

**New Mexico State University
Administrative Council Minutes
June 10, 2008**

The meeting was chaired by Jennifer Taylor in President Martin and Executive Vice President Cruzado's absence.

1. Minutes of May 13, 2008

The minutes of May 13, 2008 were approved as distributed.

Old Business

No items.

New Business

2. Proposed Changes to HR Policy [Jennifer Taylor & D'Anne Stuart]

Before discussing this item, Jennifer asked Bruce Kite to update the Council on the adoption schedule of the Policy Manual. Bruce said several months ago, Lisa Warren brought forward six revised chapters of the Policy Manual for approval of the Council. At that time, the plan was to have the manual rewrite finished and presented to the Regents for approval at their July meeting. It now appears the manual will not be ready for approval by the Regents until possibly December at the latest. Therefore, some issues need to be addressed now.

The six rewritten chapters previously approved are still in abeyance and are not in effect. Policy changes continue to follow the previous approval route, i.e., they go into effect when approved by this body unless otherwise indicated, subject to ratification by the Regents at a later date. Since the rewritten policy manual will not be available for some time, Elizabeth Titus requested a summary of approved policy changes since the last policy manual rewrite.

Jennifer said the Human Resources Department will continue to bring forward proposed changes in policy as they are prepared. Today's proposed changes will be presented as new business and will return for approval at the next meeting. Since the changes are very straightforward, they could be approved today if there are no concerns. More substantive changes will be presented in July and will be reviewed by ACAP, Faculty Senate, the Provost, etc. to make sure they are comfortable with the changes.

D'Anne Stuart explained the following proposed policy changes being presented today:

8.15.10–Employee Recognition Program: This will allow the central administration to develop college/departmental level employee recognition programs in light of the changes being made to NMSU's compensation program.

8.40.1–Ineligible for Rehire: This is a new policy that would establish ineligibility for rehiring in accordance with just cause terminations or voluntary resignation/retirement in lieu of termination. It allows HR to flag an individual ineligible for rehire and provides an appeal through administrative review by HRS.

In response to a question from Jeff Brandon, D'Anne said nonrenewal of a faculty contract is not covered in policy 8.40.1. In response to a question from Elizabeth Titus, D'Anne said medical reasons for termination are not included in this policy.

Jennifer Taylor clarified that once an individual had been terminated for cause, policy 8.40.1 would allow that individual to be flagged ineligible for rehire in our system. This policy refers to the flagging action not what triggers the flagging. The information would be kept centrally and a potential employer would be informed as needed.

4.30.05–Employment Background Review Policy: This policy was approved in 2006 but has not yet been implemented. Since Human Resources will implement this policy effective July 1, 2008, D’Anne distributed and reviewed a summary of the policy that was approved by the Council in April 2006. All new, regular faculty, exempt, nonexempt, and postdoctoral appointments as well as new student or temporary employees with work assignments that include significant responsibilities listed in the sensitive duty checklist will be subject to background reviews. The standard background check includes county, criminal, felony and misdemeanor checks with a social security trace and sexual offender search.

Current employees are grandfathered in unless they have a change in their employment status resulting from a transfer, promotion, reclassification, or appointment to an interim position or into a position with significant responsibilities listed in the sensitive duties checklist. Excluded from the review are staff hired for a specific event held only once or twice a year; those hired for seasonal athletic events; and those not handling cash, checks, or credit cards on a continuing basis. A waiver may be granted by HR Services for short-term hires of 30 days or less. Current employees will not be subject to another criminal history check unless there is a break in employment of one year or more. The cost for new and current employees’ standard background reviews will be funded centrally except for student and temporary employees, which will be funded by the hiring department. Any additional checks may be requested at the department’s expense. An official announcement and guidelines will be distributed to HR Liaisons this week. Training for departments will begin June 16.

The background review policy will be in effect for all requisitions initiated after July 1. Background checks will be initiated by HR Services. Normally there is a 2-3 day turnaround to receive the results. If necessary, a contingent offer can be extended pending the results of the background check.

Brenda Shannon asked if individuals hired to work seasonal athletic events would be subject to this policy. D’Anne said the exception is for those hired to work one or two events only.

Bob Moulton asked if the background checks would be transportable for a graduate student who takes a job with the public schools. Bruce Kite said most other agencies insist on doing their own background checks. Brenda Shannon said there needs to be further discussion about volunteers.

The request before the Council today is to change the name of the release form from “Candidate Consent and Disclosure Form” to “Background Check Release” and would require a background check on anyone who discloses a felony conviction on their employment application.

7.08–Employee Assistance Program: This change gives supervisors, managers, and/or department heads the ability to make mandatory referrals to the Employee Assistance Program in consultation with and approval from HR Services. If the referral involves an employee who might be a danger to her/himself or others, the employee will need to provide a release from the EAP provider to return to work.

