

DOWNLOAD PDF LAYOFF AND UNEMPLOYMENT COMPENSATION POLICIES.

Chapter 1 : Policy Number: Severance Benefits

To find out how to file a claim, go to your state's unemployment agency website; you can find links and more information at State Unemployment Agencies. Option 4: Workers' Compensation Workers' comp isn't a form of severance pay, but you may be entitled to receive it even after you are laid off.

This policy provides guidelines to units for layoffs due to reorganization, operational changes or financial constraints. This policy establishes the documentation and appropriate approvals for conducting layoffs, as well as outlines notice periods, severance payments, benefits administration, removal of system access, and service bridging for reduction of employees through layoffs. The layoff process must not be used when corrective action or termination for cause are more appropriate. Who is governed by this policy: This policy applies to all staff. Other than employees covered by Collective Bargaining Agreements, University staff employees are "at will" employees. This means that employment is a matter of continuing agreement between the employee and the University. When it becomes necessary to reduce the number of employees through layoffs, reductions are made in view of the needs of the unit. For purposes of this policy, a layoff consists of an involuntary loss of employment due to organizational restructuring, position elimination including reduction in force, operational changes or financial constraints. All layoffs must be approved in advance by the Center of Expertise - Employee and Labor Relations and conducted in accordance with the procedures set forth in the Appendix to this policy. Definition At Will Employment Employment that is a matter of continuing agreement between the employee and the University. Benefits Eligible Position A position that is scheduled to work an average of 20 hours or more per week and is therefore eligible for benefits. Shared Services Office The centralized body that processes transactions, reviews and verifies documentation, enforces policies and regulations, and ensures consistency and accuracy of processes. Supervisor Unit personnel who oversee and regulate employees in their performance of assigned or delegated tasks, as well as enforce compliance with policy. Roles and Responsibilities Employee Employees are responsible for returning University identification card, keys, all library books and other University property before or upon the effective date of termination. Employees are also responsible for updating or verifying any benefits or personal contact information before the effective termination date. Additionally, employees should review and consider any separation agreements offered in a timely manner as outlined within the separation agreement. Employee and Labor Relations Center of Expertise - Employee and Labor Relations is responsible for reviewing and approving all layoffs, including justifications and documentation. Center of Expertise - Employee and Labor Relations is also responsible for preparation of separation agreements, approving severance amounts, outplacement services and other services offered to affected employees. Local Unit The Local Unit is responsible for following procedures and policies related to layoff or reduction in force. Local Units are responsible for assessing the feasibility of avoiding layoffs, selecting each position to be affected by a layoff and providing layoff justification to Employee and Labor Relations via the lay-off justification form. When feasible, units must first consider non-benefits-eligible employees for layoff. Shared Services Office The Shared Services Office is responsible for verifying documentation such as layoff justification form and separation agreement have been correctly signed and uploaded. The Shared Services Office is also responsible for managing the quick closure process, system access removal for core systems, severance payments and other payroll payments.

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Chapter 2 : Layoffs | Human Resources | University of Colorado Boulder

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Lohman, Principal Analyst RE: Although no state has a day probation period, all states, including Connecticut, have earnings requirements that claimants must meet before becoming eligible to collect unemployment compensation benefits. These rules require unemployment compensation claimants to have worked enough in a recent month period to earn a minimum amount of wages. In most states, unless the claimant is quite highly paid, to earn the minimum, she must work at least 15 to 20 weeks in her month base period the first four of the five most recently completed calendar quarters preceding the unemployment compensation claim. No state requires that all the work be for one employer. An employer and employee who pretend that the employee is laid off when she is not in order to allow the employee to collect unemployment benefits would appear to be guilty of unemployment compensation fraud. In Connecticut and other states, such conduct is punishable by both civil and criminal penalties. For your further information, we also enclose a report R that describes the unemployment compensation tax system in greater detail. Employee Eligibility Before an employer can be charged for unemployment compensation benefits, an employee must be eligible to collect them. Being laid off at the end of a temporary job is a qualifying reason for collecting benefits, as long as the former employee also meets all the other eligibility criteria. These are that she: The higher the benefit rate, the higher the total benefits. The more she earned while working the higher her benefit rate will be. Length of Unemployment Another factor that contributes to higher total benefits is the length of time it takes the former employee to find a new job. In Connecticut, people can collect unemployment compensation for up to 26 weeks. In the most recent year September 1, through August 31, , the average recipient collected benefits for This means that the employer in question must have employed the former employee during her base period. Even if the employer is a base period employer, it may not be liable for the entire amount of benefits because it might share liability with other base period employers. This is particularly likely if the employee has held other temporary jobs. The larger the total taxable wages i. See our report R, enclosed, for a full explanation of this big versus small employer impact. But every state, including Connecticut, has minimum earnings qualifications for unemployment compensation claimants that serve the same function. Some states impose a minimum number of weeks or hours of work. Others, like Connecticut, require the claimant to have earned a specific multiple of his unemployment benefit in wages. Unless a person is quite highly paid, these minimums generally require a claimant to have worked at least 90 days though not necessarily just for one employer per year to be eligible for unemployment compensation benefits. In such cases, in states like Connecticut that have no minimum number of weeks of work, it is possible for highly paid claimants to meet the minimum wage requirement in a shorter time. Table 1 below shows the minimum earnings requirements for qualifying for unemployment compensation in the 50 states.

