
CENTRAL NEW MEXICO COMMUNITY COLLEGE

CNM Employee Handbook

Updated July 2014



(Note: The CNM Employee Handbook is a living document. Updates are posted regularly. Numbers at the bottom of each page indicate the month and year of the latest revision to the information on that page.)

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INTRODUCTION

The Employee Handbook contains policies that govern all employees at Central New Mexico Community College (CNM). A printed handbook is provided to each employee. The handbook is also published on the CNM website. Notifications of revisions are published in Express, the employee newsletter. The revisions are posted on the CNM website. Each employee must sign a document showing the employee's receipt of the *Employee Handbook*, which receipt will be kept in the employee's official personnel file.

This handbook shall be in effect when approved by the Governing Board by appropriate resolution; however, the Board reserves the right to make such changes or amendments in this handbook as in its opinion are necessary or desirable for the effective operation of the College. Such changes and amendments will be effective upon approval by the Governing Board regardless of whether or not individual employees receive actual notice of them.

College policies, administrative directives and procedures are detailed in *The Source* policies and procedures manual, which is available on the CNM website. Hard copies of *The Source* are available in the offices of the president and vice presidents, the libraries at Main and Montoya campuses, the administrative offices at the Rio Rancho and South Valley campuses and the Workforce Training Center, and the Policies and Procedures Office.

If any provision in this *Employee Handbook* is found to be in direct conflict with specific provisions of a valid Collective Bargaining Agreement entered into with Central New Mexico Community College, the provisions of the Collective Bargaining Agreement shall control for those employees covered under that agreement.

EQUAL OPPORTUNITY STATEMENT

The College affirms that it will not illegally discriminate on the basis of gender, race, color, national origin, religion, age, disability, sexual orientation or marital status in any of its policies, practices or procedures in accordance with applicable federal, state and local laws, nor will it condone any act of illegal discrimination or harassment on the part of its employees. This provision includes, but is not limited to, employment, admissions, testing, financial aid and educational services.

The College confirms that this provision of the handbook by its reference to applicable federal, state and local laws prohibits and condemns any retaliation of any kind against any employee engaging in the exercise of free speech or in activities protected by federal, state or local laws.

Upon request, the College will provide reasonable accommodations to individuals with disabilities with regard to conditions of employment as provided by applicable federal, state and local laws.

MANAGEMENT RIGHTS

Central New Mexico Community College shall retain management rights in accordance with applicable federal, state and local laws and Governing Board policies including, but not limited to, the right to:

1. Determine the mission of the College and its divisions and departments;
2. Set standards;
3. Exercise control and discretion over the College's organization and its operations;
4. Direct employees of the College;
5. Hire, promote, transfer, assign and retain employees in positions within the College and suspend, demote, discharge, or take disciplinary action against employees of the College;
6. Maintain the efficiency of the operations entrusted to the administration of the College;

7. Relieve employees from duties because of lack of work or lack of funding;
8. Determine the methods, means and personnel by which such College operations are to be conducted;
and
9. Take whatever actions may be necessary to carry out the functions and mission of the College and maintain uninterrupted service to its students, instructors and other employees in situations of emergency should the College determine that uninterrupted services are in the best interest of the College, its students, instructors and staff.

SECTION I:

STRATEGIC DIRECTION: VISION, MISSION, VALUES AND STRATEGIC GOALS



Strategic Direction

Vision

Changing Lives, Building Community

Mission

To create educational opportunities and community partnerships while pursuing a level of community college excellence that is worthy of local and national recognition

Values

Caring, Civility, Excellence, Hope, Integrity, Leadership

Strategic Goals

Student Success

Ensure learning and support that promotes student persistence in achievement of education and training goals.

Community Success

Lead and support high value workforce and community engagement.

Organizational Excellence and Innovation

Define CNM as a high quality organization and transformational workplace.

SECTION II: COLLEGE ORGANIZATION

2.01. GOVERNING BOARD

The Governing Board consists of seven members elected from districts within the College District. The College District encompasses Bernalillo County, plus Corrales and part of Rio Rancho in Sandoval County. The Board normally meets on the second Tuesday of every month in the CNM Board Room. All regular Board meetings are open to the public and are announced in accordance with state statute.

2.02. ADMINISTRATION

The Governing Board selects a president of the College and an internal auditor who serve under contract with the Board. Upon the recommendation of the president, the Board employs all other personnel except for the internal auditor who is employed without recommendation of the president. It is incumbent upon the president to take whatever action may be necessary to carry out the mission and functions of CNM and maintain uninterrupted service to employees and students in emergency situations.

2.03. PARTICIPATION BY THE PUBLIC

The College recognizes that constructive study, discussion and active participation by citizens are necessary to promote the best possible program of education in the community.

A. There shall be two types of advisory groups within the College, as follows:

- 1) Advisory Boards, which shall be appointed by the President to deal with College-wide issues on an as-needed basis.
- 2) Advisory Committees, which shall be appointed by the President's designees(s) as needed to assist with instructional program research, curriculum design and evaluation, and special projects.

B. Advisory Boards and Advisory Committees offer advice and assistance regarding College issues; they do not establish College policies or procedures nor do they have authority over College employees.

C. Any and all bylaws shall be approved by the President for Advisory Boards or the president's designee(s) for Advisory Committees.

D. All Advisory Board and Advisory Committee meetings shall be open meetings.

E. CNM employees who represent administration shall be designated by the president for Advisory Board meetings or the president's designee(s) for Advisory Committee meetings.

F. Advisory Board members are subject to the New Mexico Per Diem and Mileage Act. Advisory Committee members serve as unpaid volunteers.

SECTION III: EMPLOYMENT POLICIES

3.01. EMPLOYEE DEFINITIONS/CATEGORIES

- A. Instructional personnel include instructors and instructional support employees working on an academic-year basis. Instructional support employees are instructional technicians, laboratory technicians and tutors.
- B. Instructional personnel are categorized as follows:
 - (1) Regular full-time instructors, as defined in the collective bargaining agreement between the College and the exclusive representative of the instructors.
 - (2) Regular part-time instructors, as defined in the collective bargaining agreement between the College and the exclusive representative of the instructors.
 - (3) Regular full-time instructional support
 - (a) Regular full-time instructional support personnel have assigned duties totaling 1920 hours per academic year.
 - (4) Regular part-time instructional support
 - (a) Regular part-time instructional support personnel have assigned duties totaling fewer than 1920 hours per academic year.
 - (5) Temporary: an instructional employee who is hired for a specified period of time not to exceed one year.
 - (6) Substitute: an instructional employee hired for an indefinite period of time to replace a regular instructor.
 - (7) Casual: an instructional employee hired on an intermittent basis for an indefinite period of time not to exceed 750 hours per year.
- C. Non-teaching employees are categorized as follows:
 - (1) Regular full-time: an employee with a minimum of 40 hours per week of assigned duties.
 - (2) Regular part-time: an employee with fewer than 40 hours per week of assigned duties.
 - (3) Temporary: an employee who is hired for a period of time not to exceed one year.
 - (4) Casual: an employee who is hired on an intermittent basis for an indefinite period of time not to exceed 173 hours per term.
 - (5) Work-study student employee: a student hired to work in accordance with the policies and procedures of the Financial Aid Office.
 - (6) Non work-study student employee: Temporary non-work study student employee hired to work in accordance with CNM policies and procedures who may work up to 20 hours per week. Employee must be enrolled in a CNM degree program and successfully complete a minimum of 12 credit hours each term or 30 credit hours each school year. This position is not eligible for benefits, overtime, and/or holiday pay.

3.02. EMPLOYEE GROUPS

- A. Non-exempt: an employee who is covered by the Fair Labor Standards Act for overtime purposes. Non-exempt personnel include, but are not limited to, support personnel classified in such categories as clerks and secretaries, food service workers, maintenance and custodial workers, security personnel, data services and computer operations employees, instructional and non-instructional technicians.
- B. Exempt: an employee who is not covered by the Fair Labor Standards Act for overtime purposes. Exempt personnel include, but are not limited to, full- and part-time instructors and full- and part-time exempt personnel who receive a written contract of employment and/or serve at the discretion of the president. The responsibility of negotiating individual contracts rests with the president and no contract is valid unless executed by the president or designee.

3.03. EMPLOYMENT

- A. Employment Rules
 - 1. Employment shall be subject to the College's sole discretion with regard to the classification of positions, program needs, funding limitations, job assignments, function assignments, determinations of reductions in force and other terms and conditions of employment.
 - 2. The employment of employees whose positions are covered by collective bargaining agreements will be governed by the terms of the appropriate collective bargaining agreement.
 - 3. The employment of employees during their trial periods ("trial employees"), temporary employees, casual employees, and work-study employees, is considered "at will" employment. This means that the College may terminate the employment of employees in these categories at any time for any reason, with or without notice or cause. Likewise, these employees may quit their employment, with or without notice, at any time. The College's termination of at-will employees is final and binding, and not subject

to any disciplinary or grievance procedure. Nothing in this handbook or any other policy or practice of the College may be interpreted to alter the at will status of these at will employees in any way. This at will policy may only be modified in writing. To be effective, such modification must specifically mention this policy and must be signed by the President of the College.

4. Except as provided in the next paragraph, employees who are not at will employees are considered regular employees. The College may terminate the employment of regular employees pursuant to Section 3.07 A or for just cause as defined in Section 9.03.
 5. Senior administrative staff and other administrative employees specifically identified by the President ("contracted employees") shall execute employment contracts. The terms of such contracts shall be negotiated by, or at the discretion of, the President. The termination of the employment of contracted employees will be governed by the terms of their contracts. Contracted employees serve at the discretion of the President and there is no commitment expressed or implied to renew or extend their employment beyond the terms of their contracts. The President's decision not to renew or extend contracted employees' contracts is binding and final and not subject to any grievance procedure.
- B. CNM will post openings for non-temporary, full- and part-time positions (including part-time positions that are being made full-time) except as noted in 3.03 C.
 - C. If circumstances warrant, as determined by the President or designee, the following positions may be filled by incumbents without posting:
 - 1) temporary positions;
 - 2) openings resulting from organizational restructuring; and
 - 3) positions changed from part- to full-time status when job duties remain substantially the same.
 - D. The offer of part-time employment shall not be presumed or construed as indicating any commitment to full-time employment.
 - E. In filling job vacancies, preference will be given to current employees when qualifications and experience are equal in the judgment of the College's hiring officials.
 - F. Non-exempt employees may not hold more than one full-time College job (40 hours per work week) or part-time jobs equaling more than one full-time non-exempt job at the College.
 - G. Work-study employees may not hold any other full-time or part-time position at the College.
 - H. Exempt employees may work in a secondary capacity at the College. The primary supervisors\ may approve annual leave for an exempt employee to work in a secondary capacity only if sufficient personnel remain in the department to maintain all programs adequately and provided adequate substitutes are available.
 - I. Applications and résumés are considered public records as defined in the Inspection of Public Records Act (14-2-1 through 14-2-12 NMSA 1978).
 - II. All CNM employees are required to reside within the state of New Mexico.

3.04. TRIAL PERIODS

- A. All full- and part-time non-exempt employees shall be trial employees for the first six months of their employment in any position. All full- and part-time exempt employees (except those referenced in Section 3.03 A.5) shall be trial employees for the longer of their initial 28-months of employment with the College or six months from their first day of work in any exempt positions except as indicated in 3.04 E.
- B. Time spent as part-time or full-time instructors is not counted toward any trial period.
- C. The trial period for non-exempt employees may be extended for an additional period not to exceed six months. Whether such an extension is made shall be entirely at the discretion of the College. There shall not be any extension to an exempt employee's initial 28-month trial period except as provided in E.3., below.
- D. Full-time employees may be allowed to take leave during their trial period in accordance with Section VIII of this handbook. Time spent on leave is not counted toward any trial period.
- E. The trial periods for employees hired into new positions are as follows:
 - 1) For either a non-exempt employee or exempt employee moving into a different non-exempt position, the trial period will run for six months from the first day of work in the new position, unless that trial period is extended under Section 3.04C, in which case it will run to the end of that extension.
 - 2) For a non-exempt employee moving into an exempt position, the trial period will run to the later of a) completion of their initial 28 months of employment with the College or b) six months from the first day of work in the new exempt position.
 - 3) For an exempt employee moving into a different exempt position, the trial period will run to the later of a) completion of their initial 28 months of employment with the College or b) six months from the first day of work in the new position.

- 4) For the purposes of Section 3.04 the determination of whether an employee is exempt or non-exempt is entirely at the discretion of the College.
- 5) An employee who does not satisfactorily complete any trial period has no entitlement to any previously held position.

3.05. PERFORMANCE EVALUATIONS

- A. Regular, Non-Contracted Employees. Employees are evaluated in writing no less often than annually. New employees in a trial period are formally evaluated in writing prior to the completion of the employee's trial period. A written evaluation report, signed by the supervisor and the employee, is placed in the employee's official personnel file. The employee is provided an opportunity to review, discuss and offer additional comments on the evaluation report, but will be required to sign the evaluation report acknowledging that the employee has read and received a copy of the report. Criteria for evaluation will be established by Human Resources in conjunction with the appropriate department supervisor and any other applicable personnel.
- B. Contracted Employees. Employees considered "contracted employee" shall be individually evaluated at least annually in writing in a manner and according to criteria determined by the President.

3.06. VOLUNTARY TERMINATION

- A. Instructors and other exempt personnel are required to give 30 days notification of plans to resign from a position at the College.
- B. Other employees shall provide the College with not fewer than two weeks notice of resignation.
- C. The President of the College or designee may waive the requirement of such notice and accept a resignation, provided all financial obligations of the employee to the College have been satisfied and the early vacation of the position will not impair the mission of the College.

