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Authorized by RPM 6.1 "Performance Management"

Process Owner: Vice President for Human Resources

1. General

There are four (4) categories of separation of employment from the University: voluntary, death, involuntary during probation or for cause, and layoff. This policy outlines the policies and procedures for recognizing and processing each type of separation of employment, including the reemployment and benefit rights of employees being laid off. Additionally, the policy addresses involuntary reductions of appointment percentages (Full Time Equivalents or FTEs) when such reductions affect employees’ benefits.

2. Voluntary Separation

Voluntary separations include resignation, initiated by the employee or by mutual agreement between the employee and the University; retirement; and completion of the period of a contract or term appointment.

With HR approval, supervisors may provide employees two (2) weeks’ pay in lieu of notice at the employee's straight-time pay rate.

2.1. Resignation
Employees may elect to resign or leave the University voluntarily through mutual agreement with the University. Employees should submit a written resignation giving a minimum of two (2) weeks’ notice to their supervisors, unless otherwise indicated in an employment contract. Under UAP 3400 ("Annual Leave"), the University reserves the right to require employees to take some or all of their accrued leave before the date of separation. Resignations also occur when:

- An employee walks off the job.
- An employee is absent for three (3) consecutive work days without the supervisor's permission, except when an emergency precludes giving notice. Work days are considered consecutive even when broken by normal non-working days such as holidays or weekends.
- An employee fails to return to work, within the prescribed time limits, following an authorized leave of absence.

2.2. Retirement

Employees may elect to retire after meeting the eligibility requirements; see UAP 3625 ("Retirement"). Employees should give, at minimum, four (4) weeks’ notice. Employees must notify the Division of Human Resources (HR) Benefits Office of their intention to retire at least 90 days prior to their retirement date to learn of their options with respect to health insurance and other benefits. Failure to provide the Benefits Office a 90-day notice may result in delays in enrollment in post-retirement benefits.

2.3. Completion of Term Appointment

Certain employees are employed at the University under a term appointment agreement; see UAP 3200 ("Employee Classification"), Section 4. Employees hired for a term appointment will be separated from the University as of the specified end date unless the supervisor notifies the employee in writing that the appointment will be extended and a new end date is determined.

2.4. Expiration of Contract

Certain administrators, as designated by the University President, are hired on periodic employment contracts. Terms, conditions, and notification requirements for employees hired under contract are described in UAP 3240 ("Contract Employees").

3. Death

Upon the death of an employee, the employee’s unit must immediately notify the respective employment area and the Benefits Office. The Benefits Office will assist the unit and next of kin in completing any applicable paperwork and with locating any additional UNM resources that can provide assistance. Employees who experience difficulty with the loss of a co-worker are encouraged to contact Counseling and Referral Services (CARS) for assistance. The unit is responsible for working with the employment area to formally separate the employee.
4. Involuntary Separation

Involuntary separations include separation during probation and discharge for cause. A supervisor must consult with an HR Consultant before an employee is involuntarily separated from the University.

4.1. Separation During Probation

Any full-time or part-time employee may be separated from employment during the six (6) month probationary period (twelve [12] month probationary period for police command staff) with or without cause.

Supervisors must give employees two (2) weeks’ notice of the separation when separating an employee during probation, or provide pay in lieu of notice at the employee's straight-time pay rate. Employees who are separated during probation may contact the Department of Workforce Solutions regarding possible eligibility of unemployment benefits.

4.2. Discharge for Cause

An employee may be discharged for unsatisfactory performance, misconduct, or for other reasons deemed to constitute proper cause by the University. Under these circumstances, the employee must be given notice of the grounds constituting proper cause and an opportunity to respond verbally and/or in writing before the employee is separated for cause. Refer to UAP 3215 ("Performance Improvement") for additional information regarding separation for proper/just cause, including appeal rights. Employees discharged for cause are designated as ineligible for rehire and advised of the designation in writing at the time of discharge.

4.3. Appeal of Ineligible for Rehiring Designation

On occasion, individuals may be designated as ineligible for rehire due to a serious infraction. In such instances, the University will notify the individuals in writing that they have been designated as ineligible for rehire. Within 30 days of the individual receiving notice of the designation, the individual may appeal the designation by sending a detailed letter to the Vice President for HR that sets forth the reasons for the reconsideration. The Vice President for HR will decide whether the individual should:

- retain the ineligible for rehire designation, or
- be restricted from obtaining certain positions, or
- be eligible for rehire.

The Vice President for HR will consider the individual facts of the case along with the details in the individual’s appeal prior to making a decision on the appeal.

5. Layoff or Reduction in Force
From time to time it may be necessary for the University, or any unit within the University, to restructure its programs and services in response to changing demands, or loss of funding for the programs or services. When there is a loss of funding or a unit is restructured, it may be necessary to eliminate or reduce one or more staff positions. This section describes the process for eliminating staff positions and the reemployment rights of individuals placed on layoff status as a result of such decisions. Employees who are laid off from their jobs may contact the Department of Workforce Solutions regarding possible eligibility of unemployment benefits.

