



NMSU Employee Council

New Mexico State University
MSC 3DA
PO Box 30001
Las Cruces, NM 88005
(575) 527-7745
<http://www.nmsu.edu/~acap/>

AGENDA

September 10, 2009
PSL Conference Room

3:00 PM

Call to order

Approval of Minutes from July 9, 2009 & August 13, 2009

Old Business

- ACAP Name Change
- Website
- Policy Manual Update Section 3.75
- Presidential Search Update

Committee Reports (Attached)

New Business

- @NMSU Article
- 2009 Employee Council Election
- AggieFit Update
- Mercer 2 Study Update
- NMSU Master Plan Update (*Michel Rickenbaker, Director, Facilities, Planning & Construction*)
- Messages from staff on NMSU Employee Council email
- New Items from Council Members

Report from the Chair

- Board of Regents Meeting – September 25, 2009
- Administrative Council – September 8, 2009

All primary Employee Council Members are reminded that if they are unable to attend the meeting to contact an Employee Council alternate to substitute for them. If the primary member does not arrange for a substitute, the member will be counted absent.

Next Regular meeting

October 8, 2009 3:00 PM DACC Conference Room #114M

THE NMSU EMPLOYEE COUNCIL
DRAFT
MINUTES OF REGULAR MEETING
August 13, 2009
NMDA Conference Room

MEMBERS PRESENT: Mike Abernethy, Kurt Anderson, Roseanne Bensley, Kelly Brooks, Alicia Carabajal, Tim Chappell, Katrina Doolittle, Lydia Duran, Norma Ledesma, Nellie Quezada-Aragon

EX-OFFICIO: Cherri Lambeth, Tim Nesbitt, Diana Quintana, D'Anne Stuart

ALTERNATES PRESENT:

CALL TO ORDER AND MINUTES: Kelly Brooks called the regular monthly meeting of the NMSU Employee Council to order at 3:06 p.m. There was not a quorum.

The meeting minutes for July 9, 2009 were presented. One change was recommended by Diana Quintana: "On the ADR policy under "Old Business," the second sentence should read, "changes are being proposed at the state level in the upcoming term that will impact the policy."

OLD BUSINESS

ACAP Name Change:

The name change from ACAP to NMSU Employee Council has received the required two-thirds approval of committee members and also the approval of President Manuel Pacheco. Kelly Brooks asked members to take this information back to those they represent. She will put an announcement on Hotmail which includes information about our Council. Changes will also need to be made to the website and the By-Laws.

Recommendation Regarding Searches for Non-Academic Administrative Positions:

Kelly read President Pacheco's response to our recommendation in which he stated that he felt it is not appropriate for him to approve this change and indicated that this may be an issue the new President should address.

Policy Manual Update Section 3.75

Kelly informed Shaun Cooper that the NMSU Employee Council supports the plan to update NMSU policy 3.75 and is willing to provide members to serve on a committee to review this policy. Shaun in turn e-mailed Bruce Kite and Human Resources for their approval to set up such a committee. After approval is received, he will contact us and solicit representation from Employee Council.

Presidential Search Update:

Tim Nesbitt shared that the search committee continues to receive applications. The committee will meet on August 27 to review applications and identify applicants to be recommended to continue through the interview process. Tim shared that he was very pleased with the professionalism of the search firm, Greenwood/Asher & Associates, Inc. D'Anne Stuart agreed with Tim's assessment of the good work of the search firm.

COMMITTEE REPORTS

Cherri Lambeth shared a summary report for the Fringe Benefits Committee. They have been unable to act on the two recommendations made by Employee Council.

Norma Ledesma shared a draft proposed revision to Policy 2.90 regarding supplying our records to the University Archivist. It is suggested that the Recording Secretary will be in charge of providing these original documents to the archivist, but it is unclear how often.

Kelly noted that Roseanne Bensley's term on the Campus Planning Committee ends this month. This is a three-year commitment. The committee meets the first Wednesday of each month at 3:00 pm. We will re-address this issue at September's meeting along with our representation on the Corbett Center Student Union committee.

