



DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

ELIGIBILITY FOR LAYOFF & SEVERANCE BENEFITS

Employee Status	Layoff Benefits	Severance Benefits
Classified Full-time Employees	Eligible for preferential hiring rights, recall rights if applicable, and severance benefits.	<ul style="list-style-type: none"> • May receive severance payments based on years of service. If receiving severance payments: <ul style="list-style-type: none"> ○ Employer pays health insurance premium for 12 months. ○ Employer pays group life insurance for 12 months. • Enhanced retirement if employee meets the criteria.
Classified Quasi Full-Time Employees	Eligible for preferential hiring rights, recall rights if applicable, and severance benefits.	<ul style="list-style-type: none"> • May receive severance payments based on years of service. If receiving severance payments: <ul style="list-style-type: none"> ○ Employer pays health insurance premium for 12 months. ○ Employer pays group life insurance for 12 months. • Enhanced retirement if employee meets the criteria.
Classified Restricted Full-Time Employees	Eligible for preferential hiring rights and, recall rights ONLY if the position held immediately prior to the current position being discontinued was a full-time, non-restricted classified position, and there was no break in service between the full-time non-restricted classified position and the restricted classified position.	<ul style="list-style-type: none"> • May receive severance benefits as noted above. • <i>However</i>, restricted employees whose positions are contingent upon project grants as defined in the Catalog of Federal Domestic Assistance are not eligible to receive severance benefits unless the funding source has agreed to assume all financial responsibility in its written contract with the Commonwealth.
Classified Part-time Employees	Eligible for preferential hiring rights and recall rights ONLY if the position held immediately prior to the current position being discontinued was a full-time, non-restricted classified position, and there was no break in service between the full-	<ul style="list-style-type: none"> • Eligible part-time classified employees may receive severance payments and the 12-months of life insurance. However, they are not eligible to receive health care benefits



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	time non-restricted classified position and the part-time classified position.	or the enhanced retirement option.
Employees on Leave <u>With</u> Pay	<ul style="list-style-type: none"> • Employees who are on paid leave are considered active employees and are treated as if they were in their positions. • If their positions are discontinued, they are eligible to receive layoff and severance benefits and provided with placement options if available. 	<ul style="list-style-type: none"> • May receive severance payments based on years of service. If receiving severance payments: <ul style="list-style-type: none"> ○ Employer pays health insurance premium for 12 months. ○ Employer pays group life insurance for 12 months. • Enhanced retirement if employee meets the criteria.
Employees on FMLA	<ul style="list-style-type: none"> • Employees who are on FMLA are considered active employees and are treated as if they were in their positions. • If their positions are discontinued, they are eligible to receive layoff and severance benefits and provided with placement options if available. 	<ul style="list-style-type: none"> • May receive severance payments based on years of service. If receiving severance payments: <ul style="list-style-type: none"> ○ Employer pays health insurance premium for 12 months. ○ Employer pays group life insurance for 12 months. • Enhanced retirement if employee meets the criteria.
Employees on Unconditional LWOP	<ul style="list-style-type: none"> • Employees who are on Unconditional LWOP where their positions are being held are considered active employees and are treated as if they were in their positions. • If their positions are discontinued, they are eligible to receive layoff and severance benefits and provided with placement options if available. 	<ul style="list-style-type: none"> • May receive severance payments based on years of service. If receiving severance payments: <ul style="list-style-type: none"> ○ Employer pays health insurance premium for 12 months. ○ Employer pays group life insurance for 12 months. • Enhanced retirement if employee meets the criteria.
Employees on Military LWOP	<ul style="list-style-type: none"> • Employees on Military Leave Without Pay are usually eligible for placement, recall rights, and severance. 	<ul style="list-style-type: none"> • May receive severance payments based on years of service. If receiving severance payments:



