Objects to or refuses to participate in an activity, policy or practice of the type described in paragraph A.

NMJC prohibits retaliation of any kind against employees/contractors who, in good faith, engage in any of the activities described in paragraphs A.-C above. Any employee/contractor who believes that such employee/contractor has been subjected to any form of retaliation should immediately report that conduct to such employee's or contractor's immediate supervisor or to the Human Resources Director or any other administrator. Employees are not required to approach the person who is believed to be retaliating against them. A prompt confidential investigation shall be conducted of any reported retaliation. Appropriate disciplinary action, up to and including dismissal or suspension of employment, shall be taken against any employee who is found to have been responsible for retaliation or for knowingly permitting retaliation to occur.

Source: NMSA 1978 §10-16C-1 et. seq.

## 5.10 Workers Compensation

**Adoption Date:** July 18, 2024

**Revision Date:**

Workers' compensation is a "no-fault" system that provides compensation for medical expenses and wage losses to employees who are injured or who become ill because of employment.

NMJC pays the entire cost of workers' compensation insurance. However, pursuant to NMSA 1978 §52-5-19 (2004) each employee of NMJC will pay a \$2.00 fee per quarter which shall be deducted from the wages of the employee for a worker's compensation administration fund. The insurance provides coverage for related medical and rehabilitation expenses and a portion of lost wages to employees who sustain an injury on the job. All employees of NMJC are covered by worker's compensation insurance.

If an employee sustains a job-related injury or illness, it is important to notify the supervisor, Campus Safety and Human Resources Office immediately. Campus Safety will complete an injury report with input from the employee and supervisor. Campus Safety will then forward the report to the Human Resources Office, to file the claim. In cases of true medical emergencies, report to the nearest emergency room or call 911 and Campus Safety.

The New Mexico Workers' Compensation Act, NMSA 1978 §52-1-1, et.seq., provides wage disability benefits shall *not* be paid for an injury that results in a disability that lasts for seven (7) days or less. If the injury results in a disability that lasts for more than seven (7) days, benefits shall be paid at up to sixty-six and two thirds (66-2/3) percent of the average weekly wage, subject to a maximum established by the New Mexico Department of Labor.

All absences due to a job-related injury shall be reported by the employee and signed by the appropriate director/supervisor on an NMJC leave form. Wages for the first seven (7) calendar days shall be paid by the College (provided the employee has enough Sick Leave accrued) and workers' compensation shall begin benefits to the employee on day eight (8) resulting in no further reduction of Sick Leave. If the worker is covered by workers' compensation beyond four weeks, (28) days, the first seven (7) days of compensation by the College shall be reimbursed and the employee's Sick Leave shall be reinstated. Sick Leave and vacation shall not accrue while receiving workers' compensation if employee is not eligible for FMLA leave. If the employee is unable to return to work for a period not to exceed one (1) year, the employee may elect to retain medical and any other insurance coverage in effect at the time of the accident but shall pay the employee's share as due. Failure to do so shall result in the cancellation of any insurance coverage for which the employee's share has not been paid in a timely manner. If the employee is not released to work after one (1) year, it shall be the employee's responsibility to apply for COBRA to keep the employee's insurance coverage in force. Injuries requiring leave that qualifies for FMLA leave shall be charged concurrently after the employee is provided with proper notice.

It is the responsibility of the employee to inform the Human Resources Office of the dates the employee is off work and when the employee is scheduled to return. When an injury involves days away from work, a medical release from the attending physician is required before the employee may return to work. If the individual is to return to work with restricted work activities, the

return must be approved by the supervisor, and in consultation with the Human Resources Office. An injured employee shall see the employee's treating physician on a regular basis while on workers' compensation. Once the employee's treating physician releases the employee to work, the employee shall report to work the following day according to the doctor's release. If the employee does not do so, the employee may forfeit any expectations the employee may have for reinstatement, further insurance coverage and other benefits of NMJC employment.

## **6 EMPLOYMENT POLICIES/WORKPLACE GUIDELINES**

### **6.1 Personal Appearance and Public Relations**

**Adoption Date:** July 18, 2024

**Revision Date:**

Each NMJC employee represents NMJC, both on and off campus. Employees shall project a professional image in the workplace and are expected to dress in a professional manner appropriate to their role and job duties. Employees shall be suitably attired and groomed during working hours, when attending college-sponsored activities and when representing NMJC.

Within these general boundaries, there shall be specified clothing not to be worn by office employees, professional staff and faculty while on duty—hats, t-shirts, shorts, mini-skirts, yoga pants, sweat pants, tank/halter tops, and jeans. However, the President may designate Fridays as jean days. This means clean jeans/shirts that are in good repair, without holes, can be worn. T-shirts that are NMJC sanctioned which includes all NMJC organizational and departmental t-shirts can be worn on Fridays. As approved by the President, certain workdays may be declared “casual” or “dress-down” days. In order to maintain a professional image, all student workers shall adhere to the College dress policy.

If a supervisor determines that an employee's attire and/or grooming is out of place, the employee may be asked to leave the workplace until the employee is properly attired and/or groomed. In no case shall the standards for employees be lower than those prescribed for students in the Student Handbook. Supervisors shall counsel staff assigned to their location on appearance and conduct. Employees who violate dress code standards may be subject to disciplinary action, up to and including termination.

### **6.2 Official Personnel Records**

**Adoption Date:** July 18, 2024

**Revision Date:**

Employees will be permitted reasonable access to their records during regular business hours. The point of contact for records access is the Human Resources Office.

An employee may:

- Review the contents of their file and receive a copy of any documents in the file;
- Respond to any document or correspondence in their file and have that response made a part of

- the file, and;
- Make a written request to amend or correct any portion(s) of their file that the employee believes is not accurate, relevant, timely, or complete.

Such a request is subject to the review of the employee’s supervisor(s) and the Human Resources Director or designee. Upon receipt of a written request to amend or correct any portion of an employee’s personnel record, the Human Resources Director or designee shall:

- Make the amendment or correction requested by the individual, or;
- Inform the individual of their denial of the request to amend or correct the file, stating the reasons for the denial.

An employee may grieve the denial of the request to amend or correct their record. Such a grievance must be submitted within five work days of the employee’s receipt of the denial. Disclosure of Official Personnel Records Confidential information or personal data about an employee will not be shared, except with employees who have a legitimate business need for the information, as approved by the Human Resources Director or as required by law. Employees will be notified in the event their personnel records have been requested as part of a public records request

### **6.3 Appointment to positions**

**Adoption Date:** July 18, 2024

**Revision Date:**

Recruitment and Hiring information and processes are located on our website at

[https://www.nmjc.edu/about/human\\_resources/index.aspx](https://www.nmjc.edu/about/human_resources/index.aspx)

### **Acting and Interim Appointments**

An employee is considered to be in an acting position while temporarily filling a position where the regular incumbent is expected to return. An employee is considered to be in an interim position while filling a position for which a search generally is to be conducted. Although a formal search process is not required when a current employee is appointed to an acting or interim position, a limited competitive process must be conducted if the appointment will involve a higher salary or greater scope of responsibilities. The limited recruitment must be documented by the hiring official and must afford all qualified and interested individuals in the department/unit where the vacancy exists the opportunity to be considered. Any exception to this limited process must be approved by the President and typically occurs when a single employee within the hiring department has the required skills to perform the job or if a delay in filling the position may have significant consequences to the department. Typically, an acting or interim appointment will not exceed twelve (12) months.

## **Employment Under Age 18**

Normally, NMJC does not employ persons under eighteen (18) years of age. Any exceptions for regular positions must be approved by the dean, director, or department head of the hiring organization and Human Resources Office. Applicable federal and state laws must be observed.

## **Probationary Period**

All new employees hired into regular positions are employed on a probationary basis for the first three (3) calendar months of their employment. The probationary period end date may be extended on a day-for-day basis for full days not worked by the employee. This includes annual and Sick Leave as well as leave with or without pay. The immediate supervisor shall notify employees in advance and in writing that they will be extending the probationary period end date. Probationary periods may be extended for more than three (3) months for other bona fide reasons with the advance approval of the President. Promotion or transfer during an employee's probationary period is discouraged and any employee who is promoted or transferred during that period will be required to serve a new probationary period in the new position. An employee may be released from employment during the probationary period with or without cause.

## **Initial Hire Probation Process**

1. Supervisor and employee meet to discuss the role and expectations of the job within two weeks of the new hire start date.
2. Discussion to review progress at mid-point.
3. Probation review must occur within three (3) months after the hire date, determining:
  - Regular employment status
  - Dismissal from employment
  - Request extension of probation from Human Resources

## **Dismissal Steps**

At any point during the probationary period, the Supervisor can recommend dismissal.

1. Supervisor consults with Human Resources Director.
2. Human Resources and Supervisor reviews basis for proposed dismissal with College President.
3. Supervisor and Human Resources Director meet with College President.
4. Supervisor and Human Resources Director meet with employee to inform employee of intent to dismiss and receive input from employee, such as additional evidence or circumstances to be considered.
5. Supervisor and Human Resources Director reviews employee input.
6. Supervisor and Human Resources Director meet with College President.
7. College President, Supervisor, and Human Resources Director meet with employee and notify employee of decision to dismiss.
8. Decision is not subject to review, except as otherwise provided in Policy 6.4.3.
9. Any employee dismissed for cause is ineligible for rehire.

## **Trial Period – Transfer or promotion trial period**

Employees who are promoted or transferred to a different position have a trial period of three (3) months to demonstrate the ability to perform their new jobs satisfactorily. Trial periods may be extended for bona fide reasons with the advance approval of the President. Employees are permitted to return to their previous job, at their request, during the trial period if the employee and all affected supervisors agree, and the position is still available.

## **New Employee Orientation**

Each new regular employee must attend the New Employee Orientation offered by the Human Resources Office.

## **6.4 Separation from Employment**

**Adoption Date:** July 18, 2024

**Revision Date:**

### **Separation from Employment**

Although NMJC hopes that employment with the College will be a mutually rewarding experience, it is understood that varying circumstances do cause employees to voluntarily resign employment. Employees are asked to follow the guidelines below regarding notice and exit procedures when voluntarily resigning.

When an employee leaves employment with NMJC, a checkout form shall be obtained from the Human Resources Office. The form shall be used to clear the account of an employee with the Library, Bookstore, Business Office, Campus Safety and the Human Resources Office. Appropriate signatures shall be obtained, and the completed form shall be presented to the Human Resources Office.

In most cases, the Human Resources Office will conduct an exit meeting on or before the last day of employment to collect all NMJC property and to discuss final pay. If applicable, information regarding benefits continuation through the Consolidated Omnibus Budget Reconciliation Act (COBRA) will be sent to the employee's home address.