NEW BUSINESS

Website:

The Executive Council discussed hiring a graduate assistant or student to be in charge of monitoring our website. Kelly will work with President's office to determine feasibility.

Messages from staff on NMSU Employee Council email:

There were no messages from staff.

New Items from Council Members:

Mike Abernathy requested that Lori McKee be asked to present to the group regarding the status of the Aggie Fit program. Kelly will contact her.

Roseanne Bensley stated that she heard positive remarks regarding the letter to employees regarding changes to ERB contributions.

REPORT FROM THE CHAIR

Board of Regents Meeting:

Kelly reported that the Board of Regents met. Michael Rickenbaker, Director of Facilities, Planning, and Construction provided updates on the NMSU Master Plan. NMSU is working closely with the City of Las Cruces on updating the University Avenue including an overpass at Triviz and another exit from I-10 to the Arrowhead Research Park area. Other improvements include putting the Domenici Building on the current site of the Herschel Zohn theater, \$1 million renovations to the health building, and a 3-star hotel across from the convention center. Kelly will invite Mr. Rickenbaker to attend a future meeting to discuss these improvements with Employee Council.

Administrative Council:

The Administrative Council met on July 14, 2009. Two new policy changes were approved. The first is related to parking and allows for each person to get one parking ticket forgiven every 5 years instead of one per lifetime. Changes were also made to the policy regarding the retention of university records. A copy of this policy change was distributed to the group. The Fire and Emergency Preparedness, vehicle assignment, Red Flag issue, Institutional Data, and Identity Theft policies were also approved.

The next meeting is scheduled for Thursday, September 10, 2009 at 3:00 pm in the PSL/Anderson Hall Conference Room.

The meeting was adjourned at 3:55 pm.

NMSU Budget Committee Report 8/27/09

The budget committee met with the 2 main agenda items on 8/27/09.

Agenda Item 1

Review and approval of Vacant Positions Elimination Wavier Requests.

In January and August of each year the departments are asked to submit Vacant Positions Elimination Wavier Requests for any exempt positions that have been vacant for more than 12 months and any non-exempt positions that have been vacant for more than 6 months of which are I&G funded. The committee reviewed 7 positions, 2 from Advancement, 1 from Police, 1 from A&S Deans Office, 2 from OFS and 1 from University Material Services.

The retention of the positions was approved for all but 2. Advancement lost a Senior Director / CFO position. The funding from Advancement will be returned to the budget office for use of funding merit and equity increases. University Material Services was allowed to retain funding but move it into operational funds.

Agenda Item 2

State Budget Update by Ricardo Rel

SONM has again fallen short in their revenue expectations for the FY 09 year-end as well their projected revenue projections for FY 10. The deficits are attributed to not only gas and oil projections but also the impact of the economy on gross receipt tax income.

FY 09 shortfall was handled by reserves held by the SONM. For FY 10 the projected short fall is in excess of \$380 million dollars. This translates to a statewide budget cut of 3 to 4 percent. Ricardo advised to be prepared by for as much and a 5 percent budget reduction.

A special legislative session will be held sometime in October to address the budget. Please use last years House Bill 10 as a reference of how the cut may be laid out. A new revenue estimate will be provided sometime in October before the special session.

The amount, as currently estimated, to NMSU is approximately \$25 Million dollars. Jennifer advised that NMSU will look at on-time and reserve money to address this situation with no cuts going to the units. NMSU needs to keep the core mission funded in order keep it alive. If funding keeps being cut then sometime later there may be cuts at the unit level if necessary.

Fringe Benefits Committee Summary Report for NMSU Employee Council – September 10, 2009

The regular meeting of the Fringe Benefits Committee was called to order by the Chair on Thursday, August 27, 2009 at 1:30 p.m. in Anderson Hall, Room E1101 (Blue Room).

