Technical (TX) Unit - Sample Indefinite Layoff Letter, Sept 23, 2020

IMPORTANT: (to be removed from letter) Department should note two versions of Option 2, below. The first is for employees who have less than 5 years of service. The second is for those with 5 or more years of service. Use *one* or the other depending on employee’s years of service, but not both.

[Department Letterhead]

Proof of Service

[Date] *NOTE TO DEPARTMENT (to be removed from letter): The TX contract states that for indefinite layoff, departments shall give 60 calendar days advance notice, if feasible. The University may pay up to 30 days of the 60-day notice period in lieu of notice. In no event shall an employee receive less than 30 days’ notice of indefinite layoff. For conversion from temporary layoff to indefinite layoff, the University shall give thirty (30) calendar days’ notice, if feasible. If less than thirty (30) calendar days’ notice is given, the employee will receive fifteen (15) calendar days pay in lieu of notice.*

To: [Employee Name]

[Title, Department Name]

From: [Supervisor Name]

[Title, Department Name]

Subject: Notification of Indefinite Layoff

I regret to inform you that due to (budgetary/operational considerations/lack of work/reorganization) it is necessary to place you on indefinite layoff effective [date]. Your last day on pay status will be [date].

In accordance with the provisions of [Article 16 - Layoff and Reduction in Time of the Agreement between the University of California and the University Professional and Technical Employees (UPTE) union](https://ucnet.universityofcalifornia.edu/labor/bargaining-units/tx/docs/tx_2013-2017_16_layoff-reduction-in-time.pdf) covering the Technical Unit, career employees who receive notice of indefinite may elect to receive either Option 1 or Option 2 listed below. Please note that your election is irrevocable.

**Option 1: Layoff with Full Severance Pay** ***in lieu of* Preferential Rehire and Recall Rights.** All affected career employees who elect this option shall be paid a lump sum amount of one week (5 workdays) of base salary for each full year of service since the most recent date of hire up to a maximum of 16 weeks. Based on your years of service, you are eligible for\_\_\_\_\_weeks of severance pay in the amount of $\_\_\_\_\_. Please note, in accepting this option, you will be breaking your service with the University and will be waiving your rights to preferential rehire and recall.

***\*\*\*Important Note to Department (to be removed from letter): For employees with less than 5 years of service*** *use the following language for Option 2****\*\*\****

**Option 2: Layoff with Preferential Rehire and Recall Rights.**

**Preferential Rehire:** *NOTE TO THE DEPARTMENT (to be removed): Non-probationary employees with less than five (5) years of seniority shall retain preferential rehire eligibility for one (1) year.*

As an employee with less than five (5) years of service, you will have preference for re-employment in this and other departments at the Riverside campus for one (1) year. Preferential rehire applies to active, vacant career positions in the TX bargaining unit for which you are qualified, and that are in the same classification and at the same or lesser percentage of time as the position from which you are laid off. You may exercise this right immediately after receiving written notification of layoff. Your right to preferential rehire will commence with your election of Option 2. Please note that under [Article 16.D.5.a](https://ucnet.universityofcalifornia.edu/labor/bargaining-units/tx/docs/tx_2013-2017_16_layoff-reduction-in-time.pdf), an employee seeking preferential rehire placement is responsible for filing a timely job application and self-identifying to the hiring authority and Human Resources (Talent Acquisition and Diversity Outreach unit) as a preferential rehire candidate.

**Recall Rights**: *NOTE TO THE DEPARTMENT (to be removed): Employees with less than five (5) years of service shall retain recall eligibility for one (1) year.* You will have a right to be recalled in order of seniority in this department for a one (1) year period beginning \_\_\_\_ [effective date of layoff]. Right to recall applies to active, vacant career positions for which you are qualified, and that are in the same classification, in the same department, and at the same or lesser percentage of time as the position from which you are laid off. Please note that under [[Article 16.D.4,](https://ucnet.universityofcalifornia.edu/labor/bargaining-units/tx/docs/tx_2013-2017_16_layoff-reduction-in-time.pdf)](https://ucnet.universityofcalifornia.edu/labor/bargaining-units/rx/docs/rx_2013-2017_16_layoff-reduction-in-time.pdf) employees exercising this right shall file a timely application for recall and shall self-identify to the hiring authority and Human Resources (Talent Acquisition and Diversity Outreach unit) that they are eligible for recall.

