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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. Outlined herein are the policies and procedures for recognizing and processing each type of separation of employment. This policy also describes, 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.

2.1. Resignation

An employee may elect to resign or leave the University voluntarily through mutual agreement with the University. The employee should submit a written resignation giving two (2) weeks notice to their supervisor, except as noted in Section 2.4, two (2) weeks notice to his or her supervisor. For resignations by mutual agreement, the supervisor should obtain appropriate releases of any further obligation of. Under UAP 3400 ("Annual Leave"), the University reserves the right to require employees to take some or all of their accrued leave before the written resignation date of separation.

Resignations also occur when:

- An employee walks off the job.
4.1. Separation During Probation

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, except in exceptional cases where immediate separation is required for reasons of health and safety or other overriding interests of the University. Pay in lieu of notice may be given at the employee's straight-time pay rate when giving notice is not practical. 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 3235 ("Performance Management/Improvement") for additional information regarding separation for cause. Employees discharged for cause are noted designated as ineligible for rehire and are advised of the designation in writing at the time of discharge.

4.3. Consultation with Division of Human Resources

A supervisor must consult with the Labor Relations staff at the Division of Human Resources before an employee is involuntarily separated from the University.

4.4. Notice of Separation

Supervisors must give employees two (2) weeks notice of the separation, except in exceptional cases where immediate separation is required for reasons of health and safety or the overriding interest of the University. Pay in lieu of notice may be given at the employee's straight-time pay rate when giving notice is not practical. Pay in lieu of notice is not appropriate in cases of discharge for serious infractions or discharge following suspension for serious infractions.

4.5. Appeal of Ineligible for Rehiring Designation

When an employee is On occasion, individuals who are relieved during probation or resign may be designated as ineligible for rehire, the employee may submit a request due to a serious infraction. In such instances, the University will notify the individuals in writing that they have the designation reconsidered been designated as ineligible for rehire. Within 30 days of the employee individual receiving notice of the designation, the employee should send individual may appeal the designation by sending a detailed letter to the Vice President for Human Resources HR that sets forth the reasons for the reconsideration. The Vice President for Human Resources HR will decide whether the employee 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.

If an individual is discharged for cause, the individual will be notified of appeal rights according to UAP 3215 (“Performance Improvement”).

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 qualify for unemployment insurance 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 Provost, executive vice president, or vice president responsible for the organization 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 Provost, applicable HR Consultant for review. The HR Consultant will review and send a recommendation to the executive vice president, or vice president responsible for the organization 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 an organization 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 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 University 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 time 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 Provost, executive vice president, or vice president responsible for the organization 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 resulting in reinstatement of the position within one (1) year, the hiring officer must first offer the position to the individual laid off due to the funding loss, if the same position is reinstated or a similar position is posted for which the employee is qualified. See Section 6.3 for information on reemployment after separation.

5.1.5. TheOnce 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.

5.1.6. The administrator must notify the Division of Human Resources of the approved layoff at the earliest possible time. This will allow time for the employee to be transferred into a vacant position. It is desirable that disruption of employment be minimized. It will also allow sufficient time for the employee to be advised of reemployment and benefit rights.

5.26. 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.

5.26.1. Benefits

During the time 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 individual employee is on the layoff roster.
Laid off. The individual may retain health insurance. A laid off employee should contact the Benefits Office to obtain information about continuation of health coverage through the Consolidated Omnibus Budget Reconciliation Act (COBRA) by paying the full insurance premium.

The University shall stop making retirement contributions as of the date of the layoff. Upon reemployment, retirement contributions by the employee and the University will begin as of the date of the reemployment.

The individual may continue other employer-supported benefits, such as educational benefits, in which they participated before being laid off. But individuals who are laid off may not initiate any employer-supported benefits while on the layoff roster applicable Benefits Plans.

5.2 Employees rehired 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 title for a title match or same grade, similar or lower classification, or lower graded similar classification. The Division of Human Resources applicable HR Consultant will refer individuals on or to be placed on the layoff roster who are given reemployment rights to the first department/unit seeking to fill a vacant position of similar 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, similar classification or lower graded classification must contact their HR Consultant to be considered for priority hiring. Only if the individual on the layoff roster rejects 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 will retain accumulated seniority to the date of lay-off, but does not accrue additional seniority during the lay-off period.

