LAYOFF FREQUENTLY ASKED QUESTIONS

What is a layoff and why is it happening now?

A layoff is the involuntary separation of employment of an employee due to the abolishment of the employee’s position.

At this time, EIU is undergoing a layoff due to our current economic situation, which has been significantly impacted by the absence of an FY16 State of Illinois budget and delayed state appropriations.

What is the difference between a layoff and a furlough?

A layoff is the elimination of a position. A furlough is the reduction of pay based on days not worked. Per University policy, employees may be required to take up to 24 furlough days within a fiscal year.

What rule guides the layoff process?

The layoff process is governed by the Illinois State Universities Civil Service Act.

How are layoffs determined?

Layoffs are determined first by status, then service and seniority:

- **Status** – A status employee is an employee who has successfully completed a probationary period in a classification
- **Service** – Service is a term used to describe time worked in a classification
- **Seniority** – Seniority is used to describe hours in pay status in a classification or in classifications within the same promotional line, and is accumulated on the basis of hours in pay status.

Before any status employee are laid off, employees with the following appointments shall be laid off first by classification in the following order:

- a. Employees on Temporary Appointments (ex. Extra Help)
- b. Employees on temporarily upgraded assignments
- c. Provisional employees
- d. Employees serving probationary periods
- e. Status employees
How were positions identified for elimination?

The Vice Presidents of the respective areas were charged with the task of developing a plan to identify positions for elimination that required final Presidential approval. The Vice Presidents worked with their direct reports to determine affected employees.

Can I reduce my work hours to avoid being laid off?

No.

How will I be notified if my position has been identified for layoff?

Employees in positions identified for layoff will be notified by Human Resources.

How much notice will I receive before being laid off?

Human Resources will provide a minimum of a 30-day notice. Information on bumping rights will be explained at that time.

Can I appeal my layoff or position elimination?

No. Layoffs and position eliminations are not open for appeal.

If given a layoff notice, can I quit working prior to the completion of the 30-days and still be considered for re-employment on the register?

No. Employees given a layoff notice are expected to work through the 30-day notice period. Those choosing to not do so will be considered as having resigned their position with the University and will not be subject to placement on the re-employment register.

How can I find out where I rank on the seniority list?

Employees may contact the Employment/Examinations Office at eiu_employment@eiu.edu to find out information regarding their seniority ranking.

How is seniority calculated?

Seniority is accumulated on the basis of hours in pay status.

Can seniority transfer to another state university?

No. Seniority cannot transfer to another state university.

How will I be notified about bumping?

Employees who have the right to bump and have elected to bump on their Bumping Option Form, will be notified by email after 4:30 pm on Saturday, March 12th. The information they will receive in the email will include:

- the new department and the location they will be bumping to
• the date and time they are to report to the new position
• the name of the new supervisor and contact information in case of questions

Both current and new supervisors will be copied on the email.

***Due to Spring Break, the incoming supervisor will make the decision if the new employee will report to the new location on March 14th, or on March 21st.
If the new employee is not to start until March 21st, they will remain in their current position until that date.

Again, all supervisors will be notified of the status on their affected employees.

The Human Resource Office will be open for questions, on Saturday, March 12th, from 8 to 4:30.

**How is the layoff order determined?**

Layoff order is determined first by status and then by service and seniority. In cases of identical service or seniority, an employee with a lower examination score shall be laid off first. If tie scores exist, the person with the least amount of years of service at the place of employment shall be laid off first. If identical years of service appear, the person with the latest date of application for the examination for the classification subject to layoff shall be laid off first. Employees shall be laid off by classification in the following order:

a. Employees on Temporary Appointments  
b. Employees on temporarily upgraded assignments  
c. Provisional employees  
d. Employees serving probationary periods  
e. Status employees

For more information on layoffs and bumping, please refer to [www.succs.illinois.gov](http://www.succs.illinois.gov) or call (217) 278-3150.

**What is bumping?**

Bumping is the right of a more senior status employee to displace a less senior status employee within that classification.

**I work on a grant...can I be bumped?**

Yes. Bumping occurs regardless of funding source. However, employees can only be bumped by someone who has more seniority.

**Can a non-negotiated employee bump a negotiated employee?**

Yes. The civil service system does not differentiate between non-negotiated and negotiated classifications.
Can a part-time employee bump into a full-time position?

Yes, if the laid off employee has more seniority in the classification.

Can I be bumped from my position if I have a Specialty Factor?

Yes, but only by a more senior person who already has that specialization. Individuals employed with a defined area of specialization cannot be displaced in the layoff process by someone who does not possess the defined area of specialization.

What happens to my pay when I bump into a lower classification?

