



UNIVERSITY OF MANITOBA PROCEDURE

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| Procedure: | LAY-OFF/TERMINATION WITH SEVERANCE, TEMPORARY LAY-OFF, RESIGNATION/RETIRMENT |
| Parent Policy: | Position Discontinuance, Lay-Off and Resignation |
| Effective Date: | September 13, 2010 |
| Revised Date: | |
| Review Date: | September 13, 2020 |
| Approving Body: | Administration |
| Authority: | |
| Responsible Executive Officer: | Vice-President (Administration) |
| Delegate: (If applicable) | |
| Contact: | Executive Director of Human Resources |
| Application: | See List |

This Procedure applies to:

- a) Excluded Management, Administrative and Professional Staff;
- b) Nurses in Northern Manitoba;
- c) Medical/Dental Practitioners and Administrators

Part I Reason for Procedure(s)

To set out Procedures secondary to the Policy entitled "Position Discontinuance, Lay-off and Resignations", for the separation of employment of Excluded Management, Administrative and Professional Staff in the event of

- a) layoff;
- b) termination with severance;
- c) temporary layoff; or
- d) resignation/retirement.

Part II Procedure(s)

2.1 Layoff/Termination with Severance – This is a termination of employment due to the elimination of a position or the termination of an employee (except in the case of a just cause termination).

2.1.1 Departmental Responsibilities

2.1.1.1 If a department is planning to discontinue a continuing or sessional position; or where an employee's employment is being terminated, the department must contact their Human Resource Consultant for advice and assistance with the appropriate documentation and process.

2.1.1.2 The Department eliminating the position should provide the employee as much notice as is reasonably possible of the intent to discontinue the position and thereby sever the employment relationship.

2.1.1.3 In the event of a layoff the notice shall provide reasons for the discontinuance of the position.

2.1.1.4 As an alternative to having the employee work during the notice of layoff, the department may offer the employee alternate employment within the department, if available, or pay in lieu of the required notice.

2.1.1.5 For the purpose of determining reasonable notice to the employee, the notice or pay in lieu of notice will be considered together with the lump sum severance pay to determine the total value of the severance package.

2.1.2 Human Resources Responsibilities

2.1.2.1 A Human Resource Consultant should be present during the meeting with the employee when a notice of layoff/termination is provided. Following receipt of the notice of layoff/termination, a Human Resource Consultant will be the contact person for the employee for the purposes of:

- a) Communication between the employee and the University;
- b) Arrangement for the removal of personal effects and property;
- c) Arrangement for the return of University property;

d) Where requested by the employee, providing assistance with a search for alternate employment during the notice period;

e) Facilitating the details related to the severance package.

2.1.2.2 Alternate Employment Assistance

2.1.2.2

(a) Assistance in seeking alternate employment

i) If the employee wishes, Human Resource Services will work with the employee during the notice period, if applicable, to seek alternate employment at the University in any available position at the University.

ii) Additional advice will be provided regarding job searches external to the University as well.

iii) If a transfer is arranged to alternate employment with the University during the notice period, the employee will not be paid severance pay.

(b) Alternate Employment Not Available

If the employee does not wish Human Resource Services to provide assistance in seeking alternate employment or if no alternate employment has been arranged by the end of the notice of layoff, the employee shall be laid off with the appropriate amount of severance pay in accordance with 2.1.4.

2.1.3 Notice of Layoff or Termination

2.1.3.1 The University will provide the notice or pay in lieu of notice in accordance with the required notice under the Manitoba Employment Standards Code. Where pay in lieu of notice is provided, it will be paid in a lump sum on the employee's final payment. As well any accrued vacation time or banked time will also be paid on this payment.

2.1.4 Severance Pay

2.1.4.1 At the date of lay-off with severance, the employee's salary will cease. The employee will be entitled, subject to signing a standard release form, to a lump sum severance pay equal to:

(a) three (3) weeks of regular salary at the date of layoff multiplied by the number of full years of University service at the date of layoff/termination minus the number of weeks of salary provided as notice or pay in lieu of notice to a maximum of seventy-eight (78) weeks of severance pay. Where an employee's weekly wages vary, an average during the previous six (6) months shall be used; and

(b) the lump sum value of the University's contributions to the University Pension Plan and the health and dental benefit plans that would normally have been paid during the total number of weeks of severance pay.