#### **6.4.1 Separation from Employment-Voluntary Resignation**

**Adoption Date:** July 18, 2024

**Revision Date:**

In all cases of voluntary resignation (one initiated by the employee), employees are asked to provide a written notice to their supervisors at least ten (10) actual working days in advance of the last day of work. Holidays and vacation will not be counted toward the ten (10) day notice. Employees who provide the requested amount of notice will be considered to have resigned in good standing and generally will be eligible for rehire.

#### **6.4.2 Separation from Employment-Abandonment/Resignation without Notice**

**Adoption Date:** July 18, 2024

**Revision Date:**

An employee who fails to give proper notice of resignation or leaves the job indicating an intention not to return to work may be deemed to have resigned without notice. An employee who is absent/out of contact for three (3) consecutive work days without notice may be deemed to have resigned. Any employee who fails to notify their supervisor when absent may be subject to disciplinary action. Prior to proceeding with termination action, the College will make a reasonable effort to communicate with the employee and determine the employee's status. This may include a telephone call, an email, or contacting their emergency contact on file. Employees resigning without notice are not eligible for rehire.

#### **6.4.3 Involuntary Separation**

**Adoption Date:** July 18, 2024

**Revision Date:**

An involuntary separation of employment, including a nonrenewal, is an administration-initiated dismissal. Depending on the circumstances, the separation may be with or without cause.

##### **Nonrenewal**

Except in cases of an SPR (Policy 6.4.4), upon determination by the President, if: (a) a Faculty employee's contract shall not be renewed, the President shall give a written notification, no later than March 31<sup>st</sup> or (b) a Professional employee's contract shall not be renewed, the President shall give written notification, no later than May 1<sup>st</sup>. This notification shall be delivered in person by the President or the President's Designee or sent by certified mail to the last known address of the employee.

The written notice of non-renewal need not state any reason for the decision. Non-renewal decisions shall not rely upon any basis which violates the law. An employee who asserts that the non-renewal of a contract is based upon a violation of law shall fully set forth in writing such assertion, including the basis for the assertion, and deliver it to the President within fifteen (15) days from the date of notice of non-renewal of the contract.

##### **Dismissal**

All Staff employees are AT-WILL employees. The College retains the right to suspend, demote, dismiss with or without cause Staff employees. Staff Employees shall not be suspended or dismissed for reasons that violate the law. Any Staff employee who asserts that their termination or adverse employment decision is based upon the violation of the employees' rights shall fully set forth such assertion in writing, to the President within fifteen (15) days from the date of any alleged illegal employment decision. The Hearing Procedure in this policy shall be followed.



Any employee, including, Faculty and Professional, may be suspended or dismissed by the President any time subject to any act or event which in the opinion of the President is detrimental to the general welfare of the College, such as but not limited to, the following:

1. Consolidation, reorganization, curtailment or reduction of the College staff, program or courses.
2. Misconduct in office.
3. Incompetency.
4. Insubordination.
5. Neglect of duty.
6. Drunkenness or conviction of any crime involving moral turpitude.
7. Unauthorized use of College funds, facilities, materials or any College asset for personal business or financial gain.
8. Drug abuse violation
9. Sufficient reasons, including but not restricted to instances, where an employee:
  - a. Has refused to comply with the policies of the Board.
  - b. Has been convicted of a felony.
  - c. Has secured or maintained his/her position with the College through deceptive or fraudulent means.
  - d. Has participated in disruptive activities, which interfere with the normal operation of the College.
  - e. Has harassed another person or made threats by verbal/physical assault.
  - f. Has violated the terms of this Handbook.
10. Abuse of Position.
11. Excessive absence from duty or absence without prior approval.

#### **6.4.4 Procedure for Dismissal or Suspension**

1. The President shall notify in writing the employee of dismissal or suspension as of a certain date. The notice shall specify:
  - a. Charges made against the employee.
  - b. Effective date of dismissal or suspension.
  - c. Individual right to request a hearing, which shall be made in writing within fifteen (15) days from the date of notice.
2. Copy of the procedures for dismissal or suspension shall accompany the notice.
3. Employee shall not conduct any activity under their contract after the effective date of dismissal or suspension.
4. If the employee requests a hearing, the President shall notify the Chairperson of the Board. The Hearing Procedure as outlined in this Policy shall be followed. In the event dismissal charges are sustained and the employee is dismissed, pay shall cease immediately and any contract of employment shall be terminated. If dismissal or suspension is not upheld, salary payments shall be retroactive to the date of the employee's dismissal or suspension. The decision of the Board is the final administrative procedure and shall be binding upon the employee.

## Hearing Procedure

The President, upon receipt of an employee's timely assertion that illegal grounds were relied upon in making the decision for adverse employment action which results in reduction in pay, to suspend, or not to renew an individual contract, or to terminate an at-will employee, or that a contractual employee was dismissed without just cause, shall notify the Chairperson of the Board of such assertion.

The Chairperson of the Board shall notify the employee and the President within ten (10) days that a Hearing Officer shall review the action stating a specified date, time and location for the hearing.

A. The hearing shall be held before a Hearing Officer appointed by the Chairperson of the Board. No person shall be appointed Hearing Officer who was directly involved or witnessed any incident allegedly involved in the determination not to renew the individual's contract, or if the person has prejudged disputed facts, or if a person is biased for or against any person who will actively participate in the proceedings. The College's attorney shall assist the Hearing Officer, if requested, regarding due process considerations or evidentiary decisions. The Hearing Officer may, but need not be, an employee of the College.

B. The employee shall have the right to have legal counsel present at the employee's expense.

C. The hearing shall be open to the public unless the employee requests that it be held in private.

D. The hearing shall be confined to a determination as to whether or not there exists facts which indicate that the adverse employment action which results in reduction in pay, suspension, non-renewal or termination of the contending employee is grounded on some illegal basis. The President shall bear the burden of presenting information which supports the action on permissible grounds.

E. The President and employee shall be afforded the following minimum rights to assure due process:

1. Each party or their representative shall have the opportunity to make an opening statement.
2. Each party shall have the opportunity to present his/her case or defense by oral or documentary evidence.
3. Each party shall be afforded the opportunity to confront and cross examine adverse witnesses.
4. Each party shall be afforded the opportunity to be represented and advised by counselor to represent themselves.
5. Each party shall be afforded the opportunity to attain the assistance of the Hearing Officer in obtaining the attendance of witnesses to testify or the deposition of any witness and in obtaining any other evidence.

6. Witnesses shall be sworn or required to affirm to tell the truth prior to testifying.
7. Each party shall be afforded the opportunity to make a final argument.
8. The hearing shall be recorded.
9. Technical legal rules of evidence shall not apply where reason and justice require waiver of strict compliance. The formal hearing is not a trial.
10. If the President makes a prima-facie case, the employee shall come forward with facts to refute the President's case.
11. The Hearing Officer, upon hearing all the evidence submitted at the hearing by the parties, shall decide within five (5) working days after the hearing. The decision shall contain a concise summary of the evidence of whether or not the claim or assertion made by the employee should be allowed or denied.
12. Any employee aggrieved by the Hearing Officer's decision after Formal Hearing shall have the right to have the decision reviewed by a Review Panel. An employee's request for review of the Hearing Officer's decision must be submitted to the Chairperson of the Board within ten (10) days after the decision is received. The Review Panel shall consist of three (3) panel members, one member shall be appointed by the employee subject to the adverse employment action, one member shall be appointed by the President and one member shall be appointed by the Chairperson of the Board. All appointments shall be made within ten (10) days after the request for review is received by the Chairperson of the Board. If the employee does not appoint a member of the Review Panel within such ten (10) day period the appeal shall be dismissed. The members of the Review Panel shall select one of its members as Chairperson of the Review Panel. No person shall be appointed to the Review Panel who was directly involved or witnessed any incident allegedly involved in the adverse employment determination not to renew the individual's contract, or if the person has prejudged disputed facts, or if a person is biased for or against any person who will actively participate in the proceedings. The College's attorney shall assist the Review Panel, if requested, regarding due process considerations or evidentiary decisions. Members of the Review Panel may, but need not be, an employee of the College. The Review Panel shall review the record and written decision in the case and may allow new written submissions by the parties or their representatives. The Review Panel may in its sole discretion grant a new hearing before it to review the Hearing Officer's decision or it may conclude that there is no legitimate reason for an additional hearing. The Review Panel through its Chairperson shall prepare the Review Panel's written decision, announce individual Panel member's respective votes and deliver the Review Panel's decision by certified mail to the employee within ten (10) working days after the review is concluded. The Review Panel's decision shall be the final administrative action to which an employee is entitled. In the event the claim is allowed, a professional employee shall be reinstated or offered a contract of employment, as the case may be or a Staff employee shall be reinstated or the suspension overturned.

#### **6.4.5 Separation from Employment-Strategic Personnel Reductions (SPR)**

**Adoption Date:** July 18, 2024

**Revision Date:**

#### **Strategic Personnel Reductions Plan**

The College may require a reduction in salary, a reduction in work force or both whenever it is necessary due to:

- Shortage or loss of funds;
- Shortage or loss of work;
- Abolishment of a position; or
- Other material changes in position duties or organization.

No loss of funds shall be required as a precondition for a Strategic Personnel Reduction (SPR). SPR procedures also apply to position or budgetary changes that result in an involuntary reduction in an employee's work hours.

#### **Notice of Personnel Reduction**

Employees selected for a reduction under this policy:

- Shall be notified in a confidential meeting and provided in writing with the selection criteria that were used in selection.
- Shall be paid for any unused annual leave or personal days, as applicable.
- Shall receive a 30-day minimum notice or payment in lieu of notice.
- Shall depart the College as involuntary separation, eligible for rehire, provided that there is no active disciplinary action pending.
- Shall be reinstated at their previous step if the employee applies and is rehired at the same position level within 12 months.

Employees who are subsequently selected for an alternative position will retain all pre-existing employment rights and benefits. The College will consider the hiring cycle of the affected employees and provide early notice whenever it is possible.

#### **6.5 Transfer/Reassignment Guidance**

**Adoption Date:** July 18, 2024

**Revision Date:**

Assignment and utilization of all College personnel shall be administered to the best service of the mission and functioning of the organization. The College may transfer, reassign or temporarily assign employees. Transfer of an employee may, at times, need to take effect immediately. However, except in urgent situations, supervisors will work with the employee to arrange for an adequate notice period for a transfer to take effect.