If a laid off employee’s salary exceeds the maximum of the range of the classification in which the employee accepts a position as a result of exercising bumping rights, the laid off employee’s new salary shall not exceed the rate of the maximum range for the new classification.

When a laid off employee accepts a position in the same classification (through bumping rights), the salary of the laid off employee shall be unaffected.

What if I bump into a classification but later my employer or I determine it is not the right fit for my skills or abilities?

Supervisors will determine if a transition review period is necessary based in part on how clearly an employee’s skills match the duties of the new position. This is a period for both the employee and the supervisor to assess the fit, competencies, skills, and abilities needed to adequately perform the duties of the position. If a supervisor determines the employee is not a good match for the position, progressive discipline may begin or other options can be explored with Human Resources.

What if I choose not to bump?

If an employee chooses not to exercise their bumping rights, then he/she will be informed of a layoff and will be given a written layoff notice. Human Resources will obtain a signed statement from the employee indicating that bumping rights will not be exercised. The statement will become a part of their personnel file. The employee will then be automatically placed on the appropriate re-employment register. An employee that chooses to not exercise their right to bump can still be considered for unemployment if they have met all other necessary requirements.

How many times may I refuse an offer of employment after not exercising my bumping rights?

An employee may refuse two additional offers of employment in the classification and then shall be removed from the re-employment or restoral register.
Please note that no available employee shall be on the re-employment register who has greater seniority than an employee working in the same classification or in lower classifications in which the employee has accrued seniority, unless the employee has chosen not to exercise bumping rights and has provided a signed statement to the employer indicating so.

**Can I resign while in layoff status?**

Yes. An employee can resign while on layoff. However, resignation may result in the removal of the employee’s name from the re-employment register in the applicable classification.

**Can I still be laid off if I am on disability leave?**

Yes. When an employee who is on disability leave becomes subject to layoff, the employee shall be placed on layoff. When recalled from layoff, the employee may return to duty or disability leave status.

**Does an employee continue to accrue seniority from disability when placed in layoff status?**

No. Employees on disability leave will accrue seniority for the first 30 days in a layoff situation. The disability leave is interrupted to prevent unfair accumulation of seniority.

**What does re-employment mean?**

Permanent employees whose positions are afforded layoff rights are eligible for re-employment. Individuals placed on a re-employment register must be hired first in order of seniority if a vacancy becomes available in the classification in which the layoff occurred. Employees who are laid off will have their names automatically placed on a re-employment register for the classification from which they were laid off and any classification for which they have seniority.

**Do I have to apply to be placed on the re-employment register?**

No. Employees impacted by layoff will be automatically placed on the re-employment register.

**Do I have to apply to be hired if I am on the re-employment register?**

No. Hiring from a re-employment register is non-competitive. Hiring from this register is based on status and seniority. Individuals hired off a re-employment register are hired without having to go through the formal hiring process.

**Do I have to serve another probationary period if hired off the re-employment register?**
No. If hired off the re-employment register, the employee will not have to serve another probationary period.

**How long will my name stay on the re-employment register?**

An employee’s name will stay on the re-employment register unless the employee refuses to accept a job three times, in which case the employee may be taken off the register sooner. See next question. The employee may also request to be removed at any time.

**How many times can I refuse an interview or job offer before being taken off the register?**

Three, unless an employee refused to exercise bumping rights, in which case, the employee would have only two occasions to refuse a job.

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**What happens to my leave balances if placed on a re-employment register?**

Accrued leave, compensatory time, and payable sick when applicable will be retained for six months, unless a payout request is submitted to Benefits by the employee or service is voluntarily terminated prior to the completion of the six month period. If an employee is still on layoff at the end of the six month period, payout will automatically occur. Unused, unpaid sick leave may be maintained for restoral purposes for up to two years. If the employee has not returned to employment within two years, the sick leave accruals are permanently removed.

**What happens to my benefits if I am laid off?**

There are a variety of impacts that a layoff can have upon benefits. Please see details below for each type of benefit:

*Accrued Leave:*

- Employees will be notified and automatically receive pay for any accrued leave balances after six months of separation from service, unless a payout request is submitted to Human Resources by the employee or service is voluntarily terminated prior to the completion of the six month period.
- There will be no partial payouts of accrued leave time.
- Upon return to work, an employee may request in writing to Human Resources to repay the net payout amount and have those accrued leave hours reinstated to their available leave balances for future use. There will be no partial repayments of accrued leave time allowed.
• Those employees in new hire probationary status who will receive lay-off notices shall have the option to take a vacation payout they have earned up until lay-off.