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Chapter 3 : Layoff - Wikipedia

You asked if an employer ' s unemployment compensation tax rate is adversely affected when he lays off a temporary employee, whether any states have a day probation period before an employee is eligible to collect unemployment compensation, and whether any state has addressed the problem of employees who ask to be laid off in order to collect unemployment compensation.

Layoffs Laid Off Employees: What Compensation is Available? If you lose your job in a layoff, you may be entitled to severance, unemployment benefits, or other forms of compensation. Share on Facebook During these tough economic times, plenty of employees worry about losing their jobs -- and their income -- in a layoff. But there are some forms of compensation that may be available to laid-off employees. Money Your Employer Owes You The first place to look for compensation is money you have already earned. For example, you are entitled to receive your final paycheck, compensating you for all of your hours worked, in fairly short order after a layoff. Final Paychecks for Departing Employees. In many states, employers also have to cash out any accrued, unused vacation time when you lose your job. Severance There are two ways a laid-off worker might be entitled to severance: State laws requiring severance. These laws are similar to the federal WARN Act, which requires employers who lay off a large number of workers or close an entire plant to give the affected employees a certain amount of advance notice. In some states, the laws go further to require employers to provide some severance pay. In Maine, for example, employers who discontinue business operations or relocate at least miles away must pay laid-off employees who have been with the company for at least three years one week of severance pay for each year of work. If your employer has a policy promising severance or a practice of offering it, you are entitled to severance pay. For example, many companies routinely pay employees who are laid off one week of pay for each year of service with the company. Companies that put this practice in writing for example, by promising it in an employment contract or by adopting a written severance policy can be held to it. Even companies that have no written severance policies may be legally required to provide it, if they have always paid severance to laid-off employees in the past. At some point, a regular practice like this becomes a type of contract, which the company can be held to. Unemployment Benefits If you lose your job through no fault of your own, you will likely be entitled to unemployment benefits while you look for new work. Unemployment insurance is a joint program of the federal and state governments. Although each state has its own eligibility requirements, generally workers are eligible if: For more on all of these requirements, see Eligibility for Benefits. The amount of benefits varies widely from state to state, but it always depends on your prior earnings. Unemployment benefits are intended as a partial wage replacement: Theoretically, they pay employees enough to get by without creating a disincentive for employees to find new work. If you are laid off, you should file a claim for unemployment right away. Legal Remedies Not every layoff is legal. You may have grounds for a lawsuit if, for example, you lost your job due to discrimination or retaliation. For instance, if your employer conducted a layoff in which it terminated mostly older workers, that might be age discrimination. Even if your layoff is legal, you may have legal claims against your employer that predate your termination. For example, perhaps your employer owes you unpaid commissions or never paid you for working off the clock. If you want to pursue potential legal claims against a former employer, you should speak to an employment lawyer.

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Chapter 4 : Minnesota Unemployment Insurance / Unemployment Insurance Minnesota

Policies. Dedicated to providing the best support to our UC Berkeley colleagues, this section includes Employee Relations, HR Investigations, Policy & Practice and Transition Services.

