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HOUSE BILL 40

**52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016**

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO HIGHER EDUCATION; PROVIDING EMPLOYMENT CONTRACT PROVISIONS FOR PUBLIC POST-SECONDARY EDUCATIONAL INSTITUTIONS' PRESIDENTS, ATHLETIC PROGRAM DIRECTORS AND ATHLETIC PROGRAM STAFF.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of Chapter 21 NMSA 1978 is enacted to read:

"[NEW MATERIAL] EMPLOYMENT CONTRACTS FOR CERTAIN INDIVIDUALS.--

A. As used in this section, "employee" means a president, athletic program director or athletic program staff member of a public post-secondary educational institution.

B. Starting July 1, 2016, an employment contract or a renewal of an employment contract between a public post-

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1 secondary educational institution's board of regents or  
2 governing body and an employee shall comply with the provisions  
3 of this section. The employment contract shall be a written  
4 public record.

5 C. A written employment contract shall include at  
6 least the following terms:

7 (1) the amount of the employee's salary and a  
8 list of benefits included as compensation;

9 (2) the minimum duties and performance  
10 requirements expected of the employee; and

11 (3) the dates of the employment period not to  
12 exceed two years.

13 D. If a board of regents or governing body of a  
14 public post-secondary educational institution chooses to renew  
15 an employee's employment contract, the renewal shall be  
16 executed no earlier than six months prior to the end of a  
17 contract period and shall include the terms itemized in  
18 Subsection C of this section. A renewed contract is contingent  
19 upon an employee completing the terms of an existing contract.

20 E. Termination of an employee's employment may  
21 occur at the end of the contract period, with no severance pay.

22 F. Termination of an employee's employment may  
23 occur during the contract period:

24 (1) upon the provision of at least four weeks'  
25 notice of resignation by the employee, with no severance pay;

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or

(2) by a decision of the board of regents or governing body of the public post-secondary educational institution at which the employee is employed that the employment contract be terminated:

(a) without cause, with a determination of the amount of severance pay, if any, not to exceed four weeks' salary. Severance pay shall not be provided before the employee executes a release of claims agreement; or

(b) with cause, with no severance pay. Cause shall be determined by the board of regents or governing body of the public post-secondary educational institution at which the employee is employed."