



BC EXCLUDED EMPLOYEES' ASSOCIATION

This MyInfo sheet will be of interest to those of you who have discovered that your position has either been made redundant or that you've been terminated: That you either have to find another position or leave government altogether.

MyInfo: Severance

FINDING OUT

If you're lucky, your supervisor or HR will give you an informal "heads up" that your position is going to be eliminated, or that you'll learn about the restructuring of your branch or division and will be able to read between the lines. Most often, HR and your supervisor will call you into a formal meeting informing you that your position has been eliminated, made redundant or that you're being "let go." They'll hand you a letter and from there a number of scenarios could unfold: In many cases, you'll be left in a room with a professional counsellor who is there to provide support as you digest the unwelcome news. Depending on the circumstances and the organizational culture, your employer may insist that you leave your workplace immediately and that they will forward your personal effects. You may even be "permitted" to pack up on your own. The ministry may even offer to send you home in a taxi.

Finding Out...

Why?

WHY?

BC Public servants lose their jobs for a variety of reasons, but most fall within two main categories: with cause or without cause.

Your Options

With cause means the employer believes sufficient aspects of your work or work place behaviour are so negative that they constitute grounds for dismissal. If you're a BCEEA member and you find yourself in this situation, contact us immediately. There are many cases where the evidence is simply not sufficient to warrant dismissal with cause. We can help rectify this situation by building a case designed to ensure that you receive a lump sum severance. We work with a team of legal advisors, which will save you money and time. Our lawyers are particularly helpful because of their familiarity with government human resources policies and processes.

How We Can Help

Without cause means that termination isn't related to the quality of your work, your workplace behaviour or your performance. It is either owing to downsizing, the elimination of a function or a significant change in the focus in your work area that requires different skill sets and experience. Regardless of how you find out or reason why, losing your job is always tense and often highly emotional.

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FIRST THINGS FIRST

Even though you may find yourself emotionally overwrought, you need to pay attention to pragmatic details that are critical to your future. Based on our wealth of experience in this area, here are our top tips for managing this difficult time:

- 1) Remember that this is one, albeit rough, period of your life and career. It is time limited and although it often feels like your every waking moment is consumed with it, there are other aspects of your life that will not change. Hanging on to this thought is an important facet of self-management.
- 2) Save your ranting and anger for the people you trust the most. If you're a member, call us! We understand what you're going through and it's safe to vent with us. If you've been provided with a transition professional or coach, be sure to use them. Their services are confidential so you can let off steam without worrying. Feeling angry is part of the process—none of us like imposed change, particularly when we have had little choice in the matter. Nevertheless, it is important that you present a professional demeanour to those you work with, because you just might want to find employment elsewhere in government. People are watching how you conduct yourself in these difficult circumstances and how you behave speaks volumes about your level of professionalism.
- 3) If you're a BCEE member, we'll sit down with you and review your severance letter. The letter lays out the terms of your severance and how it will unfold, including a number of options. You'll be given a certain amount of time to review the options and to sign the letter. At this stage it is still possible to propose alternate options, but you need to have a strong rationale and to frame your arguments clearly and positively. If you aren't working with us, then review the letter with a trusted advisor.
- 4) Figure out what your preferred and realistic goal is in the situation. Would you like to continue to work in government or are you aiming to move into the private sector or broader public sector? Is this the best time for you to go back to school or get retrained? Are you close to retirement and is your preference to walk away to a post-work life? We can help you sort through those types of options. But you do need to determine what your goal is and the next best alternative in order to take a strategic approach to your situation.

WHAT IS IN MY NOTICE LETTER?

Well, the answer is "it depends." The reason for the notice drives the content of the letter. However there are some predictable components:

Reason: It is with regret that I am writing to inform you that your position has been impacted as a result of *recent restructuring*. (or whatever the reason is)

Date: Your employment with the Government of the Province of British Columbia will be terminating at the end of the day on (a date).

Options: This letter and enclosed documents will detail the terms and conditions and agreement of settlement in the event that you are unsuccessful in finding alternate employment.

Next Steps: The following steps will assist you in working through the severance process (one of which will be the date at which you are obliged to sign and return the Agreement to the BCPSA).

Other: Depending on the circumstances, your government human resources will include a second page, which outlines options and terms. These include a number of mix and match options, depending on your organization and the folks above you in the hierarchy—they do have some flexibility.