3.07. INVOLUNTARY TERMINATION

- A. Layoffs and reduction to part-time status. Because the College's programs must be expanded and reduced according to the needs of industry, fluctuations in enrollment or availability of funding, it is sometimes necessary to reduce the number of employees or change employees from full-time to part-time status.
 - (1) Persons retained as full-time employees will be selected according to the skills needed to operate the programs involved, with seniority (see B. below) governing where two or more employees are judged to have relatively equal skills and performance records.
 - (2) For instructional support and non-instructional personnel, relatively equal skills will be judged on competencies needed for the job description.
- B. Definition of seniority. Seniority shall be based first upon an employee's length of full-time service with the College, second upon length of full-time service within an employee's job classification and third upon full-time service within the department. Exceptions must be in writing and approved by the president.
 - (1) Seniority shall cease immediately upon resignation, retirement or discharge for cause.
 - (2) An employee reinstated within one year after layoff or reduction to part-time status shall be entitled to seniority previously accrued during years of employment. (Also see A. above).

SECTION IV: CODE OF CONDUCT AND WORKPLACE BEHAVIOR

4.01. CODE OF CONDUCT AND WORKPLACE BEHAVIOR

- A. The College and College employees shall follow New Mexico statutes dealing with conflict of interest. (See Sections 10-16-1 through 10-16-4.1, 10-16-6 through 10-16-9, 10-16-11, 10-16-13.1 through 10-16-14 and 10-16-17, NMSA 1978 (1995 Repl.)).
- B. College employees shall maintain the highest standards of business ethics as they conduct business on behalf of the College.
- C. College employees shall perform their duties in a manner that would not give rise to the appearance of conflict of interest.
- D. College employees who teach, coach, evaluate, allocate financial aid to or guide students over whom they have professional responsibility or authority shall not engage in any dating, romantic or sexual relationships with students.
- E. It is the policy of CNM that certain rules and regulations regarding employee behavior are necessary for efficient business operations and for the benefit and safety of all employees. Conduct that interferes with operations, discredits the College, is in violation of College policy, is unsatisfactory or is offensive will not be tolerated. Employees are expected at all times to conduct themselves in a positive manner to promote the best interests of the College. Examples of behavior that may result in disciplinary action, including possible termination, are:
 - (1) treating others in a discourteous manner;
 - (2) wearing clothing inappropriate for the work being performed;
 - (3) failing to report to work punctually at the assigned times, or failing to be at the proper work station ready for work as scheduled;
 - (4) failing to maintain cleanliness and order in the workplace and work areas;
 - (5) fighting with or assaulting others;
 - (6) threatening or intimidating others;
 - (7) falsifying or altering any College record or report, such as an application for employment, a medical report, a production record, a time record, a financial record, an absentee report, or a shipping and receiving record;
 - (8) stealing, destroying, defacing or misusing College property or another's property;
 - (9) engaging in acts of insubordination including, but not limited to, refusing to follow management's instructions concerning a job-related matter;
 - (10) using profanity or abusive language;
 - (11) sleeping on the job;
 - (12) gambling on College property; and
 - (13) playing malicious or dangerous pranks or practical jokes, or engaging in horseplay.
 - (14) alcohol and substance abuse;
 - (15) dishonesty;
 - (16) sexual or any other form of illegal harassment;
 - (17) possession of deadly weapons on CNM property;
 - (18) poor work performance;
 - (19) violation of CNM's leave policies; and
 - (20) violation of CNM policies or directives.

This list is not intended to be and should not be considered an exclusive listing of inappropriate behavior. Indeed, it would be impossible to list all the circumstances under which discipline may be imposed. CNM retains complete discretion to administer discipline for behavior it deems inappropriate, whether listed above or not.

- F. Any employee who knows of any act prohibited by law or by College policy or the code of conduct shall report it promptly to the appropriate administrator. In the case of any financial impropriety, the employee shall report circumstances to the internal Audit Department.

- G. No employee shall threaten, coerce, manipulate, or mislead an auditor engaged in the performance of an audit.

4.02. CONFLICT OF INTEREST

No College employee shall knowingly:

- A. disclose or use confidential information about the College to advance the financial or other private interest of said employee or others;
- B. use College assets or equipment for any unlawful or improper purpose or to promote a personal business interest;
- C. approve or make any payment of College funds with the intention that any part of said funds be used for any purpose other than that described in the supporting documents;
- D. participate in the negotiation or the making of any contract between the College and any business entity in which the employee has a financial interest, either directly or indirectly;
- E. represent a private interest in any action or proceeding before the Governing Board;
- F. request or receive any money, thing of value or promise thereof, that is conditioned upon or given in exchange for performance or promised performance of an official act;
- G. receive pay for tutoring any student in the employee's class;
- H. charge a student a fee to be paid to the employee for any services rendered the student on College property or for any teaching or tutoring service relating to the student's instruction at the College;
- I. purchase for sale to students any goods or equipment of any kind without approval of the department dean and/or appropriate vice president;
- J. sell to students for personal profit any goods or equipment of any kind;
- K. render any commercial service to the College on a commission basis;
- L. serve on any College evaluation committee for proposals or bids without disclosing any potential conflict of interest prior to the start of committee business.

4.03. SEXUAL HARASSMENT

It is CNM policy to prohibit harassment of any employee by a supervisor, employee, customer or visitor including harassment on the basis of sex, sexual orientation, gender or gender identity. The purpose of this policy is not to regulate personal morality within CNM; it is to ensure that at CNM all employees are free from harassment on the basis of sex, sexual orientation, gender or gender identity. Sexual harassment is unlawful.

A. Definition.

Sexual harassment means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- (1) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or a basis for employment decision; or
- (2) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

B. Examples

- (1) While it is not easy to define precisely what types of conduct could constitute sexual harassment, examples of prohibited behavior include, but are not limited to:
 - a. unwelcome sexual advances;
 - b. requests for sexual favors;
 - c. obscene gestures;
 - d. displaying sexually graphic magazines, calendars, or posters;
 - e. displaying derogatory cartoons, posters and drawings;
 - f. sending sexually explicit e-mails or voice mail; and
 - g. other verbal or physical conduct of a sexual nature, such as uninvited touching of a sexual nature or sexually-related comments.
- (2) Depending on the circumstances, the conduct can also include:
 - a. sexual joking;
 - b. vulgar or offensive conversation or jokes;
 - c. commenting about an employee's physical appearance;

- d. conversation about your own or someone else's sex life;
- e. teasing or other conduct directed toward a person regarding his or her sexual orientation or because of his or her gender or gender identity which is sufficiently severe or pervasive to create an unprofessional and hostile working environment.

C. Procedure

- (1) Anyone who feels he or she has been subjected to conduct that violates this policy has the responsibility to immediately report the matter to his or her designated CNM Human Resources Representative.
 - (2) If the Human Resources Representative is unavailable or if you believe it would be inappropriate to contact that person, you should immediately contact CNM's Human Resources Director.
 - (3) If you are unsure to whom you should raise an issue of harassment, or if you have not received a satisfactory response within five (5) business days after reporting any incident of what you perceived to be harassment, please immediately contact CNM's Executive Director of Employee Relations in the Human Resources Department, who will insure that an investigation is immediately conducted.
 - (4) Every report of perceived harassment will be fully investigated and corrective action will be taken where appropriate, up to and including discharge for any employee(s) who violate(s) this policy.
 - (5) To the extent possible, the confidentiality of the reports will be maintained.
- D. All supervisors are accountable for effective administration of this policy. Any supervisor who has received a complaint or is aware of possible harassment at CNM by anyone — including other supervisors, co-workers, visitors, students or contractors — must immediately advise the Director of Human Resources. Supervisors who fail to do so will face disciplinary action, including possible termination of employment.
- E. CNM will not allow any form of retaliation against individuals who report unwelcome conduct to CNM management or who cooperate in the investigation of such reports in accordance with this policy. Retaliation is unlawful. Any form of retaliation in violation of this policy will result in disciplinary action, up to and including discharge.

4.04. NEPOTISM

- A. No person may be hired who is related to a member of the Governing Board in the following manner: father, mother, child, brother, sister, grandfather or grandmother, grandson or granddaughter, aunt or uncle, nephew or niece. Work-study student employees are excluded from the prohibition of this paragraph.
- B. No person may be assigned to a supervisory or subordinate position to another employee within the College if the employees are related in the following manner: father, mother, child, brother, sister, grandfather or grandmother, grandson or granddaughter, aunt or uncle, nephew or niece.

SECTION V: WAGE AND SALARY POLICIES

5.01. DEFINITION

The wage and salary administration guidelines in this section apply to employees below the dean level, with the exception of faculty and some professionals designated by the president.

5.02. STAFF

Initial pay rates for regular full- and part-time staff employees are established at the time of hire. The initial pay rate is determined jointly by the employee's dean/director or department head and the appropriate vice president, with final approval by the president or the president's designee.

- A. Pay Levels. Full-time and part-time staff employees are assigned to an employee classification upon employment. Each classification carries a minimum annual salary level for exempt employees and a minimum hourly rate for non-exempt full- and part-time employees.
 - (1) No employee will be paid at a rate less than the minimum for the applicable position classification.
 - (2) Minimum rates are listed in the Master Salary Schedule and may be updated periodically during the fiscal year.
 - (3) Any full- or part-time position, which is not a replacement, shall be measured by Human Resources for appropriate placement on the salary schedule.
 - (4) Part-time positions that are authorized additional hours need not be reevaluated if the only change in the position is time on task.
- B. Establishing the Rate of Pay for New Employees. Qualifications and experience of the employee as well as budgetary and internal equity considerations will be used in determining the entry rate of pay.
 - (1) The initial pay rate ordinarily will be the minimum pay of the classification.
 - (2) The hiring rate for regular full- and part-time employees may be between the minimum pay and 125 percent of the minimum pay for the appropriate classification.
 - (a) Credit for experience may be given at a rate of 2 percent of the minimum pay for each year of directly comparable prior experience beyond that required for the position up to a maximum of 125% of the minimum.
 - (b) Compensation may be given based on current market value if agreed upon and approved by the hiring dean/director or department head, the human resources director, the appropriate vice president and the president. Written documentation to support this compensation must be provided specifically addressing difficulty in recruitment, high turnover, and/or comparable market pay rates.
 - (c) A combination of (a) and (b) above shall not exceed 125 percent of the minimum pay for the appropriate classification.
 - (3) Temporary and casual employees will be hired at the minimum pay of the appropriate classification or such higher pay as approved by the president.
 - (4) Returning employees are considered new employees.
- C. Actions Which May Change an Employee's Rate of Pay.
 - (1) Annual pay plan adjustment. Each year the Governing Board approves a pay plan that may include increases or decreases to the minimum and/or maximum pay of classifications and/or increases or decreases to salaries. To receive a salary increase under such a plan, an employee must have been employed prior to February 1 of the immediately preceding fiscal year.
 - (2) Promotion. A promotion occurs when an employee moves to a new classification with a higher grade level through the application process. The employee's new rate of pay must be at least the minimum pay assigned the new classification or calculated as follows, whichever is greater:
 - (a) For a promotion, the employee's current rate of pay will increase by at least 5 percent, except that the increase may not raise the employee's rate of pay above the maximum pay of the new classification. If the employee's current rate of pay exceeds 125 percent of the minimum pay of the new classification, the employee's current rate of pay will not increase by more than 5 percent, but in no event will it exceed the maximum pay of the new classification.
 - (b) In no case will a promoted employee's current rate of pay be reduced.
 - (3) Voluntary Reduction. If an employee applies for and accepts a position with a lower classification, the employee's rate of pay will be reduced to an amount between the minimum pay and 125 percent of the minimum pay of the new classification effective on the first day the employee assumes the new position.

Pay rate is determined by qualifications and experience of the employee as well as budgetary considerations.

- (4) Demotion. If an employee is demoted, the employee's rate of pay will be:
 - (a) the employee's pre-demotion pay reduced by 5 percent for each pay grade lost due to the demotion; or
 - (b) the maximum rate of the pay grade applicable to the new position, whichever is less.
- (5) Reorganization. Prior to reorganization of a work unit, approval of the reorganization plan must be obtained from the appropriate vice president. In cases where the reorganization may involve pay adjustments, prior approval of the president or designee must be obtained. Positions affected by reorganization must be submitted to the Human Resources Department for review and placement in the correct classification.
 - (a) If an employee is moved to a position with a lower classification as the result of a non-disciplinary management decision, the employee's rate of pay will remain unchanged for a period of one (1) year.
 - (b) If a position is moved to a higher classification, the employee's rate of pay will be at least the minimum pay of the new classification.
- (6) Reevaluation. When the duties and responsibilities of a position change, it is appropriate for the College to review and evaluate the classification of the position. A reevaluation may be initiated by the employee, a group of employees, the employee's appropriate supervisor, or by the Human Resources Department. Human Resources will conduct an evaluation of the position and may determine that the duties and responsibilities have increased or decreased or that the current classification is correct. Any resulting changes in classification and salary will follow the guidelines listed in (5)(a) and (5)(b) above.
- (7) Market Pay Increases. The President shall determine pay levels for employees in "key market positions" when it is in the best interests of the College. The designation of a position as being a "key market position" shall be made by the Wage and Salary Committee and shall be based on unique market pressures and the specialized nature of the job. The Wage and Salary Committee, before making such a designation, shall obtain a recommendation from the Human Resources Department after data has been collected showing a need based on recruiting difficulties, high turnover and high market driven salaries.
- (8) Transfer. A transfer is defined as a lateral move from a job in one classification to a job with the same grade level in a different classification. Transfers may occur within or between classification groups. A transfer does not involve a pay rate change but may involve a change in annual earnings if the work calendar for the new job differs from that of the old job.
- (9) Temporary Upgrade. A temporary upgrade occurs when a position must be filled for a specified period of time, normally not in excess of one year, and it is anticipated the incumbent will return to the position. The position will usually be filled with a current employee but may be advertised externally if needed.
 - (a) When the position is filled with a current employee, the upgrade will be treated as a promotion. The employee's rate of pay will be at least the minimum pay assigned the new classification or calculated as outlined above in (2)(a).
 - (b) If the position is filled from outside the College, the new employee will be compensated at the minimum pay for the classification.
 - (c) A temporary upgrade will increase the employee's compensation for a specified period of time. At the end of the upgrade period, the employee's rate of pay will return to the amount paid prior to the upgrade together with any pay adjustments approved by the Governing Board.
- (10) Shift Differential. A shift differential is an hourly pay rate in addition to the employee's straight-time rate of pay. Shift differentials are determined by the Governing Board as part of the annual pay plan.
- (11) Overtime Pay.
 - (a) Non-exempt personnel are eligible for overtime pay in accordance with the Fair Labor Standards Act.
 - (b) Overtime is paid only for work that cannot be done during the normal work week. For the purpose of computing overtime, holidays are counted as actual time worked. Overtime may accrue only after 40 hours of actual time worked. Leave time is not considered part of the normal work week.
 - (c) Requests for overtime must be submitted to the control agent for approval before overtime work commences. In case of emergency, a supervisor may authorize overtime work and submit the request to the control agent after the work has commenced or concluded. A full report of the emergency shall be submitted to the control agent.
 - (d) A specific explanation of tasks to be done is required on all overtime work requests.
 - (e) An employee may not take leave from one department to work in another capacity within the College at the overtime rate.

