

What Employees Need to Know About the Layoff Process

When it becomes necessary to eliminate a position due to budget constraints or reorganization, managers are guided by two state policies – layoff and severance benefits. Following is an overview of the provisions of those policies that may apply if you are laid off.

Layoff Notification

Generally, you will receive two notifications of layoff:

- The first is an informal notification from your department. It includes the effective date of layoff and a referral to your VCU Human Resource Consultant for assistance with placement options and benefits.
- The second is the official written notification from VCU Human Resources at least two weeks before the layoff effective date. This notification places you on leave without pay-layoff status for up to 12 months, and it includes information about your rights and benefits under the layoff and severance policies (if eligible).

Your HRG will determine eligibility for severance and layoff benefits and/or assist layoff candidates with exploring possible job opportunities. *Generally, employees in grant-funded (restricted) positions are not eligible for severance and layoff benefits (including placement).*

Employment Options Before Leave Without Pay-Layoff Begins

Before being placed on leave without pay-layoff, you may have preferential hiring rights that entitle you to placement in vacancies at VCU in your *current or lower pay band* for which you are minimally qualified.¹ A Human Resources representative will work with you to identify appropriate vacancies and submit your application.

Your HRG also will provide you with copies of the Interagency Screening Form (“Yellow Form”) for use at other state agencies. The “Yellow Form” gives you preferential consideration for vacancies (posted as internal or external recruitments) in any Executive Branch agency from the date of issuance until you are placed on leave without pay-layoff.

- To be considered, the “Yellow Form” must be received at the other agency by the application deadline.
- Once you have accepted a position using the “Yellow Form,” the form may not be used to obtain another position.
- You may refuse employment offers with another agency and retain placement options within VCU, if any are available.
- If the new position is in a lower pay band, you remain eligible for recall by VCU for the length of your leave without pay-layoff (up to 12 months).

¹ Minimally qualified is defined as possessing the necessary knowledge, skills, abilities (KSAs) and other job requirements and being able to perform successfully within six months in the new position.

Employment Options While On Leave Without Pay-Layoff

- Preferential Hiring Card (“Blue Card”)
 - The “Blue Card” gives you preferential employment rights to a vacant position (posted as internal or external recruitments) in another agency that is in the same Role as your former position.
 - To be considered for preferential hiring rights, the “Blue Card” must be submitted to agencies along with a completed state application form by the position’s closing date.
 - Preferential rights cease before the end of the layoff year when you accept recall to VCU, accept a position through the use of the “Blue Card” or if you resign, whichever occurs first.
- Additional Re-Employment Opportunities within the Commonwealth

You may choose to participate in the state RE-OP Pool while you are on leave without pay-layoff and have an active Preferential Hiring Card (“Blue Card”). Agencies may review applicants in the RE-OP pool before they advertise or list positions in RECRUIT. To participate, submit your completed application to your HRG who will transmit it to the Virginia Department of Human Resource Management (DHRM).

- Recall Rights

If you have been placed on leave without pay-layoff or demoted in lieu of layoff, you have recall rights to positions at VCU. Recall entitles you to placement into a vacant position that is in your pre-layoff Role and for which you are minimally qualified. Recall rights extend for 12 months from your leave without pay-layoff effective date.

Layoff Benefits and Severance

To be eligible for the following benefits and severance, you must be in a full-time, non-restricted classified position. *Employees in grant-funded (restricted) positions are not eligible for the benefits listed below or for severance or placement rights (unless the employee previously held a non-grant funded position).* If you have questions about other benefits not listed here, please contact VCU Human Resources.

- Group Life Insurance

VCU will continue its contribution toward group life insurance for 12 months from the effective date of leave without pay-layoff.

- Health Insurance

VCU will continue to pay its portion of your health insurance premium for 12 months from the effective date of leave without pay-layoff. You are responsible for paying your share of the premium. Human Resources will provide information regarding when and where to make your payments.