2.1.4.2 Severance pay is payable following the employee's final payment and is payable in a lump sum amount paid by the University subject to legislated requirements related to severance payments and necessary deductions. In this situation, the employment shall be deemed to have terminated on the last day of work and University service and all terms and conditions of employment shall terminate on the last day of work.

2.1.5 Assistance with External Job Search

2.1.5.1 An employee who has been laid off and who, prior to the date of lay-off, had a minimum of five (5) years of service, may be eligible for re-employment assistance provided by an external consultant retained by the University at the expense of the employee's department.

2.1.5.2 Arrangements for the consultant and the level of services provided shall be made through Human Resource Services.

2.2 Temporary Lay-Off

2.2.1 An employee in a continuing or sessional position who is placed on temporary lay-off for a specific period should be given as much notice of the temporary lay-off as is reasonably possible.

2.2.2 The notice of temporary lay-off shall be in writing and shall be for a minimum period of fourteen (14) calendar days.

2.3 Lay-off from a Term Position

2.3.1 Where an employee has been hired to a term appointment with a specific end date, no notice of lay-off is required if the position ends on the date intended. However it is important for the supervisor to advise the employee of the potential, if any, for a further extension or subsequent term appointment.

2.3.2 If, however, a lay-off occurs prior to the original date indicated as the end of the term appointment, as much notice as possible shall be provided. Departments must consult with their Human Resources Consultant regarding the appropriate notice period for the employee.

2.3.3 When an employee in a term position is laid off prior to the end date of the term position, the minimum amount of notice of lay-off shall be twenty-eight (28) calendar days notice or pay in lieu of notice shall be provided.

2.4 Lay-off from a Temporary Position or Casual Appointment

2.4.1 An employee in a temporary position who has not received notice of when the job will end and who is then laid off shall receive a minimum of seven (7) calendar days notice of lay-off or pay in lieu of notice.

2.4.2 An employee who has been hired for casual employment and has not been informed of the date on which the work will end will receive a minimum of one (1) calendar day notice of lay-off or pay in lieu of notice.

2.5 Notice of Resignation or Retirement

2.5.1 a) An Employee in a continuing, sessional, term or temporary position who wishes to resign or retire should provide as much notice as is possible. However the minimum amount of notice in writing for resignation or retirement for an employee who has worked for a minimum of one (1) year is fourteen (14) calendar days, unless mutually agreed by the Department and the employee.

b) The minimum amount of notice in writing for resignation or retirement for an employee who has worked for a minimum of thirty (30) days but less than one (1) year is seven (7) calendar days, unless mutually agreed by the Department and the employee.

c) The minimum notice period for an employee in casual employment is one (1) calendar day.

2.5.2 Upon mutual agreement between the Department and the employee, the notice period may be waived.

2.6 Absence Without Authorization

2.6.1 Any employee who is absent from work for three (3) consecutive working days without authorization may, at the University's discretion, be deemed to have resigned without notice, unless the employee can prove that such a request for authorization was not possible due to circumstances beyond the employee's control.

Part III Accountability

- 3.1 The University Secretary or the President is responsible for initiating a formal review of these Procedures.
- 3.2 The Executive Director of Human Resources is responsible for the communication, administration and interpretation of this Procedure.
- 3.3 Human Resource Services is responsible for assisting departments in the event of staff reductions.

Part IV Review

- 4.1 Formal Procedure reviews will be conducted every ten (10) years. The next scheduled review date for this Procedure is .
- 4.2 In the interim, these Procedures may be revised or rescinded if:
 - a) the Approving Body deems necessary (or the President deems necessary where the approving body is the Administration);
 - b) the relevant Policy is revised or rescinded.

Part V Effect on Previous Statements

- 5.1 This Procedure supersedes:
 - a) all previous Board/Senate Procedures, and resolutions on the subject matter contained herein;
 - b) all previous Administrative Procedures, and resolutions on the subject matter contained herein; or
 - c) Position Discontinuance, Lay-off and Resignation Policy for Excluded Management, Administrative and Professional Staff revised November 27, 2008.

Part VI Cross References

Procedure: Employment of Support Staff

Policy: Position Discontinuance, Lay-Off And Resignation