- (f) The rate of pay for authorized overtime work shall be 1.5 times the employee's regular rate for each hour worked over 40 hours each week.
- (g) If an employee is required by a supervisor to work on a day designated as a paid holiday, the total compensation shall be the regular rate for the holiday plus 1.5 times the regular rate for hours worked.
- (h) If essential personnel are required to work on a day the College is closed unexpectedly for an emergency or for some other reason such as inclement weather, the compensation for hours worked during the time of the closing shall be at 1.5 times the regular pay rate. (Also see Section 7.04.)
- (i) The work week begins at 12:01 a.m. Saturday and ends at 12 midnight the following Friday. If an employee's scheduled shift begins before midnight and ends after midnight, the entire shift will be counted on the day on which more than one-half of the shift was worked.

5.03. FULL-TIME INSTRUCTORS

Full-time instructors are paid in accordance with the approved collective bargaining agreement.

5.04. PART-TIME INSTRUCTORS

Part-time instructors shall be paid at a rate determined annually by the Governing Board.

5.05. SUBSTITUTE INSTRUCTORS

- A. Substitute instructors shall be paid at a rate determined annually by the Governing Board for each hour of class time during which the person was a substitute.
- B. Instructional technicians who are designated by the dean as substitutes are paid at a rate determined annually by the Governing Board whenever they serve as substitutes for instructors. Substitute service is approved only when an instructor is on approved leave from teaching duties.

5.06. PAYCHECKS

Employees will normally be paid every two weeks. Payday will normally be on Friday. In the event that payday falls on a holiday, payment may be made on the preceding work day.

- A. Direct deposit of pay may be made to accounts in financial institutions participating in the direct deposit plan. Applications may be submitted to the Business Office.
- B. Uncashed paychecks will be canceled six months after they are issued.

SECTION VI: BENEFITS

6.01. EDUCATIONAL BENEFITS

The College offers educational benefits to support the growth of employees both academically and professionally. The College also provides additional educational benefits to dependents of eligible employees. Employees whose position is not covered by a collective bargaining unit are eligible.

Applicable to All Educational Benefits

1. A regular full-time employee may use tuition waiver and tuition reimbursement options for a maximum of 18 credit hours per year.
2. Waivers are not granted for costs or fees for courses offered as part of special CNM programs including, but not limited to, the Workforce Training Center.
3. CNM will not pay for any class taken more than once.
4. Should an employee hold more than one position at CNM, the primary position, as designated by Human Resources, will determine eligibility and level of educational benefits.
5. Course fees not specified below must be paid by the student

Central New Mexico Community College Release Time

1. With supervisor approval, a regular full-time employee may use up to three hours per work week to take CNM courses.
2. A request for CNM release time may be approved or denied based on department needs and the effect of the employee's absence on department operations.
3. An employee with unsatisfactory performance may be denied release time.

Central New Mexico Community College Tuition & Fee Waivers

1. Employees
 - a. Employees are eligible for waivers of tuition, registration fees, technology fees, and distance learning fees for courses included in CNM's programs of study as detailed in the CNM Catalog.
 - b. A regular full-time employee enrolled in a degree or certificate program is eligible for waivers for up to 18 credit hours per calendar year. If not in a degree or certificate program, the employee is eligible for waivers for up to 3 credit hours per term.
 - c. A regular part-time employee enrolled in a degree or certificate program is eligible for waivers for up to 9 credit hours per calendar year.
2. Dependents
 - a. Dependents must be registered in Human Resources in order to be covered for this benefit, including a spouse, domestic partner, and children. Dependent children include step-children, children of a domestic partner, and legal guardianship. They are eligible through the term in which they turn 24-years of age.
 - b. CNM will waive tuition, registration fees, and technology fees for CNM courses for dependents of a regular full-time employee for up to 18 credit hours per calendar year if the dependent is enrolled in a degree or certificate program. If they are not in a degree or certificate program, the dependent is eligible for waivers for up to 3 credit hours per term.
 - c. The dependents of a regular part-time employee are eligible for waivers for up to 9 credit hours per calendar year if they are enrolled in a degree or certificate program.

Tuition Reimbursement

1. With supervisor approval, a regular full-time employee is eligible for tuition reimbursement for institutions other than CNM for up to 18 credit hours per calendar year. Tuition costs are reimbursed at the actual cost or at the current University of New Mexico tuition rates, whichever is less. Other fees - such as registration, graduate student associations, books, labs, and supplies - are not reimbursable.
2. Courses must be taken on the employee's own time and no release time is allowed; however, flex scheduling may be allowed at the supervisor's determination based on department needs and the effect of the employee's absence on department operations.

Taxability on Educational Benefits

Under IRS regulation, the value of tuition benefits may be considered taxable income to the employee. The value of the tuition benefit, if applicable, will be included as compensation on the employee's W-2 form filed with the IRS and subject to withholding. For more information, visit irs.gov.

6.02. PROFESSIONAL DEVELOPMENT

The College supports continued development of employee competencies through the Professional Development Program (PDP). PDP guidelines are approved by the president with input from faculty and staff representatives.

6.03. PAYMENT FOR TRAVEL AND TRAVEL-RELATED CONFERENCES

This policy provides guidelines for direct payment by CNM and employee reimbursement of reasonable and allowable costs incurred by members of the Governing Board, employees, students and advisory board members traveling and attending conferences/meetings that are considered official College business. It is incumbent upon all individuals using College funds for these purposes to make the most reasonable economical arrangements possible. All travel and conference/meeting attendance must be approved in accordance with established procedures and must be coordinated through the College's main travel management system.

A. Methods of Payment

1. Per Diem

- a. Governing Board members, the public member of the Governing Board Audit Committee, members of the CNM Labor Relations Board and such other members of CNM's advisory boards as may be designated by the President (hereafter referred to as "non-salaried public officers") shall receive either reimbursement pursuant to Section A.2. of this policy or \$95 per diem expenses for each board or committee meeting attended or for each day spent in discharge of official duties for travel within New Mexico but away from his/her home.
- b. A CNM employee traveling within New Mexico away from his/her home and away from his/her designated post of duty on official CNM business shall receive either reimbursement pursuant to Section A.2. of this Policy or \$85 per diem expenses per 24-hour period spent in discharge of official duties. For special in-state municipalities (Cloudcroft, Santa Fe), this amount may be increased to \$135 per 24-hour period.
- c. Non-salaried public officers and employees shall receive reimbursement pursuant to Section A.2. of this Policy or \$115 per diem expense for each 24-hour period out-of-state for travel on official business, or \$215 per 24-hour period for out-of-state travel to areas that exceed the \$85 maximum lodging amount as listed in the current federal government CONUS list, and to areas outside the continental United States.
- d. Reimbursement for meals for a partial day following a twenty-four hour (24) hour period involving an overnight stay shall be reimbursed as follows:
 1. Fewer than six (6) hours beyond the last twenty-four hour period; no reimbursement
 2. Six (6) or more but fewer than twelve (12) hours: \$10 in-state; \$15 out-of-state
 3. Twelve (12) or more but fewer than eighteen (18) hours: \$20 in-state; \$30 out-of-state
 4. Eighteen (18) or more but fewer than twenty-four (24) hours: \$30 in-state; \$45 out-of-state
- e. Travelers requesting per diem reimbursement must submit appropriate documentation of expenses.
- f. A portion of a traveler's per diem payment will be considered taxable income if (1) the per diem payment exceeds the standard federal rate approved by the Internal Revenue Service and (2) the employee does not provide the College with expense receipts to substantiate that the actual travel expenses matched or exceeded the per diem payment.

2. Actual Expenses.

- a. The President or the President's designee(s) may authorize reimbursement of actual travel expenses for salaried employees, students and non-salaried public officers of the College. Actual expenses for lodging and meals may not exceed the following:
 - 1. Lodging: may not exceed \$250 per day for a single room
 - 2. Meals: may not exceed \$30 in-state; \$45 out-of-state per day
 Appropriate documentation of each expense must be submitted.
- b. Cases in which expenses will exceed per diem are considered "extraordinary circumstances" by the Governing Board or its designee(s) and may be reimbursed as actual expenses not to exceed the amounts listed in 2.a. (1) and (2) above.
- 3. Stipend. To facilitate professional development, arrangements may be made for partial subsidy of travel (stipend). Travelers may be reimbursed a flat rate, a percentage of actual costs or a combination thereof that shall be agreed to in advance by the traveler and the appropriate dean or supervisor, as well as the appropriate vice president. Stipend amounts may not exceed the limits provided for actual expenses.
- 4. Prohibited Expense. Reimbursement for alcoholic beverages shall not be allowed.

B. Conference/Meeting Costs.

- 1. The cost of all functions and events - including receptions and meals - that are part of an official conference agenda will be processed as part of the conference cost. These costs will be billed to the appropriate department account and not to the General Activity Account.
- 2. Preconference workshops are considered part of the official conference agenda.
- 3. Payment will not be allowed for activities not directly related to the conference agenda, e.g., sightseeing tours and guest activities.

C. Mileage. Travel by personal vehicle shall be reimbursed at the rate of \$.32 per mile. The number of miles to be reimbursed shall be determined in accordance with an official road map mileage chart, by established distances between CNM campuses and/or sites, or by odometer reading if map mileage chart is not available for localities involved. The amount reimbursed shall not exceed the total lowest reasonable commercial air fare to the same destination.

D. Air Fare. Air transportation shall be reimbursed at the lowest reasonable air fare available at the time tickets are purchased.

E. Vehicle Rental. Vehicles may be rented for official College business subject to the following conditions:

- 1. The need for vehicle rental shall be justified and documented on the travel request.
- 2. Rental of a vehicle for use within 150 miles of the CNM Main Campus shall normally be prohibited. Exceptions must be justified in writing and approved by the vice president for administration.
- 3. A rented passenger vehicle should be of the type, size and cost range which represents a reasonable expenditure for CNM without sacrificing safety and reasonable comfort.
 - a. Normally a vehicle in the mid-sized price range should be used.
 - b. Written justification must be provided when the size or cost of a rental vehicle exceeds the normal usage provisions.
- 4. The College has adequate liability, collision and comprehensive insurance coverage for vehicles rented by or on behalf of CNM. Renters shall waive any optional coverage.

F. Other Expenses.

- 1. Taxi or other ground transportation, tips other than in conjunction with meals, parking fees and/or other incidental expenses incurred in connection with approved travel may be reimbursed at the rate of \$8 per day with a \$40-per-trip maximum.
 - a. Reasonable actual costs which exceed \$40 per trip may be reimbursed if adequate documentation is provided.

- b. Items such as entertainment and telephone calls unrelated to business shall not be reimbursed.
 - 2. Registration fees for educational programs or conferences may be reimbursed provided, if the fee includes lodging or meals, then no per diem rates shall be paid and only actual expenses paid by the officer or employee and not included in the fee shall be reimbursed within the limits of Section A.2. of this policy.
- G. Travel Time. Travel time shall normally include time required to reach an approved destination via commercial air transportation and attend the approved function. Additional travel time may be allowed if a cost savings for the College can be documented.
- H. Travel Advances. Employees are expected to pay reimbursable travel expenditures with personal credit cards or personal funds.
- 1. Travel advances may be granted under unusual circumstances with appropriate justification and documentation and the approval of the President or President's designee(s).
 - 2. Travel advances shall not exceed 80% of estimated out-of-pocket expenses.
 - 3. The traveler is required to return all advances in excess of travel per diem or actual expenses.
- I. Cancelled Travel. If travel is cancelled, the employee will be required to repay any travel advances and nonrefundable conference fees. The President may waive repayment requirement of nonrefundable items under extraordinary circumstances such as, but not limited to, employee illness or death in the employee's family.
- J. Tax Status of Reimbursements. Payments made pursuant to this policy shall be considered as reimbursed expenses under a qualified, accountable reimbursement arrangement for federal income tax purposes. However, if the per diem payment exceeds the standard federal rate approved by the IRS and the employee does not provide the College with expense receipts to substantiate that the actual travel expenses matched or exceeded the per diem payment, the portion of the per diem payment that is (1) in excess of the standard federal rate and (2) not properly substantiated will be included in the traveler's W-2 or 1099 form. Travelers who choose to deduct travel expenses must comply with provisions of the Internal Revenue Code.

6.04. INSURANCE BENEFITS

Eligible employees may purchase health, life, dental, vision and disability insurance coverage through CNM's group insurance plan. A portion of the medical and disability insurance costs as provided by law and approved by the Governing Board is paid by the College; the remaining cost is paid by the employee. The College pays 100 percent of the basic life premium. Also available is an Internal Revenue Service Section 125 Plan which allows employees to obtain certain benefits on a pretax basis.

A. Eligibility

- (1) Non-instructional and instructional support personnel who are on regular full- or part-time status and work 20 or more hours per week (as stated on the recommendation for employment form) are eligible for benefits. Employees who work at least 15 hours per week are eligible for basic life insurance.
- (2) All regular full-time instructors, as defined in the applicable collective bargaining agreement between the College and the New Mexico Federation of Educational Employees, are eligible for insurance benefits
- (3) Regular part-time instructors, as defined in the applicable collective bargaining agreement between the College and the New Mexico Federation of Educational Employees, are eligible for insurance benefits in accordance with the requirements set forth in that collective bargaining agreement.
- (4) Insurance benefits are not available to casual, substitute or work-study employees, or temporary employees hired for six months or fewer.

