



HR-20 Termination of Employment Relationship Policy

Department: Human Resources

Purpose

The County of St. Paul No. 19 (the County) understands that there will be times when an employment relationship will need to end. Some of these will be employee initiated. Others will be necessary for the County to initiate should a staff member's objectives be incompatible with the County's, should they be unable or unwilling to fulfill the requirements of the position, or should they fail to comply with any of the County's bylaws, rules, directives, regulations, instructions, policies, procedures, protocols, standards, or performance expectations.

The purpose of the Termination of Employment Relationship Policy is to establish transparent practices when the County must terminate an employment relationship or when an employee decides to terminate an employment relationship with the County.

Scope

This Policy applies to all of the County employees, including those who work at a County worksite, off site, or remotely.

Policy Statements

General Matters

It is the responsibility of the County Chief Administrative Officer (CAO), to ensure that the County's management and employees are aware of this Policy. Any administrative procedures, processes, or forms required to support this Policy are the responsibility of the County administration as delegated by the CAO.

General Termination Process and Guidelines

When an employee's employment is terminated for any reason, their appropriate supervisor will notify payroll of the termination. Payroll will complete the termination checklist and will work with the supervisor to complete the necessary steps. The termination checklist will indicate that the necessary and appropriate steps have been taken to ensure that the County property has been returned, that security measures have been taken to protect the County, and that all required and/or legislated forms have been completed and filed with the appropriate regulatory, government, or service provider agencies.

Termination of employment for just cause or without cause will be administered in accordance with this policy and the Performance Improvement and Progressive Discipline Policy, with the advice of a qualified employment lawyer as deemed appropriate by the CAO.

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Types of Terminations of Employment Relationships

Retirement

- An employee that intends to retire from employment must provide six (6) months written notice to the Chief Administrative Officer or their Director indicating the date of retirement. Employees who have communicated their intention to retire may schedule their accrued holidays up to and including their actual date of retirement.
- An employee who elects to retire for a day for the purposes of drawing their pension benefits from the Local Authorities Pension Plan (LAPP) must submit give at least two (2) months' advance notice to the Chief Administrative Officer or their designee including the date of retirement.
- If an employee elects to accept an offer of fixed-term employment with the County following retirement and the employee is collecting LAPP benefits, the employee will not be eligible to participate in the LAPP as per the Plan's rules, nor will the employee receive any compensation from the County in lieu of employer pension contribution.
- The County may, in its sole discretion, elect to enter into a new employment agreement with an employee who has retired, including employees who have retired for the purposes of collecting LAPP benefits, thereby commencing a new employment relationship. This determination will be made solely on the needs and best interests of the County.
 - Such employment arrangements will only be entered into by the County on a fixed-term basis, meaning the agreements will contain a specific pre-determined end date, to be selected by the County.
 - Employees are not guaranteed to be offered employment on the same terms and conditions as prior to retirement.

Resignation

- Employees wishing to terminate their employment must give the County at least two (2) weeks' advance written notice, or such other length of time as stipulated in an employee's employment contract, to the County. In special circumstances, the employee may obtain the approval of the County to resign with less notice.

Job Abandonment

- An employee who is absent without prior approval and who fails to communicate to the employee's immediate supervisor the reasons for the absence within the Attendance and Tardiness Policy, will have deemed to have abandoned the position or voluntarily resigned and may be terminated.
- Reinstatement may be considered where the employee can explain, why he/she was unable to communicate with their supervisor.

Temporary Layoff

- The County may temporarily layoff an employee for up to ninety (90) days within a 120-day period in accordance with Sections 62 to 64 of the Alberta *Employment Standards Code*, which may be amended from time-to-time, including for public health (e.g., influenza or pandemic), natural disasters, or other emergencies.

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- If an employee is temporarily laid off, the County shall provide the employee with a letter stating they are temporarily laid off, the effective date of the layoff, and the duration of the layoff, and will include Sections 62 to 64 of the *Employment Standards Code*. The County will continue to make benefit payments during the temporary layoff period.

Seasonal Termination

- For those positions with the County that are employed as seasonal, they are employed for a single season only, with no promise or guarantee for employment in subsequent seasons.
- Seasonal work is anticipated, but not guaranteed, to continue up until the end of either the summer or winter operating season, as determined by the County in its sole discretion, and dependent on the weather and work being available.
- Seasonal employees are subject to Termination without Cause and Termination for Just Cause during their employment with the County.

