

Article 14 - Layoff and Recall

Section 1. NMSU Layoffs -Positions Not Contingent on Funding.

- A. **Layoff Notice.** In instances where NMSU deems it necessary or advisable to layoff BUEs, a written layoff notice will be provided that includes, at a minimum, the effective date of the layoff and the reason for the layoff (e.g., position eliminated, discontinued, or vacated because of a lack of supporting funds, program change, or change in departmental organization). The written notice will be provided to the affected BUEs at least sixty (60) calendar days prior to the effective date of the layoff. The affected BUE will be provided separation and contact information pertaining to NMSU benefits, retirement plans, unemployment compensation, and NMSU accounts and services.
- B. **Employee Preference.** Prior to any layoff, BUEs will be asked to indicate their desires with respect to early retirement, part-time employment, voluntary resignation, intra-NMSU transfer, or other option offered by NMSU. NMSU will, make a good faith effort to relocate any BUE subject to layoff to a suitable vacant position within NMSU for which that Employee is fully qualified. This good faith effort to relocate a BUE need not extend beyond the effective date of the layoff.
- C. **Order of Layoff.** NMSU will determine in which classifications layoffs will occur. Layoffs of BUEs within affected classifications will occur in the following order:
 - 1. Temporary non-exempt employees; then
 - 2. Probationary non-exempt employees; then
 - 3. Regular BUEs in order of NMSU seniority, with the lowest seniority being laid off first.
- D. **Recall/Reinstatement.** A BUE who is laid off may be recalled within ninety (90) days from the effective date of layoff provided the BUE meets the minimum qualifications of the offered position. BUEs will be recalled in reverse order of layoff.
 - 1. Notice of recall from a layoff will be sent to the BUE's last known address, by certified mail, return receipt requested.
 - 2. The recalled BUE will have up to ten (10) workdays following receipt of the recall notice to provide written notification to NMSU of an intention to return to work.
 - 3. The recalled BUE will have up to fourteen (14) workdays following receipt of the recall notice to physically return to work.
 - 4. The transfer or recall of BUEs to other positions may result in a different rate of pay, pay grade, and job title. Specific plans for any area which is separating a BUE will be prepared prior to the layoff, approved by HRS and the provost. [See ARP7.65].
 - 5. If the BUE fails to promptly respond to a recall notice or return to work, or otherwise rejects the first employment opportunity offered, employment will terminate and all recall rights will cease.
- E. **Priority Recall.** For a period of up to ninety (90) days from the effective date of the layoff, the BUE will be eligible for priority recall/reinstatement in the classification of layoff, any lower level

classification in that job series, or any classification for which the Employee has completed an original probationary period at NMSU and meets the minimum qualifications of the classification specification.

- F. Recall Application. To be considered for priority recall/reinstatement, the BUE must submit a completed NMSU employment application as soon as notified of the layoff, but no later than fifteen (15) calendar days after the effective date of the layoff. Based upon NMSU seniority, BUE applications will be submitted by HRS directly to the hiring department for an interview and consideration for priority recall/reinstatement. If the department should reject the BUE, the hiring department must provide a letter of justification to the A VP HRS, indicating why the BUE would be unable to perform the essential functions of the classification title.
- G. Recall Exhaustion or Expiration. Under no circumstances will NMSU hire new Employees into laid-off classification titles, until such time as the recall list is exhausted or has expired after ninety (90) days.

Section 2. NMSU Layoffs - Positions Contingent on Funding.

- A. Employment Notice at Time of Hire or Transfer. BUEs hired into positions contingent on funding will be provided with written notification at the time of hire or transfer indicating that the continuation of their employment is contingent on adequate funding. Additionally, at the time of posting, departments will clearly state in the job advertisement that a position is contingent on funding.
- B. Layoff Approval and Notice. Specific plans for any unit that is separating BUEs will be prepared prior to the layoff, approved by the AVP HRS and by the executive vice president and provost. Such plan will clearly identify the classifications to be eliminated or reduced, and the criteria used to determine the selection and order of the layoffs. [See ARP 7.65(B)]. At least sixty (60) calendar days prior to the effective date of the layoff, a written notice that includes the effective date of the layoff and the reason for the layoff, will be provided to the affected BUEs.
- C. Priority Interview Assistance. For the duration of the notice period up to the effective date of the layoff, the BUE will be eligible for interview assistance in the classification of layoff or any classification for which the BUE meets the minimum qualifications of the classification specification. BUEs will be responsible for monitoring vacancies and for requesting a priority interview from HRS. Applications for BUEs who meet the minimum qualifications for a posted vacancy will be submitted directly to the department by HRS for an interview.

Section 3. Tuition Remission.

Laid-off BUEs who are receiving tuition remission at the time of layoff may complete the semester, or summer session, in which the layoff occurs.