B. Enrollment

- (1) To participate in any of the insurance plans, an employee must enroll within 31 days of becoming eligible. Coverage will begin on the first day of the following month.
- (2) An employee wishing to apply for insurance after the 31 days have elapsed must qualify for the plan based on the insurance provider requirements.

C. Premiums. Current rates and benefit schedules are available from the Human Resources Department.

D. Continued Coverage

- (1) Persons who leave employment or lose eligibility may apply for continued private medical and life insurance coverage, paying the entire cost of the premiums. Details are available from the Human Resources Department.
- (2) Retirees are eligible to apply for benefits under the New Mexico Retiree Health Care Authority. Details are available from the Human Resources Department.
- (3) Employees on leave without pay, except those on leave under the Family and Medical Leave Act, shall pay 100 percent of the insurance premium. (See also Section 8.16.)

6.05. EDUCATIONAL RETIREMENT

- A. All employees except student workers enrolled at CNM, substitute instructors and employees working less than one-quarter time are required to join the Educational Retirement Act (ERA) and retiree healthcare systems.
 - (1) Employees contribute a portion of their total earnings as provided by law. The amount is deducted from each paycheck. The College contributes a portion of total salaries to the fund. The rates are subject to change by legislative action.
 - (2) Employees may withdraw their ERA contributions when they terminate employment in New Mexico schools; retiree healthcare contributions may not be withdrawn. The amount contributed by the College remains in the retirement funds.
- B. Pamphlets published by the Educational Retirement Board are available in the Human Resources Department. Please consult these pamphlets for a full explanation of the benefits and the various retirement options available to the members.

6.06. SOCIAL SECURITY

Most employees of the College are required to participate in the federal Social Security program (FICA). Employees contribute a portion of their total earnings as provided by federal law. The amount is deducted from each paycheck. The College contributes to the fund an amount equal to the deduction. The rates are subject to change by congressional action.

6.07. WORKERS' COMPENSATION

- A. Workers' compensation statutes for the state of New Mexico require that an employee who has suffered a work-related injury or illness notify the employer within 15 calendar days. Notification is necessary to ensure proper medical attention and accurate processing of compensation claims.
 - (1) The College has designated the Human Resources Department to administer workers' compensation issues.
 - (a) Employees should report injuries to the Human Resources Department immediately and no later than 15 calendar days after the injury has occurred.
 - (b) The Human Resources Department provides notice of accident report forms and will report an injury to the Workers' Compensation Administration and the appropriate third party (insurance) administrator.
 - (2) Employees who are injured at work should seek medical attention at an Occupational Healthcare Management Services (OHMS) approved facility. The list of such facilities is available at the Human Resources Department.
- B. Employees who suffer a work-related injury or illness may choose one of the following payment options:
 1. Sick leave in lieu of workers' compensation
 2. Workers' compensation coverage
 - a) Payment for lost wages shall be made by the current workers' compensation insurance carrier at the rates determined by state law.
 - b) Sick leave may not be used.
 - c) During the duration of workers' compensation coverage, the College will continue to pay the employer's share of insurance premiums.
- C. Tuition and fee waivers for dependents - Employees whose position is not covered by a collective bargaining unit

1. CNM will have tuition, registration fees and technology fees for CNM courses for spouses, domestic partners, and dependent children of CNM employees.
 2. The spouse, domestic partner, and dependent children of a regular full-time employee is eligible for waivers of up to 12 credit hours per calendar year.
 3. The spouse, domestic partner, and dependent children of a regular part-time employee is eligible for waivers of up to 4 credit hours per calendar year.
 4. A dependent child (including step-children, children of domestic partner, and legal guardianship) is eligible until their 24th birthday.
- D. Employees may switch payment options by submitting a written request to the appropriate vice president.
- E. Employees are assessed a workers' compensation fee each quarter. The College matches such fee.

SECTION VII: WORK RULES/CALENDAR

7.01. WORK RULES

- A. Starting and ending times for a shift shall be designated by the dean, vice president or president. Lunch shall be one hour where appropriate.
- B. Employee Meetings. Instructors and other College personnel are required to attend all employee meetings called by the dean, vice president, president or other authorized person.
 - (1) It is recognized that there is an extra burden imposed on some part-time instructors when they are required to attend such meetings.
 - a. Part-time instructors who are required to attend a meeting are eligible for compensation.
 - b. Part-time instructors affected by this directive shall be notified of their required attendance at such a meeting at least one day prior to the meeting.

7.02. ATTENDANCE

An employee's regular attendance on the job is important to the College's operation. Frequent or unexplained absence from work or tardiness in reporting to work will seriously impair the value of the employee's services to the College and will be sufficient cause for termination or other disciplinary action.

7.03. CALENDAR

A school calendar is adopted by the Governing Board each year after drafts have been circulated by the administration to employees and an opportunity has been provided to receive suggestions for revisions.

7.04. MODIFIED SCHEDULE

The College sometimes announces a special schedule due to weather conditions, emergency situations or other special circumstances. When this occurs, information about the modified schedule is provided to the news media and on CNM's special telephone line, 224-4SNO, and on the CNM website.

- A. Abbreviated Day. When an abbreviated schedule is announced in the early morning, CNM opens and classes begin at 10:30 a.m. and the schedule continues as if it were a regular day..
 - (1) Instructional personnel are expected to arrive in time to perform their assigned duties. Other personnel whose workday begins before 10:30 a.m. are expected to arrive no later than 10:30 a.m. Personnel whose workday begins at 10:30 a.m. or later will report at the regularly scheduled time.
 - (2) If an employee is unable to report to work within the expected time, annual leave, personal leave or leave without pay will be used.
- B. College Closings. Extremely inclement weather or another emergency may on rare occasions cause the entire College, or a portion thereof, to close for a day or days.
- C. When an abbreviated day or closure is in effect, personnel whose positions involve essential services as designated by the respective vice president or designee shall report to work at the regularly scheduled time or as soon thereafter as possible. Compensation for essential employees for hours worked when the College is closed shall be at 1.5 times the regular rate. (Also see Section 5.02.C.11.)
- D. When an emergency mandates a modified schedule for a portion of the College, affected employees are placed in alternative work settings for the duration whenever possible.
- E. Employees whose office, building or campuses are not affected by a closure must maintain their regular work schedules.
- F. Full-time employees and part-time instructors are paid their regular wages when the College is closed; all other part-time employees are paid their regular wages for scheduled time when the College is closed; however, work-study employees are paid only for time worked.
- G. Approved leave of any kind, effective during a modified schedule, will not be adjusted.

7.05. ELECTION DAYS

The College follows state law in allowing employees release time to vote on election days. The employee shall make scheduling arrangements with his or her supervisor.

SECTION VIII: LEAVE POLICIES

8.01. DEFINITIONS

- A. Immediate Family: The immediate family of an employee is the spouse or domestic partner, child or stepchild, grandchild, parent or stepparent, sister or stepsister, brother or stepbrother, grandparent, son-in-law or daughter-in-law, sister-in-law or brother-in-law, mother-in-law or father-in-law or others who reside in the same household with the employee, or a person in loco parentis (a person who is acting in place of a parent or who is in the care of a person acting in place of a parent).
- B. Chargeable Leave: sick leave, personal leave and annual leave.
 - (1) Chargeable leave will be in one-half-hour increments.
 - (2) Chargeable leave will not be charged for time involved in closings or abbreviated schedules except when the leave has been approved or when designated essential personnel fail to report to work.
 - (3) Once an employee is on approved leave, the leave may not be converted to any other type of leave without the written approval of a vice president and/or president.

8.02. BEREAVEMENT LEAVE

Three days of leave with pay (calculated at eight (8) hours per day for full-time staff, six (6) hours per day for full-time faculty, and four (4) hours per day for part-time staff) will be granted to full-time employees and regular non-represented part-time employees for each death in the immediate family of the employee. If additional leave is required, the employee may take annual or personal leave or leave without pay.

8.03. ILLNESS IN IMMEDIATE FAMILY

Up to three days of sick leave in succession may be used by a full-time employee for illness of a member of the immediate family. A supervisor may request documentation by the attending physician. For leave extending beyond three days in succession, see Section 8.07.

8.04. SICK LEAVE

- A. Sick leave is an employee benefit for regular full and part-time, non-faculty employees and is intended to be used for relief in cases of personal illness, injury or quarantines.
- B. Regular full-time and regular part-time employees accrue sick leave as follows:
 - (1) Full-time instructors accrue three hours per pay period worked up to a maximum of 1362 hours (227 days).
 - (2) Other full-time employees on an eight-hour-per-day work schedule accrue four hours per pay period up to a maximum of 2080 hours (260 days).
 - (3) No sick leave is accrued while an employee is on leave without pay.
 - (4) Regular non-instructional, non-represented part-time employees accrue sick leave on a pro rata basis according to the calculation in number 2 above. Part-time employees who are also employed at the College in a full-time capacity, shall not earn sick leave as a part-time employee.
- C. If an absence is due to a work-related injury or illness, the president may permit advance of additional paid sick leave to the employee equal to sick leave the employee would have accrued during the balance of the fiscal year. Requests shall be made in writing to the president.
- D. An employee who is unable to perform duties because of personal illness or disability must notify the employee's supervisor according to the procedures established in the employee's division.
- E. An employee who is absent because of illness may be requested by his or her supervisor to submit a physician's certificate attesting to the employee's illness.
- F. Appointments with a healthcare provider for self and members of immediate family are legitimate reasons for sick leave absence. Prior arrangements must be made with the employee's supervisor and adequate documentation may be required.
- G. Abuse of sick leave is sufficient reason for termination of employment or other disciplinary action.

8.05. PAYMENT FOR ACCRUED SICK LEAVE

- A. An employee who (1) was employed in full-time permanent status prior to July 1, 1990, and who (2) has continuously maintained that employment status, and who (3) either (a) terminates full-time employment with CNM and simultaneously retires under the Educational Retirement Act (ERA), or (b) dies while still employed by CNM after becoming eligible to retire under ERA shall be entitled to receive payment for accrued sick leave at the following conversion rates:

- (1) between 150 and 260 days (staff), 227 days (instructor), one day's pay for each two days of sick leave in excess of 150
- (2) fewer than 150 days, one day's pay for each three days of sick leave
- (3) accrued leave in excess of 260 days for staff and 227 days for instructors will be forfeited if not used
- B. Employees who qualify will receive a lump sum payment which is subject to the usual payroll taxes with the exception of the Educational Retirement Act (ERA).
- C. Employees not employed prior to July 1, 1990, shall receive no payment for accrued sick leave.

8.06. MEDICAL LEAVE

When an eligible employee is unable to perform essential job functions because of a serious health condition, the employee is entitled to medical leave without pay under the Family and Medical Leave Act for a period not to exceed 12 weeks during any 12-month period. All medical leave requests must be coordinated through the Human Resources Department before the leave is taken.

- A. Medical certification is required.
- B. An employee on medical leave must report to the dean/supervisor every 30 days.
- C. If the employee participates in College insurance plans, the College will pay the employer share of insurance benefits for the length of the leave up to 12 weeks.
- D. The employee will have the rights set out in the Family and Medical Leave Act.
- E. An employee is eligible for up to 12 weeks of medical leave under Section 8.06, up to 12 weeks of family leave under Section 8.07, or a combination of both totaling 12 weeks. In no event shall an employee be eligible for more than 12 weeks of medical and/or family leave taken under Section 8.06 and/or Section 8.07 in any 12-month period. (See also Section 8.16.)
- F. The 12-month period referred to in Section 8.06 and Section 8.07 shall commence on the date the medical or family leave begins.

8.07. FAMILY LEAVE

Under the Family and Medical Leave Act, eligible employees are entitled to up to 12 weeks of unpaid family leave during any 12-month period upon the birth and care of the employee's child, placement with the employee of an adopted or foster child, or care of the employee's spouse or domestic partner, child or parent in case of a serious health condition. All family leave requests must be coordinated through the Human Resources Department before the leave is taken.

- A. The employee may substitute appropriate accrued leaves for any part of the 12-week period.
 - (1) Sick leave may be substituted only if the family leave is being used for care of the employee's spouse, child or parent in case of a serious health condition.
 - (2) Accrued paid annual and personal leave may be substituted in all cases of family leave.
- B. The 12-month period referred to in Section 8.06 and Section 8.07 shall commence on the date the family or medical leave begins.
- C. The employee will have the rights set out in the Family and Medical Leave Act.
- D. If the employee participates in College insurance plans, the College will pay the employer share of the insurance benefits for the length of the leave up to 12 weeks.
- E. Where both spouses are College employees, they shall be allowed a total of 12 weeks of family leave between them in any 12-month period for the birth or adoption of a child or placement of a foster child or to care for an ill parent. If the leave is requested for either spouse's own serious health condition or the serious health condition of the couple's child, each spouse shall be entitled to separate family leave.
- F. An employee is eligible for up to 12 weeks of family leave Section 8.07, up to 12 weeks of medical leave under Section 8.06, or a combination of both totaling 12 weeks. In no event shall an employee be eligible for more than 12 weeks of family and/or medical leave taken under Section 8.07 and/or Section 8.06 in any 12-month period. (See also Section 8.16.)

8.08. PERSONAL LEAVE – INSTRUCTIONAL EMPLOYEES

Regular full-time instructional employees are granted personal leave with pay for the academic year as follows: instructors, 30 hours, instructional support, 40 hours.