## 6.6 Committees

**Adoption Date:** July 18, 2024

**Revision Date:**

NMJC subscribes to the belief that its employees and students should contribute and assist in formulating policies and procedures for NMJC, subject to review and approval by the NMJC Board of such recommendation. To implement this belief, ad hoc committees may be formulated. Appointments to NMJC committees shall be **coordinated by the Division of Institutional Research, Planning, and Effectiveness, along with input from the Executive Cabinet and President**, and will include the following: faculty, professional, staff and students, as appropriate. These appointments shall be made based upon individual preferences when possible. When members have been appointed, the President shall appoint a person to call the first committee meeting, at which time the committee shall elect a chairperson, a vice chairperson and a recorder. Each committee shall make reports, including recommendations, and after approval, committee minutes must be kept and submitted to the President on a regular basis. A list of committees is available through the President's office.

## 6.7 Community Engagement

**Adoption Date:** July 18, 2024

**Revision Date:**

NMJC believes in giving back to the communities that support NMJC. Being involved in communities in Lea County helps NMJC keep connected and helps Lea County communities thrive and grow. Each employee is encouraged to volunteer with local non-profit entities or schools.

To encourage employees to volunteer with local non-profits, regular full-time employees may earn up to sixteen (16) hours of Earned Personal Leave each calendar year by volunteering for a local non-profit.

To qualify for personal leave under this policy:

- Employees must volunteer with the United Way of Lea County, an entity that is supported by United Way of Lea County, or public school districts in Lea County.
- An employee must volunteer outside of the normal workday for the employee.
- An employee can earn 8 hours of Personal Leave by volunteering with an appropriate entity by volunteering for 40 hours from the period of January 1 to June 30 of each year. Employees must enroll in the volunteer program in the Human Resources Office by January 15 of each year to earn personal time off for volunteering from January 1 to June 30.
- An employee can earn 8 hours of Personal Leave by volunteering with an appropriate entity by volunteering for 40 hours from the period of July 1 to December 31 of each year. Employees must enroll in the volunteer program in the Human Resources Office by July 15 of each year to earn personal time off for volunteering from July 1 to December 31 of each year.

- By January 15 and July 15 of each year, employees must turn in a volunteer log signed off by a representative of the entity the employee volunteered for. Employees may not sign off on their own volunteer logs.

## **6.8 Travel**

**Adoption Date:** July 18, 2024

**Revision Date:**

Employees shall contact the Business Office for specific information regarding per diem rates, appropriate travel forms and advance procedures.

Employees will be reimbursed actual expenses for lodging not exceeding the single occupancy room charge (including tax). Employees must submit receipts for actual lodging expenses incurred. Expenses for meals are limited to the maximum amount based on state regulations for a 24-hour period.

The purchase of alcohol or alcohol beverages is not a reimbursable expense for NMJC employees.

Receipts are required for reimbursement of other travel expenses such as ground transportation and parking fees. If receipts are lost or not available, an affidavit must accompany the travel form and include the signature of the appropriate department head.

NMJC vehicles should be utilized when making travel arrangements.

Only employees on the NMJC Approved Driver's List are authorized to operate a college, rental or personal vehicle while on College business.

NMJC employees must have taken the defensive driving course to be authorized to drive an NMJC vehicle. The certificate must be kept current and renewed every two years. Non-compliance could result in non-compensation for the trip.

Alcohol/Illegal Drugs in an NMJC vehicle or a private vehicle being used for College business and the use of alcohol/illegal drugs while operating a NMJC vehicle or a private vehicle being used for College business are prohibited. Furthermore, alcohol/illegal drugs and the use of alcohol/illegal drugs during a school sponsored activity are prohibited on all school sponsored trips and any time an employee is in the presence of students during a school sponsored activity or when an employee is responsible for or supervising students in a school-sponsored activity.

All NMJC Employee travel, for college related activities, must be pre-approved and the proper travel forms completed prior to the employee making the trip.

Prior to utilizing or checking out a college vehicle, the appropriate request form must be signed and delivered to the NMJC Motor Pool.

All NMJC Employees are required to sign a "Waiver Release and Indemnification Agreement"

for travel in a personal vehicle being used for NMJC Business. The form must have all required signatures before the employee uses their personal vehicle. After the form has been completed and all signatures obtained, it will be kept in the Human Resources office. This form is good for only one year from the date it was signed by the employee and supervisor.

## **6.9 Employee Use of College Property and Personnel**

**Adoption Date:** July 18, 2024

**Revision Date:**

Security, safekeeping and proper care of public equipment and facilities is the responsibility of all NMJC employees.

New Mexico Junior College employees shall not utilize any NMJC property or facilities for personal use or private business, non-college related projects or activities on or off campus. Violation of this policy may result in discipline up to and including termination of employment.

NMJC facilities may be used for personal or private use on the same basis of scheduling and fees required of non-employees when appropriate procedures for such use have been followed.

## **6.10 College Purchases**

**Adoption Date:** July 18, 2024

**Revision Date:**

All NMJC employees shall make NMJC purchases in accordance with the State Procurement Code and purchasing procedures published by the Business Office. Any unauthorized purchases made by an employee shall be considered personal in nature and shall not be binding on NMJC.

Employees shall not use NMJC charge/vendor accounts for personal use. Violation of this policy may result in discipline up to and including termination of employment.

## **6.11 Purchasing Card Guidelines**

**Adoption Date:** July 18, 2024

**Revision Date:**

Purchase card guidelines and procedures are maintained by the Business Office.

If the Business Office identifies a purchase that is not within the purchasing guidelines, the cardholder will be informed of the correct procedures. If further problems are identified with cardholder purchases, the Business Office reserves the right to contact the cardholder's supervisor and /or department Dean or Vice President. If further problems occur, cardholder privileges may be terminated and the employee could receive discipline up to and including termination of employment.

## **6.12 Collective Bargaining**

**Adoption Date:** July 18, 2024

**Revision Date:**

The 46<sup>th</sup> New Mexico legislature, 1<sup>st</sup> session, passed the “Public Employee Bargaining Act” of 2003 (effective July 1, 2003). In response to this legislation, the New Mexico Junior College Board approved the “New Mexico Junior College Resolution Creating a Policy on Labor Management Relations” on April 17, 2003. Copies of the document are available for review in the president’s office and Pannell Library.

## **6.13 Employee Theft**

**Adoption Date:** July 18, 2024

**Revision Date:**

It is a violation of the New Mexico Junior College theft policy for any employee to take or allow another employee to take College property and convert that property to his/her own use or to give college property to another for their personal use. Employees who violate this policy will receive discipline up to and including termination of employment.

The employee theft policy of NMJC shall apply to property that has been thrown into a dumpster. Theft of property shall include taking items from the dumpsters. Should an employee locate property of a questionable nature, he/she shall notify the immediate supervisor to determine the disposition of that property. All employees are expected to report suspected theft abuses to the appropriate supervisor.

If an employee of NMJC is suspected of taking anything of value, the Chief of Campus Safety shall investigate and report the findings to the General Counsel. At the discretion of the Chief of Campus Safety, law enforcement personnel may be requested to assist in further investigation.

The findings of the internal investigation shall be presented in writing to the President. In the event the findings indicate that a violation of the policy has occurred, the employee will receive discipline up to and including termination of employment.

It is the policy of NMJC to report any allegation of theft from NMJC to the appropriate law enforcement agency for further handling as a criminal matter.

## **6.14 Bookstore Charge Account**

**Adoption Date:** July 18, 2024

**Revision Date:**

Bookstore charge accounts are available to full time employees. Employees can charge up to \$200.00, if the employee has signed a payroll deduction agreement to deduct a minimum of \$10 per pay period. Employees can charge from \$200 to \$400, if the employee signed a payroll deduction agreement to deduct a minimum of \$20 per pay period. Once the limit is reached, no



further charges can be made until the balance is reduced. The College also recognizes that there are certain items in the bookstore that by themselves exceed the \$400.00 limit. For an employee to charge items costing more than \$400.00 they must have written permission from the Vice President of Finance before these purchases can be added to their account. Employees can elect to have a larger amount deducted from payroll each month.

Upon separation of employment with the College, the entire balance of the Bookstore charge account must be paid in full.

### **6.15 Commencement**

**Adoption Date:** July 18, 2024

**Revision Date:**

Commencement exercises are held at the end of each spring semester. All full-time Faculty and Professional employees shall march in the processional/recessional and wear formal regalia. Caps, robes, and formal regalia shall be the responsibility of the individual professional employee and may be purchased through the Bookstore. Instructions and information concerning Commencement exercises shall be provided by the Registrar's Office. Any deviations from this policy must be approved by the President.

### **6.16 Office and/or Building Keys and Key Cards**

**Adoption Date:** July 18, 2024

**Revision Date:**

The protection and safekeeping of NMJC property is the responsibility of all NMJC employees. Employees who are issued office and/or building keys or key cards will closely guard them to prevent unauthorized use.

Office and/or building keys or key cards shall be issued to an employee only through Campus Safety upon receipt of completed key request forms approved by the appropriate Vice President and/or President. **Under no circumstances is an employee authorized to swap, trade, loan or pass along keys issued under their name to another employee or any other person. Key(s) issued to an employee shall not be duplicated under any circumstances.**

Upon issuance of office and/or building keys or key cards, the employee shall acknowledge in writing the receipt of this policy and shall agree to the responsibilities associated with key possession. If an employee experiences a change in position or assignment, the employee shall immediately turn in their key(s) or key card(s) to Campus Safety. The employee shall then be approved for the issuance of new key(s) or key card(s) authorized for their new assignment by the appropriate Vice President and/or President.

An employee's job position may require the employee to access controlled areas by way of secured key privileges in order to perform job responsibilities. In such a case, the employee

may be required to meet additional security requirements prior to being issued keys or key cards to a controlled area. Prior to the issuance of a building master or a grand master key or key card, a completed background check must be on file. A grand master key or key card shall be issued only to an employee with no felony conviction and shall be approved by the appropriate Vice President and the President.

### **Return of Keys**

Upon termination of employment or transfer of position, an employee shall promptly return all keys or key card(s) issued to them to Campus Safety.

### **Reporting Loss; Replacement Fees**

An employee who loses an NMJC key or key card shall immediately report such loss to Campus Safety. An employee may incur monetary fines or be required to pay key replacement fees for lost or stolen keys, per policy maintained by Campus Safety.

### **Disciplinary Actions upon Violation**

Any violation of this policy or misuse of key privileges shall subject the employee to personal liability for any and all resulting damages, missing property and any other losses sustained by the College and shall result in disciplinary action up to and including termination.

