Note: This draft has been developed while DPA's technical assistance on postemployment compensation is still pending. It may be revised after the technical assistance has been issued in its final form.

COLORADO SCHOOL OF MINES
POST EMPLOYMENT COMPENSATION PLAN

The Colorado School of Mines ("Mines") adopts this Post Employment Compensation Plan (PECP) as a method to provide alternatives to certified employees when a layoff has happened or may happen based upon documented lack of funds, lack of work, or reorganization. The plan includes two methods of providing discretionary financial payments to certain certified permanent employees during or in anticipation of a layoff. The discretionary payments included in this plan are 1) Post Employment Severance Pay and 2) Voluntary Separation Incentives.

The State has detailed rules related to Severance Pay and Voluntary Separation Incentives in Chapter 3 of the State Personnel Board Rules and Director's Administrative Procedures. These rules and procedures can be found at:
http://www.colorado.gov/cs/Satellite/DPA-SPB/SPB/1213608768055

Technical guidance on these incentives can be found at:
http://www.colorado.gov/cs/Satellite/DPA-DHR/DHR/1232982640165

MINES PLAN

The authority to offer and approve the discretionary financial payments provided in this plan is vested with the President and his or her delegee.

Voluntary Separation Incentives

Voluntary separation incentives are discretionary financial payments offered as a means of encouraging some employees to leave state service in order to minimize the impact of layoffs to permanent employees and should result in cost savings to Mines.

Voluntary separation incentives are offered at the President's discretion and are allowable within available funding. Establishment of this plan does not require or imply that a separation incentive will be paid to an employee. The President may limit separation incentive offers to groups of employees (e.g., office, division, unit, a class or classes). Mines may consider offering voluntary separation incentive plans during any actual or anticipated layoff.

In addition to the criteria included in the announcement of a particular separation incentive, an employee must meet the following to be eligible to receive any separation incentive:

- Employee must be a permanent, classified employee in certified or trial service status facing possible layoff.
- Employee must voluntarily resign or retire during the time frame specified by Mines.
- Employee must not have received a specific notice of disciplinary termination.
- Employee must not currently occupy a position for which waiver of retention rights is a condition of employment.

- Employee must sign the written agreement described below.

Mines may announce specific timeframes within which an employee may apply for a separation incentive. In such cases, applications must be made in the manner prescribed by the Human Resources Office and must be received within announced deadlines. Applications for a separation incentive will be accepted by the Associate Vice President for Human Resources only within the time period specifically announced via layoff plan, reorganization plan, or by other means. The President reserves the right to extend or shorten the deadline for acceptance of applications.

All applications that meet the criteria announced will be considered. The decision to approve or deny an application will take into account the impact on Mines and will be made with the best interests of Mines in mind. Considerations may include, but are not limited to, funding source and cost savings.

If a separation incentive is granted, the employee may receive up to one week's salary for every year of state service, not to exceed 18 weeks. Mines may consider other types of postemployment compensation, including but not limited to a hiring preference, payment towards the continuation of health benefits, tuition or educational training vouchers, portion of salary, and placement on a reemployment list. The President makes the final determination as to whether any incentives will be offered, the amount to be paid per week, and the number of weeks to be paid.

Severance Pay

Severance pay is a discretionary financial payment that may be offered to certified employees separated from state service due to lack of work, lack of funds, or reorganization. Severance is offered at the President's discretion and is allowable within available funding. Establishment of this plan does not require or imply that severance will be paid to an employee.

An employee must meet the following to be eligible to receive severance:

- Employee must be a permanent, classified employee in certified or trial service status facing possible layoff.
- Employee must voluntarily resign or retire during the time frame specified by Mines.
- Employee must not have received a specific notice of disciplinary termination.
- Employee must not currently occupy a position for which waiver of retention rights is a condition of employment.
- Employee must sign the written agreement discussed below.

The decision to offer severance will take into account the impact on Mines and division and will be made with the best interests of Mines in mind. Considerations may include, but are not limited to, funding source and cost savings. If severance pay is granted, the employee may receive up to one week's salary for each full year of uninterrupted state service, not to exceed 18 weeks. Mines may consider other types of postemployment

compensation, including but not limited to a hiring preference, payment towards the continuation of health benefits, tuition or educational training vouchers, portion of salary, and placement on a reemployment list. The President makes the final determination as to whether any incentives will be offered, if severance will be paid, the amount to be paid per week, and the number of weeks to be paid.

Postemployment Compensation Contract – In order to effect postemployment compensation, the employee and Mines must execute a written agreement prior to separation and payment. For voluntary separation incentives, an employee must be given a period of at least 45 days within which to consider the agreement. The 45-day clock starts when Mines makes a final offer to an employee.

Mines will use the contract developed by the Office of the Attorney General, the Office of the State Controller, and Department of Personnel and Administration's Division of Human Resources. The agreement must include the following provisions:

1. A statement that the employee is required to pay all applicable taxes on the payment;
2. The employee's acknowledgment that the state will withhold taxes according to law before payment;
3. The employee's agreement to waive retention and reemployment rights, if applicable, along with a statement that the contract is voluntary and not coerced or obtained through means other than the terms of the contract;
4. The date of the employee's last day of work;
5. An acknowledgment that no payment will be made until after the last day of work;
6. The employee's agreement to waive any and all claims the employee may have or assert against the employer relative to their employment prior to execution of the agreement; and
7. Other such provisions as required by Board Rules or Director's Procedures.

A signed copy of the agreement must be provided to the State Personnel Director.

May 17, 2021
Date

Paul C. Johnson
President, Colorado School of Mines