- A. Personal leave shall accrue at the rate of .1923 days per pay period.
- B. Personal leave may be taken, with proper approval, whether or not it has been accrued up to the maximum for which an employee will become eligible during the current fiscal or contract year. However, if the employee terminates employment before having accrued as much leave as has been taken, the employee shall be obligated to reimburse the College for unaccrued leave taken or the College may withhold from the employee's earnings an amount sufficient to liquidate the debt.
- C. Employees shall be eligible for personal leave according to the terms of employment.
- D. Personal leave may be taken only with the approval of the designated supervisor. Personal leave is approved only if sufficient personnel remain in the department to maintain all programs adequately and provided adequate substitutes are available. The designated supervisor shall determine the proper notification period which employees shall observe in applying for personal leave.
- E. Not more than five days of personal leave may be taken in succession.
- F. Personal leave must be approved in advance.
- G. Not more than four days of personal leave granted but not taken during an academic year may be carried forward to the following academic year. For additional personal leave granted but not taken, the employee has the option of converting the excess to sick leave at 100 percent or receiving payment at a conversion rate of one day's pay to four days of leave.
- H. No personal leave is accrued while an employee is on leave without pay.

8.09. PERSONAL LEAVE – NON-INSTRUCTIONAL EMPLOYEES

One day (eight hours) of personal leave per fiscal year with pay shall be granted to regular full-time non-instructional employees. Four (4) hours of personal leave with pay per fiscal year shall be granted to regular part-time non-represented employees. Part-time employees who are also employed at the College in a full-time capacity, shall not earn personal leave as a part-time employee.

- A. Personal leave may be taken only with the approval of the designated supervisor.
- B. Unused personal leave will be converted to sick leave at the end of the fiscal year.

8.10. ANNUAL LEAVE – NON-INSTRUCTIONAL EMPLOYEES

- A. Regular full-time non-instructional employees accrue annual leave per the table below. Additionally, regular part-time non-instructional, non-represented employees accrue annual leave on a pro rata basis based upon years of service as indicated below and actual hours worked in the pay period. Part-time employees who are also employed at the College in a full-time capacity, shall not earn annual leave as a part-time employee.

<u>Years of Service</u>	<u>Annual Leave</u>	
	<u>days</u>	<u>hours</u>
0	10	80
1	12	96
2	14	112
3	15	120
4	16	128
5	17	136
6	18	144
7	19	152
8	20	160
9	21	168
10 or more	22	176

- B. CNM does not grant employees annual leave in advance of accrual.
- C. Annual leave is accrued each pay period.
- D. The maximum balance for annual leave shall be 240 hours at the end of any fiscal year.
- E. Annual leave may be taken only with the approval of the supervisor. Leave will be approved when requested provided sufficient personnel are available to perform satisfactorily all duties and services of the department during the period of leave. The supervisor shall determine the proper notification period which employees shall observe in applying for annual leave.

- F. Annual leave must be approved in advance.
- G. No annual leave is accrued while an employee is on leave without pay.

8.11. PAYMENT FOR ACCRUED ANNUAL LEAVE

Employees are eligible for payment of accrued annual leave as follows:

- A. Active employees who exceed the maximum leave accrual (30 days/240 hours) at the end of the fiscal year shall receive payment for the excess balance at a conversion rate of one day's to four days of annual leave.
- B. Employees are eligible for payment of accrued annual leave upon termination. The rate of payment shall be at the terminating employee's current hourly rate, one hour's pay to one hour of annual leave.

8.12. HOLIDAYS

Paid holidays for regular, full-time non-instructional employees will be designated as part of the College's academic calendar. Part-time and temporary employees do not receive pay for holidays.

8.13. PROFESSIONAL LEAVE

Professional leave with pay shall be granted for participation in College-related professional activities upon the approval of the designated supervisor.

8.14. PROFESSIONAL DEVELOPMENT LEAVE, FULL-TIME INSTRUCTORS

- A. Professional development leave is regarded as an important method of updating full-time instructors who have been away from industry for a prolonged period of time. For purposes of professional development leave, industry is defined as a private business or industrial organization, a government or public agency or an academic setting regularly employing five or more persons.
- B. In its sole discretion, the College may make professional development leave available to full-time instructors each fiscal year. Leave is for a maximum of one fiscal year.
- C. The Governing Board shall pay the instructor while on such leave up to one-half of the daily rate of pay for which the instructor would have qualified as an employee of the Board, such pay to be provided subject to the following conditions:
 - (1) The instructor is hired in a position commensurate with and appropriate to the duties assigned at the College;
 - (2) The pay from the professional development employment does not equal the instructor's daily pay rate and the instructor is not paid below the prevailing rate of pay for such employment; and
 - (3) The leave is full time.
- D. Only full-time employees who have completed at least three years of continuous service with the College will be considered for professional development leave.
- E. Professional development leave shall be granted only upon agreement by the instructor to return to the College for at least two terms for each term on leave, or repay to the College the salary received from the College during the period of leave.
- F. The College shall continue to pay its share of premiums for insurance in which the instructor is enrolled when professional development leave is approved provided the instructor returns to the College for at least two terms for each term on leave. An instructor who fails to fulfill this requirement shall be liable for all payments made by the College on the instructor's behalf.
- G. The instructor shall be guaranteed reinstatement in the previous position upon return to the College.
- H. If regular salary increments for length of service are contained in the pay plan, the period of leave shall be counted as a period of service in the computation of future length-of-service increments.
- I. The instructor may continue participating in the educational retirement plan by making appropriate contributions as agreed by the College and the Educational Retirement Board.
- J. Sick and personal leave benefits shall accrue as though the instructor were working full time for the College.

8.15. COURT LEAVE

- A. Leave with full pay will be granted a regular full and part-time employee for court legal process including jury duty, response to subpoena or other legal process which requires an absence from duty for other than personal matters. The employee cannot accept payment from both CNM and the court system or legal counsel for time away on court leave. To prevent double payment, the employee shall endorse to CNM any check made payable to the employee for participation in the legal process or direct an agency or attorney to make a check payable to CNM for the employee's participation or, in the alternative, if the employee chooses to keep any payment made, the time spent by the employee will be charged to annual leave.

- B. Leave may also be requested by an employee to appear in court to assert or protect his or her own interests. The employee shall use personal leave balances, annual leave or leave without pay for such purposes.

8.16. MILITARY LEAVE

An employee shall be granted military leave in accordance with state and federal law. During the first 15 work days of such leave, when the employee is in the National Guard or reserves and is ordered to duty for training, the leave is paid.

8.17. LEAVE WITHOUT PAY

- A. The College may grant leave without pay for up to one year outside the Family and Medical Leave Act when the President determines it is in the best interest of the College.
 - (1) The supervisor may approve leave of less than one month in a fiscal year.
 - (2) If cumulative leave without pay will exceed one month in any fiscal year, the leave must be approved by the President.
- B. The College reserves the right to assign such an employee to an alternate position of the same grade at the conclusion of such leave if the position must be filled during the absence and is not vacant at the conclusion of the leave.
- C. If the request for leave without pay is granted, the following insurance-coverage policies shall apply:
 - (1) An employee with fewer than three years of service shall pay 100 percent of the cost of his/her insurance premiums while on leave without pay.
 - (2) An employee with more than three years of service may keep his/her benefits current for up to 105 calendar days by paying, in advance, the employee cost of the insurance premiums. Such employee shall pay 100 percent of the cost of his/her insurance premiums for any leave without pay extending beyond 105 calendar days.
- D. An employee accrues neither sick nor annual leave while on leave without pay outside the Family and Medical Leave Act.
- E. An employee is not eligible for paid holidays while on leave without pay.

8.18. SUBSTITUTE PROCEDURES

An instructor who plans to be absent must obtain appropriate approved leave and make plans for coverage of missed classes.

8.19. ABSENCE WITHOUT LEAVE

- A. Failure to notify the College of an absence for three consecutive days is regarded as abandonment and considered voluntary resignation by the employee except under circumstances covered under C. below.
- B. An employee who is unable to report for work is required to inform the College as early as possible of the anticipated absence.
- C. The requirement to notify is waived only in the case where the employee is prevented from giving notification by events beyond his or her control. As a condition for reinstatement, the employee will be required to demonstrate that notification was given as soon as possible.

8.20. CATASTROPHIC LEAVE DONATION PROGRAM (CLDP)

The catastrophic leave donation program permits salary and benefits continuation for employees who have exhausted all paid leave due to the serious illness or injury of a qualified individual. Qualified individuals are the employee, the employee's spouse or domestic partner, the employee's or domestic partner's child (natural, step, adopted, and foster), parent, grandchild or sibling that the employee is the primary custodian and caregiver of. The employee's salary and benefits continuation is achieved through donations of annual or personal leave hours from other CNM employees on a voluntary basis in accordance with guidelines outlined in the Source policies and procedures manual. The CLDP is not intended to replace long term disability insurance.

SECTION IX: DISCIPLINE/GRIEVANCE PROCEDURE

9.01. DISCLAIMER

It is neither possible nor desirable for the College to list every possible act or failure to act that may result in discipline for an employee. Accordingly, this *Employee Handbook* does not attempt to do so. Instead, this College offers this section as an outline of its general approach to employee disciplinary matters.

While the College endeavors to maintain fair practices with all employees, unusual or particular circumstances may warrant or require the College to take action, or to fail to take action, in a manner different from that described in the *Employee Handbook* or used in other situations. The College, therefore, reserves the right to evaluate circumstances or conditions of each employee on a case-by-case basis and apply discipline accordingly.

This section does not apply to the employment of trial employees or affect their at will status in any way.

9.02. DEFINITION

As used throughout Section IX, working days shall mean Monday through Friday, 8 a.m. to 5 p.m., except when one of those days is a holiday.

9.03. DISCIPLINE

The College will first give regular employees the opportunity to explain and justify the conduct in question prior to administering discipline, as defined below. Progressive discipline, as outlined below, may be used where the College, in its sole discretion, believes that the employee may be able to correct the behavior. The College retains the discretion to skip or combine these steps based on the circumstances.

- A. **Written Reprimand.** The employee may be issued a written reprimand about the problem by the supervisor. Repetition of the problem or additional problems may result in further discipline, including possible suspension, probation or termination. A copy of the reprimand is given to the employee and the original is placed in the employee's file.
- B. **Suspension and Probation.** Misconduct that, in the supervisor's discretion, warrants discipline greater than a written reprimand but does not warrant immediate discharge may result in suspension of the employee for up to 10 working days without pay, probation, or a combination of the two. Probation and suspension notices shall be in writing with a copy given to the employee and the original placed in the employee's file.
- C. **Termination.** The employment of regular employees can be terminated for just cause.
- D. **Just Cause.** "Just cause" shall mean a reason that is rationally related to an employee's competence or turpitude or the proper performance of the employee's duties. Examples of just cause include, but are not limited to: failure to improve performance or behavior after receiving warning, reprimand, suspension or probation; violation of the College's Code of Conduct (Section IV); where, in the supervisor's judgment, the employee's continued employment would jeopardize the well-being of the College, its employees or students; and violation of other College policies such as those listed in Section XII of this handbook and other misconduct as defined by the College.

9.04. MEDIATION

Employees who believe they have been unfairly treated may request or may be asked to participate in mediation of a dispute. The Human Resources Department is contacted to set up the mediation.

9.05. GRIEVANCE PROCEDURE

- A. **Persons Covered.** Regular full-time and part-time employees are covered by the College's grievance procedure(s). Trial period employees covered by a collective bargaining agreement are not covered by this grievance procedure. (For grievances involving acts of alleged discrimination, including sexual harassment, contact the Human Resources Department for a separate grievance procedure. Also see Sections 3.04 and 4.03.)
- B. **Conference Before Discipline.** Prior to pursuing the formal grievance procedure, employees and supervisors are encouraged to confer in an attempt to resolve any matters which may become the subject of a grievance and to indicate whether or not mediation of the dispute is desired.

C. Initiation of Grievance

- (1) An employee who believes that he or she has been unfairly or unjustly disciplined by suspension or probation or unfairly or unjustly recommended for termination shall submit in writing a grievance stating reasons why the action should not have been taken and what the recommended resolution should be. The grievance shall be submitted to the Human Resources Department within 10 working days from the date of the act or action which is the subject of the grievance.
- (2) The Human Resources Department shall note the date of receipt of the grievance on the face of the grievance.
- (3) The Human Resources Department, upon receiving the written grievance, shall immediately notify the supervisor against whom the grievance has been filed (the "Action Supervisor") and provide that supervisor with a copy of the grievance.
- (4) The Action Supervisor shall respond in writing to the grievance within 10 working days of the date the grievance was received by such supervisor and shall deliver such response to the Human Resources Department. The Human Resources Department shall promptly deliver a copy of the response to the grievant.
- (5) The Human Resources Department shall promptly refer the grievance and response to the supervisor of the Action Supervisor. Such supervisor receiving the grievance and response (the "Deciding Supervisor") shall review the matter, shall meet with the grievant and the Action Supervisor against whom the grievance was filed, shall confer with those persons who have relevant information about the grievance and response as the Deciding Supervisor determines would be helpful in reaching a decision, and shall issue a written decision within 10 working days after the grievance was received by the Deciding Supervisor. The written decision shall be delivered to the Human Resources Department which will promptly deliver a copy of the decision to the grievant and the Action Supervisor.

