



NMSU Employee Council

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Date: February 28, 2019

To: President Floros

From: NMSU Employee Council

Subject: Response to Form 42 and NMERB Issues

Thank you for setting up a meeting with us to discuss our concerns.

In response to the communication you sent to the campus on Friday, February 22, 2019, and the article that appeared in Sunday's Las Cruces *Sun News*, February 24, 2019, the Council felt it was important to reach out to you. We would like to address our concerns regarding the recent retirement issue involving not only Steve Leask and his spouse, but all employees of NMSU.

Reaching out to our lawmakers for corrective legislation is a start, but it does not resolve how our employee paperwork was possibly mishandled. The trust between Human Resources (HR) and its employees is damaged. We would like you to have a deeper understanding of what is going on and why we are asking for a full investigation.

We have heard from many of our colleagues and NMSU retirees, and recent troubling discoveries lead us to believe that our system, processes, and lack of processes, on the part of HR and the NMERB have failed employees and Libby Leask.

Our initial inquiry has led us to discover:

1. That while NMSU employees entrusted HR to send their forms to the NMERB and have a copy of the form in their paper HR file, this was not being done either at the time of new hire or at later dates during their employment. In a few cases NMERB did not even have the actual new hire forms.
2. An employee has shown us a copy of Form 42 from years ago, with a date received by HR date, a notary seal from someone that worked at HR at the time, and yet no record with NMERB. It is not known if NMSU HR has that copy.
3. It has become clear that when employee files went from paper to digital, HR decided not to include the Form 42 since NMERB would not accept copies of the forms for beneficiaries.

4. The decision to not scan and keep Form 42 in employee files by HR was supposedly made based on saving manpower hours and resources and was not communicated to NMSU employees that were largely impacted by this decision.
5. It appears that there were/are no internal controls and practices to ensure employees' forms were received and processed by NMERB after being submitted to HR by the employee.

We therefore would like to propose this list of suggested actions with regard to NMSU HR and the NMERB:

1. An accounting of what happened when HR records were transitioned digitally. What happened to the original paper forms and/or paper records that were not included in an employees' digital file? What other parts of the employees' files are missing?
2. Have procedures put in place that will ensure that NMSU works with NMERB in the future to ensure employee records are complete. This would include communication with individual employees when paperwork is transferred to NMERB or if any paperwork is missing or incorrect and any other appropriate communication.
3. Devise and communicate a plan to help current employees and retirees ensure that all relevant forms are on file here at NMSU.
4. Through the ERB governing process, encourage NMERB to automate more of its systems.
5. Through the ERB governing process, encourage NMERB to communicate directly and in writing to employees and retirees when forms are processed. The communication should include any changes made to accounts or if forms are completed incorrectly. This communication should happen on a timely basis.
6. The administration develops a system where employees and retirees can communicate concerns with HR directly to the President.

Further, Employee Council is calling for an independent (external) audit of HR and its offices and practices to ensure they comply with best practices and answer the following questions:

1. What are NMSU HR strengths and weaknesses?
2. Are the record keeping and form processing practices of NMSU responsible for the lack of records with NMERB?
3. How many NMSU Employees have no beneficiary information with ERB?
4. Did these practices have an effect on Libby Leask's current situation?

5. Could the Benefits Office have had practices in place to coordinate with ERB to ensure the receipt and processing of the forms employees had entrusted to it?
6. Is there a check-and-balance system within Human Resources to ensure documents are handled legally and correctly?
7. Are Standard Operating Procedures accurate and up to date?
8. Do employees of HR feel supported to address concerns that ultimately affect outside employees?
9. If/when a deficiency is detected are affected employees notified timely and provided ample opportunity and resources to rectify?
10. Are there procedures in place that ensure receipt and processing of employee forms?
11. Does HR return calls, messages, and provide services in a timely manner?

This external audit/investigation needs to be public and transparent to communicate to the university community that action is being taken to resolve accountability issues for HR. We have to know that HR is answerable, available, and accountable to its constituents, and all practices in place are best practices as evidenced by our peer institutions.

This perceived lack of oversight and basic recordkeeping is deeply troubling. We have to have trust in the offices that work to ensure we have records, and also that the administration is working to ensure our HR practices are serving our employees and their families.

We have confidence that administration and Human Resources and NMSU will take this opportunity to check out our systems, address those procedures that may not be as efficient and effective as first thought, and make our organization better. Our hope is the external audit will be used as a diagnostic tool to improve our institution and restore trust.

If there is a lack of resources at Human Resources, we hope this external review can recommend ways to ensure our systems function and move forward.

We will continue to communicate and work with you to ensure these issues are resolved.
Respectfully,

Sonia A. White – Employee Council Chair
Milen Bartnick – Employee Council Chair-Elect
Letty Gallegos – Employee Council Secretary/Treasurer
Anne Hubbell – Employee Council Recording Secretary
Marissa Fowler – Employee Council Website Coordinator
And the Employee Council