

Reduction in Force / Layoff

Frequently Asked Questions

For Employees

What are some preventative measures I can take to avoid getting laid off?

Successful completion of your probationary period may decrease the likelihood that your position will be eliminated. Temporary and probationary employees have no entitlement or expectation to continued employment during or beyond the probationary or appointment period.

Will I receive advance notice about the layoff decision? How much time will I have to look for a new job?

If you are a bargaining unit employee, you will receive at least 60-day notice. Non-bargaining unit employees will receive at least 30-day notice.

Is there any way I can appeal the layoff decision?

There is no appeal process for a layoff decision.

How long can I keep my health insurance and other benefits? Am I eligible for COBRA?

Medical/prescription/dental benefits will continue through the last day of the pay period in which the employee works or is paid, whichever is later, provided all premiums are paid through the pay period. After coverage ends, employees will be offered the opportunity to continue medical/dental benefits through COBRA for up to 18 months. Information regarding COBRA continuation and associated premiums will be sent directly to the employee's home from ERISA, the third-party administrator for the state RMD plans. It is important to ensure your address is up to date prior to termination of employment. Questions regarding COBRA continuation for medical/dental programs can be directed to ERISA at (855) 618-1800.

Detailed information about benefits can be found at <https://hr.nmsu.edu/documents/Benefits-Information-for-Separating-Employees-Feb-2023.pdf>

Detailed information about your accounts and NMSU services can be found at <https://hr.nmsu.edu/documents/NMSU-Accounts-Services-Feb-2023.pdf>

What happens with my retirement account?

NMERB Employees contributing to the defined benefit plan and not eligible for retirement will have the following options upon leaving employment:

- Do nothing. Your contributions will remain with the NMERB.
 - o Additional service credit will be added if you resume eligible employment with an ERB employer.
- Refund/rollover your contributions. Employer contributions are not paid to the member's account and are not refundable to a member. Once the Request for Refund and/or Rollover form is complete, please send the original, notarized form to NMSU Human Resources to complete the employer certification section. NMSU HR will then forward to the ERB for processing. Once the ERB receives the form, they may take 4-8 weeks to process and send the money.

Employees who are eligible to retire can complete retirement paperwork to retire prior to leaving employment. NMERB requires the date of retirement always be the first of a month. Information Revised 9/29/20 on retirement can be found at <https://www.nmerb.org/retired-members/retired-members-forms-and-documents/>

Employees may also be eligible for NMSU Retiree benefits at the time of retirement, if they have been hired in a regular position for the 10 consecutive years of employment immediately prior to the date of retirement (no gaps in employment). Details regarding Retiree Benefits can be found at <https://benefits.nmsu.edu/hr-benefits/retire.html>

Employees interested in completing retirement paperwork prior to the last day of employment should contact Luz Gonzalez at luzjgonz@nmsu.edu or 575-646-3637.

NMARP Employees contributing to the defined contribution plan will have the following options upon leaving employment:

- Do nothing. Your contributions will remain with the vendor.
 - o Balances continue to earn interest based on investments.
 - o If you are hired by an NMERB institution prior to collecting retirement through the NMARP, you will be required to continue contributions to the NMARP account through payroll deduction, unless the position you are hired into is not an ARP eligible position. You will then be placed in the NMERB defined benefit program and will be required to contribute to that program while employed. Once you contribute to the defined benefit plan (ERB) you will never be allowed to reenter the defined contribution (ARP) plan in the future.
- All monies in the NMARP will remain with the vendor until such time the employee chooses to access those funds. Access to funds is restricted while the employee is employed with the NMERB/NMARP employer.
- Refund/rollover your contributions.
 - o Contact the vendor for the appropriate forms. All forms must be signed by NMSU plan administrator to confirm term date prior to distribution of funds.
- Employees who are eligible to retire can complete retirement paperwork to retire prior to leaving employment. The date of retirement should be the first of the month if the employee plans to enroll in NMSU retiree benefits, if eligible.
 - o Verify there is not a minimum retirement age per IRS guidelines from the carrier.

Working After Retirement - <https://www.nmerb.org/retired-members/returning-to-work-after-retirement/>

Questions regarding benefits should be directed to benefits@nmsu.edu or 575-646-8000.

Will I be paid out my annual leave and when?

Annual leave will be paid out on the employee's final check, provided all time sheets or leave reports have been submitted prior to the last day of employment (see payroll processing schedule for due dates by pay period). Annual leave will pay out based on the number of hours available, up to a maximum of 240 hours, times the employee's hourly rate. Only taxes will be taken out of the lump sum payment. Sick leave is not paid out.

Will I be considered for other employment at NMSU?

Yes, you will be considered for other employment at NMSU. You should apply for available jobs online at <https://jobs.nmsu.edu/>.

How do I arrange for a priority interview?

Please contact ELR (Employee & Labor Relations) at elr@nmsu.edu. If you have applied for a position and you meet the minimum qualifications, ELR can work with the hiring manager to arrange a priority interview for you.

Am I eligible for rehire?

If your employment is ending due to a layoff and not due to involuntary termination for just cause, you are eligible for rehire.

Is the layoff based on my performance or just because someone doesn't like me?

A position may be eliminated or reduced in FTE due to lack of funds or because duties were eliminated or assigned to other employees. Position elimination does not eliminate a person; it eliminates the duties and functions of a position.

The layoff process must follow the rules outlined in ARP 7.65 – Reductions in Force and CBA Article 14- Layoff and Recalls.

NMSU is dedicated to providing equal opportunities in our employment and learning environments. NMSU does not discriminate on the basis of age, ancestry, color, disability, gender identity, genetic information, national origin, race, religion, retaliation, serious medical condition, sex (including pregnancy), sexual orientation, spousal affiliation or protected veteran status in its' programs and activities as required by equal opportunity/affirmative action regulations and laws and University policy and rules.

What departments/agencies can I contact for job-seeking assistance, resume reviews, interview practices, etc.?

ELR is available by appointment to assist with providing employment agency contacts and recommending resources. Resume reviews can be requested at <https://advising.nmsu.edu/career.html>. The New Mexico Department of Workforce Solutions <https://www.dws.state.nm.us/Job-Seekers> can also provide assistance with your job search.

Are there any local partner companies that have ties with NMSU who are hiring?

A list of employment websites can be found here:

https://hr.nmsu.edu/documents/Employment_Search_Assistance_Links-Nov-2020.pdf.

How can I apply for unemployment benefits?

Former employees may file for unemployment insurance benefits through the New Mexico Department of Workforce Solutions online at <https://www.dws.state.nm.us/en-us/Unemployment>. For more information about the information needed to file an unemployment claim, please visit <https://hr.nmsu.edu/general-resources/unemployment.html>

Where can I find information about food assistance, income support and Medicaid?

To find information about these services, contact the New Mexico Human Services Department at <https://www.hsd.state.nm.us/LookingForAssistance/Default.aspx>.