Termination without Cause

- Termination of employment without cause is legal when done correctly and occurs when an employee is terminated from his or her employment, when just cause for termination does not exist. Reasons for termination without cause may include, but are not limited to: budgetary restrictions, reorganization of a department/position, or to address unsatisfactory work performances.
- At any time during the employment of its employees, the County may terminate an employee's employment without cause for any reason in its absolute discretion, and will provide the employee with written notice, or pay in lieu of notice, or a combination thereof, equal to the minimum requirements as outlined in Section 56 of Alberta's *Employment Standards Code*, which may be amended from time to time. No notice or pay in lieu of notice in excess of the minimums outlined in Section 56 of the *Employment Standards Code* shall be provided to an employee.
- No employee is entitled to work for the County beyond the period in which they received reasonable notice.

Termination for Just Cause

- If it is necessary to terminate an employee for just cause, the County will notify the employee in writing. The County CAO must approve all dismissals after reviewing the employee's Employment Record file.
- The County may terminate an employee without notice or payment in lieu thereof for just cause. Examples of just cause for dismissal include, but are not limited to:
 - Convicted of any arrestable offence under the Criminal Code, and/or incarcerated for any other violation of the law;
 - Fraud and/or conspiracy to commit fraud, including insurance fraud;
 - Guilty of any default or misconduct in connection with or affecting the business of the County (for example, when an employee fails to meet the obligations of an agreement with another company or government department, the impending result affects the finances, poses legal threat, or causes undue hardship upon another County employee);
 - Misuse of funds;
 - Theft, pawning of the County's property;
 - Insubordination, including violation of any directives, Policy, laws related to an employee's position, and including, not applying or enforcing Policy;

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- Sexual harassment and bullying;
 - Using, buying, or selling drugs while at work or reporting to work under the influence of drugs or alcohol;
 - Serious dishonesty (lying, provision of false information);
 - Purposely misrepresenting information to the County and/or the Council;
 - Retaliation, including interference in an investigation conducted by the County through threatening other employees in order to suppress information;
 - Solicitation or acceptance of bribes or kickbacks;
 - Deliberate damage of/to the County's property, or loss of the County's property;
 - Concealing, removing, mutilating, obliterating, or destroying the County's records or documents without authorization;
 - Abuse of authority or position;
 - Breach of employee agreement;
 - Abandonment: failure to directly call or report to the appropriate supervisor for three (3) consecutive working days;
 - Offensive conduct, behaviour or using offensive language towards the County's employees or the Council;
 - Use of employer owned vehicles without a valid driver's license;
 - Conducting or allowing employees to do unrelated work duties during the County's work hours;
 - Double dipping for the same expense, or accepting per diem for a meeting and not attending the meeting but failing to reimburse for that non-attendance; and
 - Any action or series of actions that results in a break-down of the employment relationship between the employee and the County.
- Employees who are terminated with cause will be paid up to the date of termination along with any outstanding prorated vacation pay in accordance with the most recent *Alberta Employment Standards Code*, which may be amended from time-to-time.

Exit Interviews

As the County strives to provide a working environment that is positive, supportive, and fulfilling, in the event of an employee's voluntary departure, the County will identify workplace, organizational, and human resource factors that have contributed to the employee's decision to leave. This will enable the County to identify any trends requiring attention or any opportunities for improving the County's ability to respond to employee issues and allow the County to improve and continue to develop recruitment and retention strategies aimed at addressing these issues.

At the discretion of the CAO or their designate, exit interviews will be conducted on all employees who voluntarily leave the employment of the County, but will exclude temporary or seasonal employees, employees discharged for cause, and any contracted staff.

