

## **FAQs for PEF Members Facing Layoff**

### **When will my state health insurance coverage as an active employee end if I am laid off?**

Your health, dental and vision care coverage as an active employee will end 28 days after the last day of the payroll period in which your last day on the payroll occurs.

### **Will I be able to continue my state health insurance coverage?**

If your name is placed on a New York State Department of Civil Service Preferred List for re-employment, you may continue your Empire Plan or HMO coverage, including prescription drug coverage, for up to one year from the date your health insurance in active employee status ends or until you are re-employed in a benefits-eligible position by a public or private employer, whichever occurs first. There are circumstances where coverage is continued even if you are not eligible under Preferred List provisions. Please contact your agency Health Benefits Administrator if you are unsure of your coverage.

### **How much will it cost?**

If you are eligible to continue your health insurance coverage under the Preferred List provisions, in order to continue your coverage you will be required to continue to pay the employees share of your insurance.

If you are in the Empire Plan, the state will continue to pay 90 percent of the cost for individual coverage or, if you have family coverage, 75 percent of the additional cost for dependent coverage (the same as if you remained employed).

If you are enrolled in an HMO, the state contribution will not exceed 100 percent of the dollar contribution toward the hospital/medical/mental health and substance abuse components of the Empire Plan premium (the same as if you remained employed).

### **How do I continue to pay for health insurance?**

If you leave the payroll, the Employee Benefits Division of the New York State Department of Civil Service will bill you each month for your health insurance. Your first bill will cover a retroactive payment beginning when your employment status changed and an advance payment for the next month, so you should be prepared for this larger than usual bill.

### **Will I be able to continue my state dental and vision coverage?**

You will be able to continue your dental and/or vision care coverage temporarily under COBRA (federal continuation of coverage law).

If you are enrolled in health insurance (the Empire Plan or an HMO), you will automatically receive information on continuing state dental and vision coverage temporarily under COBRA.

If you have questions regarding COBRA coverage, you should contact the Employee Benefits Division at (518)457-5754 or 1-800-833-4344.

## **How will my accruals and lag pay be paid?**

You will receive a check for your lag pay as if it were a normal payroll check; your accruals will be paid out in a separate check.

## **What contractual benefits will remain available to me?**

- **Educational Benefits:** Coverage continues for a year, laid off members remain eligible for the Voucher Program, the College Tuition Reimbursement Program and the Workshop and Seminar Reimbursement Program (formerly known as VALT).
- **Certification and Licensing:** Coverage continues for a year, laid off members remain eligible for the Certification and Licensing Exam Fee Reimbursement Program.
- **EAP:** Laid off members may receive EAP services from NYS EAP for 30 days following the date of layoff.

## **Am I eligible for unemployment insurance (UI) and how do I file?**

Yes, your claim should be filed in the first week that you have become totally or partially unemployed. For those laid off close of business December 31<sup>st</sup>, you should file as soon as possible following your layoff. It is important to file timely because your first week is an unpaid waiting week, commonly referred to as the "waiting period". A delay may cost you benefits.

You can apply for UI benefits using the Benefits Online Page by going to [https://ui.labor.state.ny.us/UBC/home.do?FF\\_LOCALE=1](https://ui.labor.state.ny.us/UBC/home.do?FF_LOCALE=1) between the hours of 7:30am to 7:30pm Monday through Thursday (Eastern Time), Friday, 7:30am to 5:00pm, all day Saturday, and Sunday until 7:00pm.

You may also file a claim by calling the Department of Labor's Telephone Claims Center at 1-888-209-8124 for New York State residents (or 1-877-358-5306 for out of state residents) between 8:00am and 5:00pm, Monday through Friday. This is a toll-free call.

## **If I have insurance through Membership Benefits how do I continue to pay?**

If you are off payroll you will no longer be able to pay for your insurance through payroll deduction. To continue insurance purchased through PEF Membership Benefits contact your insurance carrier and arrange to have them bill you directly. Contact information is provided in the enclosed PEF Membership Benefits brochure or you can contact Membership Benefits for contact information.

