

Employee Layoff Guide

RESOURCES & RIGHTS



UNIVERSITY
HUMAN RESOURCES

Table of Contents

| | |
|--|----------|
| Introduction | 1 |
| Definitions | 1 |
| Period Following Notification of Layoff | 2 |
| Reinstatement Rights | 2 |
| Continuation of Benefits | 2 |
| Unemployment Insurance | 2 |
| Health Insurance | 3 |
| Life Insurance | 3 |
| Long-Term Disability | 3 |
| Maryland State Retirement or Pension | 4 |
| Supplemental Retirement Plans | 4 |
| Optional Retirement Plan | 4 |
| Tuition Remission | 4 |
| Disposition of Accrued Leave | 5 |
| Annual Leave | 5 |
| Holiday Leave | 5 |
| Sick Leave | 5 |
| Personal Leave | 5 |
| Useful UMD Phone Numbers | 6 |
| Useful Websites | 6 |
| Employee Resources | 7 |
| Policies and Memoranda of Understanding | 8 |

Introduction

The loss of employment for any reason is very difficult. University Human Resources (UHR) created this guide to inform employees of their rights and to provide informational resources following a layoff. A layoff occurs when it is determined that one or more positions within a department or unit are to be abolished, discontinued, reduced in the number of permanent hours, or vacated due to any of the following reasons:

- Reduction or termination of supporting funds
- Program change
- Change in departmental organization
- Stoppage or lack of work

The decision to lay an employee off is not intended in any way to diminish their contribution to the University or the unit.

This guide has been prepared to provide general information to employees regarding the layoff process at the University of Maryland, College Park. Several resources are included, such as copies of applicable Board of Regents Policies and, for bargaining unit employees, the applicable American Federation of State, County and Municipal Employees (AFSCME)¹ [Memoranda of Understanding](#) (MOU). These policies, and this accompanying guide, apply to employees who are in a regular, full- or part-time status, including employees who are on approved leaves of absence with or without pay (such as Family and Medical Leave).

Circumstances surrounding a layoff situation are often complex. An employee who is facing a layoff action and has questions may contact a member of the UHR Office of Staff Relations at (301) 405-0001, Monday through Friday, 8:00 a.m. to 5:00 p.m. Additional resources are available on the [UHR website](#).

Definitions

“Exempt” refers to employees that are not subject to overtime provisions of federal and state wage and hour laws.

“Non-exempt” refers to employees that are subject to overtime provisions of federal and state wage and hour laws.

“Non-bargaining unit” refers to those individuals that are excluded from the bargaining unit under the State Higher Education Labor Relations Act, Section 3-102, Title 3, of the State Personnel and Pension Article of the Annotated Code of Maryland.

¹ AFSCME is the exclusive representative for UMD exempt and non-exempt bargaining unit employees, with the exception of staff who are in the Fraternal Order of Police (FOP).

“Bargaining unit” refers to non-exempt and exempt employees who have been deemed as included in the unit definition in Article 1 in the Memorandum of Understanding (MOU) negotiated between Local 1072 of the American Federation of State, County and Municipal Employees (AFSCME) and the University of Maryland, College Park. Article 22 of the MOU addresses Layoffs.

Period Following Notification of Layoff

Employees who receive a notice of layoff may be permitted to use Administrative Leave for the 90-day notice period upon a) the request of the employee with approval of the University, or b) at the discretion of the University. An employee on Administrative Leave during a notice period should be entered as "Admin Leave for Layoff" on their PHR timesheet.

Any **bargaining-unit** employee required by the University to work during the ninety-(90) day notice period shall have their notice period extended by the number of days the employee is required to work.

Reinstatement Rights

Employees who are laid off shall be entitled to reinstatement rights, in accordance with applicable MOU and policy provisions. For more information regarding reinstatement rights, employees should contact a member of the UHR Employment and Compensation team at (301) 405-7575, Monday through Friday, 8:00 a.m. to 5:00 p.m.

