

Dismissed from the umc

What now?

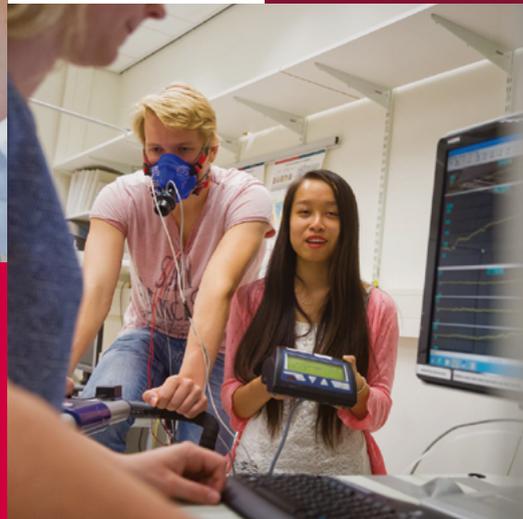
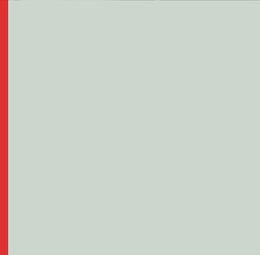
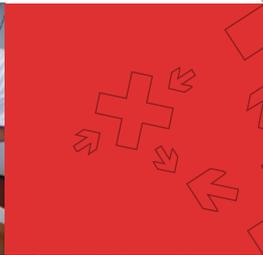


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1 Unemployed, what's the next step?

You are facing dismissal through no fault of your own or are already unemployed. This is an unpleasant situation for you. Many people ask themselves: How do I find another job? What does this mean financially for me? Who can help me? This brochure contains answers to those questions. Although the contents have been prepared with great care, you cannot derive any rights from it.

When you become unemployed, you receive less salary or none at all. You may have the right to claim an unemployment benefit under the Unemployment Insurance Act (WW). Along with the statutory unemployment scheme, employees and former employees of the umc are subject to a sectoral non-statutory scheme, which may entitle you to claim additional benefits. This non-statutory scheme is documented in the 'Non-statutory Unemployment policy for University Medical Centres' (BWUMC) and forms part of the collective labour agreement (Cao umc).

In the government and educational sectors, it is legally established that the employers are the risk bearers in the sense of the WW, which means that the umc as employer carries the burden of the unemployment benefits of its employees and former employees. Both the WW and the BWUMC payments are therefore paid by the umc* which has caused you to become unemployed. Only for the continued unemployment benefit (see section 4.4) can the umc ask employees for a contribution. This step goes into effect on 1 January 2020.

In addition, the umc itself is responsible for the re-integration of its unemployed (or potentially unemployed) employees.

The Employee Insurance Agency (UWV)* is charged with implementing the Unemployment Insurance Act, which means that it determines the entitlement, duration and amount of your unemployment benefit and pays you the benefits. The cost of the unemployment benefit is charged by the UWV to your employer or former employer. The UWV also checks whether you comply with your legal obligations during the duration of your period of receiving an unemployment benefit and can impose sanctions if necessary. You apply for an unemployment benefit personally from the UWV. This is possible from one week before dismissal to a week after dismissal and can be done digitally via internet on the website www.werk.nl. You do need your DigiD* to do this.

In contrast to the statutory unemployment benefit, the non-statutory payment scheme is managed by APG Algemene Pensioen Groep N.V.*. APG pays out the non-statutory benefit. The cost of the non-statutory benefit is charged by APG to your employer or former employer. If you are eligible for a non-statutory benefit under the BWUMC, you can apply for it to the APG, via the website www.mijnbww.nl. See also the contact details for institutions in chapter 5.

* Words with an * are defined in chapter 6, Glossary.

During the period that you receive a statutory or non-statutory unemployment benefit, you are still building up your pension by 50%. If you had an income in excess of the maximum of scale 12, then the pension accrual during the period of the continued benefit is lower than 50% of your original income. This accrual is free of premiums for you and is paid by your ex-employer. If you want a higher pension accrual, then you can contact the ABP. The cost for this is charged to you.

2 What is expected of you, and who can support you?

As soon as you know that you are going to become unemployed, you are expected to exert yourself to find new employment. This includes applying for jobs, being available to work, and accepting suitable work.