## **6.17 College Mail Services**

**Adoption Date:** July 18, 2024

**Revision Date:**

The inter-campus mail system is a service provided for the use of employees for college-related purposes only. Employees may not provide a College or campus address for personal mail or packages.

All mail addressed to NMJC may be opened by Central Mail Service personnel only if the recipient department or College employee (addressee) cannot be identified from information on the outside of the item.

## **6.18 Work Week and Schedules**

**Adoption Date:** July 18, 2024

**Revision Date:**

The work week begins on Sunday at 12:00 am and ends on Saturday at 11:59 pm, and consists of seven days. A standard weekly work schedule consists of five 8-hour work days. Supervisors may direct, and employees may request a temporary adjustment of work hours to meet business needs. Also, employees may request a temporary adjustment of work hours to meet non-recurring personal needs. The College is not required to approve any requested adjustments of work hours.

**Staff employees**

Work hours flexed cannot be carried over from one work week into the following work week. Staff employees are not eligible for stipends or additional compensation outside of their authorized work hours.

**Exempt employees**

While the workweek for full-time regular exempt employees is normally considered to be 40 hours, greater emphasis is placed on meeting the responsibilities assigned to the position than on working a specified number of hours. Due to the nature of exempt positions, work beyond the basic workweek may be required to meet legitimate business needs. The supervisor may grant exempt employees an occasional non-routine brief absence from the workday for any purpose with pay without requiring the use of leave. In such cases, the employee should be able to take this time off at a mutually convenient time.

**Faculty employees**

Faculty workweek and hours are fully explained in the NMJC Faculty Handbook.

**Part-time employees**

Part-time employees may work no more than 29 hours per week, and may not hold more than one job position on campus. Part-time employees are not eligible for stipends or additional compensation outside of their authorized work hours.

**Alternative work schedules**

Alternative work schedules encompass a variety of options that create workplace flexibility when employees work. Alternative work schedules may be necessary and temporary, and may be assigned by the supervisor to efficiently meet workloads of a department. Supervisors shall provide reasonable notice, generally two weeks in advance. Alternative work schedules are subject to change at any time based on the business needs of the College.

**Work Locations**

In general, employees are assigned to work at a specific College location. Alternative work sites on a temporary or permanent basis may be established by the supervisor, subject to review by the area administrator.

**Telecommute**

Telecommuting is a work arrangement, requiring supervisor approval and administrative concurrence, in which some or all of the work assigned to an eligible employee is conducted at a non-College worksite (e.g., employee's home). Occasional work off-site, including work while traveling on College business, does not constitute telecommuting and does not require the formal arrangement described in this procedure. Telecommuting arrangements are subject to change at any time based on the business needs of the College.

**Meal Period**

Full-time employees shall normally receive a 60-minute unpaid meal period to be taken around the middle of the employee's scheduled workday. An employee may request an occasional

departure from their designated lunch period. Such requests must be made by the employee in advance and obtain supervisory approval. In all cases, the employee must receive a minimum of a one-half hour unpaid break.

### **6.19 Absence due to Participating in Local, State or National Political Activities**

**Adoption Date:** July 18, 2024

**Revision Date:**

All NMJC employees have the privilege of participation in political as well as other community activities. Each employee shall indicate that comments, actions and/or statements are his/her own and in no way represent any other person officially associated with NMJC.

Prior to an announcement for a public office or position that is determined by vote, the employee shall consult with the President at which time a conference shall be arranged with the employee and their supervisor. After visiting with the employee and the supervisor, the President shall inform members of the NMJC Board of the expected announcement.

When performance (or anticipated performance) by an employee of the duties of an elected public office shall require the employee to be absent from his or her assigned duties at NMJC for any time in excess of the employee's accrued vacation and accrued personal leave, the employee shall submit a request pursuant to Policy 10.9 for such absences to be treated as a leave of absence without pay. The employee shall not be required to use all accrued vacation and personal leave for elected duties prior to submitting a request under Policy 10.9; however, a request to take time as unpaid leave pursuant to this policy shall be final and shall not later be re-characterized or compensated as paid leave.

With respect to employees on unpaid leave for the performance of the duties of elected public office, Policy 10.9 shall be modified and applied as follows: Because absences for purposes of performing the duties an elected official are intermittent in nature, there shall be no limit on the length of time an employee may be on such unpaid leave, so long as all absences are in the course of performing the employee's duties as an elected public official. An employee returning from such unpaid leave shall be entitled to reinstatement to his or her position to the same extent as persons on leave serving in the Military. An employee on unpaid leave due to the performance of the duties of elected public office shall not have his/her anniversary date adjusted, regardless of the number of days absent on such leave.

NMJC encourages each and every employee to participate in our election process to include local, state and national elections. NMJC also encourages each employee to vote their conviction on each/every issue. However, the College cautions the employees to refrain from actively working in any political campaign during those hours for which they are being compensated by NMJC.

## 6.20 Unacceptable Activities

**Adoption Date:** July 18, 2024

**Revision Date:**

NMJC expects each employee to act in a mature and responsible way at all times. If an employee has any questions concerning any work or safety rule, or any of the unacceptable activities listed below, the employee should contact their supervisor. Note that the following list of unacceptable activities does not include all types of conduct that can result in disciplinary action, up to and including termination/discharge. Nothing in this list alters the at-will nature of employment for some employees of the College.

1. Violation of any NMJC policy.
2. Violation of security or safety rules or failure to observe safety rules or NMJC safety practices; failure to wear required safety equipment; tampering with NMJC equipment or safety equipment.
3. Negligence or any careless action which may endanger the health, safety or well-being of the individual or another person.
4. Drinking or possessing alcoholic beverages while on the premises. Being intoxicated or under the influence of a controlled substance, including alcohol, while at work; use, possession or sale of a controlled substance in any quantity while on College premises, except medications prescribed by a physician which do not impair work performance, except cannabis, which cannot be used or possessed even with a prescription.
5. Possession of dangerous or illegal firearms, weapons or explosives on College property or while on duty.
6. Engaging in criminal conduct or acts of violence at any time or making threats of violence toward anyone on College premises or when representing NMJC; fighting, dangerous horseplay, or provoking a fight on College property, or negligent damage to property.
7. Insubordination or refusing to follow instructions properly issued by an employee's supervisor pertaining to an employee's work; or refusing to cooperate in investigations.
8. Bullying, threatening, intimidating, or coercing fellow employees or students on or off the premises at any time, for any purpose.
9. Engaging in an act of sabotage; negligently causing the destruction or damage of College property, or the property of fellow employees, customers, suppliers, or visitors.
10. Theft or unauthorized possession of College property or the property of fellow employees, students, or visitors; unauthorized possession or removal of any College property, including documents, from the premises without prior permission from management; unauthorized use of College equipment or property for personal reasons; using College equipment for profit.
11. Dishonesty; falsification or misrepresentation on employment application for employment or other work records; untruthfulness about sick or personal leave; falsifying reason for a leave of absence or other data requested by College; unauthorized alteration of College records or other documents.
12. Spreading malicious gossip and/or rumors; engaging in behavior which creates discord and lack of harmony; interfering with another employee on the job; restricting work output or encouraging others to do the same.
13. Immoral conduct or indecency on College property.

14. Conducting a lottery or gambling on College premises.
15. Unsatisfactory or careless work, failure to meet work productivity or work quality standards.
16. Any act of harassment or retaliation based on disability, race, ethnicity, color, sex, sexual orientation, national origin or ancestry, religion, age, veteran status, HIV status and/or any other protected status as defined by law.
17. Leaving work before the end of a workday or not being ready to work at the start of a workday without approval of an employee's supervisor; stopping work before time specified for such purposes.
18. Sleeping or loitering during working hours.
19. Excessive use of telephones or electronic devices for non-business related activities including but not limited to personal calls, text messaging, social networking, etc.
20. Creating or contributing to unsanitary conditions.
21. Failure to report an absence or late arrival; unauthorized or excessive absences or lateness.
22. Obscene or abusive language toward any supervisor, employee, parent, or student; indifference or rudeness; any disorderly/antagonistic conduct on College premises.
23. Speeding or careless driving of College vehicles.
24. Failure to immediately report damage to, or an accident involving, College equipment.
25. Unauthorized soliciting during working hours and/or in working areas; selling merchandise or collecting funds of any kind for charities or others without authorization during business hours, or at a time or place that interferes with the work of another employee on College premises.
26. Failure to use required electronic timesheets, alteration of your own electronic timesheet or records of attendance documents, altering another employee's electronic timesheet or records, or causing someone to alter your electronic timesheet or records.
27. Sharing or disseminating personal, sensitive, or confidential information about an employee, student, or parent. No employee will disclose confidential information unless legal requirements demand such information be revealed or disclosure is necessary to prevent serious and foreseeable harm.
28. Negligence or any careless action which allows others access to personal or confidential information about employees or students. Willfully providing someone access to personal or confidential information about employees or students.
29. Any other act or omission which impairs or restricts the ability of the College to provide a safe and healthy environment for employees and students.

## **6.21 Required Training**

**Adoption Date:** July 18, 2024

**Revision Date:**

New Mexico Junior College is committed to providing a safe and harassment-free environment for students, employees, and visitors, as well as equal employment opportunities in all areas of occupation. It is also committed to protecting the assets of the college, students, employees, and individuals connected with the college. A key component in achieving these commitments is ensuring that employees are trained on their responsibilities related to applicable state and federal codes, laws, and regulations.

All employees (Staff, Faculty, Adjunct Faculty, and Part-time) are required to complete mandatory training courses as assigned by Human Resources and Campus Safety.

Once enrolled in the training courses, employees will be notified via email of enrollment. Reminders will be sent via email to employees and their supervisors as the deadline approaches. The NMJC email account is the email used for all official business, including training notifications.

*\*Subject to NMJC Board approval*

## **7 WORKPLACE SAFETY**

### **7.1 Commitment to Safety**

**Adoption Date:** July 18, 2024

**Revision Date:**

Protecting the safety of NMJC students, employees and visitors is the most important aspect of NMJC's operations.

All employees have the opportunity and responsibility to contribute to a safe work environment by using commonsense rules and safe practices and by notifying their supervisor and Campus Safety when any health or safety issues are present. All employees are encouraged to work for maximum safety for all.

Every employee can play a vital role in campus safety by not propping doors open, closing propped open doors, and checking to see if doors properly shut after exiting. In addition, if an employee unlocks a locked door, they are responsible for ensuring the door is locked after use. By ensuring external doors are properly latched and not propped open, we contribute to a safer environment for everyone. Employees should report faulty push bars and doors that do not self-close or latch properly to Campus Safety. The practice of propping external doors open is subject to discipline up to and including termination.

