

**Greeting BAP employees. The question was asked about whether employees who elect to take the VTEP would still be eligible for IDES benefits. This is the exact answer from IDES (the answer is yes).....**

**Section 2840.125 Early Retirement Or Employment Buyout Packages**

a) An individual who accepts his employer's offer of an early retirement or employment buyout package and leaves work according to the terms and conditions of the offer is ineligible under Section 601 of the Act unless, at the time the offer is accepted:

- 1) the individual knows or reasonably believes that, within the proximate future, his employment will be terminated by the employer under terms and conditions substantially less favorable than the terms and conditions of the offer, or
- 2) the individual knows or reasonably believes that his employment will continue, in the proximate future, but under terms and conditions substantially less favorable than the terms and conditions of his employment immediately prior to the offer, or
- 3) the individual knows that a layoff will follow if a sufficient number of employees do not accept the offer of an early retirement or employment buyout package and the individual accepts the offer to avoid the layoff of another employee.

Now in this case, the VTEP is basically being offered in exchange for an individual giving up their recall rights, as their employment in Belvidere will NOT be continuing! The separation occurred PRIOR to the acceptance of the VTEP. The employer can protest this, but we would not deny benefits.

In 2009, when individuals were offered \$100K, we allowed benefits. Those employees did have continuing work available, but at least one of the reasons above applied. Everyone was eligible.

In addition, individuals that are offered a transfer out of state and decline, the employer may protest that as well. If the offer was made while still employed, this would be a quit, if offered after the last day of work, a Refusal of Work.

Under 601B in the Rules:

**Section 2840.101 General Principles for Interpreting Section 601 of the Act [820 ILCS 405/601]**

b) An individual has good cause for leaving work when there is a real and substantial reason that would compel a reasonable person who was genuinely desirous of remaining employed to leave work and the individual has made a reasonable effort to resolve the cause of his/her leaving, when such effort is possible. 1) Example: When hired, the individual commuted 5 miles each way to work. The employing unit then relocated its plant to a town over 150 miles from the individual's residence, causing a substantial increase in the individual's commuting costs and commuting time. As a result, the individual leaves his/her job. The individual had good cause for leaving work.

So, either way, these folks will be OK!

A question was also asked about employees taking a grow-in or retirement package. Those employees can put a return-to-work date down for the week that their income is expected to resume from Stellantis (May 15 for grow in and May 29 for retirement). You may still have to put a resume on the Joblink website just to comply with IDES. It has been my honor to serve you.

Michael Moe

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