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***\*\*\*Important Note to Department (to be removed from letter): For employees with five or more years of service*** *use the following language for Option 2\*\*\**

**Option 2: Layoff with a Combination of Reduced Severance** ***and*** **Preferential Rehire and Recall Rights.** *NOTE TO THE DEPARTMENT (to be removed from letter): TX employees who have received Notice of Indefinite Layoff may elect to receive preferential rehire and recall rights with* ***reduced*** *severance, as an alternative to the* ***full*** *severance offered in Option 1. Employees with less than five (5) years of service receive no reduced severance. Employees with five (5) to less than thirteen (13) years of service shall receive four (4) weeks of reduced severance* *pay (20 workdays, based on eight-hour days.) Employees with 13 or more years of service shall receive eight (8) weeks (40 workdays) of reduced severance pay (40 workdays, based on eight-hour days.)*In accordance with the provisions of [Article 16.D.7.b](https://ucnet.universityofcalifornia.edu/labor/bargaining-units/tx/docs/tx_2013-2017_16_layoff-reduction-in-time.pdf), as an employee with \_\_\_\_\_ years of University service, you are entitled to \_\_\_\_\_ weeks (\_\_ workdays) of reduced severance pay in the amount of $\_\_\_\_\_, *plus* preferential rehire and recall rights as outlined below.

**Preferential Rehire:** *NOTE TO THE DEPARTMENT (to be removed): Employees with five (5) to less than 10 (10) years of service shall retain preferential rehire eligibility for two (2) years; employees with ten (10) or more years of service shall retain preferential rehire eligibility for three (3) years.* You will have preferential rehire status in this and other departments for a \_\_\_\_ year period from the effective date of layoff. Preferential Rehire consideration applies to active, vacant career positions for which you are fully qualified in the TX bargaining unit at the Riverside campus, in classifications with the same or lower salary range maximum, and at the same or lesser percentage of time as the position from which you are laid off. You may exercise this right immediately after receiving written notification of layoff. Your preferential rehire rights commence with your election of Option 2. Please note that under [Article 16.D.5.a](https://ucnet.universityofcalifornia.edu/labor/bargaining-units/tx/docs/tx_2013-2017_16_layoff-reduction-in-time.pdf), an employee electing this option is responsible when seeking preferential rehire placement to file a timely job application and to self-identify to the hiring authority and Human Resources that he/she is a preferential rehire candidate.

**Recall Rights:***NOTE TO THE DEPARTMENT (to be removed): Employees with five (5) but less than ten (10) years of service shall retain recall eligibility for two (2) years. Employees with more than ten (10) years of service shall retain recall eligibility for three (3) years.* You will have a right to be recalled in order of seniority in this department for a \_\_\_\_\_\_ year period beginning \_\_\_\_ [effective date of layoff]. Right to recall applies to active, vacant career positions for which you are qualified in the same classification and at the same or lesser percentage of time as the position from which you are laid off. Please note that under [Article 16.D.4,](https://ucnet.universityofcalifornia.edu/labor/bargaining-units/tx/docs/tx_2013-2017_16_layoff-reduction-in-time.pdf) employees exercising this right shall file a timely application for recall and shall self-identify to the hiring authority and Human Resources (Talent Acquisition and Diversity Outreach unit) that they are eligible for recall.

Under  [Article 16.D.7.b](https://ucnet.universityofcalifornia.edu/labor/bargaining-units/tx/docs/tx_2013-2017_16_layoff-reduction-in-time.pdf), you have fourteen (14) calendar days from receipt of this letter to elect either Option 1 or Option 2. Your election is irrevocable. **Please indicate your election by returning to me the completed RX/TX Employee Election for Severance in Indefinite Layoff, no later than \_\_\_\_\_ [14 days from date of notice]**. If you do not affirmatively choose Option 1 (full severance pay in lieu of preferential rehire and recall rights) during the 14-calendar day period, you will be considered to have elected Option 2 (*NOTE TO DEPARTMENT: If less than 5 years of service write here*, “rehire and recall rights” *If 5 or more years of service write here,* “combination of reduced severance and rehire and recall rights.”).

**Severance Repayment upon Re-employment**: Please note that if you receive severance pay under the TX layoff provisions and you are subsequently rehired by the Riverside campus to a career position before the expiration of the number of weeks for which you received severance pay, you will be required to pay back the remaining severance amounts as a condition of employment. The repayment will be on a proportional basis if the rehire position is a different percentage than the position from which you were laid off.