This section also applies to involuntary reductions in appointment percentage (FTE) for staff positions when the reduction results in changes to the employee’s benefits. Any reference to layoffs in this section also includes such reductions in appointment percentage.

5.1. Elimination of Staff Positions or Reduction in FTE

The executive vice president responsible for the unit being restructured ultimately must approve any restructure that results in the elimination of staff positions. If the unit that is being impacted reports directly to the University President, the President must approve the restructure. An administrator proposing to modify a program or service that includes the permanent elimination or reduction of staff positions must perform the following steps:

5.1.1. The administrator must submit a written explanation of the reasons for the restructuring to the applicable HR Consultant for review. The HR Consultant will review and send a recommendation to the executive vice president responsible for the unit or the University President for approval.

The administrator must notify the HR Consultant of the requested layoff at the earliest possible time but no less than 60 calendar days prior to the effective date of the elimination or reduction. This will allow time for the HR Consultant to obtain approval of the layoff, and for the employee to be transferred into a vacant position, if available. It is desirable that disruption of employment be minimized. It will also allow sufficient time for the employee to be given a minimum notice of thirty (30) calendar days and advised of reemployment and benefit rights.

5.1.2. The administrator must identify the specific positions that are to be eliminated or reduced, and the rationale behind each selection. When a unit has more than one individual employed under the position title being eliminated, selection of employees to be laid off generally will be based on seniority; however, documented unique skills, certifications, or experience may be considered if they can be substantiated by the administrator in writing as necessary to perform the job. Temporary and on-call employees in similar positions will be released from employment first. If further reduction is necessary, employees on probation in similar positions shall be laid off before employees who have completed their probation. Refer to UAP 3705 ("Seniority") for information on seniority. If seniority within a job classification is exactly equal, then selection of employees for layoff may be based on qualifications and performance as determined by the administrator and HR Consultant. Performance of individuals within similar positions shall not be a criterion for selection of positions to be eliminated or employees to be laid off unless seniority is exactly equal.
5.1.3. The administrator must make a good faith effort with the executive vice president or University President responsible for the unit to transfer employees in positions that are being eliminated to other similar positions that are available and not scheduled to be eliminated.

5.1.4. The administrator must agree that the eliminated position or a similar position will not be reinstated for at least one (1) year from the date of elimination. During this period, a position may not be reclassified to take the place of the position eliminated and new positions created in the department must not fulfill a majority of the duties and responsibilities of the position eliminated. Reinstatement of the position must be approved by the executive vice president responsible for the unit or the University President, through the HR Consultant.

If the position was eliminated due to a loss of funding and additional funding is received for the hiring of a similar position within one (1) year, the hiring officer must first offer the position to the individual laid off due to the funding loss. See Section 6.3 for information on reemployment after separation.

5.1.5. Once the layoff is approved, the administrator must give the employee being laid off as much notice, in writing, as practicable, but no less than thirty (30) calendar days. The notice shall include the effective date of the layoff, the reasons for the layoff, and information on the employee's reemployment rights.

6. Reemployment Rights for Layoff

Employees who have been provided notice that they will be laid off because of loss of funding, restructuring, or elimination of programs or services shall be given reemployment rights and placed on a layoff roster from the time they receive the layoff notice and for up to six (6) months from their date of separation.

6.1. Benefits

Pursuant to UAP 3600 ("Eligibility for Employee, Retiree, and Dependent Benefit Plans") and UAP 3700 ("Education Benefits"), Benefit Plans will terminate at the end of the month with which an employee is laid off. The laid off employee should contact the Benefits Office to obtain information about continuation of health coverage through the Consolidated Omnibus Budget Reconciliation Act (COBRA) or about conversion of any applicable Benefits Plans.

Employees rehired while on the layoff roster should contact the Benefits Office for assistance in enrolling or reinstating Benefits Plans.

Employees who contributed to VEBA should refer to UAP 3600 ("Eligibility for Employee, Retiree, and Dependent Benefit Plans"), the VEBA Welfare Benefit Plan Document or contact the Benefits Office at the time of layoff for information regarding VEBA contributions.

6.2. Priority Hiring
Individuals who will be laid off or are on the layoff roster will be given first priority in filling any vacant position at the University for which they qualify that is (a) a title for title match; (b) same grade and similar classification; or (c) lower grade and similar classification. The applicable HR Consultant will refer individuals who are given reemployment rights to the first unit seeking a position that is a title for title match. Individuals given reemployment rights who are interested in a posted position that they qualify for that is the same grade and similar classification or lower grade and similar classification must contact their HR Consultant to be considered for priority hiring. Only if the individual declines an offer of reemployment into the position may the hiring officer consider another employee of the University or an external applicant for the position.

Individuals do not retain their reemployment rights if they decline priority hire into a position that is a title for title match. An individual is given priority reassignment or reemployment status under this policy for six (6) months from the effective date of the layoff and retains accumulated seniority to the date of lay-off, but does not accrue additional seniority during the lay-off period.