- Severance Payments

Severance payments are based on your years of service and are paid twice a month based on the following formula:

Years of Service ²	Benefit (Weeks of Salary)
2 and under	4
3	5
4	6
5	7
6	8
7	9
8	10
9	11
10	14

Years of Service	Benefit (Weeks of Salary)
11	16
12	18
13	20
14	22
15	30
16	32
17	34
18 and over	36

Retirement

Contributions to your retirement plan will not be made, and no refund of contributions can be made until you resign from state service.

In lieu of receiving health insurance, life insurance, and severance pay, any eligible full-time employee – who is a vested member of the Virginia Retirement System (VRS) and is at least 50 years of age – may elect to use the total value of these benefits to have the Commonwealth purchase years to be credited for retirement purposes to either the employee’s age, creditable service, or to be divided between age and creditable service (Enhanced Retirement).

Unemployment Compensation

Receipt of severance payments does not automatically deny or modify your right to receive unemployment compensation; however, the amount of unemployment compensation may be reduced by the amount of severance payments received. Please contact the Virginia Employment Commission (VEC) to determine your eligibility for unemployment benefits.

Leave Balances While On Leave Without Pay Layoff

- Annual and Traditional Sick Leave

You do not accrue annual or traditional sick leave while you are on leave without pay-layoff status. You may request payment of accrued leave (if eligible) or retain these balances when placed on leave without pay-layoff.

If you choose to retain the balances, you will be paid for the maximum amount allowable of annual and traditional sick leave (if eligible) at the end of the leave without pay-layoff or at resignation, whichever occurs first.

- Virginia Sickness and Disability Program (VSDP) Leave Balances

VSDP leave balances will be held when you are placed on leave without pay-layoff. If you are recalled or obtain placement through preferential employment rights prior to the end of the layoff year and prior to January 10, your leave balances will be reinstated. If you are recalled or obtain placement within the

² Partial years are rounded up to the next year.

layoff year, but after January 10, you will be credited with the appropriate VSDP sick and family/personal leave credits.

Conditions Under Which Layoff Benefits Cease

- If you are offered a position at the same salary through the preferential hiring process, you must accept or you will be separated from employment. You will no longer be entitled to other placement options or to severance benefits.
- Recall rights during leave without pay-layoff cease if you are employed or promoted to a position that is in the same or higher Role as your former position, or if you resign or retire. If you decline recall to a position in the same Role you held at layoff, which does not require relocation or a salary reduction, you forfeit rights for further severance payments and your name will be removed from the recall list.
- Health care and group life insurance benefits cease after 12 months of leave without pay-layoff or if you resign or retire.
- Severance ceases if you are re-employed by the Commonwealth or hired as an independent contractor or consultant while receiving benefits.

Your Responsibilities During the Layoff Process

- Meet with your HRG to learn more about your rights and benefits.
- Inform your department and your HRG about paying or holding your leave balances (if applicable).
- Complete a VCU application (available online at <https://www.vcujobs.com/>) **and** a Commonwealth of Virginia application (available online at <https://jobs.agencies.virginia.gov/>) for use with various placement options. Ensure that the information on the applications remain up to date.
- Make every effort to attend interviews on time and present yourself professionally during the interview process.
- Make health care payments promptly.
- Contact the VEC regarding unemployment compensation.

Human Resource Responsibilities During the Layoff Process

- Provide layoff information to employees, explaining rights and benefits for which they are eligible.
- Provide formal notification at least two weeks before the leave without pay-layoff effective date.
- Complete paperwork to ensure benefits continuation and accurate severance payments.
- Forward the employee's application for all appropriate vacancies.
- Review documentation if the employee is determined not to be minimally qualified for a particular vacancy.
- Facilitate the employee's participation in the RE-OP pool if he/she chooses to participate.

Special Note for Hourly Employees

The layoff and severance policies do not apply to hourly employees. VCU Human Resources will work informally with hourly employees to try to find other University employment and provide guidance regarding the state RECRUIT system for employment at other agencies.