



NEW MEXICO POLICIES & PROCEDURES

SECTION CONTENTS

SENIOR EMPLOYMENT PROGRAM (SEP) TERMINATION

THE DOCUMENT CONTAINED HEREIN IS SUBJECT TO CHANGE.

VERSION: 8.2025

NEW MEXICO STATE ALTSD—Termination Policy SEP

NEW MEXICO EMPLOYMENT PROGRAM BUREAU

1.1 PURPOSE

The purpose of this policy is to establish the Aging and Long-Term Services Department's (ALTSD) and Senior Employment Program (SEP) Termination Policy

1. DEFINITIONS

- A. Host Agency – A not-for-profit organization or public agency selected by the Aging & Long-Term Services Department (ALTSD) in which eligible trainee(s) are placed in training positions(s).
- B. Termination – Voluntary or involuntary separation from a program, specifically, from the SEP.

2. POLICY

The ALTSD SEP Termination Policy specifies the conditions under which a participant may be terminated from the program and the process by which involuntary termination will be handled. At enrollment, each SEP participant receives a written copy and a verbal explanation of the policy from ALTSD SEP staff. A thirty (30) days' written notice is given before any termination is effective. Termination notices will include termination dates, references to the SEP manual or policy, description of reason for termination, supporting documentation (if applicable), and participants' rights to grieve and appeal. Participants may not be terminated based on age. No upper age limit applies for participation in the SEP. All terminations are subject to the grievance process. Participants may contest these actions by following the procedure outlined in our Grievance Policy.

3. PROCEDURE

- A. A participant *shall* also be terminated from an ALTSD SEP training position if any of the following occur:
 - 1. A participant knowingly provides false information and was incorrectly declared eligible for the SEP based upon such information. If this occurs, the participant will be placed on leave without pay immediately and a written notice of disenrollment in thirty days will be sent to the participant.
 - 2. A participant was incorrectly declared eligible for SEP through no fault of the participant. For instance, a participant may be declared eligible through an error in calculating includable income. If this occurs, the participant will promptly be sent a notice of disenrollment in thirty days. The participant will be able to continue participating in the SEP until the date of exit stated in the notice.
 - 3. A participant is found to be ineligible at recertification. Annually, or more frequently if there is a substantial change in circumstances, each participant's age, income,

residency, family size and employment status are reexamined in order to determine if he or she continues to be eligible for the program. During this examination a participant may be found to no longer be eligible due to a change in circumstances, such as increased income or reduced family size. If this occurs, the participant will immediately be sent notice of disenrollment in thirty days. The participant will be able to continue participating in the SEP until the date of exit stated in the notice.

4. The SEP participant may remain in the program for a maximum of 48 months (4 years). This is called the durational limit. Once the participant reaches this durational limit, they exit the program. Our policy does not allow any extensions, regardless of personal circumstances. To help prepare the participant for their transition out of SEP, they will receive notification in writing at two key points: Six-months before their exit: they will receive a written notice informing them that they are six months away from reaching the 48-month limit. This will begin the transition planning process. Thirty-days before their exit: they will receive a second written notice at least 30 days before the final day in the program. They may continue participating until the date listed in that notice. SEP staff will work with the SEP through this transition to create an Individual Employment Plan (IEP) that supports them transition out of the program. This plan may include referrals to Workforce Innovation and Opportunity Act (WIOA) services and other community-based employment and training programs. If the participant has concerns or believes their exit from the program was handled incorrectly or unfairly, they may file a grievance.
5. A participant becomes employed while enrolled in SEP and does not notify the program and remains in his/her training position. To qualify for enrollment in the SEP program, applicants and participants must be unemployed. All participants are informed, at the time of enrollment, that they must remain unemployed to continue to be eligible for the program. They are instructed to inform SEP staff immediately if they become employed. A participant who is discovered to be employed while enrolled will be immediately placed on leave without pay and sent a notice of disenrollment in thirty days.
6. A participant engages in willful misconduct or intentional disregard of program policies and rules, such as the behaviors listed below. Mere negligence, inadvertence, incapacity or incompetence are not reasons for termination from an SEP training position. If a participant's violation of SEP policy is not of a serious nature, the participant will be given two documented opportunities to correct his/her behavior before being terminated from the SEP. These opportunities may involve placement in new community service assignments with new host agencies. If a participant's violation of SEP policy is of a serious nature, immediate action to remove the participant from the host agency will be initiated. In such a case, the participant will be immediately placed on leave without pay and sent a notice of disenrollment in thirty days. Examples of situations requiring this course of action include, but are not limited to:
 - Gross misconduct, such as physical or extreme verbal violence at the workplace.
 - Intentionally causing danger to the health and safety of oneself or others in the workplace.

- B. A participant *may* be terminated for cause from an ALTSD SEP training position for reasons including:
1. Falsification of official records, such as timesheets;
 2. Intentional disclosure of confidential or private information obtained from a host agency, SEP staff, or SEP administration;
 3. Physical violence or intentional destruction or theft of property;
 4. Obscene, abusive, harassing, or threatening language or behavior;
 5. Sexual harassment;
 6. Causing an imminent threat to health or safety of self or others;
 7. Working while under the influence of illegal or non-prescribed, consciousness-altering drugs or alcohol;
 8. Violation of the ALTSD SEP leave policy, including taking leave without pay for non-medical reasons without prior approval, failure to return from an approved leave at the approved time without notice or good cause, inability to return to work after four pay-periods of leave without pay for medical reasons, and failure to provide documentation from a medical provider of illness exceeding three days when requested by the participant's supervisor or SEP staff;
 9. Frequent tardiness or unauthorized absences without good cause or without informing the supervisor (generally, three instances of absence without good cause or without proper notice may warrant termination);
 10. Refusal to comply with an Individual Employment Plan (IEP) without good cause, such as refusal to:
 - Accept at least three job offers or referrals, with no extenuating circumstances.
 - Accept training opportunities or follow through with objectives to achieve goals that are outlined in the IEP;
 - Accept a new community service assignment to enhance skill development in support of IEP goals;
 - Accept supportive services that will enhance one's ability to engage in a community service assignment consistent with the IEP;
 - Participate in services offered by SEP staff, such as job search or resume writing.
 11. Refusal to cooperate with recertification, assessment, or IEP processes; or
 12. Insubordination: intentional refusal to carry out the direct instructions of a supervisor, or ALTSD SEP staff, providing there are no extenuating circumstances.

Revision History

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