For some benefits, you also have the option to apply for conversion to an individual policy. This type of coverage, though, is likely to be more expensive, and provide fewer benefits, than your UC plan did. Medical, dental and vision: You have 60 days from the date you lose coverage or 60 days from the date you receive notice from WageWorks of your eligibility for COBRA, if later to apply. You can continue to contribute to your HSA as long as you are covered by the Health Savings Plan or any qualified high deductible health plan. Your HSA contributions through payroll deduction ends with your last paycheck. However, if you have not yet reached the IRS maximum contribution limit allowed for the year, you can still make contributions directly to HealthEquity. Call HealthEquity for more information at any time. For medical only, another possibility is to apply " within 31 days after your group coverage ends " for conversion to an individual policy. Or you may apply to the insurance carrier directly for individual coverage, which could provide better benefits for less. Talk to your benefits or payroll representative if you want to continue coverage for up to four months by paying the premiums yourself. Contact the carrier directly, within 31 days after UC coverage ends, to apply for conversion to an individual policy. Accidental death and dismemberment, supplemental life, basic dependent life and expanded dependent life: To continue your UC coverage for up to four months, contact your benefits representative to arrange to pay premiums directly. When your group coverage ends, you have 31 days in which to apply for conversion to an individual policy. Remember that your coverage ends your last active day at work. DepCare and Health flexible spending accounts: If you have questions, your benefits representative can help. Contact the carrier if you want to continue coverage to the end of the year by paying premiums directly. Vacation and sick leave: If you retire within days of your layoff and choose monthly retirement income, unused sick leave will be converted to retirement service credit at the rate of eight sick leave hours for one day of service credit.

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Chapter 5 : Unemployment Compensation – Layoff of Temporary Employee

The Department of Labor's toll-free call center can assist workers and employers with questions about job loss, layoffs, business closures, unemployment benefits and job training: US-2JOBS (TTY:).

Prior to finalizing any layoff procedures, departments are to contact HRS. Eligibility This layoff procedure applies to all civil service employees who are not covered by collective bargaining unit agreements. An employee who is covered by a collective bargaining unit agreement is to refer to the applicable agreement for layoff rules and procedures. Process The department is to contact HRS to discuss any proposed layoff. Specify the reason for the layoff, such as: Include the effective date of the layoff. HRS provides the employee with a written layoff notice signed by the appointing authority and layoff options in accordance with WAC

Permanent Employees A permanent employee must receive at least 15 calendar days written notice of layoff, unless the appointing authority and the employee agree to waive the 15 calendar day notice as defined in WAC HRS must furnish the written notice directly to the employee during his or her scheduled working hours, if possible. If the employee fails to return the layoff options forms to HRS within the prescribed time limits, such failure is automatically regarded as rejection of the options. **Probationary Employees** Probationary employees do not have layoff employment options. In accordance with WAC , probationary employees must receive a minimum of one calendar day written notice before being separated. The department must notify HRS of the status and end date of each project. The conclusion of a project appointment may result in a layoff of a permanent employee. An employee laid off from a project position has layoff rights only within the specific project, unless the employee left a permanent position to accept the project appointment. A project employee must receive at least 15 calendar days written notice of layoff, unless the appointing authority and the employee agree to waive the 15 calendar day notice as defined in WAC After receiving notification from the department, HRS must provide notice to the project employee even if the project is ending on the specified date. Options provided to a project employee are limited to options within the specific project, unless the employee left a permanent position to accept the project appointment. **Permanent Status Prior to Project Appointment** When a permanent employee leaves a permanent position to accept a project appointment, the permanent employee is placed on the internal layoff list, in accordance with WAC An employee who held permanent status prior to accepting a project appointment without a break in service may request to return to his or her permanent position by providing 14 calendar days written notice of intent to return to the position he or she held immediately prior to accepting the project appointment. The employee submits the written request to the appointing authority of the permanent position the employee previously held and sends a copy to HRS. The appointing authority may grant or deny the request and provides written notice to the employee of his or her decision. Layoff options are determined in accordance with WAC and are offered within the layoff unit. Options within a layoff unit are offered in the following order: **Option 1** Within the layoff unit, a permanent employee scheduled for layoff must be offered the option to take a position, if available, for which the following criteria are met: The position is allocated to a class in which the employee holds permanent status at the time of the layoff. If no position at the same salary range is available, the employee must be given an opportunity to take a position in a lower class in a class series in which the employee has previously held permanent status. The employee is not required to have held permanent status in the lower class in order to be offered the option to take a position in the class. Lower class positions are examined for availability in descending salary order. See the definition of Class Series below. The employee satisfies the competencies and other position requirements see Competency and Position Requirements below. The position is funded and vacant, or if no vacant funded position is available, the position is occupied by the employee with the least seniority see Seniority below. **Option 2** If a permanent employee has no options under Option 1 above, the employee is offered the following option: The employer must determine if there is an available position in the layoff unit to offer the employee in lieu of separation that meets all of the following criteria: The position is at