**Compensatory Time:**

• Employees will be notified and automatically receive pay for any compensatory time balances after six months of separation from service, unless a payout request is submitted to Human Resources by the employee or service is voluntarily terminated prior to the completion of the six month period. There will be no partial payouts of compensatory time allowed. Upon return to work, repayment for reinstatement of compensatory time will not be allowed.

**Sick Leave:**

• Employees will be notified and automatically receive pay for one-half of the payable sick leave balance (earned from January 1, 1984 – December 31, 1997) after six months of separation from service, unless a payout request is submitted to Human Resources by the employee or service is voluntarily terminated prior to the completion of the six month period. The remaining half of payable sick leave time will be considered non-payable sick leave.

• Upon return to work, an employee may request in writing to Human Resources to repay the net payout amount and have those payable sick leave hours reinstated to their available leave balances. There will be no partial repayments of payable sick leave time allowed.

• EIU will maintain a record of non-payable sick leave balances for all employees who are permanently laid off for two years. After that time, the sick leave will be removed.

**Health/Dental/Prescription Drug/Behavioral Health Insurances:**

• State of Illinois insurance coverage will end at midnight on the last day of employment, not the date of the layoff notice. Affected employees may continue coverage under the terms of the Consolidated Omnibus Budget Reconciliation Act (COBRA) for up to two years and at the established COBRA rates. If an employee is eligible for retirement, and elects to retire, they may be eligible to continue benefits as a retiree. For additional information, please contact Central Management Services COBRA Unit at (800) 442-1300 or by visiting [www.benefitschoice.il.gov](http://www.benefitschoice.il.gov). COBRA information can be found by clicking on the tab on the right hand side of this webpage; detailed information on COBRA can also be found in the benefits handbook and the Benefits Choice booklet, which are both accessible via the above mentioned Benefits Choice link as well.
• Per the Affordable Care Act, an employee may go without health insurance for up to three months without being assessed a fine by the federal government. One day of coverage within a single month counts as one month of coverage.
• Upon termination of insurance coverage, Central Management Services (CMS) will automatically provide a packet of information through the mail regarding COBRA.
• Individual plans are available through private insurance carriers, including agencies that carry homeowner’s insurance or Government Health Plans mandated by the Affordable Care Act. To learn more about Government Health Plans visit: http://www.govemmenthealthinsurance.com/Coverage-Options/Government-Health-Plans/. Please note that Sarah Bush was awarded a grant to assist local residents in navigating and selecting healthcare through the Marketplace. To learn more about the services provided or to schedule a counseling session, call (217) 238-4265 or visit https://www.sarahbush.org/affordablecareact/.
• If an employee impacted by layoff has a spouse with coverage through his/her employer, this may be considered a Qualifying Life Event which allows for addition to his/her plan. This statement is also true for those that have spouses currently covered by a State of Illinois insurance plan.

**Life Insurance**

• Coverage for Basic Life, Optional Life, Accidental Death & Dismemberment (AD&D), and Dependent (spouse/child) Life will terminate at midnight on the last day of employment. Affected employees may elect to continue employee-paid, Optional Term Life insurance coverage through Minnesota Life for up to four times salary. You cannot continue Optional Term Life coverage greater than four times salary or any Basic Life, Accidental Death and Dismemberment (AD&D) or Dependent (spouse/child) Life insurances. In order to continue coverage, employees must complete a Minnesota Life Portability Election form and send to Minnesota Life within 31 days of the layoff date. Premium rates and calculation instructions are provided on an informational sheet attached to the Minnesota Life Portability Election form.
• Optional Life, Accidental Death & Dismemberment (AD&D), and Dependent (spouse/child) Life insurance coverages will not be automatically reinstated to your State of Illinois insurance coverage upon return from layoff, regardless of whether Optional Life was ported and paid directly to Minnesota Life while on layoff or not. Upon return to work, employees will be allowed to reselect life insurance coverages. Those electing Optional Life insurance up to four times salary will be guaranteed issue. Those electing five to eight times salary will undergo medical underwriting. *There is a 10-day deadline upon return to state employment to complete the*
necessary paperwork through the Benefits Office to re-apply for these insurance coverages.

**Voluntary Tax Deferred Retirement Savings Plans:**

- Those employees who have an established 457(b) account through the State of Illinois Deferred Compensation Plan have access to their money after 30-days post-layoff or in the event of employment separation with no early withdrawal penalty. Please keep in mind that initial contributions were taken on a pre-tax basis so withdrawals could have additional income tax liabilities. For additional information, please contact T. Rowe Price Services at (888) 457-5770.

- Those employees who have an established 403(b) account(s) may have access to these funds through a hardship distribution or in the event of employment separation but withdrawals must meet very specific IRS guidelines. For more information, please contact your 403(b) provider or visit [http://www.eiu.edu/humanres/benefits/taxdeferredretirement.php](http://www.eiu.edu/humanres/benefits/taxdeferredretirement.php).