- 1) **Child Care** - A flyer which had been sent to Benefit Services from Bright Horizons, a company based in Massachusetts that provides employer-sponsored child care was distributed. D'Anne Stuart and Lori Gobble indicated that with the present economic situation, any type of child care benefit offered by the University would need to be employee pay all. LaDawn was not able to attend the meeting to provide the information she has obtained regarding the child care issue. A motion was made and seconded to table the agenda item until the next meeting. Motion passed.
- 2) **Dependent Graduate Tuition Benefit** - D'Anne Stuart explained that ACAP had requested that a cost analysis be done on the proposal we submitted. It was determined that adding graduate credits to this benefit would add an estimated \$147,000/semester to the current cost of the benefit. Due to the current economic climate any changes made would have to be no-cost changes. Various ways to include graduate credit to the benefit without increasing costs were brought up, but there were problems associated with each option. A motion was made and seconded to leave the Tuition Benefit as is. Motion carried.
- 3) **Faculty/Staff Retirement Account Questions** - Dr. Preston Thayer attend the last meeting and submitted some questions to the committee regarding retirement accounts available to the staff of the university. Cherri emailed the questions to Rene Yoder, who provided Cherri with the information at the meeting.
- 4) **Request for AFLAC coverage** - The Chair had been forwarded an email by the ACAP Chair from an employee asking if the University had looked in to getting AFLAC insurance (accident insurance, hospital confinement sickness policies, hospital intensive care policies, confinement indemnity policies, lump sum critical illness policies) for faculty/staff. It was explained that several years ago the committee did look in to this type of insurance but the payroll system used at the time did not allow for any further deductions to be made for employees. Rene Yoder explained that as this is not the case with the Banner System and that the Benefits Office is currently looking at several different companies that offer these types of policies, which are employee pay-all. Once a decision has been made on which company offers the best fit for the University, July of 2010 would be the earliest implementation date.

There will be no meeting in September. The next scheduled meeting will be Thursday, October 15, 2009 at 1:30 p.m.

NMSU Employee Organization

@NMSU

NMSU employee organization undergoes name change

Every time the Advisory Council on Administrative Policy was mentioned in conversation, Kelly Brooks had to pause, explain its purpose and clear up any confusion. Those days are hopefully long gone.

ACAP is now the New Mexico State University Employee Council. Brooks, who chairs the organization, can now rely on the name to do the explaining.

"We are a voice of the employees," Brooks said. "The name change reflects our role and mission more accurately."

The organization investigates matters involving the policies and procedures of the administration and university and makes recommendations to the university president. It serves as the communication between university staff and administration.

Brooks, who has been involved with the organization for six years, said there have long been concerns that the ACAP name has contributed to confusion regarding the role the organization plays at NMSU and has hindered efforts to attract employee involvement and input.



The NMSU Employee Council's executive group includes, from left, Tim Nesbitt, past chair; Kelly Brooks, chair; Diana Quintana, president's representative; and Roseanne Bensley, chair-elect. Not pictured is Norma Ledesma, secretary.

"Some of the confusion comes from the perception the organization is a university committee and not an elected body of employee representatives," Brooks said.

The NMSU Employee Council has 20 elected members and 12 alternate members. It is composed of the university's professional employees, faculty and non-exempt staff, with its elected members coming from various departments at NMSU.

"We hope the name change will increase employee awareness and involvement," Brooks said.

Last year, the NMSU Employee Council made another major change by holding its election online for the first time.

Brooks said the organization also is in the process of updating its Web site to reflect the name change.

All employees are encouraged to attend the NMSU Employee Council meetings, which are at 3 p.m. on the second Thursday of every month in various locations around campus.

For more information contact Brooks at (575) 527-7745 or at kebrooks@nmsu.edu, or visit the organization's Web site at www.nmsu.edu/~acap/.

Written by Louie Calderon.