Being available to work means that you must start immediately when you find or are offered suitable work. This includes working in your own company or abroad. The longer you remain unemployed, the more kinds of jobs will be considered suitable for you. If you have been unemployed for six months, work at all levels (including salary) is considered suitable, and you must accept any job that you are capable of doing. A drop in income due to accepting lower-paid work is often entirely or partly compensated for the duration of your unemployment benefit period, so you do not suffer financially from it. It is thus worthwhile to get back to work.

You are not alone when searching for another job. The umc as your employer or former employer is legally obliged to support you with your re-integration. An attempt will first be made to find you another job elsewhere in the umc. You can ask your HR consultant for assistance. Most umcs have a mobility office where you can register as a job seeker. You can of course turn to the UWV for information. It is advisable to inform the UWV that you worked at an umc so that aspect can be taken into account when it offers its services.

3 WW

As already stated, the UWV is tasked with implementing the Unemployment Insurance Act. You receive your unemployment benefit through the UWV. It pays out the unemployment benefit once every calendar month.

This brochure provides general information about the unemployment benefit. If you would like to read in greater depth about your personal situation, look at the UWV website: www.uwv.nl. If you still have questions, contact the UWV on a special telephone line: Employees' Telephone: 088 - 898 92 94 (local rate). Requesting unemployment benefit is done via the UWV; see earlier in this brochure on page 3. See also contact details for institutions on page 15.

The main outline explaining the unemployment benefit is given below.

3.1 Conditions for receiving unemployment benefit

If you have become unemployed, you will not necessarily be entitled to a benefit. To be eligible for an unemployment benefit, you have to meet a number of conditions:

- you have not yet reached the state pension age;
- you have lost at least 5 working hours per week, or at least half of your hours;
- you are available to accept work;
- you have worked for at least 26 of the last 36 weeks;
- to obtain benefit for longer than 3 months, you must have worked in 4 of the last 5 years;
- you did not become unemployed through your own fault;
- there are no applicable grounds for exclusion;
- you must comply with the WW obligations.

When you request unemployment benefit, the UWV investigates whether it was your own fault that you became unemployed. In that case, you are culpably unemployed, and you will receive a reduced unemployment benefit or none at all. Culpability is only the case in a limited number of instances, for example if you are dismissed for bad behaviour. If you resign voluntarily, you are usually also culpably unemployed. There are other conditions aside from culpability that can lead to you not getting any unemployment benefit. They are termed grounds for exclusion. One ground for exclusion is that you are receiving a benefit for illness or disability, or you are going on an extended vacation or moving abroad.

3.2 Duration of the unemployment benefit period

You are entitled to an unemployment benefit for a minimum of 3 months and a maximum of 24 months. The total duration of the benefit depends on your employment history.

If you fulfil the '26 out of 36 weeks criterion', you are entitled to a basic benefit lasting 3 months. If you also fulfil the '4 out of 5 years criterion', then after the basic benefit,

you are entitled to a continued benefit. In principle, this means that for the first 10 years of your employment history, you are entitled to one month of benefit for every year that you worked. After the first 10 years, every year worked entitles you to half a month of benefit.

3.2.1 The 26 out of 36 weeks criterion

The 26 out of 36 weeks criterion assumes that you worked at least 26 weeks in the 36 weeks directly preceding your unemployment. This does not have to be full work-weeks; a week in which you worked just one hour also counts towards the criterion. Aside from those weeks in which you actually worked, the weeks in which you did not work but were paid a salary also count, for example if you were on paid leave. Weeks in which you could not work because of illness are not considered in the determination of the 36 weeks. If the illness lasted a long time, a special, flexible arrangement applies. This is also valid for periods of maternity leave or periods of unpaid leave.

3.2.2 The 4 out of 5 years criterion

The '4 out of 5 years criterion' is not a condition to be eligible for unemployment benefit, but it is important for determining the total duration of the unemployment benefit. To fulfil this criterion, you must have received a salary for 208 or more hours per year for at least 4 of the 5 calendar years directly preceding the year in which you became unemployed. If you became unemployed in 2019, those 5 years are 2014 to 2018. The year in which you became unemployed does not count.

If you fulfil this criterion, then you are entitled to a continued benefit after the end of the basic benefit. The duration of payment of the continued benefit depends on your employment history. For every year that your employment history exceeds 3 years, 1 month of continued benefit is added to the basic benefit of 3 months. After the first 10 years of working, a half month of continued benefit for each year is added to the basic benefit. Your employment history is determined as follows. It consists of a fictitious and an actual employment history and is calculated by adding the two together.