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	<ul style="list-style-type: none"> • Employees on leave without pay-military retain employment rights for five years as stated in USERRA. • Layoff benefits will be available to eligible employees on Military Leave Without Pay once they return if their position was discontinued during their absence and no other placement option is available upon their return. 	<ul style="list-style-type: none"> ○ Employer pays health insurance premium for 12 months. ○ Employer pays group life insurance for 12 months. • Enhanced retirement if employee meets the criteria.
Employees on STD	<ul style="list-style-type: none"> • Employees on STD can be laid off. • Employees may be on LWOP-layoff and STD or concurrently. • The effective date of layoff for these employees will be the date designated by the agency regardless of their VSDP status. • Positions occupied by employees on STD are not vacant and may not be used as placement options for other employees impacted by layoff. 	<ul style="list-style-type: none"> • Severance payments begin on the effective date of layoff. • Eligible employees who are placed in LWOP-Layoff while in STD will receive severance and disability benefits concurrently. • Severance payments will offset the VSDP disability payment. • The offset is calculated based on the gross STD payment and gross severance payment. • When the severance payment period ends, VSDP benefits will resume according to the normal VSDP schedule if the employee still is considered disabled. • Severance payments are not delayed because an employee is in STD status and the period of severance does not alter the calculation of the 180 days on STD toward eligibility for LTD. • If an employee on STD is released to return to work full-time, full-duty within the year on LWOP-Layoff, VSDP benefits cease, and any severance benefits remaining will continue, according to policy.
Employees on LTD-Working	<ul style="list-style-type: none"> • Employees on LTD-working can be laid off. • Employees may be on LWOP-layoff and LTD-working status concurrently. 	<ul style="list-style-type: none"> • Eligible employees who are placed in LWOP-Layoff while in LTD-working status will receive severance and disability payments concurrently.



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	<ul style="list-style-type: none"> • The effective date of layoff for these employees will be the date designated by the agency regardless of their VSDP status. • Positions occupied by employees on LTD-working are not vacant and may not be used as placement options for other employees impacted by layoff. 	<ul style="list-style-type: none"> • Severance payments will offset the VSDP disability payment. • The offset is calculated based on the gross STD payment and gross severance payment. • If an employee is still disabled and on LTD when layoff expires he/she will then be eligible to receive the health insurance credit and continue receiving VSDP benefit. • If an employee on LTD-Working is released to return to work full-time, full-duty within the year on LWOP-Layoff, VSDP benefits cease, and any severance benefits remaining will continue according to this policy.
Employees on LTD	<ul style="list-style-type: none"> • Employees who move from STD to LTD during LWOP-layoff retain eligibility for layoff and severance benefits for the duration of their LWOP-layoff status. • Employees who are on LTD at the time of layoff are not eligible for placement, recall, or for severance. • Positions of employees on LTD may be considered valid vacancies and used as placement options for employees impacted by layoff. 	<ul style="list-style-type: none"> • Regular LTD benefits. No severance benefits unless the employees moved from STD to LTD while on LWOP-layoff.
Employees on Conditional LWOP	<ul style="list-style-type: none"> • Employees who are on Conditional LWOP where their position is not held are not eligible for placement, recall, or severance. • Positions of employees on Conditional LWOP may be considered valid vacancies and used as placement options for employees impacted by layoff. 	<ul style="list-style-type: none"> • Regular LWOP benefits. No severance benefits.



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Employees on Workers' Compensation	<ul style="list-style-type: none">• Employees receiving Workers' Compensation benefits can be laid off.• The layoff effective date for these employees will be the date designated by the agency regardless of their Workers' Compensation status.	<ul style="list-style-type: none">• Eligible employees who are placed in LWOP-Layoff while receiving Workers' Compensation benefits will receive severance and Workers' Compensation payments and VSDP benefits if applicable.• Workers' Compensation benefits cannot be offset by severance payments.• The agency supplement for employees not covered by VSDP will cease and any VSDP benefits received by employees enrolled in VSDP will be offset by severance payments.