D. Appeal to Grievance Panel

- (1) The grievant may file a written appeal from the decision of the Deciding Supervisor within five working days from the date of the decision of the Deciding Supervisor. The appeal shall be filed with the Human Resources Department and the date of receipt of the appeal shall be noted on the face of the appeal.
- (2) The Human Resources Department shall select a three-member Grievance Panel consisting of two administrators and one employee.
- (3) The designated Grievance Panel, through the Human Resources Department, shall set a date for hearing the appeal no fewer than 10 working days and no more than 30 calendar days after the panel has been selected. The time and place for the hearing will be communicated to the grievant, the Action Supervisor and the Deciding Supervisor.
- (4) The designated Grievance Panel shall convene prior to the hearing to select a chair and discuss procedural and other matters.
- (5) The grievant and the College may each be represented by counsel (retained by the respective parties) at the hearing before the panel. The grievant shall notify the Human Resources Department no fewer than three working days before the date set for the hearing as to whether he or she will have an attorney representing him or her at the hearing, and the College will be represented by counsel only if the grievant is represented by counsel.
- (6) The College shall present its case first and have the burden of establishing just cause for the disciplinary action taken. The grievant shall then have the opportunity to present the grievant's case using such witnesses and exhibits as the grievant or grievant's attorney wishes to use. The College may then offer rebuttal evidence or testimony at its discretion. Submission of testimony and exhibits shall not be governed by formal rules of evidence, but shall be subject to the Grievance Panel's reasonable discretion as to relevance and probative value.
- (7) The appeal hearing shall be tape recorded and a copy of the tape recording shall be made available to the grievant and the College upon request of either.
- (8) The hearing shall be closed after the grievant and the College have made closing arguments with the College proceeding first, the grievant second, and the College third on rebuttal, if any.
- (9) Within 10 working days after the close of the hearing, the Grievance Panel shall issue a written decision on the grievance. The written decision shall contain findings of fact as to the circumstances of the grievance and shall include a conclusion upholding, reversing or modifying the previous decision on the grievance. The panel shall have the authority to request suggested findings of fact from the grievant and the College and, if the panel does so, the decision need not be rendered until 10 working days after the receipt by the panel of the suggested findings of fact. The written decision shall be delivered to the Human Resources Department and the Human Resources Department will promptly deliver a copy of the decision to the grievant, the Action Supervisor, the Deciding Supervisor, and the Dean or Vice President.

E. Appeal to the Governing Board

- (1) Within 10 working days from the date of the Grievance Panel's decision, the grievant may submit to the Human Resources Department a written request that the Governing Board review the decision of the Grievance Panel.
 - (2) The request shall contain a brief statement of the grounds for the requested review. The Human Resources Department will distribute the request for review to the president, who will distribute the request to the Governing Board, together with copies of the grievance, the response, the decisions of the Deciding Supervisor and the Grievance Panel, and all appeals previously filed by grievant.
 - (3) The Governing Board shall consider the request for review no later than at the next regularly scheduled meeting of the Governing Board and, in its sole discretion, may grant or deny the request by majority vote of the Board.
 - (4) The Governing Board through the Human Resources Department shall give written notice to the grievant of its decision to grant or deny the request by majority vote of the Board.
 - (5) If granted, the review by the Governing Board shall be solely on the record of the prior proceedings. The Human Resources Department shall transmit to the members of the Governing Board, in addition to the material already furnished, the transcripts or tapes of the testimony from the hearing before the Grievance Panel and any evidentiary materials received in evidence by the Grievance Panel. The review by the Governing Board shall be solely on the record of the proceedings which have occurred. The Board shall issue its written decision within 30 working days after the Board grants the request for review. The written decision shall be delivered to the Human Resources Department, which will promptly deliver a copy of the decision to the grievant, the Action Supervisor, the Deciding Supervisor, the Dean or Vice President and the members of the Grievance Panel.
- F. Failure to Comply with Time Limits. Failure of the grievant to comply with the various listed time limits shall result in affirmance of any imposed or recommended disciplinary action. Failure of the College to comply with the various listed time limits shall result in the grievance being automatically appealed to the next level of the procedure. Both parties may agree to an extension of any of the listed time limits. If good cause is shown, an extension to any of the listed time limits may be granted by the President or the Governing Board.

SECTION X: RECORDS

10.01. OFFICIAL PERSONNEL FILE

The official personnel file is maintained in the Human Resources Department.

A. Definitions

- (1) Public files contain information considered to be public records as defined in the Inspection of Public Records Act (14-2-1 through 14-2-12 NMSA 1978).
 - (2) Exempt files contain information protected by the Confidential Materials Act (14-3A-1-14 through 3A-2 NMSA 1978) and any other material which is not considered to be public records or which is exempt from public inspection by the Inspection of Public Records Act.
- B. All information placed in the employee's official public personnel file shall be available for public inspection according to provisions of the policy on examination/release of College records (see Section 10.02).
- C. All information or material placed in the employee's official public or exempt personnel files shall be available to the employee upon request for inspection.
- (1) No anonymous, unsigned or hearsay information may be placed in either of the employee's official personnel files.
 - (2) Any information or materials which are derogatory to an employee's conduct, service, character or personality shall not be placed in either of an employee's official personnel files unless the employee has been given the opportunity to examine the information or material.
 - (3) The employee has the right to respond in writing to anything placed in either of the official personnel files and have such response placed with the material to which the response relates. The response must be made within 30 days of notification to the employee that such material has been placed in either of the official personnel files.
- D. All references and information originating outside the College on the basis of confidentiality and information obtained within the College in the process of evaluating candidates for employment shall be privileged and are not part of either of the employee's official personnel files.

10.02. EXAMINATION/RELEASE OF COLLEGE RECORDS

- A. The Vice President for Administrative Services is designated by the Governing Board as the College's official custodian of public records for purposes of this policy.
- B. Public records may be inspected by the public under the following procedures:
- (1) Application must be made orally or in writing by a member of the public. The application shall be directed to the College's custodian of public records, and shall include the name, address and telephone number of the person making the request, and shall identify with specificity the records sought to be inspected. If the applicant makes an oral request, the College will give the applicant the opportunity to turn the oral request into a written request by providing a form. The College, at its option, is not required to produce any record without a written request.
 - (2) The custodian shall permit the inspection immediately or as soon as is practicable under the circumstances. If more than three working days are needed to collect and produce the records when a written request is made, the custodian shall state in writing to the requester the date for the inspection and the reason for the delay. In no event shall the delay be more than 15 working days unless the custodian determines that the written request is excessively burdensome or broad.
 - (3) Where the public records sought to be inspected can be located by a search of a particular category of records such as accounts payable, accounts receivable, utility bills and others, in lieu of the College searching such records, the requester may be given access to and allowed to search through such category of records for the desired documents under the supervision of College personnel.
 - (4) If the custodian determines that a written request is excessively burdensome or broad, an additional reasonable period of time shall be allowed for the custodian to comply with the request. The custodian shall provide written notification to the requester within 15 working days of receipt of the written request that additional time will be needed to respond to the written request. The custodian will permit the records to be inspected in a reasonable period of time under the circumstances.
 - (5) The records shall be examined on College premises at a location designated by the custodian.
 - (6) Records made available under these provisions may not be removed from the premises above described.

- (7) If a written request is denied by the custodian, the custodian shall provide the requester with a written explanation of the denial which: (a) describes the records sought, and (b) sets forth the names and titles or positions of each person responsible for the denial. The written explanation shall be delivered or mailed to the person requesting the records within 15 working days after the written request for inspection was received.
- C. If a member of the public desires copies of any public records which such person has inspected, the following procedure shall be followed:
- (1) The requester shall clearly identify the documents to be copied and the number of copies requested. It is preferred that this request be made in writing so that there is no chance of error.
 - (2) The copies shall be made as soon as is practicable under the circumstances. If the copies are not to be available within three working days, the custodian shall state in writing to the requester the delivery date for the copies and the reason for the delay.
 - (3) Records for the public as herein provided shall be copied only by employees of the College. The College, at its option, is not required to produce any record without a written request.
 - (4) A fee, payable in advance, of \$.10 per page is established for copying records as described herein, and the custodian shall provide a receipt for the fees paid in advance, upon request.
 - (5) Reproduction of nonprint materials, if possible, shall comply with the above guidelines, as applicable.
- D. The College shall not be required to create: (a) any record, or (b) any compilation of data or other information not in the form requested.
- E. Records of home addresses and telephone numbers of individual employees do not appear to fall within the purpose of the Inspection of Public Records Act. Accordingly, such records will not be subject to public inspection except by properly obtained court orders.

10.03. EXAMINATION/RELEASE OF STUDENT RECORDS

- A. The Director of Enrollment Services is the custodian of the College's student records.
- B. The examination of documents contained in a student record and/or release of student information shall be in accordance with College policy and the Family Educational Rights and Privacy Act (FERPA). A current enumeration of official procedures is maintained by the Director of Enrollment Services.
- C. Employees who are requested to release student information should consult with the office of the Director of Enrollment Services before doing so to insure that appropriate policies and procedures are followed.

SECTION XI: PUBLICATIONS/RESEARCH PROJECTS

11.01. COLLEGE PUBLICATIONS

- A. Each employee is responsible for knowing the contents of the *Employee Handbook* and *The Source* policies and procedures manual.
- B. All College publications and promotional materials including, but not limited, to brochures, flyers, posters, newsletters, letterhead, advertisements, certificates, tee-shirts and audiovisual materials which are distributed to the College's various publics must be approved by the Public Information Office.
- C. All publications shall include the official CNM logo.

11.02. SURVEYS, QUESTIONNAIRES AND RESEARCH PROJECTS

- A. Surveys, questionnaires and research projects involving staff and students shall be approved in advance by the Institutional Review Board according to procedures defined by the CNM administration. Studies considered exempt from the Institutional Review Board shall be approved by the Director of Institutional Research.
- B. Participant identification may be required only if essential to the results. Confidentiality shall be guaranteed.
- C. Students and staff may be required to participate only if the study was prepared by or for the College for its official use or to meet a requirement of law. Participation in all other studies is voluntary and a statement to that effect shall appear on the instrument. For other than official CNM studies, class time may be used only with prior approval from the Vice President for Academic Affairs, the appropriate Dean, and the instructor.
- D. Studies and surveys conducted as a part of CNM class projects which are exempt from the Institutional Review Board process shall be approved by the instructor and the appropriate Dean. If the survey is to be administered across schools, then the Director for Institutional Research shall also approve.

11.03. COPYRIGHT

- A. The College regards copyrightable material such as, but not limited, to a book, manual, musical or dramatic composition, architectural design, painting, sculpture or other comparable work developed by an employee as the property of the employee (author) unless:
 - (1) The material is prepared under a grant or contract with specified ownership; or
 - (2) The material is prepared as a specific part of the employee's College assignment. An employee's general desire to produce occupational or scholarly works is not such a specific College assignment.
- B. The College will claim copyright ownership in the name of the Governing Board of the College in those cases where:
 - (1) A College employee creates a copyrightable work in the course of discharging a College assignment; or
 - (2) The College specially orders or commissions a "work for hire"; or
 - (3) College ownership is specified by terms of a gift, grant or contract with an outside party or sponsored program, or other agreement.
- C. In any case where an employee in the development of a copyrightable work intended for commercial dissemination has made extensive use of College resources, such as computer time, staff personnel, supplies, equipment or facilities, but not including the use of library facilities or office space, his/her supervisor or department dean may require the employee to reimburse the College for any portion of such use. When a commercial enterprise is undertaken, the employee should consult his/her supervisor or department dean in advance to determine whether and to what extent reimbursement is appropriate. Reimbursement may be made by assignment of a portion of the royalties produced by the commercial venture, lump sum payment or any other mutually agreeable arrangement.
- D. Any dispute as to the issue or extensive use of copyrighted material, or as to the amount or method of reimbursement for use of College resources in preparing copyrighted material, may be appealed from the supervisor to the department dean or from the department dean to the Vice President for Instruction.
- E. The Vice President for Instruction is responsible for the interpretation and implementation of the copyright policy for the College. Decisions of the Vice President may be appealed to the President.

11.04. PATENTS

The College encourages efforts by employees that might result in the creation of intellectual property which may be protected by patent. The College recognizes that such efforts can be of value both to the College and the employee. Because such efforts often involve a combination of employee/College resources, it is appropriate for the College and the affected employee to have a policy that is mutually beneficial.

- A. The College shall not claim rights to any invention resulting from efforts that are in no way supported by the College, or to which the College's contribution was negligible.
- B. The College shall have the right, title and interest to an invention, including the sole right to file patent applications thereon and the right to waive all or part of such right, where:
 - (1) the invention was conceived, or first actually reduced to practice, in the performance of work under an agreement with the College, or under an agreement of the College with any third party;
 - (2) the invention was directly related to the employee's duties at the College; or
 - (3) the invention was made with more than a negligible contribution of College funds, facilities, personnel, equipment or technical information.
- C. Each invention shall be submitted to the Vice President for Administrative Services for a determination as to ownership rights according to the following procedure:
 - (1) The inventor shall report the invention in writing as soon as possible after work on the project commences and preferably within two months after conception or first actual reduction to practice, whichever occurs first. The report shall include a description of the invention, a statement describing the facts and circumstances of the invention process, and a written statement of concurrence from the appropriate dean or director.
 - (2) The Vice President for Administrative Services shall make an official determination as to ownership rights within 60 days of receipt of the information in (1) above.
 - (3) In the event the employee disagrees with the determination of the Vice President for Administrative Services, the employee may within 20 working days of the date of the Vice President's determination appeal the determination to the President. The President may in his discretion appoint an ad hoc panel that will review all relevant acts and circumstances and make recommendations to the President for final determination. The President will issue a final determination on the employee's appeal within 60 days of receipt of the appeal.
- D. It is within the sole discretion of the College to file an application for patent on any invention in which it has ownership interest. Likewise, it is within the sole discretion of the College to waive all or part of its rights to any invention, including the filing of an application for patent.
 - (1) The terms and conditions of any waiver by the College of any of its rights to an invention shall be a matter of negotiation between the College and the employee, and shall be determined on a case-by-case basis. If a waiver is to be granted, the employee must reimburse the College for any out-of-pocket expenses incurred by the College in connection with the patent.
 - (2) If the College determines to file a patent application in the United States or in foreign countries, the inventor shall at all times cooperate as requested by the College to assist in the preparation, filing and prosecution of patent application and the issuance and maintenance of any patents issuing. Costs relating to the patent application shall be borne by the College. Gross revenues received by the College including option fees, license fees, royalties and commissions of any description resulting from the exploitation of the invention shall be shared 50 percent with the employee after deduction of all out-of-pocket costs incurred by the College in the course of obtaining issuance and maintenance of the patent and in the course of any infringement case or any attack on the patent; or incurred in connection with licensing the patent.

SECTION XII: OTHER COLLEGE POLICIES

12.01. SECURITY POLICY AND CRIME STATISTICS

The College complies with the federal Crime Awareness and Campus Security Act of 1990 by publishing and distributing security policies, procedures and crime statistics for each campus. The information is distributed in compliance with the requirements of the act. It is also available from Campus Security and the Public Information Office, and it is published in the student handbook.