In the event of an emergency, notify the appropriate emergency personnel by dialing 911. Employees should additionally inform Campus Safety at (575) 399-2023.

Any workplace injury, accident, or illness must be reported to the employee's supervisor as soon as possible, regardless of the severity of the injury or accident.

### **7.2 College Closure or Delayed Opening**

**Adoption Date:** July 18, 2024

**Revision Date:**

NMJC will make every attempt to be open for classes and business.

The President or the President's designee, the Vice President for Operations & Special Projects, and Chief of Campus Safety will:

- Work together to determine the best course of action regarding inclement weather.
- Work with the Hobbs Municipal School District to determine the Hobbs Municipal School District’s inclement weather action.
- Prior to NMJC class delays, cancellations or campus closure, an inspection of the NMJC campus will be made by any of those individuals listed above.
- Once the decision to delay or close the campus due to inclement weather, the following will occur:
  - An authorized system administrator will make a class delay, cancellation or campus closure notifications via the Rave Emergency Notification System (text, email and social media).
  - The Chief Information Officer will also be notified, and the closure information placed on the college web page.
  - The Director of Outreach and Engagement will be responsible for notifying local television and radio stations of the closure or delay of the campus activities. Local school districts that bus students to the campus will also be notified of the closure or delay in classes.

All Employees, except those on leave of any kind, will be paid their regular pay for any dates on which the campus is closed.

### **7.3 Drug-and Alcohol-Free Environment**

**Adoption Date:** July 18, 2024

**Revision Date:**

It is the policy of NMJC to maintain a drug- and alcohol-free work environment that is safe and productive for students, employees and others having business with NMJC.

The unlawful use, possession, purchase, sale, or distribution of or being under the influence of any illegal drug or controlled substance (including marijuana) while on NMJC or while performing services for NMJC is strictly prohibited. NMJC also prohibits reporting to work or performing services under the influence of alcohol or consuming alcohol while on duty or during work hours. In addition, NMJC prohibits off-premises abuse of alcohol and controlled substances (including marijuana), as well as the possession, use, or sale of illegal drugs, when these activities adversely affect job performance, job safety, or NMJC’s reputation in the community.

To ensure compliance with this policy, substance abuse screening may be conducted in the following situations:

**Pre-employment:** as required by NMJC for all employees in safety sensitive positions who receive a conditional offer of employment;

**For cause:** upon reasonable suspicion that the employee is under the influence of alcohol or drugs that could affect or have adversely affected the employee’s job performance; and

**Random:** as authorized or required by federal or state law.



Compliance with this policy is a condition of employment. Employees who test positive or who refuse to submit to substance abuse screening will be subject to termination. Notwithstanding any provision herein, this policy will be enforced in accordance with applicable state and local law.

Any employee violating this policy is subject to discipline, up to and including termination, for the first offense.

#### **7.4 Smoke Free Environment**

**Adoption Date:** July 18, 2024

**Revision Date:**

Smoking is not allowed in NMJC buildings, NMJC vehicles (whether owned or leased) or work areas at any time. “Smoking” includes the use of any tobacco products (including chewing tobacco, snuff, cigarettes, cigars, and pipes), electronic smoking devices, e-cigarettes and vaping.

Smoking is only permitted during break times in designated outdoor areas. Employees using these areas are expected to dispose of any smoking debris safely and properly.

#### **7.5 Weapon Free Environment**

**Adoption Date:** July 18, 2024

**Revision Date:**

NMJC prohibits the possession of weapons on its property, including its parking lots or NMJC vehicles. Additionally, while on duty, employees may not carry a weapon of any type. Weapons include, but are not limited to, handguns, rifles, automatic weapons, knives that can be used as weapons (excluding pocketknives, utility knives, and other instruments that are used to open packages or cut string and for other miscellaneous tasks), martial arts paraphernalia, stun guns, and tear gas. NMJC also prohibits the possession of weapons in an employee’s personal vehicle when that vehicle is being used on NMJC business. Any employee violating this policy is subject to discipline up to and including termination for the first offense. The only exceptions to this policy are Campus Safety or other persons who have been given written consent by NMJC to carry a weapon on NMJC property or in their vehicle.

#### **7.6 Workplace Violence**

**Adoption Date:** July 18, 2024

**Revision Date:**

NMJC is committed to providing a safe, violence-free workplace for NMJC employees. NMJC discourages employees from engaging in any physical confrontation with a violent or potentially violent individual or from behaving in a threatening or violent manner. Threats, threatening language, or any other acts of aggression or violence made toward or by any employee will not be tolerated. A threat may include any verbal or physical harassment or abuse; attempts to intimidate others; menacing gestures; stalking; or any other hostile, aggressive, and/or destructive actions taken for the purposes of intimidation. This policy covers any violent or potentially violent behavior that occurs in the workplace or at NMJC-sponsored functions.

All NMJC employees bear the responsibility of keeping the work environment free from violence or potential violence. Any employee who witnesses or is the recipient of violent behavior should promptly inform Campus Safety, their supervisor, or Human Resources Office. All threats will be promptly investigated. No employee will be subject to retaliation, intimidation, or discipline because of reporting a threat in good faith under this policy.

Any individual engaging in violence against NMJC, its students, its employees, or its property will be prosecuted to the full extent of the law. All acts will be investigated, and the appropriate action will be taken. Any such act or threatening behavior may result in disciplinary action up to and including termination.

NMJC reserves the right to inspect all belongings of employees on its premises, including packages, briefcases, purses and handbags, gym bags, and personal vehicles on NMJC property. In addition, NMJC may inspect the contents of lockers, storage areas, file cabinets, desks, and workstations at any time and may remove all NMJC property and other items that are in violation of NMJC rules and policies.

### **7.7 Employee ID**

**Adoption Date:** July 18, 2024

**Revision Date:**

Employees will be issued a NMJC nametag and a unique NMJC identification card. NMJC nametag or NMJC identification card is to be worn and displayed while on NMJC property.

### **7.8 Text Alert Systems**

**Adoption Date:** July 18, 2024

**Revision Date:**

All employees with personal or college cell phones are subscribed to the College's emergency text alert system.

### **7.9 Visitors**

**Adoption Date:** July 18, 2024

**Revision Date:**

NMJC strives to provide a safe and efficient work environment for all employees. To further this goal, NMJC prohibits employees from bringing children (or other visitors/guests) with them when they are working on the campus or to off campus meetings when they are representing NMJC.

When specified by NMJC as a family event, employees will be invited to bring family members to attend such events.

## **7.10 Incident/Accident Reporting**

**Adoption Date:** July 18, 2024

**Revision Date:**

All accidents, no matter how minor, are to be reported by completing an accident report, on the day of the accident. Reports of accidents should be made to the employee's supervisor and Campus Safety at (575)399-2033. If an emergency occurs as the result of an accident, please call 911 and then Campus Safety.

## **7.11 Criminal Record Reporting**

**Adoption Date:**

**Revision Date:**

All NMJC employees shall notify such employee's supervisor as soon as possible, but no more than (3) three calendar days after any conviction, no contest or guilty plea, or other adjudication of the employee for any felony, any offense involving moral turpitude, or any of the other offenses as indicated below:

- A. Crimes involving school property or funds;
- B. Crimes that occur wholly or in part on College property or at a College-sponsored activity;
- C. A misdemeanor or other crime which involves moral turpitude [e.g. an act or behavior that gravely violates moral sentiments or accepted moral standards of the community]; or
- D. A misdemeanor or other crime which violates the public trust.

The requirement to report a conviction or deferred adjudication shall not apply to minor traffic offenses. An offense of operating under the influence, revocation, or suspension of license, and driving after revocation or suspension must be reported immediately if the employee regularly or occasionally drives or operates an NMJC vehicle or piece of mobile equipment or transports students or staff in any vehicle.

Failure to report under this section may result in disciplinary action, up to and including termination. Such report shall be made as soon as possible, but in no circumstance more than three calendar days after the event giving rise to the duty to report.

NMJC may conduct criminal history and background checks on its employees. An arrest, indictment or conviction of a non-felonious crime shall not be an automatic basis for an adverse employment action. NMJC shall consider the following factors in determining what action, if any, should be taken against an employee who is convicted of a non-felonious crime during employment with NMJC:

- A. The nature of the offense;
- B. The date of the offense;
- C. The nature of the position to which the employee is assigned; and,
- D. The relationship between the offense and the position to which the employee is assigned.

For any employee who is convicted of a felony and has not been pardoned, NMJC has the discretion to terminate that individual's employment or to non-renew that employee's contract. Nothing herein shall prohibit NMJC from placing an employee on administrative leave or suspending an employee based on arrest, indictment or conviction.

## **8 IT POLICIES**

### **8.1 Information Technology, Cyber Security and Digital Devices**

**Adoption Date:** July 18, 2024

**Revision Date:**

NMJC provides numerous information technology resources for use by the College's students, faculty, and staff. Information technology includes, but is not limited to, computers, internet connection, software, systems, and networks. These resources are provided to support the College's mission and institutional goals. The use of these systems is a privilege, and all users are expected to act responsibly and to follow the College's policies governing the use of these resources. Violations of these policies could result in disciplinary action, which may include, but not be limited to, the loss of computer use privileges, dismissal from the College, and legal action. Violations of some portions of the policy may constitute a criminal offense.

### **8.2 Computer and Internet Usage**

**Adoption Date:** July 18, 2024

**Revision Date:**

NMJC's information technology resources are primarily for school purposes. Limited occasional use of the NMJC's connection for personal purposes is permitted, as long as such use does not interfere with an employee's job responsibilities.

The NMJC Chief Information Officer may establish more detailed guidelines governing the use of the College's information technology resources. These guidelines cover such issues as allowable connect time, disk space allocations, handling of un-retrievable mail, responsibility for account approval and other items related to administering the systems. During peak system utilization times, computer users engaged in activities, which are not directly related to the business of the College, may be asked to relinquish their access to the system. Settings on computers are not to be changed. Computer users, whether on campus or accessing NMJC resources remotely, are expected to abide by these rules and use the College's computing resources in a responsible and professional manner.

Employees shall not use the College's information technology resources:

- To participate in activities that are harassing in nature or prohibited by law.
- To download any software onto computing equipment owned or operated by NMJC (unless downloaded material is considered a faculty resource) without prior written approval.
- For commercial reasons, fund-raising, political campaigns, or illegal purposes.
- For non-authorized solicitations on behalf of individuals, groups, or organizations.