Continuation of Benefits

The continuation of benefits is an important issue for many employees who are faced with a layoff. Employee needs are highly individualized, so it is recommended that the affected employee contact a member of the Employee Benefits team at (301) 405-7575, Monday through Friday, 8:00 a.m. to 5:00 p.m. The Employee Benefits office is located in UHR, 1100 Chesapeake Building. **Employees who have health insurance through the University will continue to receive health insurance benefits as long as they are in paid status during the notice period.**

Unemployment Insurance

Laid-off employees may be eligible to receive unemployment insurance (compensation) benefits after the effective date of their separation from employment. The determination of eligibility for unemployment benefits is made by the State/jurisdiction, not the University. Unemployment benefits can be applied for in Maryland or in the jurisdiction where the employee lives (documentation required). Once a claim for unemployment insurance benefits has been approved, the benefit amount varies due to State and Federal rules, and is contingent upon the employee continuing to meet eligibility

requirements. The initial unemployment claim may be filed on-line in Maryland at:

<https://www.dllr.state.md.us/employment/uibenefits.shtml>

Prior to filing for unemployment benefits, employees who live outside of Maryland are encouraged to research unemployment insurance benefits for the jurisdiction where they live because benefits and resources vary.

Health Insurance

After the layoff notice period expires, continuation of the State group health insurance program is available to laid-off employees and their eligible dependents under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). COBRA requires the University to offer employees the opportunity to temporarily continue their group health insurance benefits if their coverage otherwise would cease (i.e. termination, layoff, or other change in employment status). To take advantage of COBRA benefits, the affected employee **MUST** complete an enrollment form and submit it to the Employee Benefits office within 60 days of the layoff date (or the date of separation). The COBRA enrollment form, as well as rates and further details about this important program are available from the Employee Benefits Office at (301) 405-7575.

Additionally, affected employees may be eligible for health insurance through State and/or Federal resources, including but not limited to the Affordable Care Act. The Affordable Care Act call center phone numbers are:

- MD: (855) 642-8572
- DC: (855) 532-5465
- VA and other jurisdictions: (800) 318-2596

Contact your State of residence for other possible benefits and resources.

Life Insurance

Life insurance policies held by the employee either through UNUM Insurance Company or through MetLife Insurance Company may be converted to individual policies. For information about the conversion of life insurance policies, please contact the Employee Benefits Office at (301) 405-7575.

Long-Term Disability

Long-term disability coverage is not available to an employee after the date of separation.

Maryland State Retirement or Pension

An employee who is enrolled in the Maryland State Retirement or Pension plan prior to July 1, 2011 and has five or more years of participating in the Maryland State Retirement System is automatically categorized as a deferred vested retirement.

An employee who enrolled in the Maryland State Retirement or Pension plan after July 1, 2011 and has ten or more years of participating in the Maryland State Retirement System is automatically categorized as a deferred vested retirement.

Deferred vested retirement accounts require no further action on the part of the employee. If an employee's account is not categorized as a deferred vested retirement, they can request a refund of accumulated contributions from the Maryland State Retirement Agency. For more information, please contact the UHR benefits office at (301) 405-7575.

Supplemental Retirement Plans

In order to roll-over a Supplemental Retirement Account (SRA) into an Individual Retirement Account (IRA), or to take a lump-sum distribution, the employee should contact their respective SRA vendor: TIAA, 1-800-842-2776, Fidelity Investments, 1-800-343-0860 or MSRP Nationwide, 1-800-966-6355 and/or seek guidance from a licensed financial professional. **There is no requirement that these plans be closed or rolled over to another plan.** The Employee Benefits Office, (301) 405-7575 can provide general information regarding contacting the ORP and SRA vendors; however, the Employee Benefits Office cannot provide professional financial advice and/or guidance.

Optional Retirement Plan

In order to roll-over the Optional Retirement Plan (ORP) into an Individual Retirement Account (IRA), or to take a lump-sum distribution, the employee should contact their respective ORP vendor: TIAA-CREF, 1-800-842-2776 or Fidelity Investments, 1-800-343-0860 and/or seek guidance from a licensed financial professional. The Employee Benefits Office, (301) 405-7575 can provide general information regarding contacting the ORP vendors; however, the Employee Benefits Office cannot provide professional financial advice.

Tuition Remission

Laid-off employees and their dependents are eligible to receive tuition remission for the semester in which they are laid off, plus one additional semester following the effective date of the layoff.

Disposition of Accrued Leave

An employee will continue to earn leave during the 90-day notice period as long as they are in pay status. An employee who has been notified of a pending layoff and is successful in securing another regular-status position within the USM will have all accrued annual leave, sick leave, personal leave, and holiday leave transfer to the new position, provided there is no break in service and consistent with USM policy. Compensatory leave earned in lieu of overtime shall be paid in full prior to the transfer into the new position.

Annual Leave

Any unused accrued annual leave shall be paid to the employee after separation. If the employee returns to University of Maryland, College Park service with an authorized status of reinstatement within three (3) years of separation, they are entitled to Annual Leave at the same rate in effect at the time of separation from active service.