The fictitious employment history consists of all the years from the calendar year in which you turned 18 through 1997. If you were born in 1980 or later, then you do not have a fictitious employment history. From 1998 the actual employment history begins, and the actual number of years worked is counted. Whether or not a year counts towards the employment history is determined from 1998 in the same way as for the 4 out of 5 years criterion; in other words, a year counts if you received wages for at least 52 days in that year. From 1 January 2013 a calendar year counts if you received wages for 208 or more hours.

Calculation example for duration of unemployment benefit:

Marion was born on 20 November 1965. She started work on 1 January 1990. On 1 October 2019 she was laid off because of a reorganization.

Question: How long a period of unemployment benefit is Marion entitled to?

Marion worked consistently in the 36 weeks before becoming unemployed. She thus fulfils the 26 out of 36 weeks criterion and is definitely entitled to unemployment benefit for the basic duration of 3 months. Marion also worked all of the years in the 5 years before becoming unemployed. She thus also fulfils the 4 out of 5 years criterion and is entitled to an extension of her unemployment benefit on the basis of her employment history.

Calculation of Marion's employment history.

Marion was born on 20 November 1965 and was thus 18 years old on 20 November 1983.

Her fictitious employment history runs from 1983 through 1997, or 15 years

Her actual employment history runs from 1998 through 2018, or 21 years

The total of her employment history is 36 years

Marion is entitled to unemployment benefit for 36 months on the basis of the WW-scheme valid until 1 January 2016. From 2019 the duration of the unemployment benefit is limited to a maximum of 24 months. She is therefore entitled to a continued unemployment benefit period lasting 12 months on the basis of the BWUMC, which starts as soon as the end of the unemployment benefit has been reached. See section 4.4 'Continued benefit' for details.

3.3 Amount of the unemployment benefit

The unemployment benefit is related to your final salary. For the first 2 months you receive 75%, and subsequently 70% of your income*. This income is based on the average income over the period worked in the twelve calendar months before you became unemployed. However, there is a maximum amount of income that is used to calculate the unemployment benefit. That is the legal maximum daily wage. The maximum monthly wage is thus € 4,717.58 (on 1 July 2019), which includes the vacation and end-of-year bonus. If your income exceeded the maximum amount, you will not receive any unemployment benefit over the excess. It is possible that in that case you may be eligible for a supplementary benefit under the BWUMC.

4 BWUMC

From 1 October 2006, the Non-statutory Unemployment policy for University Medical Centres (BWUMC) applies to the University Medical Centres (umcs). The revised BWUMC in the Cao umc is valid from 1 January 2018. The umcs have contracted out the implementation of this policy to APG, as previously stated.