- To send messages, information, or images that are threatening, harassing, or discriminatory in nature.
- To display potentially offensive material in a computer laboratory or other campus location.
- To create, access, store or disseminate materials that may be sexually or racially offensive, or otherwise insulting or derogatory to persons of a certain race, color, religion, sex, sexual orientation, national origin, age, disability, genetic information, or veteran status.
- To download or upload obscene, offensive or illegal material.
- To send confidential information to unauthorized recipients.
- To invade another person's privacy and gain access to sensitive information.
- To download or upload pirated movies, music, material or software.
- To visit potentially dangerous websites that can compromise NMJC's network and computers' safety.
- To perform unauthorized or illegal actions, like hacking, fraud or buying/selling illegal goods.
- To use programs that degrade the available bandwidth, including but not limited to music/radio programs, videos, and game playing from Internet sites, unless these programs are incorporated into instruction.

### 8.3 Intellectual Property

**Adoption Date:** July 18, 2024

**Revision Date:**

**Copyrighted Materials.** Employees must comply with the provisions of federal copyright law relating to the unauthorized use, reproduction, distribution, performance, or display of copyrighted materials (i.e., printed material, videos, computer data and programs, etc.). Electronic media, including motion pictures and other audiovisual works, are to be used for instructional purposes only. Software use must conform to copyright laws and licensing agreements. Copyright law protects software whether a copyright notice is explicitly stated in the software or its documentation. Software licensed by the College must only be used in accordance with the applicable license. It is illegal to make duplicate copies of software products unless authorized to do so by its author or publisher. Computer users have no right to give or receive duplicates of software without authorization or to install duplicated software onto College computing equipment.

**Trademarked Materials.** Employees must comply with the provisions of applicable law relating to the unauthorized use, reproduction, distribution, performance, or display of trademarked materials.

**Patents.** Federal law protects the invention or discovery of a process, machine, manufacture, or improvement. Only the patent holder may use, make, or sell the invention or discovery or a material component of that invention or discovery.

**Work Product.** As an agent of the College, all employees, including student employees, do not have rights to the work (including, but not limited to, books and teaching materials) the employee creates or revises on College time or using College resources. The College will own any work or work product created by a College employee in the course and scope of the employee's employment, including the right to obtain copyrights, trademarks or patents.

If an employee obtains a patent, trademark or copyright for such work, the employee is required to grant a non-exclusive, non-transferable, perpetual, royalty-free, College-wide license to the College for use of the patented, trademarked or copyrighted work. A College employee shall own any work or work product produced on the employee's own time, away from the employee's job and with personal equipment and materials, including the right to obtain copyrights, trademarks or patents.

A College employee may apply to the President to use College materials and equipment in the employee's creative projects, provided the employee agrees either to grant to the College a non-exclusive, non-transferable, perpetual, royalty-free, College-wide license to use the work, or permits the College to be listed as co-author or co-inventor if the College contribution to the work is substantial.

## 8.4 Cell Phone

**Adoption Date:** July 18, 2024

**Revision Date:**

NMJC allows limited personal use of cell phones at work. To make sure that an employee's devices will not distract an employee from the employee's work or disrupt the workplace. Employees must follow a few simple rules:

- Use cell phones in a manner that benefits an employee's work (business calls, productivity apps, calendars.)
- Keep personal calls brief and use an empty meeting room or common area so as not to disturb an employee's colleagues.
- Avoid playing games on a cell phone or texting excessively.
- Avoid using a phone for any reason while driving an NMJC vehicle.
- Phones should not be used to record confidential information.
- Inappropriate, illegal or obscene material should not be downloaded or uploaded using the NMJC internet connection.
- Cell phones must not be used in areas where cell phone use is explicitly prohibited.

## 8.5 NMJC Email

**Adoption Date:** July 18, 2024

**Revision Date:**

An employee's NMJC email should be used for work. All NMJC work emails should be conducted through employee's NMJC email account only. An email account assigned to an individual, must not be used by others. Faculty and staff are individually responsible for the proper use of their accounts, including password protection and appropriate use of Internet resources. Making an employee's password or another person's password or access code available to others or otherwise attempting to evade, disable or "crack" password or other security provisions, or assisting others in doing so, threatens the work, privacy and well-being of many others and is a serious violation of College policies. Also, faculty and staff are responsible for choosing an appropriate password that is difficult for others to guess. If an individual suspects their password has been compromised, they should change the password immediately.

In support of the College's mission, the College encourages the use of NMJC email to share information, to improve communication, and to exchange ideas. Any email address or account associated with the College is the property of the College. Those who use the College's email mail services are expected to adhere to state and federal laws, the policies and procedures of the College, and should follow normal standards of professional and personal courtesy and conduct. Electronic communication under a false name or designation is prohibited. Sending anonymous communications does not disassociate senders from assuming responsibility for their actions.

Email should not be used:

- In ways that strain the College's computing resources or interfere with others' use of the College's email system to send or forward chain letters,

- Exploit list-servers by amplifying widespread distribution of email
- To send the same email message repeatedly.
- To sign up for illegal, unreliable, disreputable or suspect websites and services.
- To send unauthorized marketing content or emails.
- To send insulting or discriminatory messages and content.
- To intentionally spam other people's emails, including coworkers.

Employees are prohibited from using the "All Employee" mass distribution list to distribute non-work-related messages. Information regarding work and NMJC sponsored events are acceptable.

Employees should not have any expectation of privacy in their use of company computer, phone, portable electronic devices, or other communication tools. All communications made using company-provided equipment or services, including e-mail and Internet activity, are subject to inspection by the company. Employees should keep in mind that even if they delete an e-mail, a voicemail, or another communication, a copy may be archived on the company's systems.

## **8.6 Social Media**

**Adoption Date:** July 18, 2024

**Revision Date:**

### **NMJC Social Media**

Any NMJC affiliated social media account should be coordinated with the Outreach and Engagement Department. The NMJC Outreach and Engagement Department from time to time adopts guidelines concerning the use of social media which should be followed when using any NMJC affiliated social media account.

### **Personal Social Media**

The following guidelines and corresponding best practices will help employees in their personal social media accounts. Information posted via social media is considered public information and other employers, organizations and individuals actively monitor and share information they may find on social media.

- Be aware of your association with NMJC in online social networks. Ensure the profile and content is consistent with how you wish to present yourself to colleagues, students, parents, and the NMJC community.
- Respect copyright and fair use laws as well as any other regulations pertaining to your work.
- You are personally responsible for what you post on blogs, social networks, forums and other social media.
- If you publish content to any website related to the work you do or subjects associated with NMJC, make it clear you are speaking for yourself and not on behalf of NMJC. For



example, "The comment is my own opinion and may not represent NMJC's position". If the content is not work-related, there is no need to mention your relationship with NMJC.

- Do not post or share confidential or proprietary information about NMJC, its students, its alumni or your fellow employees. Respect NMJC policies and federal requirements, such as the Family Educational Rights and Privacy Act ("FERPA") which protects students' personally identifiable information in educational records.
- Respect your peers. Refrain from publishing content that contains slurs, personal insults or attacks, and/or profanity or obscenity. Do not engage in any conduct on a social media site that would not be acceptable in the NMJC workplace.

## **8.7 Photographs and Video Recordings**

**Adoption Date:** July 18, 2024

**Revision Date:**

NMJC may interview, photograph, or videotape employees, their classes and professional activities (Employee Likeness). An Employee Likeness may be used for instructional, publicity, marketing, promotional and educational reasons to utilize in various media, including, but not limited to publications, news releases, posters, brochures, newsletters, on social media, placement on websites, and/or other electronic delivery, radio and/or television. NMJC is the sole owner of Employee Likeness. Employees will not receive any payment for use of their Employee Likeness. Each employee releases NMJC for the use of their Employee Likeness. Employees agree to the use of the Employee Likeness, unless an employee has opted out of the use of the Employee Likeness by contacting the Human Resources Office to complete the necessary opt out form.

## **9 INSTRUCTION**

### **9.1 Adjunct Faculty Workload**

**Adoption Date:** July 18, 2024

**Revision Date:**

Adjunct Faculty are temporary employees contracted by NMJC for a temporary classroom instruction assignment not to exceed nine (9) contact hours per semester. Exceptions to the maximum instructional assignment must have the written approval of the President of the College.

### **9.2 Staff Working as Adjunct Faculty**

**Adoption Date:** July 18, 2024

**Revision Date:**

The College values the experience and educational credentials its exempt employees can provide to students as adjunct faculty. Generally, the College does not allow staff employees to teach

because of the overtime issues created by staff employees who also perform exempt work (teaching). Exceptions may be made in highly unusual circumstances with the approval of the appropriate Vice President and the President of the College. Exempt employees may be employed by the College as adjunct faculty provided all of these conditions are met.

The employee:

- Is not a subject of corrective action.
- Will instruct at times outside their normal work hours as determined by the employee's supervisor.
- Will instruct no more than nine (9) load hours per traditional Fall or Spring semester or Summer Session.
- Is able to be present for primary assignment when accepting a secondary assignment as adjunct faculty.
- Has the approval of the employee's supervisor and the President of the College to assume a secondary assignment.

Assignment as adjunct faculty. The President of the College can allow staff to instruct during their normal work hours if the employee:

- Flexes their schedule to fulfill instructional duties, or
- Uses annual leave to fulfill instructional duties.

### **9.3 Faculty Handbook**

**Adoption Date:** July 18, 2024

**Revision Date:**

Additional Policies specifically related to faculty, both full-time and adjunct, are documented in the Faculty Handbook.

## **10 LEAVES**

### **10.1 Vacation**

**Adoption Date:** July 18, 2024

**Revision Date:** 10-20-2022

NMJC provides paid vacation time to full-time professional and staff employees, excluding faculty. Employees are encouraged to take vacation during the year. Employees may not take paid vacation until they actually have earned or accrued the vacation time.

Faculty on nine-month contracts shall observe leave as established for students in the College calendar, with the exception that the beginning of duty in the fall and the spring shall start with the date specified on the College calendar when faculty reports, which is generally approximately one week prior to the beginning of classes for a semester and continues through submission of final grades and attendance at commencement.

Excluding Faculty, full-time employees accrue a total of five (5) days of vacation the first year (3.33 hours per month), a total of ten (10) days the second year (6.67 hours per month) and a total of fifteen (15) days (10.00 hours per month) thereafter.

All vacation time shall be coordinated with the employee's immediate supervisor and approved in advance. Employees should submit requested vacation time to their supervisor as early in advance of the requested vacation date as possible. Vacation may be scheduled in increments of 1/2 workdays up to a maximum of two weeks in a row. Supervisors have the right to designate when some or all of vacation days may be taken.