5.26.2.1 Position of Same Grade, Similar Classification

Hiring officers must give individuals on the layoff roster with reemployment rights first priority when filling 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. Individuals on the layoff roster who are reemployed into such a position shall be paid at least at the salary level of their previous employment. 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 refuses to accept or declines the position, the individual may retain reemployment into a substantially comparable position, he or she will automatically be removed from layoff status and lose any rights for the remainder of the six (6) month reemployment or benefit rights under this policy rights period or until placed in a position, whichever is shorter.

The Division of Human Resources notification of interest by the individual, the HR Consultant will determine which positions are if the position applied to is substantially comparable in nature to the position previously held by the employee. 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 he or she met the qualifications for the position they previously held. positions.

5.2.6.2.2. Position of Lower Classification

Hiring officers must also give individuals on the layoff roster with reemployment rights, who are qualified for a position of a lower graded classification and who voluntarily choose to be considered for the position, first priority when filling the position. Only if the individual on the layoff roster rejects 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 rejects 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.

5.2.6.2.3. Other Openings

During the time the individual is on layoff status, he or she may competitively apply for any other vacant position at the University. Any applicant is considered as a new applicant. The individual may be given priority only for the positions described in Sections 5.2.2.1. and 5.2.2.2. herein 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.

5.2.6.3. Reemployment

The individual’s reemployment shall be considered if reemployed after separation, then the employee will have to complete a six (6) month probationary appointment (twelve [12] month 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.

5.2.6.3.1. Sick and Annual Leave

An individual who is laid off will not accrue annual and sick leave hours while on layoff. However, a laid-off employee who is reemployed, into a position that is eligible to accrue leave, will accrue sick and annual leave at the same rate the employee accrued at the time of the layoff, if the reemployment occurs within six (6) months of the date of the layoff. Unused, unsold sick leave hours as of the date of the layoff will 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.
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.

67. Separation Procedure and Supervisor's Responsibilities

To protect both the employee and the University, and to maintain official records to determine if an employee is eligible for unemployment compensation, the following procedure is to be used for all voluntary and involuntary separations.

- The supervisor shall submit an Employee Separation Form to the Division of Human Resources 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 in an 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. (This requirement does not apply to, except when employees are retiring from the University who and use annual leave to extend their termination date.)

- The supervisor shall direct the employee to LoboWeb (Employee Self Service) to update his or her forwarding address.

- The supervisor shall ensure that the employee completes a Separation Check-Off List for Staff Employees, must complete a Separation Checklist for Staff Employees. This process requires that the employee be cleared by each department on the list (such as the Locksmith, Cashier, and Parking and Transportation Services, etc.). The Division of Human Resources will notify employees who separate from the University of UNM must contact the Benefits Office to learn about their rights for health insurance coverage under the federal COBRA program or other applicable coverage.

67.1. Exit Interview Survey

As part of the separation process, supervisors should ask employees to voluntarily complete have the option of completing an online Exit Interview Survey before leaving the University. The information on the online form is confidential and not released to the employee’s supervisor. The University will use the information provided by the employee generally used only in the aggregate to determine employment trends and identify problem areas. In addition, individual confidentiality will normally be maintained, except when required by law.

8. Exceptions

Any requests for an employee may complete a more in-depth Exit Interview Form and submit it directly to the manager or chain of command or exception to this policy must be sent to the Vice President for Human Resources who will coordinate with the Ombuds Dispute Resolution Office, University President, or the appropriate executive vice president or designee, who will approve or deny the request.
7. Related Links

9. References

UAP 3215 ("Performance Management")
UAP 3240 ("Contract Employees")
UAP 3410 ("Sick Leave")
UAP 3600 ("Eligibility for Employee, Retiree, and Dependent Benefit Plans")
UAP 3700 ("Education Benefits")
UAP 3705 ("Seniority")

Separation Check-Off List Checklist for Staff Employees Form
Exit Interview - Online Version
Exit Interview Form
LoboWeb (Employee Self Service) my.unm.edu