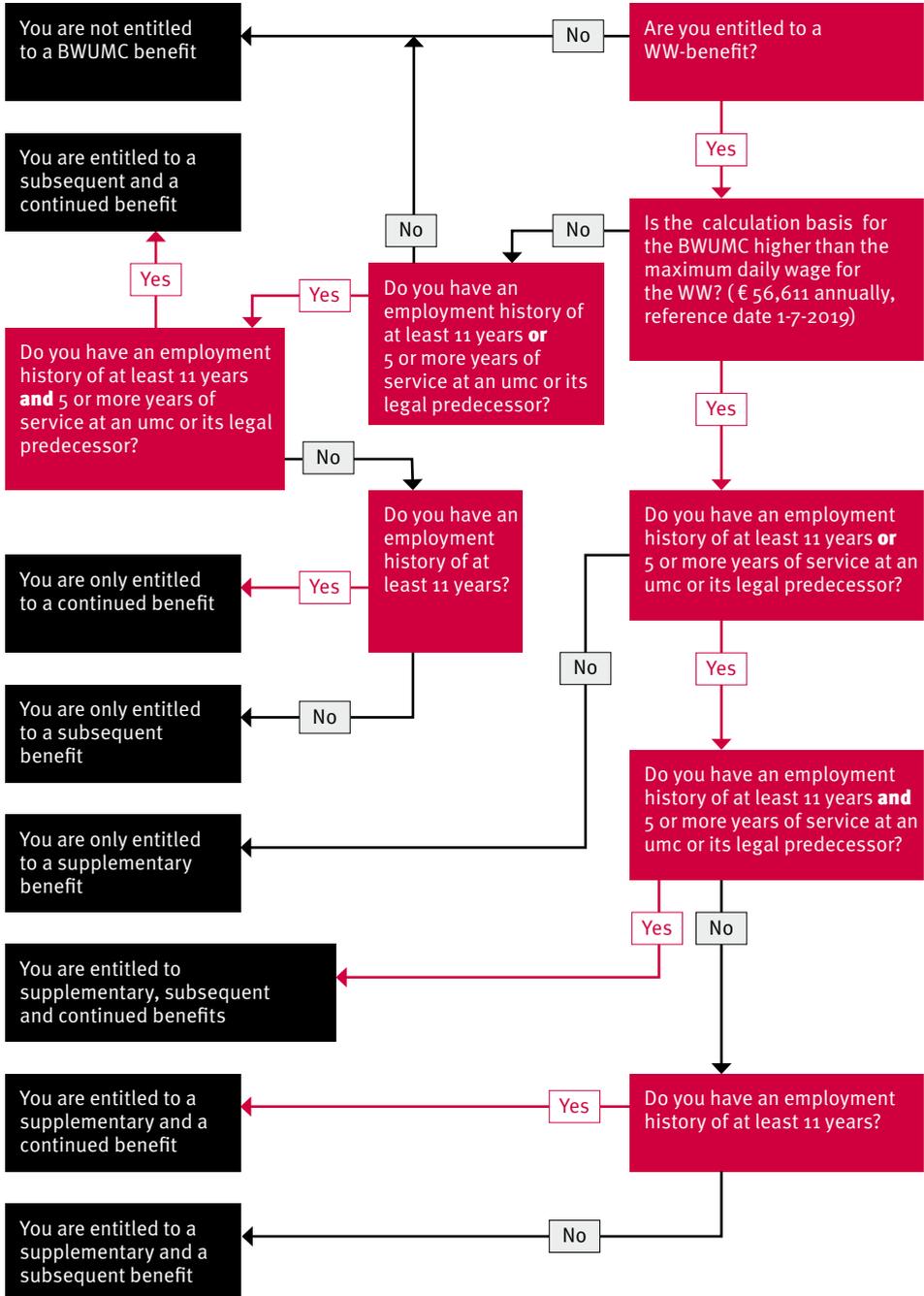
The main outline of the BWUMC scheme is given below. With its help, you can determine whether you are eligible for a non-statutory benefit. If that is the case, you can request a benefit from the APG. The complete text of the BWUMC-scheme can be found in de cao [here](#). You can derive rights only from that text.

4.1 To whom does the BWUMC apply?

The BWUMC applies to employees who are or were employed by an umc. If you did not receive or had not received an unemployment benefit on the basis of the WW, you are not eligible for a non-statutory benefit. Not everyone who receives an unemployment benefit is eligible for a non-statutory benefit on the basis of the BWUMC. You can use the flowchart on page 13 of this brochure to determine whether you are eligible for a benefit under the BWUMC.

Flowchart for determining eligibility for BWUMC benefits.

Starting from date of dismissal.



4.2 What benefits does the BWUMC cover?

The BWUMC has the following kinds of benefits:

- Supplementary benefit
- Continued benefit
- Subsequent benefit
- Benefit for cross-border workers
- Bereavement benefit
- Wage supplementation
- Benefit guarantee

4.3 Supplementary benefit

The supplementary benefit entitles you to a supplement in addition to the WW during the unemployment benefit period. This implies that you cannot receive a supplementary benefit if you are not receiving an unemployment benefit. You are only entitled to a supplementary benefit if you have an income* that exceeds the maximum daily wage for the WW. If your income is lower than the maximum daily wage limit, you are not eligible for a supplementary benefit. The maximum monthly wage for the WW is € 4,717.58 (on 1 July 2019); this includes the vacation and end-of-year bonus. The supplementary benefit ensures that your total benefit, i.e. the unemployment benefit (WW) plus the non-statutory benefit (BWUMC), is about 75% of your former income for the first two months and then about 70% of your former income. For partial unemployment, the benefit is calculated proportionally. The supplementary benefit is linked to the unemployment benefit and lasts as long as the WW.

If you become ill or take maternity leave during the WW, the supplementary benefit will continue to be paid. The obligations and sanctions of the WW apply equally to the supplementary benefit.

4.4 Continued benefit

As a result of changes in the law, the accrual and the maximum duration of the unemployment benefit period have been reduced from 1 January 2016. In the Cao umc 2015-2017 it was agreed that the accrual and duration of the unemployment benefit period for umc employees would not change. The unemployment benefit would thus be continued. We call this the continued benefit WW.

The continued benefit WW ensures that the granted unemployment benefit and the continued benefit have the same duration as an unemployment benefit granted before 1 January 2016. In other words, every year of employment history (including the years after the first 10 years of employment history) entitles you to 1 month of benefit.

