

SAMPLE - TERMINATION
JOB ABANDONMENT (Probationary Employee)

August 31, 2020

Ms. Golden Leaf
Address

RE: Notice of Final Action - Termination
Effective Date of Termination: August 31, 2020 at 5:00 pm

Dear Ms. Leaf:

In accordance with the New Mexico Judicial Branch Personnel Rules (NMJBPR), specifically Rule 9.04 this letter serves as a Notice of Final Action - Termination, effective Friday, August 31, 2020, at 5:00pm.

Job Abandonment - This action is based upon your abrupt departure from the court house the morning of August 31, 2020, at which time you verbally expressed your intent to quit your job and did in fact hand over your office keys to your supervisor. This type of behavior cannot be tolerated in the Judicial Branch.

As an employee in probationary status, you may be terminated without advance notice and have no grievance rights with regard to disciplinary actions.

You will be paid for the two regular hours you worked on August 31, 2020, and placed on absence without leave (AWOL) for the remainder of the day. Your annual leave balance will be paid the following pay period.

Please contact Donna Sanchez, AOC HR Administrative Analyst regarding any questions you might have regarding employee benefits such as insurance at 827-4801.

Sincerely,

Mr. Boss Jones, Administrative Authority
Administrative Office of the Courts

cc: Ms. Golden Leaf - AOC Personnel File
Karen Janes, Magistrate Court Division Director
Magistrate Judge Redford

SAMPLE - PROPOSED TERMINATION
NO RETURN FROM FMLA

August 6, 2020

Ms. Mary Cloud
Address

RE: Proposed Termination
Mailed Return Receipt Requested

Dear Ms. Cloud:

We have no recourse but to serve you with this proposed action of termination due to the fact that you did not return to work at the conclusion of your family and medical leave, as anticipated; based upon verbal communications you have had with court staff it seems clear that you are unable to anticipate when and if you will be able to return to work in any capacity; and to allow the court to meet its work demands by filling your position that has been effectively vacant since May of 2020.

In summary, it was anticipated that you would report to work on -----, 2020 and provide us with a return to work release from your physician which stated your ability to perform the essential functions of your job as assigned. We have not received any written documentation associated with your medical condition or anticipated return to work. Due to your medical condition you have been out on Family Medical Leave from May 8, 2020 through August 1, 2020 (Attachment 1).

As you know, the 100th Judicial District Court has been working continuously with you to address your personal employment needs associated with this medical condition and others over the past three years. At this time we must address the staffing needs of the Court. As you know the Court is a busy place and it is critical to the operations of the court that we strive to operate with a full staff.

As of date, you have been placed on short long term leave without pay and we will continue to apply this leave status until this proposed action is finalized.

You may respond to this proposed action in writing or request an informal hearing with me within five (5) business days from service of this notice. In the hearing or written response, you may provide mitigating information regarding the proposed disciplinary action. At your own expense, you may select a representative to respond in writing to the notice. If you request an informal hearing, that hearing shall be held within five (5) business days of the request. You may select, at your own expense, a representative to speak on your behalf at the hearing. Written Response or Informal Hearing (Reference NMJBPR 9.05, Attachment - 3)

If you have questions, please call Lorri Hatcher, AOC HR Director at 827-4937.

Sincerely,

Ms. Boss, Administrative Authority

Attachments - 1 - Family Medical Leave Documentation
2 - Letter Requesting to be removed from insurance.
3 - NMJBPR 9.05

cc: Employee - Personnel File Ms. Cloud
Ms. Jones, Court Manager
Karen Janes, Magistrate Division Director

SAMPLE - PROPOSED TERMINATION

November 6, 2020

Mr. Sam Song
(Address)

-Re: Notice of Proposed Disciplinary Action – Termination
Sent Return Receipt Requested

Dear Mr. Song:

Please let this letter serve as notice that termination of your employment is being proposed in accordance with New Mexico Judicial Branch Personnel Rule (NMJBPR) Section 9, *Discipline*.

The basis for this proposed disciplinary action is your job abandonment, insubordination and unwillingness to accept clear direction from your supervisor, Ms. Jill Hill, Court Manager.

Summary of supporting evidence:

- **November 1, 2020** - You were issued a formal written reprimand. It appears from the chronology of events that your decision to take unapproved leave was prompted by the written reprimand you received the afternoon of November 2, 2020, rather than the e-mail you received from Ms. Hill on October 23, 2020 (six work days before).
(Attachment - 2)
- **November 2, 2020** - You did not show up for work, rather you sent an e-mail declaring that based on the October 23, 2020 e-mail from Ms. Hill that you would not be returning to work until November 16, 2020. Specifically, you wrote; "Therefore, that as of November 2, 2020 and up to and including November 16, 2020 I am hereby taking most of the accumulated Comp-Time due me, for a total of approximately eighty (80) hours, as per your order to do so, as I perceive it." (Attachment - 3)

Upon receipt of your November 2, 2020 e-mail Ms. Hill tried to contact you that same morning by cell phone and left a message on your cell phone answering machine clearly communicating that you needed to return to work. Ms. Hill also e-mailed that day and wrote; "I left you a voice mail at (505) 350-7444 that I did not approve your request and that you need to report back to work. Not giving me or your office advance notice is unacceptable. The principle behind prior approval is so I can determine if this will cause undue stress on our organization."

- **November 3, 2020** - You replied to Ms. Hill's November 2, 2006 e-mail. Your comments in this e-mail were confrontational, insubordinate and threatening in nature.

As a supervisor you are well aware that annual and comp time leave must be requested by the employee in advanced and approved by the direct supervisor prior to being taken.

Furthermore, this e-mail is evidence that you indeed received Ms. Hill's request that you return to work.

As of today, Monday, November 6, 2020 you have not contacted Ms. Hill or myself regarding your leave status.

The above actions on your behalf constitute job abandonment, insubordination and unwillingness to accept clear direction from your supervisor, which serves as the basis for this proposed action.

Effective Monday, November 6, 2020, you have been placed on absence without leave, and without pay. Should you decide to return to work while this proposed action is being reviewed, you may do so.

You may respond in writing to this proposed disciplinary action, or you may request an informal hearing with myself the Administrative Authority within five (5) business days from service of this notice. If you request an informal hearing, that hearing shall be held within five (5) business days of the request. *Please closely review the attached copy of NMJBPR, Section 9 Discipline for additional information regarding this proposed disciplinary action.* (Attachment - 5)

If you have any questions, please contact me at 000-0000 or Lorri Hatcher, AOC Human Resources Division Director at 827-4937.

Sincerely,

Mr. Boss, Administrative Authority
Administrative Office of the Courts

Attachments - 1 - 5

cc: AOC Employee Personnel File