

Departure of Your Senior Administrative Officer or Band Manager

A Checklist for Mayors and Councils

The Senior Administrative Officer (SAO) or Band Manager (BM) is your community government's foremost corporate officer. The departure of an SAO or BM—whether through resignation, end of contract or termination—requires careful management to ensure municipal services are maintained.

This Checklist provides tips and tools to help you through the transition.

This Checklist is a guide, and is not intended to replace legal advice or the services of a human resources professional

Resignation or Completion of Contract

- **Follow the Resignation Policy**, or create one if one doesn't exist. See the [Resignation Policy](#) example in the Checklist.
- **Do an “exit interview”** with your outgoing SAO/BM, to gather recommendations for changes to the position or organizational structure
- **Prioritize tasks** to be performed before the employee's departure.
- **Communicate the news:**
 - To staff
 - To public
 - Consider how you will make the announcement to media

Termination of Contract of Employment

Terminating an employee can be a legally difficult procedure. Be sure to seek legal advice early if you are considering a termination of contract.

- **Discuss termination in-camera.** All discussions of the possible termination of employment should be held in private. Caution Councillors to keep the discussions confidential.
- **Follow the Termination Policy** or if the municipality does not have one, create one. See the [Termination Policy](#) example in this Checklist.
- **“Just Cause” for dismissal** occurs in very few cases, usually in cases of theft, fraud or wrongdoing. Poor management relationships are not “just cause”.
- **Maintain your wrongful dismissal insurance protection**
 - Insurance coverage does not apply if you failed to get “an opinion from an independent legal counsel specializing in employment law or chosen from insurer-approved counsels”.
 - For advice on approved legal counsel, call the NWTAC office at 867 873 8359 or [email](#).
 - You must follow the legal advice your receive in order for insurance coverage to remain in effect
 - The deductible for wrongful dismissal liability is \$25,000
- **Announce the replacement.** Rather than announce you have terminated an employee, make an announcement of who will be acting in the position until a new SAO/BM is hired
- **Be cautious with media and community comment**
 - Don’t be drawn into public debate on the termination decision—there can be legal consequences to incautious statements
 - Take the high road. It can be tempting to “correct the record” of community comment or media coverage. Avoid controversy.
 - Caution Councillors to maintain confidentiality on all in-camera discussions

Vacancy of the Position

- **Make interim arrangements** to fulfill key duties during vacancy of the position
 - Appoint an Acting SAO or BM, if a suitable employee can fill in
 - Consider an interim hiring. Ask MACA Regional Superintendent for advice on possible candidates, or ask other community SAO/BMs

Resignation Policy *Example*

Section/Number: Human Resources – 022	Approval Date: (DD/MM/YY)
Subject: Resignation of Position	Amendment Dates:
Policy Employees who plan to terminate their employment with the Community Government are expected to provide at least two weeks of written notice of termination.	
Definitions N/A	
Guidelines <ol style="list-style-type: none">1. An employee who plans to terminate his/her employment with the Community Government is expected to provide at least two weeks of written notice of his/her resignation.<ol style="list-style-type: none">1.1. Verbal notice of resignation will be accepted if given directly by the employee to the Senior Administrative Officer. -If notice is verbal, the SAO will have the employee sign or initial a document indicating their desire to end employment with the Community Government.2. The Senior Administrative Officer will accept in writing the letter of resignation or verbal notice of resignation.<ol style="list-style-type: none">2.1. The Senior Administrative Officer will wait a period of 24 hours before accepting the resignation.2.2. A copy of the letter of resignation and a copy of the letter acceptance of resignation will be placed on the employee's Personnel File.3. The employee will be asked to complete an Exit Interview form.4. The employee will be asked to provide a forwarding address for final payment and for T4 purposes.5. The Payroll Officer will check leave records, make the necessary arrangements for completing a Record of Employment and prepare the final pay.	
Attachments N/A	

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Termination Policy Example

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.

<p>10.2) An employee who is dismissed with cause is not eligible for severance pay or pay in lieu of notice of termination.</p> <p>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.</p> <p>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.</p>
<p>Attachments</p> <p>N/A</p>
<p>References</p> <p>NWT Employment Standards Act</p>

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