



Procedure

Procedure Name	<i>Without cause Termination of Employment - Management and Excluded employees</i>		
Procedure #	HR 1.16	Parent Policy	HR 1.0 Employment Relationship
Policy Owner	AVP Human Resources	Effective Date	May 9, 2022
Procedure Owner	Director, Employee & Labour Relations	Review Date	May 9, 2027
Approved by	Director, Employee & Labour Relations	Approval Date	May 9, 2022

Purpose/ Background

This procedure establishes fair and reasonable provisions for the compensation of Management and Excluded employees when the Employer initiates the termination of the employment relationship, without cause.

This procedure applies to employees who have been granted a permanent appointment with the Institute. It does not apply to probationary, temporary, or casual employees.

1.0 Definitions

Term	Definition
Continuous Service	The date from which an employee has continuous (unbroken) service at NAIT
Excluded Employee	Non-Management employee who is not covered under a Collective Agreement and is paid on the MAE grid at level 19 and under
Management Employee	An individual whose position has been classified as Management based on job function, who is not covered by a Collective Agreement and is paid on the MAE grid at level 20 or higher
Breaks in employment service	A time period in excess of 90 calendar days from the employee's last day for which they were paid, with the exception of any job protected leave as defined by the Employment Standards Code.
Notice or Pay in Lieu of Notice	The number of weeks or pay in lieu, provided to an employee calculated using their continuous years of service, rounded to the closest half year when terminating the employee's employment.

2.0 Procedures for Excluded Employees

- 2.1.1** Excluded employees are eligible for notice or pay in lieu of notice equal to 3 weeks per completed continuous year of service, rounded to the closest half year, normally to a maximum of 52 weeks.

- 2.1.2** Notwithstanding the above, any monies paid to an Employee that exceeds the amount prescribed by the applicable Employment Standards Code will require the employee to sign a release.
- 2.1.3** The Employer will continue health and dental benefits along with their current year flex spending credits to the end of the month in which the employee's termination occurs.
- 2.1.4** An employee who has received pay in lieu of notice shall not be re-employed or contracted by the Institute during a period equal to their notice period. In exceptional circumstances, the individual may be re-employed during their notice period so long as they re-pay the pro-rated amount of money they received upon termination equal to the time remaining in their notice period.

2.2 Procedures for Management Employees

- 2.2.1** At the discretion of the employer, all or part of the working notice period can be paid in lieu of working notice.
- 2.2.2** Notwithstanding the above, any monies paid to an Employee that exceeds the amount prescribed by the applicable Employment Standards Code will require the employee to sign a release.
- 2.2.3** The Employer will continue health and dental benefits along with their current year flex spending credits to the end of the month in which the employee's termination occurs.
- 2.2.4** Management employees are eligible for notice or pay in lieu of notice equal to 4 weeks per completed continuous year of service, rounded to closest half year, normally to a maximum of 52 weeks.
- 2.2.5** An employee who has received pay in lieu of notice shall not be re-employed or contracted by the Institute during a period equal to their notice period. In exceptional circumstances, the individual may be re-employed during their notice period so long as they re-pay the pro-rated amount of money they received upon termination equal to the time remaining in their notice period.

3.0 Exceptions to the Procedure

- 3.1** Exceptions to this procedure must be documented and formally approved by the Policy Lead.
Procedure exceptions must include:
 - The nature of the exception
 - A reasonable explanation for why the procedure exception is required
 - Confirmation that the exception aligns with the general principles
 - Any risks created by the procedure exception and how they will be managed.

4.0 Related Documentation

Document History

<i>Date</i>	<i>Action/ Change</i>