Employees shall turn in the leave form on Self-Service Banner for the period in which vacation was taken. ***Failure to turn in an Electronic Leave Form after being on vacation or away from work is grounds for discipline up to and including termination of employment.***

Vacation should be used in the year it is earned. However, if accrued vacation leave is not used by December 31 and an employee earns one week's vacation the employee can carry over up to 40 hours, if the employee earns two weeks' vacation, the employee can carry over up to 80 hours and an employee who earns three weeks' vacation can carry over up to 120 hours. In the event an employee retires, resigns, is terminated, or is not re-employed, the employee will only be paid for unused vacation time that has accrued during the calendar year of the termination. Employees may not utilize Vacation Leave during their final two (2) weeks of employment. Employees with less than three (3) months of employment, however, are not eligible for vacation pay at termination.

## **10.2 Sick Leave**

**Adoption Date:** July 18, 2024

**Revision Date:**

NMJC provides full-time employees with Sick Leave. Sick days are not intended to be used as a substitute for vacation days, but sick days may be used if an employee needs to provide care for a family member who is ill. Sick days may also be used if an employee needs time off for scheduled medical procedures.

Employees may carry accrued sick days over from one year to the next. The maximum accrual allowed for full-time employees is 960 hours.

If the need for Sick Leave is foreseeable, employees are required to give at least 10 days' advance notice (e.g., a planned medical treatment) whenever possible. If the need for Sick Leave is not foreseeable, employees are asked to notify their supervisor as soon as is practical.

If an employee misses three or more consecutive days because of illness, New Mexico Junior College may require the employee to provide a physician's written permission to return to work. If there is a pattern of Sick Leave use without supporting medical documentation, the employee's supervisor may request medical certification stating the employee was incapable of working for less than three days of absence.

Except as required by state law, unused sick days are forfeited when an employee's employment ends for any reason.

Full-time employees on twelve-month assignments shall accrue Sick Leave at 13.33 hours (1.67 days) for each month of continuous service up to twenty (20) working days for the fiscal year.

Full-time employees on nine-month and ten-month assignments shall accrue Sick Leave at eight (8) hours for each month of continuous service up to fifteen (15) working days for the academic year.

Full-time employees on nine-month, 40 hour work week assignments shall accrue Sick Leave at (10.71) hours for each month of continuous service up to fifteen (15) working days for the academic year.

Faculty are allowed to use a maximum of one day of accumulated Sick Leave during each summer semester taught.

Sick Leave is cumulative to a maximum of 960 hours (120 days). Accrued Sick Leave shall be provided as a privilege to be used only when a valid medical need arises and is to be reported in a minimum of fifteen (15) minute increments.

1. Accrued Sick Leave may be used as available for personal illness or for illness of an employee's family members. For the purpose of this policy "family member" means an individual who is the spouse or domestic partner of or is by blood, marriage or legal adoption a parent, grandparent, great-grandparent, child, foster child, grandchild, great-grandchild, brother, sister, niece, nephew, aunt or uncle of an employee.
2. Accrued Sick Leave shall run concurrent with the Family and Medical Leave Act (FMLA) for qualifying conditions.
3. NMJC requires that the FMLA leave run concurrent with paid vacation and personal or Sick Leave with pay for any qualifying conditions. This also applies to the Transfer of Accrued Sick Leave, (policy 10.4).

Departmental workloads shall require employees to be present in order to properly meet schedule demands and to avoid placing an undue hardship on co-workers within the employee's department. The appropriate supervisor shall be notified at least one (1) hour prior to the beginning of the workday for which Sick Leave is requested. An employee's supervisor may request a health care provider statement as evidence of employee or family-related Sick Leave at any time. Should an employee demonstrate a history of abuse of accrued Sick Leave privileges or excessive absenteeism, the employee shall be subject to disciplinary action up to and including dismissal. Employees shall immediately submit the Electronic Leave Form to their supervisor, either prior to or immediately after the leave took place. Failure to submit an Electronic Leave Form after

being away from the office is grounds for discipline up to and including termination of employment.

When an employee is absent for three (3) consecutive working days under the terms of this policy, he/she shall be required to submit to his/her supervisor and the Human Resources Office a health care provider statement certifying that he/she is unable to work and to indicate the expected date of release in order to continue to receive paid Sick Leave benefits. Supervisor must notify Human Resources for determination of FMLA eligibility.

No Sick Leave shall be paid during an employee's final two (2) weeks of employment, except for medical reasons per the doctor's written orders and provided to the employee's supervisor and the Human Resources Office. An employee shall *not* be paid for unused Sick Leave upon termination of employment.

When an employee is injured on the job, he/she shall be eligible to apply for workers' compensation benefits (see Workers' Compensation – Policy 5.10)

Employees on leave of absence without pay, other than FMLA, and/or long-term disability, shall not accrue Sick Leave or Vacation Leave benefits during the leave of absence. When a scheduled holiday occurs during the time an employee is on an unpaid leave, other than FMLA, and/or long-term disability status, he/she shall not be eligible for the holiday pay. The Sick Leave policy does not apply to part-time, contingent, and seasonal employees or to persons teaching in the public safety and community services or continuing education/workforce development programs.

Source NMSA 1978 §50-16-1

### **10.3 Sick Leave Bank**

**Adoption Date:** July 18, 2024

**Revision Date:**

NMJC recognizes that employees may have a family medical emergency or be affected by a major disaster, resulting in a need for additional time off in excess of their available Sick Leave. To address this need, all eligible employees will be allowed to donate accrued Sick Leave from their unused balance for the use of co-workers in need of additional paid time off, in accordance with the policy outlined below. The Sick Leave Bank is available to all full-time employees with at least six (6) months of consecutive service. This policy is strictly voluntary.

#### **Guidelines**

Employees who would like to make a request to receive donated Sick Leave must have a situation that meets the following criteria:

**Medical emergency/Catastrophic illness**, defined as a serious, life-threatening medical condition, illness, or injury that results in a period of incapacity, whether continuous or intermittent, and will require the prolonged/extended absence of the employee from duty. An immediate family member is defined as a spouse, child, or parent. Such illnesses must be considered both long term in nature and require long-term recuperation periods. Any absence to receive multiple treatments (including any period of recovery) by, or referral by, a licensed health care provider for a condition that likely would result in incapacity of more than three (3) consecutive days if left untreated (for example: chemotherapy, physical therapy, dialysis, etc.) may be considered a catastrophic illness/injury. Routine pregnancies are not considered catastrophic in nature; however, complications arising from pregnancy may be considered catastrophic.

Conditions which are short term in nature (for example: flu, measles, Covid, common illnesses, common injuries, etc.) are not deemed catastrophic, unless otherwise noted by a healthcare provider.

#### **Eligibility**

- Be a NMJC employee who accrues Sick Leave;
- Have been employed with NMJC for at least 6 months
- Have requested catastrophic leave due to illness or injury;
- Have written verification of catastrophic illness/injury from a licensed medical provider regarding the anticipated length of illness/injury or treatment, and in the case of an immediate family member, the need for the employee to care for the family member, must be supplied prior to any transfer.
- Have exhausted all accrued leave earned pursuant to the applicable personnel policies covering Sick Leave, Personal Leave, and Vacation Leave;
- Not be receiving long-term disability or workers' compensation payment.

### **Eligibility ends when the employee:**

- No longer has a medical emergency;
- Returns to full-time work;
- Receives state or federal support, for example, disability payments or social security (Employees are required to notify HR if this occurs);
- Has used maximum allowable hours of donated time;
- Is terminated; or
- Where the College determines the employee has engaged in dishonest activity in order to gain or maintain eligibility.

### **Donation of Sick Leave**

- The donation of Sick Leave is strictly voluntary.
- Donated Sick Leave will go into a leave bank for use by eligible recipients.
- Recipient identity will not be disclosed to donating employees.
- The donation of Sick Leave is on an hourly basis, without regard to the dollar value of the donated or used leave.
- Donated Sick Leave may only be used for time off related to the approved request.
- The minimum number of Sick Leave hours that an eligible employee may donate is 4 hours per calendar year; the maximum is 80 hours per calendar year.
- The donating employee may only donate existing accrued Sick Leave up to 80 hours, and shall maintain in accrued Sick Leave at least 80 hours of Sick Leave at the time of donation.
- Employees cannot borrow against future Sick Leave to donate.
- Employees will be given the opportunity to donate Sick Leave annually during benefits open enrollment. The donated Sick Leave will be transferred from the donor to the leave pool on December 31st.
- Employees who are currently on an approved leave of absence cannot donate Sick Leave time.
- Donations are irrevocable.

### **Requesting Donated Sick Leave**

Employees who would like to request donated Sick Leave are required to complete a Donation of Sick Leave Request Form and submit it to the Payroll Department. Donated Sick Leave will be administered as to eligible employees as follows:

- At least six months but less than five consecutive years of service
  - 200 hours maximum within a rolling 12-month period
- Five or more consecutive years of service
  - 400 hours maximum within a rolling 12-month period

Requests for donations of Sick Leave must be approved by Human Resources, Payroll, and the President.

Nothing in this policy will be construed to limit or extend the maximum allowable absence under the Family and Medical Leave Act.

#### **10.4 Bereavement Leave**

**Adoption Date:** July 18, 2024

**Revision Date:**

Employees may use up to a maximum of five (5) days of accrued Sick Leave (Policy 10.2) upon the death of a member of their immediate family. NMJC may require verification of the need for the leave. "Immediate family members" are defined as an employee's spouse, domestic partner, parents, stepparents, siblings, children, stepchildren, grandparent, parent-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or grandchild. All regular, full-time employees may take up to one day of accrued Sick Leave to attend the funeral of an extended family member (aunts, uncles, and cousins). The President may extend leave beyond the approved five (5) days, or one (1) day as applicable

#### **10.5 Personal Leave**

**Adoption Date:** July 18, 2024

**Revision Date:**

Excluding Faculty, all Full-time employees shall be allowed up to two (2) working days (16 hours) and faculty shall be allowed up to (20 hours) in a fiscal year for personal leave. This leave shall be eligible for personal reasons or other pressing needs.

Ordinarily, personal leave must be approved prior to taking it; however, it is recognized that prior approval is not always possible. Each request shall be submitted via Electronic Leave Form to the immediate supervisor for approval. Employees shall immediately turn in the electronic leave form to their supervisor either prior to or immediately after the leave took place. Failure to turn in a leave form after being away from the office is grounds for discipline up to and including termination of employment.

The approved leave shall be reported on the absence leave form for the payroll time period in which it was taken. This leave shall not be cumulative. Requests for personal leave shall not be approved in conjunction with a pending termination or dismissal.