From: Kelly L. Brooks [mailto:KBrooks@dacc.nmsu.edu]
Sent: Wednesday, August 26, 2009 12:25 PM
To: Mendoza, Yvonne
Cc: 'newsletter@nmsu.edu'
Subject: RE: NMSU Employee Council Article

Hi Ms. Mendoza,

Actually, my quote was "We are a voice of the employees". The "a" as opposed to "the" was intentional as we did not want to insinuate that we represent all the employees. As you indicated, we go to great lengths to clarify this issue in all of our documentation. As I am not a representative of AFSCME, I did not feel it appropriate for me to make a comment about what AFSCME represents or does not represent in this article.

As a council, we strive to be sensitive to those employees who as a matter of the AFSCME contract are not able to serve on this committee. It is neither our intention nor our practice to isolate our council from this group of employees. All of our meeting notices indicate that all employees are welcome to attend this meeting. It is only through the wording of the AFSCME contract that this group of employees cannot be elected members of this committee, however, they are welcome to attend meetings and provide input. As I do not indicate that we are the only voice of the NMSU employees, just one of the voices, I do not feel it is appropriate to make any correction at this time.

Thanks.

Kelly Brooks
NMSU Employee Chair

Kelly L. Brooks, Business Director
Dona Ana Community College/NMSU
PO Box 30001, MSC 3DA
Las Cruces, NM 88003-8001
phone: (575) 527-7745
fax: (575) 527-7600
email: kebrooks@nmsu.edu

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From: Mendoza, Yvonne [mailto:ymendoza@ad.nmsu.edu]
Sent: Wednesday, August 26, 2009 12:10 PM
To: 'kebrooks@nmsu.edu'; Nesbitt, Tim; 'diquinta@nmsu.edu'; 'rbensley@nmsu.edu'; 'nledesma@nmsu.edu'
Cc: 'newsletter@nmsu.edu'
Subject: NMSU Employee Council Article

August 26, 2009

NMSU Employee Council (NMSUEC),

On August 25, 2009, the *@NMSU Staff & Faculty Newsletter* article titled, "NMSU employee organization undergoes name change", written by Louie Calderon, quotes Kelly Brooks as saying "We are the voice of the employees". The article goes on to describe NMSUEC as being "... composed of the university's professional employees, faculty and non-exempt staff, with its elected members coming from various departments at NMSU." Also, "It serves as the communication between university staff and administration."

Ms. Brooks failed to acknowledge that AFSCME Local 2393 NMSU is the sole representative for the majority of non-exempt employees in the NMSU system. We feel that her statements imply that NMSUEC (formerly known as ACAP) represents our bargaining unit union employees. The July union reports from NMSU show 1230 non-exempt employees in the bargaining unit, who are not represented by NMSUEC. Therefore, would the executive group of NMSUEC be willing to submit a correction to *@NMSU Staff & Faculty Newsletter* concerning the misleading information in the 9/25/09 article?

Quoted below are two citations where ACAP (now NMSUEC) did state they do not represent the non-exempt union employees at NMSU.

1. From the NMSU Accreditation Report, page 16:

Staff Collaboration

The Advisory Council on Administrative Policy (ACAP) represents NMSU's non-unionized full-time staff. The functions of ACAP include investigating matters involving the policies and procedures of the administration of the University, and making recommendations to the president based on such investigations. As an organization, ACAP provides a means of communication between the staff and the administration of the University, and among the several parts of the University staff.

2. From the ACAP Minutes of December 13 2007:

Chair Nesbitt reviewed the ACAP action regarding non-exempt membership for those members who are currently represented by AFSCME. Because the AFSCME contract states non-exempt employees are to be exclusively represented by AFSCME, those employees cannot serve on ACAP. However there are certain employees classified as non-exempt who are not represented by AFSCME. Those non-exempt employees not represented by AFSCME are those who are confidential (see contract for detail), supervisors of two or more employees, and sworn police officers. Mack Adams from NMSU HR has developed a listing of all non-exempt employees who are not represented by AFSCME. Tim Nesbitt will send the list to all ACAP members.

Thank you,

Yvonne Mendoza, President
AFSCME Local 2393 NMSU