6.2.1. Position of Same Grade and Similar Classification

Hiring officers must give individuals with reemployment rights first priority when they have indicated to their HR Consultant an interest in any University position of the same grade that is substantially comparable in duties, responsibilities, salary, location, and minimum qualifications. The hiring officer may consider another employee of the University or an external applicant for the position if the individual on the layoff roster rejects an offer of reemployment into the position. If the individual declines the position, the individual may retain reemployment rights for the remainder of the six (6) month reemployment rights period or until placed in a position, whichever is shorter.

At the time of notification of interest by the individual, the HR Consultant will determine if the position applied to is substantially comparable in nature to the position previously held by the individual and if first priority rights apply. In general, individuals will be deemed to have met the minimum qualifications of substantially comparable positions since they met the qualifications for their previously held positions.

6.2.2. Position of Lower Grade and Similar Classification

Hiring officers must also give individuals with reemployment rights, who are qualified for a position of a lower grade and similar classification and who voluntarily choose to be considered for the position, first priority when filling the position. Only if the individual with reemployment rights declines an offer of reemployment into the position, may the hiring officer consider another employee of the University or an external applicant for the position. An individual who declines reemployment into a position of lower classification is not removed from the layoff roster and does not lose reemployment or benefit rights under this policy.

6.2.3. Other Openings
An individual on layoff status may competitively apply for any other vacant position at the University; however, the individual will be given priority only for the positions described in Section 6.2. The individual may also apply for temporary positions through UNMTemps Services; in this case, the individual will not be removed from the layoff roster.

6.3. Reemployment

If reemployed after separation, then the employee will have to complete a six (6) month probationary appointment (twelve [12] month probationary appointment for police command staff), subject to the acceptable performance requirements of any new employment. If the employee is transferred without a break in service, then the trial period will be (3) months. The reemployed employee, the hiring officer, and the employee's supervisor shall make good faith efforts to establish a satisfactory employee-employer relationship.

6.3.1. Sick and Annual Leave

An individual who is laid off will not accrue annual and sick leave hours while on layoff. Unused, unsold sick leave hours as of the date of the layoff can be reinstated for those employees who are reemployed from layoff within six (6) months and who work with their HR Consultant to contact the Payroll Department about reinstatement (see UAP 3410 (“Sick Leave”)). Employees rehired or reinstated after expiration of their layoff status (six [6] months) as specified above will be considered as new hires for annual and sick leave purposes.

Laid off employees are paid for unused annual leave hours at the time of separation, in accordance with UAP 3400 (“Annual Leave”).

7. Ineligible for Rehire Designation and Appeal Rights

On occasion, individuals may be designated by Human Resources as ineligible for rehire due to a serious infraction. Serious infractions include but are not limited to the following:

- Infractions which result in termination
- Resignation prior to the completion of a disciplinary process for termination

In such instances, the University will notify the individuals in writing that they have been designated as ineligible for rehire. Within 30 days of the individual receiving notice of the designation, the individual may appeal the designation by sending a detailed letter to the Vice President for HR that sets forth the reasons for the reconsideration. The Vice President for HR may decide to take the following action:

- Uphold the ineligible for rehire designation, or
- Narrow the scope of the ineligible for rehire designation to certain positions, or
- Reverse the ineligible for rehire designation.

The Vice President for HR will consider the individual facts of the case along with the details in the individual’s appeal prior to making a decision on the appeal.
8. Separation Procedure and Supervisor's Responsibilities

To protect both the employee and the University, and to maintain official records, the following procedure is to be used for all voluntary and involuntary separations.

- The supervisor shall submit an electronic personnel action form (ePAF) on or before the last day of employment. (The effective date of separation is the last day when the employee will be on paid status.)
- The supervisor shall confirm that the employee does not take annual leave or sick leave that would extend the termination date beyond the last day actually worked, except when employees are retiring and use annual leave to extend their termination date.
- The employee must complete a Separation Checklist for Staff Employees. This process requires that employees be cleared by each department on the list (such as the Locksmith, Cashier, and Parking and Transportation Services).

Employees separating from UNM must contact the Benefits Office to learn about their rights for health insurance coverage under the federal COBRA program or other applicable coverage.

87.1. Exit Survey

As part of the separation process, employees have the option of completing an online Exit Survey before leaving the University. The information on the online form is generally used only in the aggregate to determine employment trends and identify problem areas. Individual confidentiality will normally be maintained, except when disclosure is required by law.

98. Exceptions

Any requests for an exception to this policy must be sent to the Vice President for Human Resources who will coordinate with the University President, or the appropriate executive vice president or designee, who will approve or deny the request.

910. References

UAP 3215 (“Performance Management”)

UAP 3240 (“Contract Employees”)

UAP 3400 (“Annual Leave”)

UAP 3410 (“Sick Leave”)

UAP 3600 (“Eligibility for Employee, Retiree, and Dependent Benefit Plans”)

UAP 3700 (“Education Benefits”)
UAP 3705 ("Seniority")

Separation Checklist for Staff Employees Form

Exit Interview - Online Version

LoboWeb (Employee Self Service) my.unm.edu