

Chapter 17 –SEPARATION FROM EMPLOYMENT

SECTION 1. GENERAL

Employment with the Nation may end in the various ways described in the Sections that follow. With respect to pension and insurance plans, certain provisions may be changed or be revised from time to time, and for that reason employees are advised to consult supplemental and/or detailed program information available through the Jicarilla Apache Nation Human Resource Office and Finance Office.

SECTION 2. RETIREMENT

As a benefit of employment with the Nation, all employees covered by this Code are eligible to participate in the retirement plan offered by the Nation. The amount of retirement benefit is generally determined by the amount accumulated from the date of hire or the effective date of the plan to the effective date of retirement.

Basic components of the Nation retirement plan, which has remained constant and is in force includes the following:

- The plan is paid for by the Nation (100%)
- Eligibility for membership is after completing 1,000 hours and 18 years of age.
- Members are 100% vested after completing 5 years of continuous service.
- Minimum requirements to retire:
 - Early retirement—age 50 and 10 years of service; benefits may be reduced or in full and are determined by birthdates prior to/or after January 1, 1969.
 - Rule of 75—minimum age of 50 plus service must equal 75 years.
 - Rule of 80 – minimum age of 55 plus service must equal 80 years.
 - Normal retirement—age 65 and 10 years of service, full benefits.
 - Disability retirement- minimum 10 years of service, qualify for Social Security Disability Benefits.
- Monthly benefits are determined by 2% of final average pay, years of service and age.

SECTION 3. RESIGNATION

A resignation results when an employee voluntarily requests to be terminated. Employees of the Nation wishing to resign in good standing are encouraged to notify in writing their immediate supervisor, at least two (2) weeks before leaving.

The supervisor shall forward the resignation notice to the Human Resource Office through Executive Leadership. The Human Resource Office shall notify the Nation President or the

Trial Judge, as appropriate. The written notice to resign should state the reason and effective date. Failure to comply may be cause for denying future employment with the Nation. Copies of the employee's letter of resignation shall be made a part of the resigning employee's personnel file.

SECTION 4. LAYOFF

As a result of formal reduction in force, an employee will be laid off without fault if the position held is abolished due to lack of funds or work. The order of layoffs in each job classification shall first be determined in order of appointment status—probationary, permanent and length of service. In no case shall such layoff be construed as a dismissal for unsatisfactory performance.

The former employee may apply for other vacancies in the Nation and shall receive prior consideration for reemployment or reinstatement for up to one year. The Human Resource Office will maintain a list of persons eligible for reemployment and who shall receive prior consideration for position for which qualified.

SECTION 5. DISMISSAL FOR CAUSE

The Nation President or Trial Judge, as appropriate, has the authority to dismiss or terminate an employee's employment for any justifiable cause or reason. Dismissal action may be taken only after consultation with or upon receiving recommendation for dismissal from appropriate Executive Leadership. Disciplinary action procedures described under Chapter 11 of this manual.

SECTION 6. ABANDONMENT OF POSITION

Unauthorized absence from work for a period of three (3) consecutive regularly scheduled work shifts shall be considered abandonment of position and is grounds for termination. An employee terminated, as a result of abandoning a position shall have such abandonment reflected in their personnel file.

SECTION 7. DISABILITY

An employee who is totally and permanently disabled because of job related injury or illness, before their Normal Retirement Date, but has completed ten years of qualified service is eligible to receive a Disability Retirement Pension. To qualify for Disability Retirement Benefits with the Nation, you must qualify and have received a letter of approval for disability insurance benefits under Social Security. Disability benefits under Social Security will be verified on an annual basis by the Pension Office of the Nation.

SECTION 8. DISABILITY NOT RELATED TO EMPLOYMENT

A Classified or Court employee who suffered a disability not related to job performance and responsibilities and who cannot perform the duties of his present position shall be considered for transfer to another permanent position in the Nation for which the employee is physically and otherwise qualified. Such action shall be taken whenever practicable and when a vacancy to which such a transfer can be made exists. If no remedy can be achieved such persons shall be terminated.

SECTION 9. DEATH OF AN EMPLOYEE

When employee dies prior to retirement, designated beneficiaries will be entitled to the vested amount in the employee's retirement account on the day of death. The amount paid from the retirement account is in addition to the group life insurance benefits incorporated as part of the overall benefit plan.

The Nation pension plan for employees includes group life insurance coverage. In the event of an employee's death, beneficiaries will be entitled to the proceeds from the plan. The basic face amount of coverage is generally determined by plan to which the deceased employee belonged.

SECTION 10. PAPERWORK REQUIRED UPON SEPARATION OF EMPLOYMENT

It is imperative the following departments receive notification of an employee's separation of employment: Human Resources, Payroll, Pension, and Risk Management. The following forms and notifications shall be returned upon separation: Exit Interview Forms, Personnel Action Form (PAF), payout approvals, and resignation and acceptance letters (if applicable).

Upon separation of employment, Exit Interview Forms and appropriate documentation must be completed and returned to Human Resources in order for an employee to receive payment for any accrued leaves. Payment for accrued leave will be forfeited if documentation is not received by Human Resources within (60) calendar days of separation of employment.

Failure on behalf of the employee or employee's supervisor to complete and return the appropriate paperwork may result in a delay of benefits or leave payouts or be grounds for disciplinary action.