4.5 Subsequent benefit

As its name implies, the subsequent benefit entitles you to a benefit after the end of the WW and/or the continued benefit. If you are still unemployed after the end of your WW and/or continued benefit and you fulfil the conditions, you are entitled to a subsequent benefit continuing on from your WW and/or continued benefit under the BWUMC. You do not need to have already had a supplementary benefit to be eligible for a subsequent benefit. Even if you have only received an unemployment benefit, you may be entitled to a subsequent benefit under the BWUMC.

There are 3 conditions for eligibility for a subsequent benefit:

- 1 you had an unemployment benefit under the Unemployment Insurance Act;
- 2 you became unemployed from an employment of indefinite duration;
- 3 prior to the dismissal you had worked for at least 5 years.

If you had a temporary or short-term employment, you are not entitled to a subsequent benefit.

The following are used to define the employment period: the time that you were employed by an umc, possibly supplemented with the working period for its legal predecessor, for example the medical faculty of the university. It is not important whether you had one or more temporary employments prior to the permanent employment that were later transformed into a permanent employment. All employment counts in that case.

The employment may be interrupted by a maximum of 14 months. If there was a longer interruption, then the employment prior to it does not count.

The subsequent benefit accrues one month for each full year of employment. If you are aged 55 years or older at the time you become unemployed and you have worked for at least 10 years, then the subsequent benefit continues until the day you reach the state pension age. If you become unemployed on or after 1 January 2020, then the applicable age limit is 56 years or older.

The subsequent benefit is equivalent to 70% of your income, but not more than 70% of the maximum of scale 12 (Cao umc). For partial unemployment the benefit is calculated proportionally. If you become ill or take maternity leave during the subsequent benefit period, the subsequent benefit continues to be paid out. The obligations and sanctions of the WW apply equally to the subsequent benefit.

4.6 Bereavement benefit

If you die in the period when you were entitled to a supplementary, continued or subsequent benefit, your beneficiaries will receive a one-off benefit amounting to 3 months' benefit.

The legal bereavement benefit (usually one month's benefit) is deducted from this. Which beneficiaries are entitled to this benefit is specified in the Cao umc.

4.7 Benefit for cross-border workers

If you live abroad and become unemployed from an employment in an umc, you are probably not entitled to WW but to a similar foreign scheme. In that case you are entitled to a supplementary, continued and/or subsequent BWUMC benefit that supplements your foreign benefit if necessary. The supplement is arranged to ensure that you receive the same duration and amount of benefit as if you were eligible for the WW and BWUMC.

4.8 Wage supplementation

You are eligible for a wage supplementation if you start a new job with a lower income than you earned while at the umc during the period you were still entitled to unemployment benefit, continued benefit or subsequent benefit. The number of hours worked in the new employment must be at least 60% of the number of hours that you are unemployed. Your new income will then be supplemented to

the level of your former income at the umc. This supplement continues for as long as the benefit you would have received if you hadn't started working again.

Wage supplementation is only possible if the new income per hour is lower than the old one. If the new income is only lower because you are working fewer hours in the new job, you will not receive wage supplementation.

Wage supplementation is also possible if you did not become unemployed after being dismissed from the umc, but started working for a lower income immediately after the end of your old job. This includes working at another position within the umc. Your departure from or change of job at the umc must be involuntary and not due to your fault.

You must request the wage supplementation by the latest 3 months after starting the new job.

4.9 Benefit guarantee

If you have a BWUMC benefit and you start working again, there is always the possibility that you will become unemployed again. In that case, your new unemployment benefit may be lower than the benefit you had before you started working again. For example, if you receive only WW and no supplementary, continued or subsequent benefit. The benefit guarantee removes this disadvantage. The new unemployment benefit is supplemented to the amount and duration of the old benefit. This guarantee is valid for 4 years after the end of the old benefit because you started working again.

Benefit guarantee is also possible even if you haven't been unemployed, but started working elsewhere immediately after the end of your employment at the umc and then became unemployed. Your departure from the umc must be involuntary and not due to your fault. It can be a termination by mutual agreement, at your employer's initiative.

4.10 Payment of the BWUMC benefit

APG pays out the BWUMC benefits once a month. In actual fact, the benefit is set per day (daily wage basis). There are 5 benefit days per week. The number of benefit days per month varies from 20 to 23. The benefit is therefore not the same every month. With each periodical payment, 8% vacation bonus is reserved. The payment thus contributes to the 100/108 share of the actual benefit amount. The vacation bonus is paid out annually in May and at the end of the benefit. With BWUMC benefits you do not receive a separate end-of-year bonus any longer. The end-of-year bonus that you received while employed is incorporated in the basis of your BWUMC benefit and thus forms part of your monthly benefit.

