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Check with the union for the most up to date information on your particular situation or query.

May 30, 2020

**Information and Assistance for**

**U of T Staff-Appointed Members**

**Facing Temporary Layoff**

**as a Result of COVID-19**

Receiving notice of temporary layoff can be extremely stressful. Your Union is here to help you understand your rights and options. We can provide you with information and support to assist you during this difficult time.

It is important to read your letter of notice carefully, and consult with your Union Representative to fully understand your rights and options.

# IMPORTANT TERMS

**Temporary layoff** means that your position is being eliminated temporarily, for up to 13 weeks. (Article 12:07a).

**Notice period** is the time between when you are told of a layoff and the time that it’s implemented. You are paid during this time. For temporary layoff, you receive 2 weeks’ paid notice. In most cases, people continue working during the layoff notice period, but depending on the circumstances you may not be required to report to work during the layoff notice period.

# UNDERSTANDING THE PROCESS

## Temporary Layoff Notice periods (Article 12:07, section A)

Members affected by temporary layoff will receive a minimum of 2 weeks’ paid notice, prior to the implementation of the layoff. Unlike with indefinite layoffs, a temporary layoff is up to 13 weeks duration. Given the expectation that you will return to your job after the temporary layoff period, you are not entitled to Redeployment Pool or Severance options as is the case with indefinite layoffs.

After HR and/or your manager has contacted you by videoconference or phone to inform you of the general reasons for the temporary layoff, a formal letter will be emailed to you and copied to the union. The Union will make arrangements to have a Union Representative contact you to provide support.

# INFORMATION YOU SHOULD RECEIVE

## Your notice of layoff letter will include:

1. The date of your layoff and expected duration
2. Information on continuing benefits after your layoff date
3. Information on temporary supplemental payment of up to $1000 a month for the duration of temporary layoff

# CONTINUATION OF BENEFITS

Employees on temporary layoff of 13 weeks or less may continue coverage for one or more of the following benefits, provided you were enrolled in these benefits prior to the date of lay-off (Article 12:10, section d). **During the COVID crisis, the University will pay both the employee and employer contributions so that members can continue benefits at no cost.**

1. Group Life and Survivor Income Plan
2. Dental Care Plan
3. Extended Health Care Plan
4. Joint Membership Plan
5. Vision Care Plan
6. LTD

Educational Assistance provisions for staff and tuition waivers for dependents do not continue during temporary layoff. While you can’t initiate a new tuition waiver or educational assistance benefit during your temporary layoff, any education programs that are currently in process can be completed provided the tuition waiver has already been processed.

# WHAT ABOUT PENSION?

Continuous years of service and seniority continue to accrue during a temporary layoff. This means there will be no impact on the date of your retirement. Your Normal Retirement Date will remain age 65. Your Early Unreduced Retirement Date, remains age 60 provided you have completed 20 years of continuous service.

**If you are able to pay the employee and employer contributions,** **you can continue** to accrue pensionable during temporary layoff. A letter outlining your required contributions will be sent by regular mail to your home address. Please log in to Employee Self Service to ensure your mailing address is correct, or work with your manager to have it updated on your behalf.

If you are not able to pay the contributions while on layoff, you will not accrue pensionable service. This will have an impact on the final calculation of your pension payment. If, for example, you have 22 years’ continuous service at retirement, but had been temporarily laid offlaid off for 3 months, your pension would be calculated on 21 years and 9 months of pensionable service. As mentioned above, there is no change to your regular retirement date.

# VACATION AND LIEU TIME

# Some departments are implementing vacation periods for staff as a way to lower their salary liabilities and either postpone or reduce temporary layoffs. They may also give people the option of using up any vacation, personal days, or lieu time prior to implementing a temporary layoff. You do not accrue vacation during a temporary layoff period, but if you have vacation and lieu time in your bank at the start of your layoff, it will still be there when you return to your position. Note that unused personal days cannot be paid out and cannot be carried forward. You can inquire about having your vacation paid out, but this is extremely unlikely in a situation where a department is doing temporary layoffs due to financial constraints. Remember also that if you do get your vacation/lieu time paid out, this may delay any pay-out of EI/CERB benefits (see below).

# APPLY FOR Employment Insurance and Emergency Relief Benefit (EI)/CANADA EMERGENCY RESPONSE BENEFITS (CERB)

# Due to the COVID-19 pandemic, the federal government has introduced changes to the way the EI System works. Employment Insurance and Emergency Relief (EI) and the Canadian Emergency Response Benefit (CERB) are two parallel programs for people who are out of work. They have similar eligibility criteria and benefits. EI has temporarily suspended its Regular and Sickness Benefit.