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the same or lower salary range maximum as the position from which the employee is being laid off. The position is vacant or is held by a probationary employee. The position is one for which the employee meets the competencies and other position requirements see Competency and Position Requirements below. If more than one qualifying position is available, the employee must be offered the position with the highest salary range maximum. Transition Review Period An employee appointed to a position through the layoff process may be required to serve a transition review period. If the affected employees are located within the same layoff unit the assigned appointing authority determines, based on business necessity, which position is considered least senior. Employee with longest continuous time within his or her current classification will be considered most senior. The employee is given layoff list rights to classes in which he or she held permanent status and lower classes in applicable series, excluding any prior state service before any break in service. In addition, if the employee accepts a layoff option to a position that is located beyond a reasonable commuting distance, the employee is placed on the layoff list for the classification at the previous permanent work location from which she or he was laid off. All laid off employees may be placed on the statewide layoff list in accordance with WAC Trial service employees who do not satisfactorily complete the trial service period have reversion rights in accordance with WAC Such employees are eligible to be on the internal layoff lists in accordance with WAC An employee who unsuccessfully completes a transition review period may be reinstated on any eligible layoff lists in accordance with WAC An employee who left a permanent position prior to accepting a project appointment is placed on the internal layoff list and provided with options in accordance with this section Appeal Rights All permanent employees have the right to appeal a layoff in accordance with WAC In accordance with WAC , employees must submit appeals in writing within 30 calendar days after the effective date of the action appealed to:

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Chapter 6 : The Layoff Payoff: A Severance Package | Investopedia

Layoff - Severance - Temporary Workforce Reduction Note to Employees: If you have questions related to your individual situation (why your position was identified, projections of your severance benefits, your length of continuous service time, etc.) please consult with your agency human resource office.

