

Layoff Reference Guide

An agency separates an employee due to a layoff. The Commonwealth of Virginia wants to ensure layoffs are conducted in an appropriate manner in order to maintain the dignity of the employee and the safety of all parties.

Policies	1.30 – Layoff 1.57 - Severance Benefits
Purpose	To balance respect for an employee who is being laid off with the safety of other agency employees.
Plan the Layoff Meeting	<ul style="list-style-type: none"> • Determine whether an appropriate placement is available. • Prepare the layoff paperwork and have copies of the Layoff and Severance policies ready for the employee. • Decide who will conduct the layoff notification and who will be there as a witness. Typically, a manager conveys the layoff notification to the impacted employee and a human resources staff member serves as a witness or meets with the employee following the initial notification. • Determine the amount of notice to be given to the employee. Two weeks is the minimum notice required by policy. Determine if paid pre-layoff leave will be awarded (how much) and when the leave will be available. • Decide where the layoff meeting will take place. • Assess the potential for a violent reaction by the employee. If the potential for violence exists: <ul style="list-style-type: none"> ○ Arrange to meet in a conference room or other neutral location. ○ Contact Capitol police, state police, or the local sheriff's office to request an officer be present during the termination. (The officer should not be in the room during the meeting. Instead, the officer should be stationed nearby, ready to respond if needed.) ○ If needed and appropriate, either arrange for employees with offices near the termination location to be off-site or move the meeting to a different location. • Plan what to say. • If the employee is being immediately placed on pre-layoff leave, determine if the employee will be allowed to pack his/her belongings or if that will be done for him/her at a later date. Arrange for the employee's IT and building access to be turned off at the time of the meeting. • Determine if severance benefits will be discussed during the meeting or if human resources will arrange to meet with the employee at a later time to discuss them. Sometimes layoffs can be emotional and the employee may not be able to fully process the severance information at the time of the initial meeting. • If the employee is a sworn officer and issued a weapon as part of their duties, determine if the weapon needs to be retrieved prior to or at the start of the meeting – if the employee is on pre-disciplinary leave, this may have already been done. If appropriate and necessary, establish a plan for retrieving the weapon prior to going into the meeting room.
Conduct the Layoff Meeting	<ul style="list-style-type: none"> • If the potential for violence exists, have supervisor/manager and witness sit nearest the door. • If a police officer is there, station him/her nearby and arrange a signal to have him/her come into the room if needed. (Having the officer physically in the room during the layoff is not appropriate due to privacy of personnel actions.) • Stay calm and lead the conversation. • Acknowledge the employee's emotions, but do not respond to them.

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	<ul style="list-style-type: none"> • Provide an explanation of the reason for the layoff. • Provide the employee with the layoff form and copies of the Layoff and Severance policies. • If placement options are available, discuss them with the employee. • Answer the employee's relevant questions. • Treat the employee with dignity and avoid embarrassing the employee. • Except for a handshake, do not touch the employee for any reason or allow the employee to touch the supervisor/manager or the witness – this includes attempts to console the employee. • Watch for warning signs of violence and respond appropriately. This includes calling the police or security if needed. • Inform the employee of the availability of the Employee Assistance Program. • Do not get into an argument or debate with the employee. • If the employee is being immediately placed on pre-layoff leave, ask the employee to return his/her state badge, keys, and any other state property. • If appropriate, escort the employee to his/her desk to pack personal belongings. The employee should be given a maximum of approximately 10 to 15 minutes to do this and should be monitored at all times. The monitor should ensure the employee is not removing state property or documents. In addition, the employee should not be allowed to access the computer or any computer systems. • If the employee is not immediately being placed on pre-layoff leave, outline the availability of this type of leave and give the employee the option of taking it as needed.
Employee Assistance Program	<ul style="list-style-type: none"> • All health plans offered to state employee have employee assistance programs (EAPs). • Included are up to four sessions at no charge for such services as mental health, grief counseling, and financial services. In the case of a layoff, employees should be offered access to this service as part of the layoff notification meeting. • For terminations, an employee may be offered this service if appropriate; however, the service is only available while the employee remains under the state's health insurance plan. (This is usually the end of the month when the employee leaves state service unless the employee elects continuation of coverage under COBRA.)
Potential for Workplace Violence	<ul style="list-style-type: none"> • Recognize and report to Human Resources any warning signs displayed by the employee during the termination meeting such as: <ul style="list-style-type: none"> ○ Unusual body language ○ Any alarming behavior – e.g., banging on the table ○ Any threatening remarks made ○ Noticeably unstable, emotional responses ○ Explosive outbursts, anger, or rage ○ Suicidal comments – e.g., “putting things in order” ○ Paranoid behavior – e.g., “everyone is against me” ○ Talk of severe financial problems ○ Talk of previous incidents of violence ○ Expressions of empathy with individuals committing violence ○ Unsolicited comments about firearms, other dangerous weapons, and violent crimes • If there is reason to believe that the employee may try to come back to the agency to retaliate, circulate a picture to security, front desk personnel, managers, and supervisors.

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	<ul style="list-style-type: none">• Determine the appropriate message to give to front desk personnel and co-workers regarding the potential for the employee's return.• Verify the employee's access cards and IT accounts were suspended.• If the employee attempts to return, notify local police as appropriate.
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