4.11 Anti-cumulation of transition benefit

In connection with the Standardization Act Legal Status of Civil Servants (Wnra), employees of public-law umcs are entitled to a legal transition benefit from 1 January 2020. This already applied to employees of Radboudumc and VUmc. In the Cao umc 2018-2020 it was agreed to avoid the accumulation of benefits and to deduct the transition benefit from the BWUMC. If you receive a transition benefit in connection with the end of your employment on or after 1 January 2020, the sum of the gross paid transition benefit will be offset against the following BWUMC benefits: supplementary benefit, continued benefit, subsequent benefit, commutation, wage supplementation and benefit guarantee. Your BWUMC benefit will be reduced monthly until the entire transition benefit has been deducted.

Even in the period that you do not receive any benefit payment because it is being offset against the transition benefit or because you have other sources of income, you are **obliged** to complete the Work and Income report.

If you do not, then APG cannot determine the entitlement, amount and duration of your benefit nor offset your benefit against the transition benefit.

Not submitting the Work and Income report or submitting it late can lead to you forfeiting your entitlement to benefit.

5 Contact details of institutions

The contact details for institutions concerned with social security are given below.

UWV

Are you an employee or entitled to a benefit? Then call the UWV Employees' Telephone, 088 - 898 92 94 (local rate). When you call, have your social security number (burgerservicenummer, BSN) on hand. UWV can assist you better with that information. The UWV Telephone is accessible on weekdays from 08:00 to 17:00. More information is available on www.uwv.nl.

UWV does not have an e-mail address where you can send your questions. But you can send digital messages via "My Messages" on the website www.mijnuwv.nl.

Would you like to write a letter to your local UWV office? The address can be found under Offices and addresses (see www.uwv.nl). If you have received a letter from UWV and would like to respond, send your reply to the address given in the letter.

APG Algemene Pensioen Groep N.V.

Postal address: PO Box 4880, 6401 JR Heerlen.

APG can be reached by telephone at: 045 - 579 22 44.

The central mailing address is: socialezekerheid@APG.nl.

Via the website www.mijnbww.nl you can request a BWUMC benefit from APG.

Tax authority

This can be reached using the Belastingtelefoon (tax telephone): 0800 - 05 43.

It is not possible to e-mail the Tax Authority. More information is available [here](#).

Pensioenfonds ABP [pension fund]

General postal address: PO Box 4806, 6401 JL Heerlen.

General telephone number: 045 - 579 91 11

For questions about pension accrual: 045 - 579 60 70.

Via [this website](#), you can ask a question by e-mail.

6 Glossary

BWUMC Non-statutory Unemployment policy for University Medical Centres.

DigiD DigiD stands for Digital Identity. It is a code with which the government can check your identity online.

INCOME The WW and BWUMC benefits are based on the income determined for the social insurance (SV-wage). This means that most of the permanent bonuses count along with the salary. The vacation bonus and end-of-year bonus are also included in the SV-wage. This applies equally to a number of variable income components like irregular hours allowance, overtime and some bonuses. There are also sums that are deducted, however, like the employee's share of the pension premium. In most cases the SV-wage is higher than the monthly salary and lower than the salary plus the bonuses.

APG Algemene Pensioen Groep N.V.

APG is the agency that decides on behalf of your former employer, an umc, whether you are eligible for a non-statutory unemployment benefit under the BWUMC.

Umc University Medical Centre. There are 8 umcs:

- AMC Academic Medical Centre in Amsterdam
- Maastricht UMC+ Maastricht Academic Hospital
- Erasmus MC Erasmus Medical Centre in Rotterdam
- LUMC Leiden University Medical Centre
- UMCG Groningen University Medical Centre
- UMC Utrecht Utrecht University Medical Centre
- Radboudumc Radboud University Medical Centre in Nijmegen
- VUmc VU Medical Centre in Amsterdam

UWV Employee Insurance Agency. This agency decides whether or not you can receive unemployment benefit. UWV pays out the unemployment benefits as well. In addition, UWV is tasked with stimulating people to stay employed or find employment. This aligns with the motto: Work is more important than benefit.



Colophon

Edition LOAZ

October 2019

Design

Terralemon, Amsterdam

DTP

Drukkerij Badoux, Houten

NFU number

19.9758