## **Do the revolving door provisions of the Public Officers Law apply if I am laid off?**

For the two-year bar, no. For the lifetime bar, yes.

The Public Officers Law provides that if, due to a "consolidation or abolition of functions, curtailment of activities or other reduction in the state work force," you are laid off, you will not be subject to the two-year bar in the law that generally prohibits State employees from appearing or practicing before their former State agency or from receiving compensation for any services rendered on behalf of a new employer. Your agency is required prior to your layoff to provide you with certification that you were laid off and to notify you in writing of your rights and responsibilities under the law.

There is, however, no such exception to the lifetime bar that prohibits you from appearing before your former State employer in relation to any "case, proceeding, application or transaction with respect to which [you were] directly concerned and in which [you] personally participated during the period of [your] service or employment, or which was under [your] active consideration."

### **Can I look for a job in the business I regulate as part of my State employment?**

The general rule is that a State employee may not solicit a post-government employment opportunity with any person that has a specific matter pending before him or her; and may only solicit an employment opportunity from such a person 30 days from the time a matter is closed or the employee ceased involvement as a result of recusal or reassignment.

Recently, however, the Commission on Public Integrity created an exception to this rule for State employees facing imminent layoff. Now, the 30-day recusal period does not apply to State employees who have been targeted for layoffs, as well as for such State employees who may opt for bumping, relocation or layoff, because their position will be eliminated due to reduction in the State workforce. A State employee in such circumstances who pursues potential post-government employment opportunities must still recuse his or herself from any matters pertaining to any private entity with which he or she has employment related communications either for the duration that the employee remains employed by the agency, if targeted for layoff, or until the employee accepts another State position, if targeted for bumping or relocation.

If you have a specific question on how these post-employment restrictions may apply to you, you should contact the Commission directly at (518) 408-3976.

### **What rights do I have regarding Preferred Lists, Reemployment Rosters?**

The intent of the reemployment list process is to reemploy you as quickly as possible at your previous salary grade level and employment status. Reemployment, however, may involve a different title, a lower salary grade (though restoration to the permanent salary grade you held at time of layoff is the goal), a different agency and/or a different location. Preferred lists and reemployment rosters are developed from the information you fill out on the green card your agency gave you upon notice of layoff.

A Preferred List is a list of your title when you were laid off, lower level direct line titles and closely related titles (as determined by the Department of Civil Service) Within each of these categories, eligibles laid off from the layoff unit where the job is being filled are certified before eligibles laid off from any other layoff units. Eligibles who have completed their probationary periods are certified before those who were on probation when they were laid off, and eligibles who are otherwise the same in terms of these rules are ranked by seniority.

Appointments from a preferred list (also called preferred list reinstatements) must be made in strict rank order from among those eligible candidates willing to accept appointment. Normally, no probationary periods are required for preferred list reinstatements. However, if an appointment is made to a traineeship, the appointee must serve a probationary term while the traineeship is completed.

A Reemployment Roster consists of the names of laid-off employees who are determined by the Department of Civil Service to be able to perform the duties of jobs (other than those for which they are eligible from the preferred list) based on their layoff title. Employees are expected to be able to perform these duties after a standard period of training and probation. Names on reemployment rosters are not ranked and agencies may appoint anyone who is on the roster.

Once you are laid off you will receive a letter from the Department of Civil Service that will inform you of your preferred list and reemployment roster titles. Keep a copy of this letter and a copy of your green card. If you change your address inform the Department of Civil Service as they will try to contact you when an agency is going to fill a position for which you are eligible to be hired from the preferred list and reemployment roster.

There are strict rules when you accept or decline positions offered to you from a preferred list and reemployment roster and they are outlined on pages 14 to 18 in the attached Department of Civil Service document *Information for State Employees Affected by Layoff*.

### **Am I still eligible to take Promotional Examinations?**

Yes, your Preferred List and Reemployment Roster eligibility is limited to the four years following your date of layoff. While you are on a preferred list you are eligible to take State civil service promotional examinations for which you meet the minimum qualifications; it is treated as if you are still working in the title from which you were laid off.