Separations from Employment A. Generally Each eligible individual shall receive benefits as compensation for loss of remuneration due to involuntary total or partial unemployment in the amounts and subject to the conditions set forth in Ohio Revised Code Chapter If the individual is not working all available hours, then additional issues of voluntary unemployment and ability to obtain suitable work are raised. In order to rule upon a separation, there must be an employer-employee relationship. In re Peer, R Accordingly, the Director will NOT rule upon why an individual separated from self-employment as an independent contractor. However, the Director WILL rule upon the reason why an individual separated from non-covered employment. Lexington Township Trustees v. Stewart , Ohio App. Generally, once an individual has been separated from employment due to a lack of work, that individual cannot be separated for a different reason such as a quit or a discharge unless the individual first returns to work. Vineyard Wine Shoppe v. Weisert , Ohio App. Howell , Ohio App. However, the result may be different if the layoff is only temporary in nature and there is a continuing employer-employee relationship. Batavia Nursing and Convalescent Inn v. Kidd , Ohio App. If a collective bargaining agreement gives the employer the right to declare a vacation shutdown, then the employees agreed to such vacation and the employees are voluntarily unemployed. However, if the agreement does NOT give the employer the right to declare a vacation shutdown, then the employees are involuntarily unemployed due to a lack of work. Mercer , 14 Ohio App. Sun TV , 44 Ohio App. Essentially, each case must be considered upon its own particular merits. For example, in Peters v. The court held that claimant quit without just cause because the claimant had not complained strongly about the unpaid overtime, had not complained to OSHA about the unsafe working condition, and therefore, had not pursued other available options before deciding to quit. An employee who is advised to quit by a doctor, but who continues working for a time before eventually quitting because of a medical condition, can still quit with just cause. Board of Review , 14 Ohio App. Sandusky Metal Products , Ohio App. LEXIS holding that a claimant who worked for three years after being advised to quit by a doctor quit for reasons other than a medical condition. Steinbacher , Ohio App. LEXIS , a claimant with attendance problems refused an offered leave of absence and instead quit her employment. After being treated for alcoholism, claimant concluded that she had quit her employment because of her alcoholism, and argued that she had quit her employment with just cause because she had acted as an ordinary reasonable person suffering from alcoholism would have acted. While the court agreed that alcoholism is a factor to be considered in determining whether there is just cause for quitting employment, the court held that the relevant question was simply whether an ordinary reasonable person would have quit her employment. Quit in Anticipation of Inevitable Discharge An employee who resigns in anticipation of an inevitable discharge must be judged by the same criteria as if the discharge had actually taken place. Health One , Ohio App. If the employer had just cause to discharge the employee, then the claimant quit without just cause. Parks requires that the discharge MUST be inevitable when the employee decides to quit. On the other hand, an employee who is simply put on probation, or an employee who is told that discharge will be recommended, does not yet face an inevitable discharge. Religious Beliefs In Frazee v. Illinois Department of Employment Security , U. Claimant refused the employment because his belief as a Christian precluded him from working on Sundays. Claimant had been denied benefits by the lower courts because he was not a member of an established religious sect or church. The Supreme Court found that an individual need not be responding to the commands of a particular religious organization to claim the protection of the free exercise clause of the First Amendment. Unemployment Appeals Commission of Florida , U. During the course of her employment, claimant became a member of the Seventh Day Adventist Church.

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She was discharged after she informed the employer that she would no longer be able to work from sundown Friday to sundown on Saturday. Supreme Court found that claimant was entitled to benefits. It was ruled that a denial of benefits to claimant would violate the free exercise clause of the First Amendment. The court stated that any infringement on religious belief must be subjected to strict scrutiny and could be justified only by proof of a compelling state interest. Also see *Thomas v. Courts* have recognized "the possibility of charlatans unlawfully faking religious beliefs for their own nefarious purposes," and have stated that the determination of whether something is a sincerely held religious belief is a "difficult and delicate task. *Giles* , 11 Ohio App. In *Trans World Airlines, Inc. Hardison* , U. In *Employment Division v. Smith* , U. In this case, the claimant was denied unemployment benefits for the use of illegal drugs. Claimant was a member of the Native American Church and used peyote during a religious ceremony. The court did not reach the compelling state interest test, holding instead that the test did not apply to a challenge to a valid and neutral law of general applicability, even if it incidentally burdens a particular religious practice. In , Congress attempted to reinstate the compelling governmental interest test, and overrule *Smith*, by passing the Religious Freedom Restoration Act. However, that act was declared unconstitutional in *City of Boerne v. Flores* , U. Ohio has a similar law set forth in Ohio Revised Code Chapter *Food Ingredients Specialties, Inc.* There are two basic types of sexual harassment claims. In a hostile work environment claim, the employee must show that he or she was subjected to sexual conduct that created an intimidating or offensive work environment. An individual can be sexually harassed by members of the opposite sex or the same sex. Same sex sexual discrimination, whether quid pro quo or hostile work environment, is actionable under Title VII and Chapter *Sundowner Offshore Service, Inc.* In *Meritor Savings Bank v. Vinson* , U. Employers are liable when a supervisor retaliates against a subordinate who rejects a sexual advance. There is also liability when the employer knows of a hostile work environment and fails to attempt to correct the problem. An employer may also be held liable for a hostile work environment created by a supervisor even if the employer has no knowledge of the matter. The employer can avoid liability by proving an affirmative defense that: *Burlington Industries* , U. *City of Boca Raton* , U. While psychological harm may be taken into account like any other relevant factor, no single factor is required. Breach of Contracts of Hire Reduction in Wages. A substantial reduction in pay can be just cause for quitting employment. *Administrator*, Ohio App. Reduction in Hours There is some case law stating that a dramatic reduction in work hours can provide just cause for quitting. *Giles*, Ohio App. *Director* , Ohio App. Board of Review Sept. Unless there is a specific contractual agreement by the employer to provide transportation to work, the duty to secure adequate transportation lies entirely with the employee. Such failure to obtain adequate transportation to work does NOT provide an employee with just cause to quit employment. Board of Review Ohio App. In such cases, the key question is whether or not the sale of the business was voluntary. If the sale of the business was voluntary, then the individual quit employment without just cause. LEXIS , the claimant was the sole owner of a corporation which operated a bowling alley. She owned all of the stock, served as president, and was employed by the corporation as the manager of the bowling alley. Although the business was unprofitable, it was not insolvent. Claimant sold the business to another concern. There was nothing in the purchase agreement providing that claimant would continue to work for the new owner, although she was willing to do so. Claimant was separated by the new owner when the business was transferred. It was held that claimant quit work without just cause. The purpose of unemployment compensation is not to provide income to people who have ended their employment voluntarily. Buyouts An individual will NOT be disqualified for benefits if the employee accepted a separation from employment, because of a lack of work, pursuant to a labor-management contract or agreement, or pursuant to an established employer plan, program or policy. Military Service An individual will NOT be disqualified for benefits if the employee separated from employment for the purpose of entering the United States armed forces, IF the employee is inducted: A public employee may rescind or withdraw a resignation at any time prior to its effective date, so long as the employer has not formally accepted the resignation.