WHAT OPTIONS ARE THERE?

Value of Severance: Before you can make a decision about your options, you need to understand the value that is being placed on your severance. This is a formula-driven calculation that takes into account your years of service, level of pay and your age. This calculation offers limited flexibility. In rare instances, however, other circumstances are taken into account. The calculation is expressed both in dollar amounts and time: for example 12 weeks' severance or \$X dollars. This is important because your final severance could end up being a blend of time and money.

Let's tackle the time aspect first.

There are three types of time: 1) Working Notice; 2) Salary Continuance; and, 3) Lump Sum Severance

Working Notice means you've been given a set period of time in which your employment clock with the BC Government ticks down. You're on salary and receive benefits as you normally would and you have full access to all government services and systems like any other permanent employee. You're expected to aggressively seek employment elsewhere and you'll be given sufficient time to do so.

Because you enjoy regular employee status, a wide variety of employment options will be available to you, including lateral transfers. This option is best suited to those who wish to continue to work within the provincial government because it facilitates networking (it's much easier to find work when you're working in the system). You also contribute to your pension and continue to accrue pensionable time. The "value" of any working notice time is deducted from the overall financial compensation. By illustration, let's say your overall severance is 12 months and you agree to 6 months working notice. If at the end of 6 months you have not secured permanent employment, the dollar value of that 6 months will be subtracted from the 12 months and you will receive the remainder as a lump sum severance. If you do find permanent employment within the BC public service, then the severance slate is wiped clean and any working notice is simply considered part of your regular work time.

Salary Continuance/Bi-Weekly Severance Installments means your severance will be paid bi-weekly and you will continue to receive health and dental benefits and contribute towards your pension. You are considered in service for the purpose of applying for internal competitions. You will not however, have access to the regular IDIR. This option works well for people who are for some reason uncomfortable staying in the workplace or for whom a lump sum payment has negative consequences on their income tax. A member whose son was very ill chose this option because it enabled her stay at home over his recovery period; another member took the time to complete a degree program.

Lump Sum Severance means that you accept the dollar value of your severance period as of a certain date and at that date you are no longer a provincial government employee. You can seek employment in the private sector, but if you accept employment or a contract with the provincial government, or most other public sector entities including crown corporations and organizations that are primarily funded by the province, you may be required to pay a daily rate back to government. That rate is based on a daily value of your salary while in government.

HOW DO I DECIDE WHAT IS BEST?

You have two main considerations: your employment goals and what we call "the math". For example, if your area of expertise is sought after in the private sector and you are at mid career stage, you may wish to take a very short working notice and the rest in lump sum severance. If however you are close to retirement and/or prefer not to work for a while due to personal circumstances, salary continuance might work best for you. Or if you are close to attaining your maximum pension, then a longer working notice would be the best consideration.

In order to make this decision, you need to understand the tax, pension and employment implications of these options for your unique circumstances. The BCEEA can assist you with that through our specialized services. We also help our members to develop a plan that will enable them to work through all of the options. We also assist in writing a letter that will outline your specific needs and to request special consideration—such as a different combination than what your may have been originally offered. Ultimately however, the final decision is at the discretion of the employer and rests with the Deputy Minister of your ministry. Nevertheless, most senior staff are willing to assist impacted employees within acceptable government HR policies.

In addition to our support, the BC PSA provides a range of support services to impacted employees. Our members have reported positive experiences using all the help available to them.

HOW CAN THE BCEEA HELP?

We offer completely unbiased advice and support. If your goal is to secure employment within government, we'll work with you to develop an approach and set up one-on-one career networking meetings and interview preparation assistance.

We'll also assist you to develop a strategic approach and will outline all of the steps necessary in order to make the best decision for your future.

In the rare situations where you require legal advice, we will support you by reviewing your file and helping you organize supporting documents to ensure that your time with a lawyer is most productive. We'll also work closely with the lawyer if you wish us to do so. If you have been a member for six months or longer you may qualify for legal assistance reimbursement of up to \$500.00.

We have experience and expertise in this area, but more than that, we care about you as an individual and we will work to support you in any way we can.

***Please remember** that this MyInfo sheet has been developed to provide general tips and does not take into account any individual circumstances, constitute legal advice, represent government policy or replace a personal consultation.*