Personal leave for qualifying FMLA reasons shall be used concurrently with FMLA leave. Exceptions to this policy shall be approved by the President.



## **10.6 Civic Duty Leave**

**Adoption Date:** July 18, 2024

**Revision Date:**

### **Jury Duty/Court Appearance**

NMJC supports employees in their civic duty to serve on a jury. Employees must present any summons to jury duty to their supervisor as soon as possible after receiving the notice to allow advance planning for an employee's absence.

Employees will be provided with time off for jury duty service. Payment for jury duty service (exclusive of mileage) shall be submitted to the Business Office by the next regular pay period following receipt of jury duty pay. The employee shall remit to the Business Office only that portion of jury duty pay attributable to hours compensated the employee by NMJC. If an employee is released from jury duty after four hours or less of service, the employee must report to work for the remainder of that workday.

Time for appearance in court for personal business will be the individual employee's responsibility. Normally, personal days or vacation days will be used for this purpose.

An employee who is required to appear as a witness in a College-related matter, shall be paid at the regular hourly rate to a maximum of eight hours for one day.

Source: NMSA 1978 §38-5-18

### **Time Off for Voting**

NMJC recognizes that voting is a right and privilege of being a citizen of the United States and encourages employees to exercise their right to vote. Employees who are registered voters are granted leave with pay, at their request, and time off from NMJC duties to vote in a governmental election, up to a maximum of two (2) hours. This policy does not apply to employees whose daily work schedule either begins more than two (2) hours after the polls open or ends at least three (3) hours before the polls close.

Source: NMSA 1978 § 1-12-42

## **10.7 Domestic Abuse Leave**

**Adoption Date:** July 18, 2024

**Revision Date:**

NMJC employees are granted up to fourteen (14) days of domestic abuse leave in any calendar year, and up to eight hours in any one day.

An employee may use accrued Sick Leave, Vacation Leave, Personal Leave, compensatory time, or leave without pay for domestic abuse leave. Domestic abuse leave may be used to: obtain or attempt to obtain an order of protection or other judicial relief from domestic abuse; meet with law enforcement officials; consult with personal attorneys or district attorneys' victim advocates; or

attend court proceedings related to the domestic abuse of the employee or the employee's family member ("family member" is defined in the statute as a minor child of the employee or a person for whom the employee is a legal guardian).

Domestic abuse is defined as an incident of stalking or sexual assault whether committed by a household member or not, or any incident by a household member against another household member that results in: physical harm; severe emotional distress; bodily injury or assault a threat causing imminent fear of bodily injury by any household member; criminal trespass; criminal damage to property; repeatedly driving by a residence or work place; telephone harassment; harassment; or harm or threatening harm to children or pets.

Employees in need of domestic abuse leave should notify their supervisors as soon as possible. When domestic abuse leave is taken as an emergency, if possible, employees or their designees should give notice to supervisors within twenty-four (24) hours of commencing the domestic abuse leave.

Supervisors should request that employees provide verification of domestic abuse leave as soon as practicable, by providing: a police report indicating that the employee or a family member was a victim of domestic abuse; or a copy of an order of protection or other court evidence produced in connection with an incident of domestic abuse; or a written statement from employee's attorney, district attorney's victim advocate, law enforcement official, or prosecuting attorney stating that the employee or a family member appeared or is scheduled to appear in court in connection with an incident of domestic abuse.

All information related to the domestic abuse leave should be treated as confidential. This includes any information submitted to supervisors to verify the need for domestic abuse leave, which must be kept in a separate location from the regular departmental personnel file and shared only on a need-to-know basis.

The fact that the employee or a family member was involved in a domestic abuse incident is confidential.

The fact that the employee obtained domestic abuse leave is confidential.

The fact that the employee made any written or oral statement about the need for domestic abuse leave is confidential.

An employee's information related to domestic abuse leave may only be disclosed when the employee consents in writing, when a court or administrative agency orders the disclosure, or when otherwise required by federal or state law.

Domestic abuse leave should be reported in Banner as "Leave with Pay" with no additional comments to maintain confidentiality.

Retaliation against an employee for taking domestic abuse leave is forbidden. Anyone who retaliates against an employee for taking domestic abuse leave will be subject to disciplinary action.

Source NMSA 1978 Section 50-4A-1

## **10.8 Military Leave**

**Adoption Date:** July 18, 2024

**Revision Date:**

NMJC supports the military obligations of all employees and grants leaves for uniformed service in accordance with applicable federal and state laws. Any employee who needs time off for uniformed service should immediately notify the Human Resources Office and the employee's supervisor, who will provide details regarding the leave. If an employee is unable to provide notice before leaving for uniformed service, a family member should notify the supervisor as soon as possible.

Upon return from military leave, employees will retain certain rights with respect to reinstatement, seniority, layoffs, compensation, length of service promotions, and length of service pay increases, as required by applicable federal or state law. Failure to report for work within the prescribed time after completion of military service will be considered a voluntary termination.

All employees who enter military service may accumulate a total absence of five years and still retain employment rights.

NMJC grants a leave of absence for military or related service ("military leave") to regular staff employees. Related service refers to intermittent disaster response appointees of the National Disaster Medical System (NDMS), part of the Department of Homeland Security's Federal Emergency Management Agency, and to volunteer emergency responders assisting in national or local emergencies and disasters.

New Mexico state law and NMJC policy extend the additional benefit of up to fifteen (15) workdays of paid leave per federal fiscal year for certain types of military leave. NMJC extends this paid leave benefit to volunteer emergency responders, who are covered under § 12-10C-3, NMSA 1978.

### **Eligibility and Definitions**

Regular full-time and part-time staff employees are covered under this policy. Part-time employees are provided pro-rated military leave according to their FTE. For the purpose of this policy, "fifteen (15) workdays" of paid leave are defined as up to 120 paid hours for nonexempt employees.

### **Military Leave With Pay**

Active military duty, service, and training with the following organizations qualify for fifteen (15) paid workdays of military leave per federal fiscal year:

- Armed Forces of the United States, defined to include the Army, Navy, Air Force, Marine Corps, Coast Guard, and their reserve components and National Guard; New Mexico National Guard;
- NDMS;
- Commissioned Corps of the Public Health Service;
- Civil Air Patrol performing search and rescue missions;
- State Defense Force to attend officially authorized training or instruction courses;
- Volunteer emergency responders assisting in an emergency or disaster; or
- Any other category designated by the President of the United States, Governor of New Mexico, or federal or New Mexican law.

Such military leave is paid at the employee's straight-time rate of pay. Once the fifteen (15) workday period is used, the employee may take annual leave or leave without pay for any remaining absence, unless the Governor of New Mexico grants an additional fifteen (15) workdays of paid leave.

### **Military Leave Without Pay**

An unpaid military leave of absence may be granted for the following reasons:

- Active duty, training, or service beyond the fifteen (15) paid workdays of military leave provided in this policy;
- Voluntary active duty for a special training purpose;
- Required active duty as part of a reserve obligation;
- Voluntary enlistment for military service. Normally, a tour of three (3) years or more of active duty is required.

### **Notification of Military Leave**

Employees or their designated representatives (such as an officer of the military) shall give their supervisor notice of military duty in order to record a military leave of absence. When applicable, employees should provide their supervisor with a copy of official military orders or other evidence showing that the employee is entering active military duty, service, or training.

### **Benefits While on Extended Military Leave Without Pay**

Although activated employees and dependents will be eligible for health care through the military, those who choose to continue the health insurance through the NMJC may do so, and the NMJC will continue its contribution toward the premiums. Upon reinstatement after the tour of duty, employees and dependents who chose to temporarily disenroll from a NMJC health insurance program while the employee was on military duty are permitted to reenroll

### **Reinstatement**

An employee returning from a military leave of absence is reinstated into his or her original position, or to a position with the same status and pay rate, with no loss of seniority, as provided by USERRA. The employee who is re-employed under USERRA shall be treated as not having incurred a break in service and all raises that would have been granted the employee during the leave of absence shall apply.

If the duration of the tour of active duty is uncertain or is of an extended period, such as in a national emergency, the department may choose to fill the temporary vacancy with a regular

employee. However, reinstatement of the returning veteran to the same or similar job may require the relocation or layoff of the new employee. In such cases, the department must inform the new employee in writing, at the point of hiring, of the potential consequences.

Source: 38 U.S.C. § 4301-4335; NMSA § 12-10C-3 (1978); NMSA 1978 § 20-4-7; NMSA 1978 § 20-5-14; NMSA 1978 § 20-7-5; N.M. Code R. § 1.7.7.16

## **10.9 Leave Without Pay**

**Adoption Date:** July 18, 2024

**Revision Date:**

When possible, request for Leave Without Pay shall be requested in writing and in advance to the Payroll Coordinator, who will forward to the President for approval or denial. In most cases, all accrued leave shall be exhausted before unpaid leave will be submitted.

Employees on leave without pay (other than FMLA) and/or long-term disability shall not accrue Sick Leave or Vacation Leave benefits during the leave without pay. When a scheduled holiday occurs during the time an employee is on an unpaid leave or long-term disability status, he/she shall not be eligible for holiday pay. Misuse of unpaid leave is subject to Corrective Action Policy, up to and including termination of employment.

### **Reinstatement**

1. Reinstatement other than Military service (USERRA) is not guaranteed. Operating conditions or needs may make reinstatement impractical when requested.
  - a. Where practical, the College attempts to fill the employee's position with a contingent employee during the leave without pay but reserves the right to eliminate the position or fill it with another employee.
  - b. Reinstatement is not an employee's right. The determination of reinstatement or non-reinstatement shall be at the discretion of the appropriate Vice President and the President.
2. An employee returning from a leave without pay shall contact the Human Resources Office prior to expiration of the leave. Failure to do so shall be treated as a resignation.
3. An effort shall be made to reinstate an employee to the same or equivalent job and salary held at the time of leaving, if such a position is available and with the approval of the President.
4. If the employee's previous position is no longer available and he/she is not placed in another similar position within three (3) months, or if the employee refuses a position offered to him/her, NMJC has no further reinstatement obligation. The employee shall then be terminated as a resignation.

### **Other General Considerations**

1. Group insurance shall be continued while the employee is on leave without pay, provided the full payment for the insurance is made with no contribution being paid by the College during the leave.

2. The Educational Retirement Board prohibits the payment of retirement contributions if the employee does not receive a salary. Payments for retirement credits shall be discontinued during the time of the leave without pay.
3. An employee reinstated from leave of absence within one (1) year shall be given credit for prior service in computing the accrual rate for Vacation, Sick Leave, and other benefits.