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Chapter 7 : Commitment to Privacy - Virginia Commonwealth University

Unemployment can lead to relationship problems; you may need the help of a couples or family counselor to deal with the stress of unemployment. Employee Assistance staff are available to meet with employees who are experiencing the personal and work related stress of layoffs.

Terminology[edit] Euphemisms are often used to "soften the blow" in the process of firing and being fired. The term became a euphemism for permanent termination of employment and now usually means that, requiring the addition of "temporary" to refer to the original meaning. Many other euphemisms have been coined for " permanent layoff", including "downsizing", "excess reduction", "rightsizing", "leveraging synergies", " delayering ", "smartsizing", "redeployment", "workforce reduction", "workforce optimization", "simplification", "force shaping", "recussion", and "reduction in force" also called "RIF", especially in the government employment sector. While "redundancy" is a specific legal term in UK labour law. When an employer is faced with work of a particular type ceasing or diminishing at a particular location, [14] it may be perceived[by whom? Common abbreviations for reduction in force[edit] RIF - A generic reduction in force, of undetermined method. Often pronounced like the word riff rather than spelled out. Sometimes used as a verb, as in "the employees were pretty heavily riffed". IRIF - Involuntary reduction in force - The employee s did not voluntarily choose to leave the company. This usually implies that the method of reduction involved either layoffs, firings, or both, but would not usually imply resignations or retirements. VRIF - Voluntary reduction in force - The employee s did play a role in choosing to leave the company, most likely through resignation or retirement. In some instances, a company may exert pressure on an employee to make this choice, perhaps by implying that a layoff or termination would otherwise be imminent, or by offering an attractive severance or early retirement package. Conversely, the company is not obliged to accept an employees decision and may not accept every employee who volunteers for a VRIF. WFR - Work force reduction. Layoffs in the public sector[edit] Following the recession of , the public sector has seen significantly smaller job growth in employment versus the private sector and layoffs have been used to ensure sustainability. Layoffs in the public sector have put limitations on the growth rate of the private sector, inevitably burdening the entire flow of markets. Unemployment compensation[edit] The risk of being laid off varies depending on the workplace and country a person is working in. Unemployment compensation in any country or workplace typically has two main factors. The first factor of unemployment compensation depends on the distribution of unemployment benefits in a workplace outlined in an employee handbook. The second factor is the risk of inequality being conditioned upon the political regime type in the country an employee is working in. Packages may also vary if the employee is laid off, or voluntarily quits in the face of a layoff VRIF. Depending on local or state laws, workers who leave voluntarily are generally ineligible to collect unemployment benefits, as are those who are fired for gross misconduct. To qualify for SUB-Pay benefits, the participant must be eligible for state unemployment insurance benefits and the separation benefit must be paid on a periodic basis. The benefits, which organizations claim to be seeking from downsizing, center on savings in labor costs, speedier decision making, better communication, reduced product development time, enhanced involvement of employees and greater responsiveness to customers De Meuse et al. However, the employee terminated is not alone in this. Layoffs affect the workplace environment and the economy as well as the employee. Layoffs have a widespread effect and the three main components of layoff effects are in the workplace, to the employee, and effects to the economy. Effects of layoffs in the workplace: Layoffs have remained the greatest way for a company to cut costs. According to Healing the Wounds: Overcoming the trauma of Layoffs and Revitalizing Downsized Organizations, [21] in the post-layoff environment, there is a need for empathy, tangibility, self-knowledge, and relentlessly seeking customers among the surviving employees. The remaining employees may have feelings of survivors guilt. In order to diminish negative effects of layoffs, Wayne Cascio suggests alternative approaches to layoff and downsizing as "Responsible