- A. Employees are reminded to secure all College-owned equipment and facilities when their use terminates for the day.
- B. Employees are advised against leaving personal property unattended in unsecured locations.
- C. Any thefts or losses must be reported promptly to Campus Security. A Security person will contact law enforcement agencies and make an investigation.

12.02. DANGEROUS SUBSTANCES

CNM has committed its resources to creating an environment that fosters learning. Such an environment depends in part on the physical, emotional and social well-being of CNM employees. Abuse of alcohol and drugs impairs work performance, poses a threat to the health and safety of the CNM community and undermines the learning environment. CNM is committed not only to maintaining a drug-free campus but also to helping employees solve drug- and alcohol-related problems.

- A. Definitions. This policy covers all property owned, used, leased or controlled by CNM and any other site where official CNM business is being conducted. Controlled substances are defined in Schedules I through V of the Controlled Substances Act, 21 U.S.C.812, and implementing regulations, 21 CFR 1308.11-1308.15. Controlled substances include, but are not limited to, marijuana, cocaine (including crack), amphetamines, heroin, PCP, hallucinogens and certain prescription drugs. Illegal uses of alcohol include, but are not limited to, serving, buying or drinking alcohol by a minor; assisting a minor or an intoxicated person to get alcohol; selling alcohol without a license and driving while under the influence. This policy is not intended to supersede or negate any existing policies on substance abuse, employee discipline or any additional requirements imposed on CNM or its employees by federal or state law.
- B. Policy Statement. CNM will support and enforce the laws of the city, state and federal governments regarding the use, sale or possession of controlled substances or alcohol. The unlawful manufacture, distribution, dispensing, possession or unlawful use of controlled substances or alcohol on CNM property or as part of any of its activities by any CNM employee is strictly prohibited. It shall be a violation of this policy for any CNM employee to be illegally under the influence of a controlled substance while at work or on CNM property.
 - (1) As a condition of employment, all CNM employees shall abide by the terms of this policy. Violation shall result in disciplinary action, up to and including termination.
 - (2) Employees shall not drink alcoholic beverages during working hours, nor shall they report for work or otherwise be on CNM property under the influence of intoxicants to any degree, nor shall they have any odor of intoxicants on their breath. Employees shall not bring or store any open containers of alcoholic beverages on any College property or work site or in the employee's vehicle while the vehicle is on College property.
 - (3) Employees under the care of a physician and using prescribed drugs on campus under a physician's direction shall have a proper statement from the physician authorizing the use of the drug and describing the side effects, if any, resulting from the use of the drug. If, in the opinion of the supervisor, an employee's actions and/or behavior are considered unsafe as a result of using the drug, the employee may be sent home.
 - (4) Any employee engaged in the performance of work under a federal contract or grant is required, as a condition of employment, to notify his/her supervisor in writing within five calendar days if he/she is convicted of a criminal drug statute violation occurring in the workplace. Failure of the employee to notify the supervisor shall be grounds for disciplinary action. The supervisor shall notify the CNM administration. The administration is required to notify the grant agency in writing within 10 calendar days after receiving such notice from an employee or otherwise receiving action notice of such conviction.

- (5) In recognition of the dangers of substance abuse in the workplace, CNM shall maintain alcohol- and drug-free awareness programs to inform members of the campus community about issues and risks of substance abuse. An Employee Assistance Program is available; information and referral for treatment also are available through the CNM Health Center. The College will observe confidentiality regarding requests by employees for any type of substance abuse counseling information or assistance. No information will be disclosed without the written consent of the employee except in response to court order.
- (6) CNM's response to any violation of this policy may include, as a total or partial alternative to the disciplinary action, a requirement that the employee participate satisfactorily in an approved substance-abuse treatment or rehabilitation program as a condition of continued employment.

12.03. WEAPONS AND FIREARMS

Carrying, possessing or storing weapons and firearms on College property or in the employee's vehicle while the vehicle is on College property is prohibited. Exceptions to this policy are law enforcement officers authorized by law to carry firearms, and students participating in law enforcement instruction requiring the use of firearms who are under the supervision of a certified law enforcement instructor. Other exceptions shall be approved in advance by the vice president for administrative services or designee. Violation of this policy may result in termination of employment.

12.04. ILLNESS AND INJURIES

If a person becomes ill or is injured on CNM property, an employee provides or summons first aid assistance and takes additional action as described below.

- A. Life-Threatening Situations. First call 911 or 9+911 and remain on the line as long as needed to provide additional information and directions. Then, Security/Dispatch will summon appropriate assistance.
- B. Non-Life-Threatening Situations. Contact Security (extension 3001) or the Safety Office (extension 4657) and encourage the injured or sick person to seek appropriate medical care.
- C. The cost of transportation is the responsibility of the injured or sick person.

12.05. FIRES

- A. CNM buildings have local fire alarms. In case of fire, suspected fire, or other condition requiring the impacted building to be evacuated, activate the nearest alarm and leave the building. From another location, notify Security (extension 3001).
- B. When a fire alarm sounds on campus, all personnel must evacuate the building promptly.
- C. Fire evacuation routes are posted for all campus locations and should be observed.

12.06. SAFETY

- A. The College shall take all practical steps to safeguard students, employees and the public from accidents and to provide a safe and healthful educational and work environment.
- B. Each department shall take steps to prevent injuries and to prevent loss of time, productivity and assets. Employees at every level are required to support their department's safety efforts and to comply with federal, state and local laws and ordinances pertaining to hazardous and biomedical wastes, fire hazards, accident prevention and health maintenance.
- C. Supervisors are responsible for providing safe and healthful working conditions for employees. In carrying out this responsibility, established safety procedures and guidelines must be supported. Mandated training is important and must be taken seriously. Supplied safety equipment shall be utilized and/or worn. Supervisors shall enforce compliance and apply appropriate corrective procedures for noncompliance.
- D. It is incumbent upon each employee to help protect CNM's resources through personal awareness and concern for health and safety.
- E. The Campus Safety Office shall assist employees in safety efforts and, whenever possible, provide liaison between the College and safety and environmental regulatory agencies.

12.07. TELEPHONES

- A. Long Distance Phone Calls. Long distance phone calls originating from College lines and billed to the College are listed on a monthly printout which is forwarded to each department. Accepting personal collect calls and charging personal long distance phone calls to the College is prohibited.
- B. Personal Phone Calls. The College recognizes that a limited number of personal local phone calls made during work hours is a necessary benefit for employees; however, such calls should be kept to a minimum.

- C. Phone Numbers. CNM telephone numbers are for College business use; inappropriate use or distribution of these numbers is prohibited. Examples of such inappropriate use or distribution include, but are not limited to, using a CNM phone number as the number for a personal business and entering CNM phone numbers on the Internet for personal reasons.

12.08. CHILDREN ON CAMPUS

CNM is a public institution for adults and has an obligation to its students to maintain an atmosphere conducive to learning at all times. Therefore, the following policies shall govern children on campus:

- A. Children under the age of 15 must be accompanied by an adult at all times while on CNM property.
- B. Children under the age of 15 may not be left unsupervised anywhere on CNM property.
- C. Children may not accompany a parent or other adult to any class or lab.
- D. Children left unattended on CNM property will be brought to the attention of the appropriate enforcement agency.
- E. Children on CNM property under adult supervision are expected to behave in a manner that is not disturbing to other CNM patrons.

12.09. USE OF COLLEGE VEHICLES

- A. College vehicles are for official use only. Violations shall be cause for disciplinary action.
- B. Employees who use College vehicles on a regular basis shall comply with all applicable requirements as outlined in *The Source* policies and procedures manual.

12.10. CAMPUS PARKING AND TRAFFIC

- A. Parking and traffic on CNM campuses are governed by policies and procedures aimed at providing safe, fair and consistent services. Complete details are contained in *The Source* policies and procedures manual.
- B. Employees wanting to park private vehicles on CNM property must register these vehicles with Parking Services. CNM assumes no liability for private vehicles parked on CNM property.
- C. The College has two types of parking lots: non-fee and fee.
 - (1) Non-fee lots require parking decals, which are free and available at the Parking Services Office.
 - (2) Fee lots require vehicles to display appropriate paid parking permits, which may be purchased at the Cashier's Office in the Student Services Center at Main Campus. Failure to display appropriate permits may result in a citation(s).
- D. Campus Security patrols CNM lots on a regular basis; nonetheless, individuals parking private vehicles on campus with or without a paid permit do so at their own risk.
- E. Parking citations will be enforced for vehicles parked on CNM property against policy. Employees that receive a parking citation will have a 16 day window from the date the citation is written to pay or appeal the citation. After that time period, CNM will send a formal letter to the employee describing the infraction and requesting payment within 10 days. If the 10 day period is not met, CNM will forward the violation to the CNM Human Resources department to establish a written agreement concerning payment of the citation.
- F. Escort service is available after 5 p.m. if it is dark and employees wish to be escorted to their cars. Requests at all campuses should be made to the switchboard to the main switchboard, 224-3002.

12.11. SMOKE FREE CAMPUS

CNM is committed to wellness, prevention, and providing a health environment in which to learn, work, and visit. Therefore, smoking and the use of tobacco-related products of any kind, to include e-cigarettes, are prohibited on all CNM campuses except in clearly marked designated smoking areas.

Smoking any product, including the use of chewing tobacco and a-cigarettes, shall be limited to designated smoking areas and banned from all other areas at all of Central New Mexico Community College's campuses and locations. Designated smoking areas are identified by signage and markings on the sidewalk/pavement, and can be found on campus maps. There are designated smoking areas at all CNM locations.

12.12. COLLEGE PROPERTY – PRIVATE USE PROHIBITED

The use of College equipment and property for private use is prohibited. Exempt from these provisions are uses which are part of a recognized College activity, and as outlined in Sections 12.13 through 12.16.

12.13. NON-COLLEGE-FAMILY USE OF BUILDINGS AND GROUNDS

The public investment in the College and the general community welfare justify the use of buildings and grounds by outside groups that are not part of the College Family (see 12.14) except in the following instances:

1. Selling or offering to sell goods or services; or
2. Teaching or offering training services that compete with the College or courses offered or intended to be offered in the immediate future by the College.

Fundraising efforts of recognized student groups and the CNM Foundation are not prohibited. Use of College buildings or grounds must not interfere with College programs, administration or maintenance. Use of College buildings not conducted or sponsored by a member of the College Family shall be subject to payment of a fee in accordance with a schedule adopted by the administration. Reservations and other arrangements for use of College buildings and grounds should be directed to the Vice President for Administrative Services, who reserves the right to refuse the proposed use if, in the Vice President's opinion, the use is not consistent with the mission or the best interest of the College.

12.14. COLLEGE-FAMILY USE OF BUILDINGS AND GROUNDS

The buildings and grounds of the College may be used by the College's administration, faculty, recognized student groups (those student groups registered with the Dean of Students Office), and foundation ("College Family") for noncommercial purposes at no charge. Use of College buildings and grounds must not interfere with College programs, administration or maintenance. While no charge will be assessed for use of the buildings or grounds as those buildings or grounds are normally supplied or maintained, if special equipment or services are required, a reasonable charge may be assessed. Reservations and other arrangements for use of the College buildings and grounds should be directed to the Vice President for Administrative Services.

12.15. POLICY ON ADVERTISING, DISTRIBUTION AND SOLICITATION

I. ADVERTISING FOR OUTSIDE ENTITIES

Students, staff members and/or the facilities of the College may be used for advertising or promoting outside entities as follows:

- A. Commercial Sponsorship: Commercial sponsorship of College publications, services, operations or events may be permitted when prior approval is obtained from the CNM Foundation and pursuant to guidelines governing such sponsorship.
- B. Paid Advertising: CNM accepts paid advertising as a means of underwriting the cost of certain publications; advertisers must follow the guidelines governing such paid advertising.
- C. The CNM Foundation shall be responsible for all financial dealings relating to commercial sponsorships and paid advertising.

II. DISTRIBUTION ON COLLEGE PREMISES

To promote orderly distribution and ensure equity to requesters, the following guidelines shall govern distribution of information/items on College premises.

A. Definitions

- (1) Information Constituting Official CNM Business: Such information includes items produced by and for the College by College employees in the performance of official CNM work duties. Distribution of information by the CNM Foundation is official CNM business.
- (2) College-Related Information/Items: Such information includes, but is not limited to, information related to employee fringe benefits, such as annuities, insurance plans and the New Mexico Educators Federal Credit Union; to election materials directly related to CNM, such as Governing Board, mill levy and general obligation bond elections (see also Section 12.16 below); to the student newspaper and other student activities.
- (3) Non-College-Related Information/Items: Such information includes, but is not limited to, discount offers and other promotional materials made available by businesses or organizations; political campaign materials not directly related to CNM; voter registration forms for students (see also Section 12.16 below); and publications such as non-student newspapers and magazines.

