

COMMUNITY LIVING DURHAM NORTH

TERMINATION PROCEDURES

Policy No: C-21 (Human Resources)

Effective Date: April 1, 2009

Rationale:

To ensure consistent practice in regard to the termination or resignation of employees.

Policy Statement:

Through clear and consistently applied procedures, the Association will ensure that staff terminations are effectively managed and involve the sharing of all necessary information. Sufficient data will be maintained to allow for periodic analyses of turn-over rates and patterns.

With regard to terminations for cause, a director will approve, and typically be involved in, any such dismissal. All terminations effected by the agency will be in writing. The Board of Directors will be notified in advance, should the termination be that of an employee at the director level.

Approved by: _____ Date: _____
for the Board of Directors

COMMUNITY LIVING DURHAM NORTH

TERMINATION PROCEDURES

Procedure No: C-21-1

Effective Date: November 1, 2010

Termination Without Cause/With Notice

- Employees terminated “without cause” will be given written notice of termination in accordance with the Employment Standards Act.
- Once written notice has been given, the employee may be required to work during the notice period or may be instructed not to report for work. During the notice period, all benefits must be maintained. If an employee refuses to work during the notice period, it is then considered a resignation and no further payment is required.
- Employees terminated during the first three months of their employment are in an exceptional class to which the above provisions do not apply. The *Employment Standards Act* specifically states that such employees are not entitled to notice or to any payment in lieu of notice, and CLDN follows the Act in this regard. Note that being on probation, or having completed probation, is not the issue here. Some probationary periods last longer than three months, and some are based on total hours worked.
- Temporary, contract and student employees are to be advised at the start of their employment that termination will take place when the term has been completed; therefore no written notice is required.

Procedure No: C-21-2

Effective Date: November 1, 2010

Termination for “Just Cause”

- An employee may have his employment terminated by the Association, without notice and without payment in lieu of notice, for “Just Cause”. Just cause shall include but is not limited to:
 - Any material breach of the provisions of the employment agreement by the employee.
 - The employee’s failure to comply with agency policies.
 - Theft of any kind (which includes the falsification of timecards or expense claims).
 - The wilful neglect, physical, verbal, and/or emotional abuse of people we support.
 - Any conviction of a federal criminal offence.

- Probationary status has no bearing on terminations “for cause.” Regardless of status, there is no entitlement to payment in lieu of notice.

Procedure No: C-21-3

Effective Date: April 1, 2009

Resignations

- Staff are requested to submit resignations in writing and to provide the Association with at least the standard two week notice.
- Whenever possible, full-time staff will be invited to attend an Exit Interview with the Human Resources Department. The interview will serve as a check off with respect to the procedures stated herein and other routine administrative matters. We will also attempt to elicit the reason for the employee's departure. This information will only be used for statistical and evaluative purposes. The Human Resources Department will listen and record, but will not attempt to mediate or problem solve or take any active measure.
- Part-Time staff will not generally be invited to attend an Exit Interview, but the reason for their resignation will be solicited in all cases.
- Terminating staff will be advised that they have a continuing obligation to respect the confidentiality of the people they have been employed to support.
- If exiting staff would like the Association to provide written and/or verbal references to any future employer, the *Release of Information form (H-10)* **must be completed**. Without this signed document on file, no such information will be released.
- If the exiting staff would like to list a CLDN manager as a reference, he or she is advised to request that manager's permission.

Procedure No: C-21-4

Effective Date: April 1, 2009

Managing in a Unionized Environment

- All of the above statements apply fully to non-unionized staff.
- In the case of unionized staff, management has an equal right to establish policies and procedures, but the collective agreement will override them if it specifically addresses the issue in question.

Approved by: _____ Date: _____
Executive Director