

## SUBSTITUTION

### APPLICATION:

- Employees interested in substituting for individuals working in positions affected by layoff may express interest in separating from VDOT in place of an affected employee
- The affected employee must be minimally qualified to perform the substitute's job to be considered as a match
- Once the substitution is approved, the substitute receives layoff notice and separates from the Agency according to the established layoff schedule
- Approved substitutes receive severance benefits after separation from the agency

### PROCESS OVERVIEW:

- Interested employees may apply for substitution at any time during the established layoff schedule, except "black-out periods"
- A central review team will determine if the affected employee meets the minimum qualifications for any substitute's position
- If the substitution is approved, the affected employee will assume the responsibilities of the substitute immediately after the layoff date
- Substitution requests that are not approved will be deferred for consideration in later layoff waves
- Individuals who are offered a substitution opportunity that does not require a salary reduction or relocation but decline are not eligible for further substitution consideration or for layoff rights or severance benefits
- Employees who withdraw requests for substitution are not eligible for further consideration for substitution

### BENEFITS:

- Severance payments, and
- Continued state contribution toward health insurance premiums, and
- Continued state contribution of life insurance premiums, OR
- Enhanced retirement option

### SEVERANCE PAYMENTS:

#### Cash Severance Option Only

- Based on weekly salary
- Distributed as salary payments, twice per month.
- Continued for period of time determined by years of continuous salaried state service
- Partial years of service rounded up
- Minimum payment is 4 weeks for employees with two or less years of service
- Maximum payment is 36 weeks of salary for employees with 17 or more years of service

### HEALTH INSURANCE:

#### Cash Severance Option Only

#### Does Not Apply to Enhanced Retirement Option

- Agency continues to pay employer portion of the premium for 12 months, provided...
- Employee pays his/her share of the premium

### LIFE INSURANCE:

#### Cash Severance Option Only

#### Does Not Apply to Enhanced Retirement Option

- Agency continues contribution toward group life for 12 months

### ENHANCED RETIREMENT OPTION:

- May choose in lieu of severance payments and receipt of health insurance and life insurance VDOT contributions
- Adds value of severance benefit to calculation of retirement benefit
- If at least 50 and vested, may elect to have the Commonwealth purchase years to be credited for retirement purposes toward either the employee's:
  - o Age, or
  - o Creditable service, or
  - o Divided between age and creditable service
- Once retirement credit added, member must be at least age 55 with 5 or more years of service or at least 50 with 10 or more years of service.
- Immediate annuity – retirement date cannot be deferred – individual must retire 1<sup>st</sup> of month following date of separation

### CESSATION OF BENEFITS:

- When employee returns to any agency or institution of the Commonwealth through:
  - o re-employment into a salaried position
  - o hourly employment or
  - o contractual agreement as an independent contractor or consultant

## SUBSTITUTION RULES

### COPY TO BACK OF SUBSTITUTION QUICK TIPS

#### SUBSTITUTION RULES:

- The consideration of substitutes for employees affected by layoff is part of the placement process
- Substitution requests will be entered by the interested employee through People Transitions Tracking Tool and managed by the HR Division
- A central review team will attempt to find the best match possible that doesn't require relocation or reduction in salary. If none exists, next best alternative will be explored
- If an affected employee requests placement then declines the opportunity to take the job of a substitute (in the same pay band or lower), and the match does not require relocation or a reduction in pay, no other substitution matches will be sought and the employee forfeits the right to layoff rights and severance benefits
- Once an affected employee accepts a match, even if it requires relocation or reduction in salary, the match is considered final and the affected employee will not be considered for any other placements to vacant or substitutes' positions
- If an affected employee is matched to a substitute, the affected employee will begin performing the substitute's job the day after the substitute leaves.

#### Order of consideration of matches:

- Affected employees in a particular stage who wish to remain employed with VDOT are ordered by seniority, statewide, on one consolidated list
- The central review team evaluates matches in order of most senior affected first
- Potential matches begin with the placement that most closely matches the job of the affected (same work unit, geography, role, substantially the same work—DHRM rules)
- The best match would be a position that does substantially the same thing in the same place, in the same role, at the same pay rate as the affected employee. This would require the least amount of adjustment for the affected employee, and it would require the least investment in retraining by the agency
- If vacant positions meeting these criteria are not available, a match to a substitute that meets these criteria will be sought.
- The next closest match would be a job in another work unit doing the same thing at the same rate of pay
- As the match process continues, the search for vacant or substitute positions would be broadened until a match could be found or until the search was exhausted.
- If a placement in the same role was not available, jobs in other roles (in the same or lower pay band) would be considered
- If the search had to be broadened to the point of considering placements to jobs that require relocation or reduction in salary, the affected employee's preferences would be considered

- If there is more than one ideal match and at least one is a vacant position, the placement would be made to the vacant position
- If the placement decision comes down to more than one substitute candidate who meet the same criteria, the match will be made with the most senior substitute candidate
- Business needs are a first and primary consideration in all substitution decisions

#### SUBSTITUTION CONSIDERATIONS:

- VDOT will strive to communicate to affected employees who are considering placement in a substitute's position about the potential for future organizational changes that could result in a layoff in substitute's position
- The affected employee must be minimally qualified to perform a substitute's job to be placed into it
- In addition to minimum qualifications, the central review team will consider the affected employee's ability to meet the working conditions of the substitute's position

#### Some Examples of Specific Position Conditions:

- Fingerprint background check required and passed
- Telecommuting as required of the position vs. desires of affected who would assume the substitute's job
- Emergency duty
- Wearing safety equipment (Respirator medical certification)
- State vehicle not provided
- DCR certifications
- and other conditions defined in employment offers
- The determination of "minimally qualified" for a placement or substitution will be based on a comparison of the qualifications information that the affected employee has provided (application and resume), against the job requirements defined in the Employee Work Profile (EWP) for the substitute's job
- All substitution requests are subject to review and approval based on critical business needs. As such, some requests may not be approved

#### Substitution Revocations:

- Employees who submit a request for substitution will be given a specific period of time to reconsider their decision and withdraw their request if they choose
- Revocation requests will only be considered prior to the deadline for withdrawing submissions
- Requests can be withdrawn using the on-line Transition Tool
- Local HR offices can assist those who are not able to access the Transition Tool