

9.3 Termination for Job Abandonment

Any employee who, without the permission of Mines, fails to report to work, or fails to return to work after the expiration of an approved absence, for a period of time exceeding thirty days shall be deemed to have constructively tendered his or her resignation. In such a case, the employee may be terminated by Mines under this section without initiating the termination for cause process set forth in Section 9.5 below.

In addition to the above-listed requirements, the following conditions must apply in order for Mines to terminate an employee on the ground of job abandonment: (1) the employee must have exhausted all of his or her available leave which is applicable to the absence, including family medical leave, or refused to utilize his or her available leave; (2) the absence must, in the judgment of Mines, be unreasonable or be otherwise unexcused; and (3) at least seven days prior to terminating an absent employee under this section, Mines must deliver to the employee written notice directing the employee to report to work by a specified date and clearly state the consequences of the employee's failure to do so.