



N/A	N/A	N/A	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	N/A	N/A	N/A	N/A	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

**SECTION III: NARRATIVE**

**BILL SUMMARY**

House Bill 67 (HB67) amends the definition of "reasonable assurance" in 51-1-5.C(5) for employees of all New Mexico public and private educational institutions in regard to eligibility for unemployment insurance.

Benefits will be denied if an employee has a reasonable assurance of returning to employment with the institution within certain specified time periods, as defined below:

"Reasonable assurance" means a reasonable expectation of employment in a similar or higher capacity in the second of such academic years or terms, if the following conditions are met:

- The educational institution has made a written, oral, or implied offer of employment in the following academic year or term.
- The offer of employment was made by an individual with actual authority to make such an offer.
- The offered employment is substantially the same position or is in a higher position than the previous employment.
- The consideration for the offered employment is at least 90% of what the claimant earned in the then-current academic year or term.

- The offer of employment is not contingent on factors within the institution's control, including course programming, allocation of available funding, final course offerings, program changes, and facility availability.

## FISCAL IMPLICATIONS

HB67 does not contain an appropriation. However, it could affect the number of workers eligible for unemployment benefits and will have administrative implications for the unemployment division of the New Mexico Department of Workforce Solutions (NMDWS).

## SIGNIFICANT ISSUES

HB67 changes the criteria in 51-1-5 NMSA 1978 by defining "reasonable assurance" in Subsection C.(5) with much more specific language. The final proposed clause (e), "the offer of employment is not contingent on factors within the institution's control, including course programming, allocation of available funding, final course offerings, program changes, and facility availability" could, however, lead to some ambiguity. Institutions utilize part-time faculty help manage demand for courses. It is often not until initial enrollment that an institution knows the demand for a course section and whether the course section will have sufficient enrollment to be offered. Part-time faculty may have an expectation of continued employment in the upcoming semester or year, but the institution can't know for certain if that employment will occur until actual enrollment commences.

## PERFORMANCE IMPLICATIONS

N/A

## ADMINISTRATIVE IMPLICATIONS

Governing boards at each respective educational institution are responsible to develop their own policies pertaining to faculty employment. This includes having the authority to hire and fill positions at their discretion, based on course need and funding availability.

## CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB67 is similar to HB151 from the 2023 session.

## TECHNICAL ISSUES

N/A

## OTHER SUBSTANTIVE ISSUES

N/A

## ALTERNATIVES

N/A

## WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The existing criteria for determining eligibility for unemployment will stay in place for educational institutional faculty and staff.

## AMENDMENTS

N/A