If interested in other career opportunities at UC Riverside, please contact the Talent Acquisition and Diversity Outreach office in Human Resources via email at careers@ucr.edu or at (951) 827-3575, for information on current job openings and application procedures. You may also visit the UCR Jobs website at <https://jobs.ucr.edu>. Applicants exercising rights to preferential rehire should promptly notify Talent Acquisition and Diversity Outreach of the vacant career position(s) for which they would like to be considered.

Additionally, outplacement/career transition services are available at no cost to UCR employees who have received a Notice of Indefinite Layoff and may need assistance with a job search. Interested employees should refer to the enclosed document “CareerArc – Career Transition Services” for information.

If you have any questions regarding UC-sponsored insurance plans, retirement savings plans, or are considering retirement from UC, please contact the Benefits Office in Human Resources at (951) 827-4766, or via email at benefits@ucr.edu, to discuss your options.

**Below are some important benefits considerations associated with an indefinite layoff**:

* Your medical, dental and vision insurance coverage will end on [enter last calendar day of separation month], provided you have paid any required employee portion of these premiums. Information on the impact of your layoff on any health insurance plans you are enrolled in through the University, as well as how to continue coverage under those plans, will be forwarded to your home. You will be able to purchase coverage under COBRA (The Consolidated Omnibus Budget Reconciliation Act of 1985: <https://www.dol.gov/general/topic/health-plans/cobra> for a period of up to 18 months. You will receive a COBRA election packet from Discovery Benefits/WEX within 4 weeks of your separation date.
* UC Retirement Savings Program information concerning any funds you may have in the Deferred Contribution Plan, the Tax-Deferred 403(b) Plan, and the 457(b) Deferred Compensation Plan, can be obtained by contacting Fidelity Retirement Services at 1-866-682-7787 or online at <http://netbenefits.com/>.
* If you are vested in the University of California Retirement Plan (UCRP) due to having five or more years of UCRP Service Credit, and you are under age 50, you may be eligible to elect inactive membership. If you are vested and you have reached the minimum retirement age (50 or 55 depending on your UCRP membership classification and member tier), you may be eligible to elect retirement income or a lump-sum cash out. To access your retirement information, please visit the UC Retirement At Your Service (UCRAYS) website at <https://retirementatyourservice.ucop.edu>. To discuss your retirement plan options with a retirement benefits representative, please contact the Benefits Office at (951) 827-4766 or the UC Retirement Administration Service Center (RASC) at 1-800-888-8267 or online at: <https://ucnet.universityofcalifornia.edu/contacts/rasc.html>. **Please note that if you decide to retire,** **y**ou’ll need to do so within 120 days of separating from UC employment if you want to continue any UC benefits you’re eligible for as a retiree.

As an employee on layoff status, you may be eligible to receive unemployment insurance benefits. To determine your eligibility, you must file a claim at a local office of the State of California Employment Development Department (EDD). You may also file a claim by calling EDD at 1-800-300-5616 or via the Internet at <https://edd.ca.gov/>. Additionally, a Human Resources representative is available at (951) 827-3641, or at employee.relations@ucr.edu, to provide you with information regarding considerations in determining eligibility. For more detailed information, please see also the enclosed information, “Unemployment Insurance Resources.”

Be sure to review also the enclosed “Resources for Employees Who Have Received Notice of Layoff,” which contains, in one document, contact information for the resources described above.

I would like to take this opportunity to express the department’s appreciation for your years of dedicated service. You have been a valuable member of [department name], and your contributions have been greatly appreciated.

If you have questions regarding your transition from University employment, please contact [name of HRBP], [title], [department], at 951-827-[XXXX ].

Enclosures: Severance Election Form

Proof of Service Form

Resources for Employees who Have Received Notice of Layoff

Unemployment Insurance Resources

CareerArc – Career Transition Services

cc: HR - Employee & Labor Relations

 HR - Talent Acquisition & Diversity Outreach

 HR - Benefits

 Organizational Unit HR Business Partner

 Department Personnel File

UPTE-CWA Local 9119 (P.O. Box 5926, Riverside, CA, 92517)

*NOTE TO DEPARTMENT (to be removed from letter): The TX contract requires concurrent notice of this action to UPTE; therefore, departments must provide a copy of the above letter to Employee and Labor Relations along with the* proof of service*, at the time the employee is notified.*