

## **LAI D OFF STATE EMPLOYEE PAYOUT FACT SHEET**

Employees who are terminated due to a reduction in force (laid off) can expect final payment within 2 or 3 weeks depending upon the last day worked and where it falls within a pay period. Because the pay cycle lags by two weeks, in some instances employees will receive two pay checks after leaving state service. Every effort will be made to pay any eligible payout amounts in the check that includes the payment for the last day worked. Payout amounts include the payment of any annual, compensatory time, floating holidays and/or bonus leave balances and longevity payments, if applicable. It will also include a payment for a percentage of unused sick leave. These leave balances will be paid as outlined in the current **Collective Bargaining Agreement** between the State and the State Employees' Association, SEIU Local 1984. For employees represented by the NH Trooper's Association (NHTA), the New England Police Benevolent Association (NEPBA) or the Teamsters, please see your specific collective bargaining agreement for information, which can be located at the following link: <http://das.nh.gov/hr/sea.html>. If your agency is not covered by a current collective bargaining agreement, please see page two of this document for more information.

**Compensatory Time** (Article 7.1.5): An employee may receive compensatory time off at the rates specified in 7.1.1. and 7.1.2. in lieu of overtime pay upon mutual agreement between the Employer and the employee. All hours earned, based on this item, are paid upon termination.

**Floating Holidays** (Article 9.6.6): Any employee who terminates for any reason shall be paid for all days earned, if not taken, under section 9.6.

**Annual Leave** (Article 10.5): Upon resignation, retirement, or dismissal of any employee in the bargaining unit, he/she shall receive a sum equal to the number of days of annual leave remaining to his/her credit, provided that any or all amounts may be applied to offset any amounts owed the state by the employee. However, as per Article 10.1, no payment for accrued but unused annual leave will be made upon separation from employment within the first twelve months of employment.

**Bonus Leave** (Article 11.1.1)\*\*: Unit employees shall be entitled to bonus leave accrual based upon the number of sick leave hours used per fiscal year .... Proration of bonus leave will occur for any retirement or reduction in force...

Any employee who retires from State service under the provisions of RSA 100-A or who is laid off from State service and who has unused bonus leave to his/her credit from the preceding fiscal year shall be paid for such unused bonus leave, up to a total of 64 hours depending upon union status, at the time of separation. This includes retained, Fiscal Year bonus and any eligible pro-rated current fiscal year bonus days as outlined in this section. If you have additional questions, please contact your human resource office about your specific situation.

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**Sick Leave** (Article 11.1.4)\*\*: Upon retirement under RSA 100-A:5 or 6 or termination as a result of a reduction in force, an employee shall receive payment in a sum equal to 50% the number of sick leave days remaining to the employees credit. However, the number of days eligible for payment shall not exceed sixty (60) days.

**Longevity Pay** (Article 19.11): Any full-time employee who has completed ten years of continuous service shall be paid, in addition to his/her normal salary, the sum of \$300.00 annually and an additional \$300.00 for each additional five years of continuous service. An employee shall be eligible to receive this payment if his/her anniversary date is on or before December 1. The longevity payment shall be paid in the employee's first paycheck received in December. An employee who retires or terminates prior to December 1, but after his/her anniversary date, which is on or after December 2, will be entitled to the appropriate longevity payment upon retirement or termination. (If the employee is laid off after the month and day of their longevity/Pay Progression Start Date).

***\*\*For an employee of an agency not bound by the Collective Bargaining Agreement, payouts are determined by the Personnel Rules:***

**Per 1204.03 Bonus Leave Related to Sick Leave.**

(c) Bonus leave accrued under paragraph (a) shall be used in the fiscal year following the fiscal year in which it was earned or else it shall lapse.

(d) Bonus leave shall be prorated in the event of an employee's retirement or as a result of a reduction in force.

**Per 1204.04 Termination of Service.**

(b) Upon retirement under RSA 100-A:5-6 or a termination as a result of a mandated reduction in force, an employee shall receive payment in a sum equal to 41.7 percent of the number of sick leave days remaining to the employee's credit, provided that the number of days eligible for payment shall not exceed 50 days.

(c) With regard to confidential employees, the terms of Per 1204.04(a) and (b) shall apply, except that, in place of 41.7 percent of the number of sick leave days remaining to the employee's credit, confidential employees shall receive 50 percent, and the total number of days eligible for payment shall not exceed 60 days.

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**NOTE:** Final wages paid to State employees are subject to the provisions of RSA 275:44 III, which does not require payment of all wages within 72 hours of discharge, but at the next regular pay date from the date of separation due to a layoff. <http://www.gencourt.state.nh.us/rsa/html/XXIII/275/275-44.htm>.

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