Holiday Leave

Any holiday leave that has been earned but not used shall be paid to the employee after separation, consistent with the University's holiday schedule.

Sick Leave

An employee's accrued sick leave shall be forfeited at separation. However, if an employee who has separated from the University of Maryland reinstates to another position within the USM within three years of separation, the employee's amount of forfeited sick leave shall be restored provided the employee returns to a position eligible to earn sick leave.

Personal Leave

Personal leave not used prior to separation shall be forfeited. However, if the employee reinstates to another regular-status position within the same calendar year as the layoff, the unused personal leave shall be restored and made available for use during the remainder of the same calendar year. In such cases, the employee shall not also be given an additional three (3) days of personal leave as they would in the case of a newly-hired employee. If the employee is reinstated in a different calendar year, they shall be given three (3) days of personal leave.

Useful UMD Phone Numbers

| | | |
|----------------------------------|------------------------------------|--------------|
| University Human Resources | 3100 Chesapeake Building | 301.405.5648 |
| Office of Staff Relations | 3100 Chesapeake Building | 301.405.0001 |
| Employee Benefits Office | 1100 Chesapeake Building | 301.405.7575 |
| Employment Services Office | 3100 Chesapeake Building | 301.405.5682 |
| Faculty-Staff Assistance Program | 0102 A/B Health Center | 301.314.8170 |
| Staff Ombuds Office | 4205 John S. Toll Physics Building | 301.405.0805 |

Useful Websites

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|--|---|
| Division of Unemployment Insurance | https://www.dllr.state.md.us/employment/uibenefits.shtml |
| Maryland One Stop Career Center | https://www.dllr.state.md.us/county/ |
| Maryland Professional Outplacement Center | https://www.dllr.state.md.us/poac/ |
| Employ Prince George's (COVID-19 Workforce Development Recovery Program) | https://www.employpg.org/covid-19-workforce-development-recovery-program/ |
| Mid-Atlantic Higher Education Recruitment Consortium | https://www.hercjobs.org/regions/higher-ed-careers-va-md-dc/ |
| UMD Job Vacancy Postings | https://ejobs.umd.edu/ |
| USM Job Vacancy Postings | http://www.usmd.edu/usm/employment/ |

Employee Resources

Faculty-Staff Assistance Program 0102 A/B Health Center, (301) 314-8170, <https://health.umd.edu/fsap>

The FSAP provides personal, individual counseling for both employees and their family members. Individuals who have lost their jobs may experience a range of emotions including anger, fear, anxiety, and depression. The FSAP can provide assistance to address these issues and other personal matters that may develop as a result of a layoff.

Staff Ombuds Officer 4205 John S. Toll Physics Building, (301) 405-0805

The Staff Ombuds Officer is available to assist with counseling services to staff.

University Chaplains Memorial Chapel, (301) 314-9866; chapel@umd.edu

University chaplains from numerous denominations are available for pastoral care to faculty, staff, students, and their families. Being in, but not of, the University, the chaplains provide a unique support perspective for individual needs and concerns.

Policies and Memoranda of Understanding

☐ Exempt, Bargaining Unit Employees

- [VII 1.32 Policy on Layoff and Recall of Regular Exempt Staff Employees](#)
- [VII 9.61 Policy on Reemployment and Reinstatement for Regular Status Non-Exempt and Exempt Staff Employees](#)
- [AFSCME Council 3 and Local 1072 Exempt Employee Unit 2018 Memorandum of Understanding](#)

☐ Exempt, Non-Bargaining Unit Employees

- [VII 1.32 Policy on Layoff and Recall of Regular Exempt Staff Employees](#)
- [VII 9.61 Policy on Reemployment and Reinstatement for Regular Status Non-Exempt and Exempt Staff Employees](#)

☐ Non-Exempt, Bargaining Unit Employees

- [VII 1.30 Policy on Layoff for Non-Exempt Staff Employees](#)
- [VII 9.61 Policy on Reemployment and Reinstatement for Regular Status Non-Exempt and Exempt Staff Employees](#)
- [AFSCME Council 3 and Local 1072 Non-Exempt Employee Unit 2018 Memorandum of Understanding](#)

☐ Non-Exempt, Non-Bargaining Unit Employees

- [VII 1.30 Policy on Layoff for Non-Exempt Staff Employees](#)
- [VII 9.61 Policy on Reemployment and Reinstatement for Regular Status Non-Exempt and Exempt Staff Employees](#)



University Human Resources
1100 Chesapeake Building
4300 Terrapin Trail
College Park, MD 20742
301-405-7575 / uhrconnect@umd.edu