**Flexible Spending Accounts**

- Those employees with FSAs may choose to continue utilizing the accounts while on layoff by completing FSA COBRA paperwork through the Benefits Office.

- If continuation of the benefit is not chosen, then contributions to the account are reconciled. If you have contributed more than spent then the excess contributions are forfeited. If you have spent more than contributed then the difference will not be collected.

**State Universities Retirement System (SURS):**

- Immediate or delayed retirement are options to be considered for those employees that meet specific qualifications. Please contact the State Universities Retirement System (SURS) at (800) 275-7877 for additional information or assistance on how to begin the retirement process. You may also visit their website at [www.surs.org](http://www.surs.org) to gain online access to account information, utilize the retirement estimator, and find general information in regards to the different retirement plans.

**Unemployment Insurance:**

- Unemployment claims are filed with the Illinois Department of Employment Security (IDES) at [www.ides.illinois.gov](http://www.ides.illinois.gov). Questions should be directed to IDES at (800) 244-5631.

If I have already had a retirement counseling session with SURS within the past year, will I be able to meet with them again because of these extenuating circumstances?
Yes. Even if you have met with a SURS counselor within the past year, SURS is making exceptions and you will be able to schedule another appointment. Please note that you should contact SURS directly at (800) 275-7877 rather than try to request an appointment via their web portal.

How long does my non-payable sick leave balance count towards additional SURS service credit?

Non-payable sick leave can be counted for additional SURS service credit for up to 60 days after “termination”. SURS does not consider an employee to be “terminated” until 120 days have passed from the date of the layoff.

If I choose to take a separation refund from SURS for my retirement contributions and I later return to work or become employed with another SURS employer, will I be able to select a new retirement plan?

No. The plan election is a one-time, irrevocable election. Whatever plan you chose when you were originally employed will be the plan that remains with you should you become an employee again within the SURS system.

When will my last paycheck be?

If you are a bi-weekly paid employee then your last paycheck will be payable on 04/01/16 and will be for the hours worked from 03/07/16 – 03/12/16 (BW7). If you are a monthly paid employee then your last paycheck for regular hours worked during the month of March will be payable on 03/31/16. Monthly employees choosing to request a payout of leave balances upon layoff will receive one more paycheck specifically for this compensation on 04/29/16.

What will my last paycheck include?

If you are a bi-weekly paid employee then the last paycheck will include regular hours worked and a possible payout of leave balances (if requested in writing and forwarded to Human Resources). If you are a monthly paid employee then the last paycheck will include only regular hours worked. If a payout of leave balances has been requested, the payout will occur the month after layoff. The delayed payout is directly related to monthly time reporting and Banner processing. Any outstanding balances due to the University or Central Management Services (CMS) should be paid prior to separation.

When will the premiums for my insurance stop and why?

In general, insurance premiums will not be deducted from the BW6 (02/22/16 – 03/06/16) paycheck that is payable on 03/18/16 or the BW7 (03/07/16 – 03/20/16) paycheck that is payable on 04/01/16. This is due to the fact that that 1st half of March premiums have already been collected from the BW5 (02/08/16 – 02/21/16) paychecks payable 03/04/16 and
employees being impacted by the layoff are not responsible for the 2\textsuperscript{nd} half of March premiums. Exceptions to the rule include those employees discrepant in the CMS system.

\textbf{If I am laid off, am I eligible for unemployment compensation?}

Yes. Impacted employees may apply for benefits at \url{www.ides.illinois.gov}. Please note that the University does not process applications or have the ability to inform an impacted employee of any actual compensation entitlement. Questions should be directed to IDES at (800) 244-5631.

\textbf{What happens to my tuition waiver for my child or myself if I am laid off?}

If the employee has a child \textit{enrolled at EIU}, the tuition waiver may continue for up to eight continuous semesters, depending on the child’s status in school. The tuition waiver will follow the same rules established by the statute for the child of a civil service employee.

For employees taking classes, if the employee is in active status on the first day of classes, the waiver shall continue until the end of the semester.

\textbf{Will I receive a severance package when I am laid off?}

No.

\textbf{If I am an employee taking classes, do I have to turn in my Panther Card?}

Yes. All Panther Cards must be returned regardless of student status. A new card will be reissued by the Panther Card Office for those employees on layoff that are taking classes.

\textbf{How do I update EIU in regards to demographic changes such as telephone number, home address or e-mail address?}

Please submit all demographic changes in writing via e-mail to the Employment Office at \url{eiu_employment@eiu.edu}