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restructuring" approach. No matter the position in an organization, employees will look for job security. Effects of layoffs to the employee: Employees or former employees in this case can be affected in a couple of different ways. When an employee is laid off, his or her general trust in long-term work may decrease, reducing expectations upon rehire. After an employee withstands a layoff, the effects can trickle into future employment and attitudes. Layoffs in the workplace often leave the former employee less inclined to trust future employers which can lead to behavioral conflicts among co-workers and management. Despite new employers not being responsible for a prior circumstances, job performance may still be affected by prior layoffs. Many companies work to make layoffs as minimally burdensome to the employee. At times employers may layoff multiple people at once to soften the impact. Effects of layoffs in the American economy: Layoffs create lower job security overall, and an increased competitiveness for available and opening positions. Layoffs have generally two major effects on the economy and stockholders. The way layoffs affect the economy varies from the industry that is doing the layoffs and the size of the layoff. If an industry that employs a majority of a region freight in the northeast for example suffers and has to lay employees off, there will be mass unemployment in an economically rich area. This can have ripple effects nationwide. Unemployment is the biggest effect on the economy that can come from layoffs. When an employee has been laid off in Australia their employer has to give them redundancy pay, which is also known as severance pay. The redundancy compensation payment for employees depends on the length of time an employee has worked for an employer which excludes unpaid leave. An employer is able to apply for a reduction in the amount of money they have to pay the employee they have made redundant. An employer can do this by applying to the Fair Work Commission for a redundancy payment reduction. In the UK, permanent termination due to elimination of a position is usually called redundancy. A RIF reduces the number of positions, rather than laying off specific people, and is usually accompanied by internal redeployment.

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Chapter 8 : Layoff laws & HR compliance analysis

The layoff payoff: A severance package Request a copy of the policies and review them with your attorney. The Federal-State Unemployment Compensation Program provides temporary financial.

Layoffs Considering Workforce Reduction There are times when budgetary impacts or changes in business needs require the difficult decision to eliminate positions. When this happens, we strive to provide support and guidance to managers and employees alike. When the possibility of layoffs occur, it is critical that Human Resources be involved from the very beginning. Find Your Employee Relations Consultant Information for Hiring Authorities and Supervisors Hiring authorities considering workforce reductions outside the scope of employee relations issues must contact Human Resources at to discuss plans in advance of any decisions. This office will partner with you to determine if a layoff is the appropriate option and strategically guide you through the process. Classified Staff Layoff Process State Personnel Board rules govern the classified employee layoff process, including the reasons for a layoff, timelines and notifications, positions affected, and the options available to impacted employees. The State Personnel Board rules permit layoffs for the following reasons: It is important to note that the layoff process is not an alternative for engaging in the progressive discipline process for employees who are not performing satisfactorily. Layoff Plan If, after consultation with HR, it is determined that a layoff is appropriate, Employee Relations will provide the layoff plan template to the department. A layoff plan is required and must be developed by the department in consultation with Employee Relations and University Counsel. Employee Relations will provide advice and feedback on the initial draft of the layoff plan. The final plan must be signed by the appointing authority and approved by Employee Relations and University Counsel before a layoff can occur. The layoff plan must include the following: A description of the planned change to the fundamental structure of the unit The reasons such changes are required How work will be absorbed by remaining staff The anticipated benefits and results, including any cost savings Which positions will be affected A decision matrix for how a particular position was chosen for layoff An organizational chart current and proposed showing the changes in the unit Timeline and next steps Once the layoff plan is approved it must be posted in a conspicuous place within the department for 10 calendar days. Prior to a layoff plan being posted, the appointing authority should have an informational meeting with the affected employee. The purpose of this meeting is to provide notice to the employee including the process timeline before the layoff plan is made public, explain the reason for the layoff, and provide the employee with an Employee Relations contact. Employee Relations can answer questions, explain rights and provide resources to the employee. The notice template is available from Employee Relations. The notice must be signed by the appointing authority, delivered to the employee and a copy provided to Employee Relations. Classified employees who are within 5 years of retirement eligibility as of January 1, age plus years of service equal 75 are eligible for retention rights and will be given three days to contact Employee Relations to initiate their retention rights procedures. Please call Employee Relations at to speak further about the layoff process.

