

Section/Number: Human Resources – 024	Approval Date: (DD/MM/YY)
Subject: Termination of Employment	Amendment Dates:
<p>Policy</p> <p>Employees are entitled to notice of termination if their employment has been terminated by the Community Government unless the termination has been deemed to have been for just cause.</p>	
<p>Definitions</p> <p>Notice of Termination is defined as the amount of notice that is required to employees whose employment has been terminated as per Clause 4.</p> <p>Please note – all employs must be properly notified of termination of employment whether the reason as described in Clause 4 or is for just cause as described in Clause 10.</p>	
<p>Guidelines</p> <ol style="list-style-type: none"> 1) The Senior Administrative Officer must receive a written legal opinion from an independent legal counsel who specializes in employment law before terminating any employment, whether or not the termination is for cause. <ol style="list-style-type: none"> 1.1) The legal opinion must set out how the termination is to be carried out by the Community Government. 2) The SAO must advise Council and/or the Personnel Committee of the written legal opinion of legal counsel. 3) The SAO must implement the approved termination of employment in the manner prescribed by the independent legal counsel. 4) Employees are entitled to notice of termination unless the employee: <ol style="list-style-type: none"> 4.1) has voluntarily resigned 4.2) is deemed to have abandoned his/her position 4.3) is terminated for cause 4.4) completes his/her term of employment 4.5) is offered and refuses an equivalent position. 5) Employees who are entitled to notice of termination will be given: <ol style="list-style-type: none"> 5.1) two weeks of notice if the employee has been employed by the Community Government for three years or less 5.2) one (1) additional week of notice for each additional year of employment to a maximum of eight weeks. 	

- 6) The Community Government may elect to pay eligible employees termination pay in lieu of termination notice.
 - 6.1) the amount of termination pay will be equal to the amount of wages that would have been paid to the employee if he/she had worked his/her usual hours of work during the period of notice of termination.
- 7) The Payroll Officer will make the necessary arrangements for completing a Record of Employment and preparing the final pay.

Layoff and Re-Employment

- 8) If there is a lack of work and/or funding or a position is to be abolished, the Community Government will provide the employee with notice of lay-off.
 - 8.1) The Community Government will notify employees who are to be laid off ten (10) working days before the layoff is to be effective or payment shall be made at the employee's regular rate of pay for each day short of ten (10) working days of notice of lay-off.
 - 8.2) Employees who have been laid off will be placed on a re-employment list for a period of six (6) months.
 - 8.3) No new employees will be hired into the positions designated for lay-off until those laid off have been given the opportunity of re-employment.
 - 8.4) An employee's name will be removed from the re-employment list on his/her first refusal to return to work in any suitable position or when he/she has neglected to keep the Community Government advised of the address or phone number at which he/she can be contacted.
 - 8.5) Employees must be made aware of this in writing when they are laid off.

Release During Probationary Period

- 9) At any time during a probationary period, the SAO may terminate without notice, but with cause, an employee from his/her position after review of his/her performance.
 - 9.1) The SAO must follow the procedures for obtaining and implementing a written legal opinion from an independent legal counsel who specializes in employment law.
 - 9.2) Employees who are terminated from their position during the probationary period are not eligible for severance pay or pay in lieu of notice of termination.

Termination With Cause

- 10) Except in cases meriting immediate dismissal (i.e. use of drugs or alcohol on the job or in the workplace, theft, fraud, etc.) the Corrective Action process must be applied before an employee is dismissed for cause.
 - 10.1) The SAO must follow the procedures for obtaining and implementing a written legal opinion from an independent legal counsel who specializes in employment law.
 - 10.2) An employee who is dismissed with cause is not eligible for severance pay or pay in lieu of notice of termination.
 - 10.3) An employee who is dismissed with cause must be properly notified as per the written legal opinion of an independent legal counsel who specializes in employment law.

11) Upon termination of employment, all property of the Community Government in the possession of the employee shall be returned to the Community Government prior to issuance of any outstanding salary or other amounts due to the employee.

Attachments

N/A

References

NWT Employment Standards Act