7.05–Educational Opportunities for Employees and Their Families–Recognition of Employees Earning Degrees: This change removes the requirement of hours earned while employed at NMSU and will apply to all regular staff. (Currently, for faculty, it is limited to full-time, tenure-track faculty.)

Elizabeth Titus said our current policy does not address how to calculate hours earned during one combined summer session as we currently have. D’Anne said they will send out a clarification.

Brenda Shannon asked if there had been any discussion about limiting the number of classes an employee can take while continuing to be employed full-time at NMSU. D’Anne said the current policy allows the supervisor to determine how many classes to allow an employee to take during work hours. Bob Moulton said this needs to be reviewed as the current policy is being inconsistently applied. Jennifer said she will bring this up for discussion.

3.40–Drug-free Workplace: This changes the administering department from the Employee Assistance Program and Office of the Vice President for Student Success to the HR Services Department. Scott Moore will visit with D’Anne regarding NMSU’s report to the Federal Government on a drug-free workplace.

D’Anne said the following items were presented as informational only:

7.09–Insurance (program enhancements): The long-term disability plan eligibility requirements were changed to allow .5 FTE (previously .75 FTE) the opportunity to participate in the benefit. A new vision plan was added effective 7/1/2008 with premiums paid 100 percent by the employee. Although the plan is not through the State of New Mexico, NMSU was able to piggyback on their contract and deal directly with the carrier. The carrier is manually keying participant information into their system. Please contact our Benefits Office with any questions. The retirees’ health plan was changed from a fully insured prescription program for Medicare eligible participants to a Medicare Part D program effective 9/1/2008 as recommended by the Insurance Committee and approved by ACAP.

7.20.45–Family Medical Leave (compliance): Two new FMLA qualifying events were added per federal mandate effective 1/28/08: care for an injured service member and “qualifying exigency” due to a call to active duty of a family member.

Jennifer said the Council can make either a motion for approval of the policy revisions now or the revisions can be brought back for approval at the next meeting. Elizabeth Titus said she would like to take them to her department heads for discussion.

The Council unanimously approved the insurance changes as presented.

Brenda Shannon said it would have been very helpful if the ineligible for rehire flag had been in place recently when several employees who had been terminated for cause were rehired by another department that had no information about the employee’s job history. **The Council voted to approve the Ineligible For Rehire Policy (8.40.1) with one opposing vote.** Brenda said checking references before hiring individuals may also eliminate some problems.

Jennifer said any approved policy changes that impact nonexempt employees will apply only to nonexempt, nonunion employees until those changes are approved by the union.

University-wide Information/Announcements

3. **Mobile Campus [Justin O'Connell]**

Justin O'Connell said there have been problems with Mobile Campus, the student discount program and emergency alert system. The service made promises to the previous ASNMSU administration that they have not provided. One of their services includes an emergency alert system. When a bomb threat was called into the College of Business last semester, some students did not get the alert until three hours later. Justin said the service is ineffective, and he will work with Scott Moore and Mike Abernethy to see if they can get out of the contract.

Justin said UNM uses e2 campus for emergency alert notifications, and it seems to be very effective. Shaun Cooper said a good product they have been looking into is 3M online. ICT staff will visit further with Justin about the product.

4. **Update on Domenici Legacy [Christina Chavez Kelley]**

Christina Chavez Kelley distributed a registration form for the Domenici Legacy Conference. Registration is now available on line at www.domenici.nmsu.edu. She asked the Council's help in marketing the conference to ensure a successful event to honor Senator Domenici.

University Communications and others are preparing a short film about Senator Domenici. The picnic and concert on Friday, August 22, are open to the public. Christina asked the deans to encourage their faculty to register a class to attend an academic session. There will not be a fee for a class to attend one session.

Other:

Bruce Kite said he recently read an article stating that Governor Richardson had issued an executive order that the **agencies and direct reports to the Governor were not allowed to delete emails**. The article alluded that some agencies could not respond to public records requests because emails had been deleted. NMSU does not fall under this executive order. But there is a possibility that during this next Legislative Session legislation may be introduced mandating that all state agencies including universities not delete any email. Bruce said he has had to look through email accounts in response to public records requests. He recommended that employees have a personal email account for their personal email. Shaun Cooper said backup emails are kept for 15-30 days. If legislation was introduced and approved mandating that all NMSU email be retained for 3-7 years, Shaun said the memory requirement would be enormous.

Joe Pfeiffer asked if there are any departments on campus that do not go through ICT for email. Shaun Cooper said all email goes through ICT but final delivery can be at a number of departmental servers. He said there are vendors who supply appliances that can capture all email, but that would be large expense to NMSU. Joe said if all of the email were captured at ICT, the individual would not need to save it. Shaun also said we get about three million messages externally a day of which about 85 percent are spam and are turned away.

Next Meeting: Tuesday, July 8, 2008, 8:30 a.m., Corbett Center, Colfax Room #210