

POL-ADM.2018.41 Title: *Termination and Severance of Employment*



Type: Human Resources
Authority: CEO
Resolution No: BMPL 2018-77 on 4-19-18; POL-ADM.2018.41
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Legal Framework

The Blue Mountains Public Library shall adhere to the Employment Standards Act, S.O. 2000 and subsequent Acts pertaining to termination and severance of employment. The Library acknowledges that termination occurs for various reasons, from end of contract to termination for cause. As such the CEO and managers shall respect each employee and situation, and ensure all employees and situations are treated equally.

ADM.2018.41.1 Authority to Terminate

1. Termination of employees is the responsibility of the CEO.
2. Termination of the CEO is the responsibility of the Board.

ADM.2018.41.2 No Termination Without Notice

1. No employer shall terminate an employee who has been continuously employed for three (3) months or more unless the employer:
 - 1.1. Has given to the employee written notice of termination in accordance with the *Employer Notice Period* and the notice has expired; or
 - 1.2. Has complied with *Termination Pay in Lieu of Notice*.

ADM.2018.41.3 What Constitutes Termination

BMPL terminates the employment if,

1. The CEO, or Board, dismisses the employee or otherwise refuses or is unable to continue employing him or her;
2. The employer completes a corrective action (see HR18) with the employee and the employee resigns from his or her employment in response to that within a reasonable period; or
3. The employer lays off the employee for a period longer than the period of a temporary lay-off (13 weeks in any 20 week consecutive period).

ADM.2018.41.4 Employer Notice Period

1. The notice of termination shall be given no less than one week before termination for each year of employment up to an including a maximum of eight weeks notice.
2. Time spent by an employee on leave or other inactive employment is included in determining his or her period of employment.

3. If an employee was terminated as a result of a lay-off, no part of the lay-off period after the deemed termination date shall be included in determining his or her period of employment.

ADM.2018.41.5 Requirements During Notice Period

During a notice period, the employer,

1. Shall not reduce the employee's wage rate or alter any other term or condition of employment;
2. Shall in each week pay the employee the wages the employee is entitled to receive, which in no case shall be less than his or her regular wages for a regular work week; and
3. Shall continue to make whatever benefit plan contributions would be required to be made in order to maintain the employee's benefits under the plan until the end of the notice period.

ADM.2018.41.6 Pay In Lieu of Notice

An employer may terminate the employment of an employee without notice or with less notice than is required if the employer:

1. Pays to the employee termination pay in a lump sum equal to the amount the employee would have been entitled to receive had notice been given in accordance with that section; and
2. Continues to make whatever benefit plan contributions would be required to be made in order to maintain the benefits to which the employee would have been entitled had he or she continued to be employed during the period of notice that he or she would otherwise have been entitled to receive.

ADM.2018.41.7 Deemed Active Employment

If an employer terminates the employment of employees without giving them part or all of the period of notice required, the employees shall be deemed to have been actively employed during the period for which there should have been notice for the purposes of any benefit plan under which entitlement to benefits might be lost or affected if the employees cease to be actively employed.

ADM.2018.41.8 Benefit Plan Contributions

If an employer fails to contribute to a benefit plan, an amount equal to the amount the employer should have contributed shall be deemed to be unpaid wages.

ADM.2018.41.9 Entitlement to Severance Pay

No severance applies because the BMPL employs fewer than 50 employees, does not have a union, and does not have a payroll of \$2.5 million or more. TBM acting as a payroll service provider to the BMPL does not set the standard of quantity of employees.

ADM.2018.41.10 Return of BMPL Property

1. It is the responsibility of the employee to turn over all BMPL property to the CEO on or before the last day worked. This includes but is not limited to:
 1. Keys to the premises;
 2. Library property such as technology;
 3. Data or content; and
 4. Passwords or access.
2. If the CEO is unable to recover property from the terminated employee, police may be called and/or final cheque(s) may be withheld and/or the employee may be billed for outstanding costs (see HR 6.3). The employee is liable for expenses (e.g., locks having to be changed) once they have been incurred.

ADM.2018.41.11 Abandonment

1. An employee who is absent from work for a period of three (3) consecutive workdays without notifying his/her supervisor shall be deemed to have abandoned their position.
2. The employer shall attempt to contact the employee on both the first and second days missed.
3. If the employee has not reported to their scheduled shift on the third day; a registered termination letter shall be mailed to the employee's address.
4. Abandonment is considered a resignation and not a termination by the employer. Resignation is deemed active as of the date of the letter and not the date of receipt.