# Details of these two programs are still changing frequently. Please see our handout on EI / CERB for more details.

# Additional updated information can be found at <https://www.canada.ca/en/services/benefits/ei/cerb-application/questions.html>

# We recommend you start the EI/CERB application process immediately at [Canada.ca/coronavirus](https://www.canada.ca/en/services/benefits/ei/cerb-application.html)

# EI / CERB pays $2000 a month. In addition to this income support from the government, the University has agreed to pay a top up to the lesser of 80% of salary or $1000 (less deductions) per month.

# SPECIAL CIRCUMSTANCES

## Possible Extension of Temporary Layoff Period

**Temporary layoff** means that your position is being eliminated temporarily, for up to 13 weeks. (Article 12:07a). It is possible for a temporary layoff to get extended for another 13 weeks after this initial period, but the University must provide you with another 2-week paid notice.

## Members on Pregnancy, Primary Caregiver/Adoption or Parental Leave and Long-Term Disability

These leaves are statutorily protected, which means people on these sorts of leave cannot be laid off until their return. If your position is currently vacant, your department may keep it that way to save money. Depending on the timing of your parental leave or expected return from LTD, you may be completely unaffected by any temporary layoff. When there is a permanent layoff/organizational change, notice can be given during the parental leave, but the paid notice period doesn’t start until the end of the leave.

## Members on short term sick leave

If you are already on short-term sick leave when you get notice of temporary layoff, your two weeks’ paid notice and your sick leave happen concurrently. If your sick leave continues past the intended layoff date, you continue to be on paid sick leave until your return to work date, at which point the layoff period begins. If you are not well enough to return to work at the end of the 15-week sick leave, you can apply for Long Term Disability as per usual.

If you return from sick leave before the end of the temporary layoff period, you will not get another two weeks’ paid notice, but would commence the remainder of the temporary layoff.

If your return from sick leave is past the end date of the temporary layoff, you return to work in the normal course.

## Sick leave after temporary layoff

If you go on sick leave during your two weeks’ notice period, you are paid until the end of the notice period, after which you are on layoff.

## Members who are eligible for retirement

If you are eligible for retirement before your layoff date, you may choose to terminate your employment with the University and retire rather than retain the right to return to your position. This also applies to those who may be eligible for reduced retirement benefits as early as age 55. However, you still would not be entitled to any severance payment.

## Applying for other jobs at U of T

You can apply for other jobs at U of T while you are on temporary layoff. There are very few jobs being posted at the moment, but there are some. Here are a couple of things to keep in mind. If you accept another continuing position at U of T, you are resigning from your current position and moving on. Beyond the first two months you are in the new job, you do not have the option of returning to your original job. If you accept a term position at U of T, you should request a secondment from your position so that you are able to come back to your original job at the end of the term. Otherwise, you would receive an indefinite layoff twelve weeks before the end of your term position.

## Looking for other jobs outside of U of T

You can apply for and work at other jobs while you are on temporary layoff. Keep in mind that there is an income cap with CERB. If you receive up to $250 a week from U of T and income from another position, you will not be eligible for CERB. It is important to report any income honestly to the government. Any overpayments will need to be paid back when you file your 2020 taxes.

# UNDERSTANDING YOUR RIGHTS

1. You have a right to meet with your Union Representative after you receive your notice. This will be done by email, phone or videoconference during the COVID crisis.
2. You have a right to accurate information regarding the general nature of and reasons for the temporary layoff.
3. Upon request, you have the right to a letter of employment from HR within 2 weeks of receiving your notice of layoff.
4. The University must issue your Record of Employment (ROE) either five days after the end of the pay period when your earnings are interrupted, or up to 15 days after the first day of the interruption of earnings – whichever is earlier. ROEs are submitted electronically, directly to Service Canada where it is used to process EI claims. To obtain a copy of your ROE, visit the My Service Canada Account page online at <http://www.servicecanada.gc.ca/eng/online/mysca.shtml>

 More information on how the University issues ROEs can be found at <http://pay.hrandequity.utoronto.ca/roe/>

1. You will be eligible to apply to EI/CERB.
2. You have the option of registering with UTEMP to work casual jobs for the University during your temporary layoff. You can also obtain employment outside the University without forfeiting your right to return to your job when the temporary layoff ends.
3. There is no need for you to reapply to your position in order to return to it. You automatically return to your position at the end of the layoff.

# ADDITIONAL SUPPORTS AND RESOURCES

**If you at any time you feel overwhelmed, anxious, depressed, sad, frustrated, or alone, please talk to an Employee Assistance Program (EAP) Counselor:**

**Steelworkers EAP Program, Lifeline Foundation Telephone** 416 977 6888 **Email** Life\_line@bellnet.ca

### UofT’s EAP Program, Homewood Health

**Telephone** 1 800 663 1142 TTY 1 888 384 1152 <http://benefits.hrandequity.utoronto.ca/efap/>

### 24-hr Crisis & Distress Line Telephone 416 408 HELP (4357)

**STILL HAVE QUESTIONS?**

**Contact us:** 416-506-9090 **Email** info@usw1998.ca **Website** usw1998.ca