

HR: EMP07 – Employment Termination

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POLICY:

Terminations arise from resignation, retirement, involuntary termination, or temporary layoff. All terminations shall be handled in a fair and lawful manner. The Board will comply with the requirements of the Alberta *Employment Standards Code & Employment Standards Regulation* with respect to all employer-initiated terminations.

Employees who resign from their employment voluntarily must give the Board written notice of termination of one week, if he/she has been employed for more than three (3) months but less than two (2) years, or two (2) weeks if he or she has been employed for more than two (2) years. For an incumbent in the Library Director position, notice of one (1) month is required.

Involuntary terminations require the **review** by the Library Director and approval of the Board Chair. Temporary layoffs without recall for ninety (90) consecutive days are deemed to be involuntary terminations and the provisions of this policy shall apply.

An employee who is released for disciplinary reasons (except for just cause), or inability to perform work, usually will receive a warning, written or otherwise, prior to involuntary termination proceedings being implemented.

PURPOSE:

The purpose of this policy is to ensure that employees who terminate employment, both voluntarily and involuntarily are treated fairly and in a consistent manner.

RESPONSIBILITY:

It is the responsibility of the Library Director to ensure this policy is administered consistently and fairly. The Director is also responsible for completing a Termination Checklist and filing the same with the employee's personnel file.

DEFINITIONS:

“Involuntary Termination”: means a cessation of employment which may be initiated by The Board at any time, in its sole discretion.



“Layoff” means a week in which an employee is advised by the Board, either in writing or verbally, not to report for work and which results in the employee receiving less than the employee’s weekly wages, at the regular wage, averaged over the previous eight (8) weeks. A layoff does not include a week in which the employee:

- a) Was not able to work or was not available for work.
- b) Was subject to disciplinary suspension.
- c) Was not provided with work by reason of any strike or lockout occurring at the worksite or elsewhere.

“Resignation” means a cessation of employment which is initiated by an employee, without duress.

“Temporary Layoff” means:

- a) In the case of an employee who has a right of recall to employment, a layoff that may continue for a specified period during which the employee is entitled to be recalled to employment.
- b) In any other case, a layoff up to eighty-nine (89) consecutive days.

PROCEDURE:

1. The termination check list shown as below shall be completed by the Library Director for all employees who cease employment.
2. **Resignation:** Employees are expected to provide written notice of resignation to their immediate supervisor herein in advance of the effective date of resignation as follows:
 - If employed for more than three (3) months but less than two (2) years – one-week notice
 - If employed for more than two (2) years – two (2) weeks’ notice
 - For the Library Director position – one (1) months’ notice
3. **Involuntary Termination:** An involuntary termination shall be fully documented by the Library Director and discussed with the Board Chair prior to any termination discussion with the employee.
4. **Notice of Involuntary Termination:**
 - a) If eligible, an employee who is continuously employed for more than three (3) months and whose employment is terminated involuntarily shall receive written notice of termination, or pay in lieu thereof, in accordance with the provisions of the *Alberta Employment Standards Code & Employment Standards Regulation* or the written offer of employment, whichever is greater.



- b) For the purpose of clarity, a person is not eligible for notice of termination or termination pay in lieu thereof:
- When the employment of an employee is terminated for just cause.
 - When an employee has been employed by the employer for three (3) months or less.
 - When the employee is employed for a definite term or task for a period not exceeding twelve (12) months on completion of which the employment terminates.
 - When the employee is laid off after refusing an offer by the employer of reasonable alternate work.
 - If the employee is not provided with work by the employer by reason of a strike or lockout occurring at the employee's place of employment.
 - When the employee is employed under an agreement by which the employee may elect either to work or not to work for a temporary period when requested to work by the employer.
 - If the contract of employment is or has become impossible for the employer to perform by reason of unforeseeable or unpreventable causes beyond the employer's control.
 - If the employee is employed on a seasonal basis and on the completion of the season the employee's employment is terminated.
 - When employment ends after a temporary layoff expires and the employee is not returned to work or fails to return to work within seven (7) consecutive days after a recall.
- c) In the event termination and/or severance arrangements are offered to an employee and the total of those arrangements exceed the statutory requirements of the *Alberta Employment Standards Code & Employment Standards Regulation*, those arrangements which are in excess of the statutory requirements shall not be made available unless The Board receives a General Release and Settlement Agreement properly signed by the employee.

Note that the forms referenced herein must be completed with great care as both documents have to be produced if the termination becomes subject to legal complaint. ♦

