

## **SECTION 17 SEPARATIONS**

### **17.1 VOLUNTARY SEPARATIONS**

**17.1.1 RESIGNATION** An employee may resign from the County by submitting a written letter of resignation to his or her immediate supervisor at least two weeks prior to the effective date of resignation. The letter of resignation should include the reason for leaving as well as the proposed effective date.

**17.1.2 RETIREMENT** An employee may retire from County employment through the County's retirement program so long as the employee meets the requirements of the Public Employees Retirement Association. An employee desiring to retire should contact the P.E.R.A. and give his or her supervisor as much notice as possible.

### **17.2 INVOLUNTARY TERMINATION WITHOUT CAUSE**

**17.2.1 LAYOFF** A layoff, or reduction in force, is an involuntary termination of an employee or employees as a result of a shortage of work, shortage of funds, or a re-organization. A layoff may only be ordered by the Board of County Commissioners. If a layoff is necessary, employees shall be laid off in reverse order by seniority within the department. If a position is available for which work and funds are available, an employee may accept a demotion or transfer to avoid a layoff, but only if the employee is otherwise qualified for the new position and a position exists. If a position becomes available within six months of an employee's layoff, the person who was the incumbent when the position was filled shall be given first consideration for refilling the position. The grievance or appeal process is not available regarding a layoff.

**17.2.2 ABOLISHMENT OF POSITION** The Board of County Commissioners may abolish a position which is no longer needed within the County work force. If a position is available for which work and funds are available, an employee whose position is abolished may accept a demotion or transfer, but only if the employee is otherwise qualified for the new position and a position exists. If a position is re-established within six months of its abolishment, the person who was the incumbent when the position was abolished shall be given first consideration for reappointment. The grievance or appeal process is not available regarding the abolishment of a position.

**17.2.3 FURLOUGH** A furlough is the temporary placement of an employee in a modified-duty, modified-pay position, either full-time or part-time, for lack of work or funds. A furlough may only be ordered by the Board of County Commissioners, except the County Manager may order a furlough in an emergency when there is insufficient time for the Board of County Commissioners to consider a furlough. Employees shall be given at least fourteen (14) calendar days written notice of a furlough unless this notice requirement is waived by the County Manager in an emergency. Employees

shall be furloughed in reverse order by seniority within the department and shall be returned from furlough in the reverse order in which they were furloughed. The grievance or appeal process is not available regarding a furlough.

### **17.3 POST-EMPLOYMENT MATTERS**

**17.3.1 EXIT INTERVIEW** When an employee leaves County employment, the employee may be scheduled for an exit interview prior to the last day of work. The exit interview will be arranged by the Human Resources Division. At the exit interview, the employee may comment on his or her employment and may make suggestions, complaints, and criticisms. The employee will have an opportunity to discuss benefits and benefit conversion privileges.

**17.3.2 FINAL PAYCHECK** Employees leaving County employment must return all County property in their possession by their final day of employment. If the County discharges an employee, the employee shall receive his or her final paycheck in accordance with NMSA 1978, Section 50-4-4 (1975). If an employee voluntarily leaves County employment, he or she shall receive a final paycheck on the payday following the pay period of the effective separation date. Accrued annual leave and compensatory time shall be paid out in the pay period following the pay period that the final paycheck is issued. Any unpaid obligations of the employee to the County may be deducted from the final paycheck.

**17.3.3 CONTINUANCE OF MEDICAL COVERAGE (COBRA)** Under the Federal Comprehensive Budget Reconciliation Act (COBRA), eligible employees or dependents may elect to continue employee or dependent medical insurance coverage subject to the conditions and limitations set forth in that Act. Consult the Human Resources Division for details on eligibility and benefits.

**17.3.4 COMPENSATION FOR ACCRUED ANNUAL LEAVE UPON SEPARATION** Upon separation of employment, each classified and unclassified at will employee will be compensated for accrued annual leave and compensatory time earned through the last day of work, subject to the limitations on annual and compensatory time maximum accrual rates.

**17.3.5 SICK LEAVE SELL-BACK** Upon retirement, each classified employee, unclassified at-will employee, and term employee who has completed the probationary period may sell back all unused sick leave in excess of 240 hours at one-half (1/2) the employee's hourly rate provided that the employee states in writing his or her intention to retire to the Department Director/Elected Official, and the Human Resources Director, and the employee must submit an officially executed copy of an approved PERA retirement form.