Related Policies

- Attendance and Tardiness Policy
- Performance Improvement and Progressive Discipline Policy

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Supersedes: HR-3 Disciplinary Policy; HR-20 Termination & Suspension;
HR-24 Exit Interview Policy; HR-26 Retirement Notification Policy

Council Approval: August 10, 2021

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ADMINISTRATIVE PROCEDURES AND PROCESSES

Termination Checklist

When the employee's employment with the County is being terminated, the termination checklist will indicate that the following steps have been taken:

- A letter confirming what has occurred has been completed and provided to the Employee and to the County;
- The employee has returned all of the County's property, such as uniforms, keys, access cards, USB Drives, tools, laptops;
- The employee's property has been removed from the County's offices or work site;
- Appropriate security measures have been taken, such as the return of the County's keys, codes, laptops, or other technology and/or property provided to the employee to work remotely or virtually, and the cancellation of computer codes and building access codes;
- Group benefits have been cancelled;
- Where appropriate, a final performance evaluation has been completed;
- Information on final pay deductions has been submitted to Payroll; and
- A record of employment has been requested from Payroll.

Complete the termination checklist provided below.

Employee Name:	
Employee Number:	
Department:	
Supervisor/Manager:	
Date Hired:	
Effective Date of Termination:	

	Yes	No
Termination letter/release returned and signed? (if applicable)		
Resignation letter obtained and confirmed with the employee in writing? (if applicable)		
Eligible to rehire?		

Communication

Action	Completed
Notify OH&S prior to staff departure in the event of any WCB considerations.	
Notify internal staff of departure (via email, APP).	
Remove employee name from any internal or external directories.	

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Communication

Action	Completed
Confirm email access has been terminated and work with IT to ensure that any messages coming in are responded to with an auto-message and/or forwarded as appropriate.	
Confirm voicemail message has been changed.	
Confirm phone password has been changed/reverted to default password.	
Transfer phone line to new employee if appropriate.	

Performance and Exit Interview

Action	Completed
Determine if an exit interview will be conducted.	
Where appropriate, complete a final performance evaluation (direct supervisor).	

Payroll, Benefits, Pension

Action	Completed
Confirm and check final timesheet for correct hours, codes, signatures.	
Confirm unused vacation balance and pay out if required (Alberta ESC).	
Process and pay out any unpaid overtime and/or banked hours.	
Confirm and process any legislated payments in lieu of working notice (if applicable) as directed within the termination letter and/or legal counsel.	
Confirm and process any severance payments (if applicable) as directed within the termination letter and/or legal counsel.	
Confirm and process any salary continuance (if applicable) as directed within the termination letter and/or legal counsel.	
Direct employee to LAPP for options on pension.	
Advise courts if employee had any Requirements to Pay, Family Maintenance, or other garnishments of wages.	
Prepare a Record of Employment (ROE) accurately and within legislated timelines.	
Advise employee to provide any changes of address by phone and/or email.	
Reconcile taxable benefits and process any necessary adjustments on final pay.	
Reconcile employee-paid benefits deductions and process any adjustments on final pay.	
Cancel or continue until date below per termination letter.	
Date:	
Advise on termination and/or retirement benefit options provided by benefits provider.	
Cancel cell phone allowance.	

Outstanding Expenses

Action	Completed
Confirm that expenses are approved prior to processing.	
Process any outstanding expenses prior to end of employee's last day.	
Confirm if outstanding expense advances need to be paid back and/or are paid back as per prior written permission on employee file.	

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Municipal Property

Action	Completed
Employer-owned or leased vehicle: Obtain the logbook and calculate automobile taxable benefit from personal kilometres reported.	
Retrieve building and other keys (including keys to municipal-owned / leased vehicles and municipal buildings). Who have these been returned to and date returned:	
Retrieve and/or disable electronic access cards. Who have these been returned to and date returned:	
Retrieve and/or disable ID card. Who have these been returned to and date returned:	
Retrieve municipal credit card(s). Who have these been returned to and date returned:	
Company documents, files, manuals, reference materials, etc. Who have these been returned to and date returned:	
Computer access and passwords: Remove access, change password. Confirm date removed below:	
Computers, laptops, tablets (worksite or remote worksite). Ensure that all computer or technology provided to employee is returned to their supervisor. IT Person to ensure serial numbers match. Confirm date returned below:	
Other tools and equipment: Confirm tools and equipment have been returned. Note return date below:	
Cell phone: ensure that this is retrieved from the employee and/or stop any allowances provided. Confirm who the cell phone was returned to and date: Confirm if the number is deactivated or released to another employee:	
Uniforms or PPE: Collect any uniforms or PPE. Indicate who these were returned to and date:	

Employee Property

Action	Completed
Confirm that employee property has been removed from the County's offices and/or worksites.	