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Chapter 9 : Laid Off Employees: What Compensation is Available? | EmploymentLawFirms

Layoff Notification/WARN. The WARN Act is federal legislation that offers protection to workers, their families and communities by requiring employers to provide notice 60 days in advance of a covered-business closing and covered-business mass layoff.

Most employers offer a severance agreement that outlines the financial terms on which the employee will leave the company. Negotiating a suitable agreement involves considering how to conduct yourself during discussions with the employer, the cash and benefits you need to survive, and whether to hire legal help. Negotiating this accord can ease your transition to a new job, relieve stress and possibly provide a nice financial cushion. Continuation of insurance benefits, assistance finding another job and other perks can also be bargained for. They may not want you to work for, or share secrets with, their competitors. Planning in Advance If rumors of layoffs are circulating in your office, the option of quitting before the ax drops may tempt you, but staying may place you in a position to claim unemployment insurance and receive a severance package. Prepare in advance, whether you expect to be dismissed or not. Review your resources and your critical expenses to determine your financial needs. Create a list of the top benefits you want to negotiate. Stall for time to review the document and think it through. After an initial review of the agreement, you may decide to hire a lawyer, especially if you have evidence of discrimination, if the language in the package is too complicated or broad, or if the agreement is several pages long. Ask the lawyer what state laws govern severance agreements and if certain stipulations exist regarding timing and payment amounts. Also, talk to local placement and recruitment agencies to determine how long it may take you to get a new job at the same level and salary. The severance pay offered is typically one to two weeks for every year worked but can be more. If the job loss will create an economic hardship, discuss this with your former employer. The general practice is to try to get four weeks of severance pay for each year worked. Middle managers and executives usually receive a higher amount. For instance, some executives may receive pay for more than a year. Try to extend your health, life and disability insurance coverage. However, the policy is usually costly when you are no longer with the company. Find out whether your employer can pay for your health coverage until you find a new job. You can also ask if they can cover life insurance and disability-income insurance for that period, or at the least for one month, before offering the continuance option. What will happen to your retirement plan, pension plan and stock plan varies by state and by employer. Request a copy of the policies and review them with your attorney. Many employers provide outplacement services. Ask that the service stay with you until you find a new job and try to choose the service yourself. Try to construct an agreed-upon announcement of your departure and a recommendation letter. Ask to draft the documents yourself, and make sure to include your major accomplishments. Attach the letters to the agreement. Finally, find out if you can keep any company perks, such as a laptop, and have the employer acknowledge this in writing. Some other options to consider include extending your use of the company car or your company-sponsored health club membership.

Other Considerations The Federal-State Unemployment Compensation Program provides temporary financial assistance for unemployed workers. The benefits, which are taxable, usually last around 26 weeks, but the state may extend them when unemployment is high.

Staying Ahead of the Game One of the best times to alleviate the setback of a job loss is during the initial interview for the position. Stay prepared at all times for a job termination by keeping a track record of your performance and accomplishments to help in the negotiation process.

Things to Keep in Mind Keep in mind that while most companies offer a severance agreement, they are not required to do so. Also, clauses vary depending on state law and the industry. Finally, employees that are among a few dismissed have more of an opportunity to negotiate the terms within the agreement. In a mass layoff, a standardized package may be offered, and an employer is less likely to deviate from this contract. Do some research to find out what severance benefits you can reasonably expect from your company, and then do your best to maximize them.

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