- (4) College Premises: College premises include all College-owned buildings, grounds and property, including parking lots, patios and walkways (but not including city public walkways).
- (5) Non-work areas: Non-work areas are those areas other than employees' work stations and rest facilities.
- (6) Non-work time: Non-work time consists of all time the involved employee is not on duty.
- B. Disclaimer. This policy does not apply to face-to-face solicitation of employees and students; that issue is covered in III. below.
- C. Distribution of Information Constituting Official CNM Business. Distribution of information constituting official CNM business shall be freely allowed without solicitation with the following exceptions:
 - (1) Distribution with paychecks through the Payroll Office shall be allowed only for information directly related to employee salaries, benefits or payroll.
 - (2) Distribution through the campus mail system shall be contingent upon proper procedure being followed. Such procedure is available from the Public Information Office.
- D. Distribution of College-Related Information/Items
 - (1) Inside Campus Buildings
 - (a) Distribution shall be permitted only in non-work areas.
 - (b) Distribution may be either in person without solicitation or by placing the information/items on tables or racks designed and made available for that purpose. A list of non-work areas designated for table/rack distribution is available in the Public Information Office.
 - (c) Distribution shall be allowed via the campus mail system subject to all applicable laws and CNM procedures. Information is available from the Public Information Office.
 - (d) Distribution with paychecks through the Payroll Office is prohibited.
 - (2) Outside Campus Buildings. Distribution may take place without solicitation as follows:
 - (a) person-to-person distribution
 - (b) distribution via receptacles provided in designated areas by CNM or the requesting party
- E. Distribution of Non-College-Related Information/Items
 - (1) Inside Campus Buildings. Distribution shall be allowed as defined in Section D.1. above with the following exceptions:
 - (a) Person-to-person distribution by other than College employees or students is prohibited.
 - (b) Distribution via the campus mail system is prohibited.
 - (c) Voter registration forms for students may be distributed via admission packets.
 - (2) Outside Campus Buildings. Distribution shall be allowed as defined in Section D.2. above.
- F. Distribution Via Posting
 - (1) Most CNM buildings have bulletin boards in non-work areas to accommodate persons wishing to distribute information via posting. The bulletin boards are available to any interested party.
 - (2) Posting or otherwise affixing information/items on CNM buildings or property other than bulletin boards is prohibited.
 - (3) Posting or otherwise affixing information/items on cars parked in CNM lots is prohibited.
- G. Distribution by CNM Employees. Distribution by CNM employees of information/items other than those constituting official CNM business (see A.1. above) is allowed only during non-work time and as specified in Sections D. and E. above.
- H. Distribution by CNM Students. Distribution by CNM students is allowed as outlined above and without restrictions regarding solicitation. (Refer also to Section III. below.)

III. SOLICITATION

This policy shall cover face-to-face solicitation on College premises as well as solicitation of outside entities on behalf of CNM.

A. Definitions

- (1) Solicitation. Solicitation means:
 - (a) Seeking donations of time or money or other things of value face-to-face on CNM property or through electronic media owned by CNM.
 - (b) Seeking donations of time or money or other things of value from outside individuals or entities on behalf of CNM via direct mail, e-mail, telephone or personal contact.
 - (c) Seeking the purchase of anything of value including tickets, merchandise or any other item.

- (2) College Premises: College premises includes all College-owned buildings, grounds and property, including parking lots, patios and walkways (but not including city walkways).
 - (3) Non-work areas: Non-work areas are those areas other than employees' work stations and rest facilities.
 - (4) Non-work time: Non-work time consists of all time the involved employee is not on duty.
 - (5) As noted in Section II.A.(1) above, the CNM Foundation is an official CNM entity and its employees are official CNM employees for purposes of this policy.
- B. Disclaimers
- (1) This policy does not apply to distribution of information/items on College premises; that issue is covered in Section II. above.
 - (2) This policy does not apply to solicitation for political purposes; that issue is covered in Section 12.16 below.
- C. Prohibition
- CNM reserves the right to remove or bar any solicitor from the College's premises because of inappropriate conduct, the sale of inappropriate goods or services or a violation of this policy.
- D. Solicitation on College Premises
- (1) Solicitation by charitable, not-for-profit organizations: CNM will allow one single campus-wide annual fund-raising campaign open to all charitable not-for-profit organizations that wish to participate. This campaign shall be organized and controlled by the CNM Foundation.
 - (2) Solicitation by outside entities or individuals not employed by the College: Solicitation by outside entities or individuals not employed by the College-and not covered by Section D. (1) above and Section D. (3) below-is permitted on the Main Campus, Joseph M. Montoya Campus, South Valley Campus and CNM Westside only in designated outside areas. A list of designated areas is available in the Public Information Office.
 - (3) Solicitations for sale of food, beverages and books: Solicitations for sale of food, beverages and books are allowed only by vendors under contract with CNM and as permitted in Sections D. (4) and D. (5) below.
 - (4) Solicitation by College employees of College employees: Solicitation of College employees by employees may not be conducted during the employees' work hours. Solicitation by employees will be allowed only in non-work areas during non-work hours of the employees soliciting and the employees being solicited.
 - (5) Solicitation by College students: Solicitation by College students shall be allowed with the following exceptions:
 - (a) Solicitation is prohibited in classrooms when classes are in session.
 - (b) Solicitation of College employees may take place only in non-work areas on the employees' non-work time.
 - (6) Solicitation via Electronic Media:

The College's resources-including all computer technology equipment and programs-are provided for use in carrying out the mission of the College. Such resources may not be used for solicitation except by the CNM Foundation.
- E. Solicitation by College employees of outside entities:
- Solicitation by College employees of donations from outside entities to support College activities shall be approved in advance by and coordinated through the CNM Foundation.

12.16. POLITICAL ACTIVITIES

- A. The College recognizes that all employees have the right and obligation to be informed and active citizens and with other citizens have the right to exercise their political privileges including, but not limited to, the following:
 - 1. voting;
 - 2. discussing political issues;
 - 3. seeking signatures on petitions, union cards or any other document;
 - 4. seeking votes in any local, state or national election relating either to candidates or issues;
 - 5. campaigning for candidates;
 - 6. running for and serving in public office.

- B. The College has as its primary mission the proper education of its students; all else must be secondary. For this reason, appearances of candidates or their representatives shall not be permitted during class time except where instructors invite such persons to visit a class as part of the educational program.
- C. Candidates or their representatives may distribute campaign materials and greet employees and students as outlined in Section 12.15 above. All materials must be drawn in accordance with New Mexico law.
- D. No College resources may be used for any political campaign for an individual candidate or an organization. This prohibition does not apply to the use of buildings and grounds permitted by Sections 12.13 and 12.14 above.
- E. Candidates for elective office or their representatives may contact the Public Information Office to obtain information and policies on campaign activities on school property.

12.17. CNM TECHNOLOGY USE POLICY

The Governing Board recognizes that Information Technology resources and systems enhance CNM's ability to deliver educational services and facilitate job performance and College operations. It is the policy of the Governing Board to promote and support responsible use of CNM's Information Technology resources and systems. Anyone using these resources and systems is responsible for ensuring they are used in an effective, efficient, ethical and lawful manner. To support this policy, the College shall have in place an Information Technology Use Administrative Directive and departmental directives that address responsible and appropriate use of these resources and systems.

Users of CNM's Information Technology resources and systems must comply with all applicable policies and directives. Violations will subject users to the loss of access to resources and systems as well as to appropriate disciplinary action.

The Administrative Directive is available in electronic format on the CNM Web Site and in hardcopy format in the Policies and Procedures Office.

12.18. NAMING OF COLLEGE FACILITIES

Central New Mexico Community College may choose to name facilities (buildings, room or areas) after an individual(s) or business entity(ies) with a history of exceptional contributions to the college. Such designations shall be made in accordance with the following guidelines:

- A. An honoree may not be employed by the College or be a member of the Governing Board or the CNM Foundation Board at the time of the designation. An honoree shall have left employment, Governing Board or CNM Foundation Board service for at least one year prior or shall have been deceased for at least one year prior to such a designation being made.
- B. An honoree shall have earned distinction through extraordinary service or financial contributions to the College and by having demonstrated exemplary character.
- C. A person who has contributed financially to a specific facility should be given strong consideration as an honoree if the amount contributed equals at least one-third of the cost of the facility.
- D. Any facility carrying an honorary name designation, whenever possible, should also carry a current functional designation.
- E. The Governing Board shall approve all honorary name designations for College facilities and may discontinue any such designations.
- F. The College reserves the right to physically alter any facility carrying on honorary name designation.

12.19. CAMPUS MEMORIAL

A campus memorial, located on Main Campus, provides a centralized and uniform means of honoring deceased persons who have worked at CNM. Any other form of memorializing individuals on campus shall be subject to the policy on Naming of College Facilities, Section 12.19 (see above).

Tributes shall be in the form of metal plaques attached to the memorial according to the following guidelines:

- A. Memorial plaques shall be of one uniform design (size, layout, wording, lettering), specifics of the design to be determined by the Public Information Office.
- B. The name of any employee who dies while in service at CNM shall automatically be placed on the memorial at no charge.
- C. The name of any past employee who is deceased may be added to the memorial based on the following criteria:
 - (1) A written request, including verification of the deceased's CNM employment, shall be made to the Public Information Office.

- (2) The requester, or sponsor, shall pay the cost of the plaque.
 - (3) The cost of a plaque shall be determined by CNM.
- D. Notwithstanding anything to the contrary herein, final decision regarding addition of any name to the memorial shall be made by the President.

12.20. SERVICE ANIMAL POLICY

I. Introduction

Service animals are animals trained to assist people with disabilities in the activities of normal living. The Americans with Disabilities Act (ADA) definition of service animals is “. . . any . . . animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals who are hearing impaired to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.” If an animal meets this definition, it is considered a service animal regardless of whether it has been licensed or certified by a state or local government or a training program.

The ADA and Central New Mexico Community College policy allow service animals accompanying persons with disabilities to be on the CNM campus. A service animal must be permitted to accompany a person with a disability everywhere on campus.

This policy differentiates “service animals” from “pets,” describes types of service dogs, and sets behavioral guidelines for service animals.

II. Definitions

Partner/Handler: A person with a service or therapy animal. A person with a disability is called a partner; a person without a disability is called a handler.

Pet: A domestic animal kept for pleasure or companionship. Pets are not permitted in CNM facilities. Permission may be granted by a professor/instructor, dean or other CNM administrator for a pet to be in a campus facility for a specific reason at a specific time.

Service Animal: Any animal individually trained to do work or perform tasks for the benefit of a person with a disability. Service animals are usually dogs, but may be monkeys. A few other animals have been presented as service animals. If there is a question about whether an animal is a service animal, contact the Director of Special Services, the Director of Security or the Vice President of Administrative Services. A service animal is sometimes called an assistance animal.

Team: A person with a disability, or a handler, and her or his service animal. The twosome works as a cohesive team in accomplishing the tasks of everyday living.

Therapy Animal: An animal with good temperament and disposition, and who has a reliable, predictable behavior, selected to visit people with disabilities or people who are experiencing the frailties of aging as a therapy tool. The animal may be incorporated as an integral part of a treatment process. A therapy animal does not assist an individual with a disability in the activities of daily living. The therapy animal does not accompany a person with a disability all the time, unlike a service animal who is always with its partner. Thus, a therapy animal is not covered by laws protecting service animals and giving rights to service animals.

Trainee: An animal undergoing training to become a service animal. A trainee will be housebroken and fully socialized. To be fully socialized means the animal will not, except under rare occasions, bark, yip, growl or make disruptive noises; will have a good temperament and disposition; will not show fear; will not be upset or agitated when it sees another animal; and will not be aggressive. A trainee will be under the control of the handler, who may or may not have a disability. If the trainee begins to show improper behavior, the handler will act immediately to correct the animal or will remove the animal from the premises.

III. Types of Service Dogs

Guide Dog is a carefully trained dog that serves as a travel tool by persons with severe visual impairments or who are blind.

Hearing Dog is a dog who has been trained to alert a person with significant hearing loss or who is deaf when a sound, e.g., knock on the door, occurs.

Service Dog is a dog that has been trained to assist a person who has a mobility or health impairment. Types of duties the dog may perform include carrying, fetching, opening doors, ringing doorbells, activating elevator buttons, steadying a person while walking, helping a person up after the person falls, etc. Service dogs are sometimes called assistance dogs.

Seizure Response Dog is a dog trained to assist a person with a seizure disorder; how the dog serves the person depends on the person's needs. The dog may stand guard over the person during a seizure, or the dog may go for help. A few dogs have somehow learned to predict a seizure and warn the person in advance.

IV. Requirements of Service Animals and Their Partners/Handlers

Vaccination: The animal must be immunized against diseases common to that type of animal. Dogs must have had the general maintenance vaccine series, which includes vaccinations against rabies, distemper, and parvovirus. Other animals must have had the appropriate vaccination series for the type of animal. All vaccinations must be current. Dogs must wear a rabies vaccination tag.

Licensing: The animal must be licensed in accordance with applicable city and county ordinances.

Health: The animal must not have communicable diseases or infection.

Leash: The animal must be on a leash at all times.

Under Control of Partner/Handler: The partner/handler must be in full control of the animal at all times. The care and supervision of a service animal is solely the responsibility of its partner/handler.

Cleanup Rule: Individuals with disabilities who physically cannot clean up after their own service animal may not be required to pick up and dispose of feces. However, these individuals should use marked service animal toileting areas when such areas are provided.

V. When a Service Animal Can Be Asked to Leave

Disruption: The partner of an animal that is unruly or disruptive (e.g., barking, running around, distracting others) may be asked to remove the animal from CNM facilities. If the improper behavior happens repeatedly, the partner may be told not to bring the animal into any CNM facility until the partner takes significant steps to mitigate the behavior.

Ill Health: Service animals that are ill should not be taken into public areas. A partner with an ill animal may be asked to leave CNM facilities.

Uncleanliness: Partners with animals that are unclean and/or noisome may be asked to leave CNM facilities. An animal that becomes wet from walking in the rain or mud or from being splashed on by a passing automobile, but is otherwise clean, should be considered a clean animal.

VI. Areas Off Limits to Service Animals

Mechanical Rooms/Custodial Closets: Mechanical rooms, such as boiler rooms, facility equipment rooms, electric closets, elevator control rooms and custodial closets, are off-limits to service animals. The machinery and/or chemicals in these rooms may be harmful to animals.

Areas Where Protective Clothing is Necessary: Any room where protective clothing is worn is off-limits to service animals. Examples impacting students include the wood shops and metal/machine shops.

Areas Where There is a Danger to the Service Animal: Any room, including a classroom, where there are sharp metal cuttings or other sharp objects on the floor or protruding from a surface; where there is hot material on the floor (e.g., molten metal or glass); where there is a high level of dust; or where there is moving machinery is off-limits to service animals.

Exceptions

A laboratory director may open her or his laboratory to all service animals.

Access to other designated off-limits areas may be granted on a case-by-case basis.

To be Granted an Exception: A student who wants her or his animal to be granted admission to an off-limits area should contact the Director of Special Services.

VII. Administration of Policy

Questions or concerns regarding this policy and its application should be directed to the Director of Special Services.