



# Resignation, Severance, & Termination

---

**PURPOSE:** Personnel Policy and Procedures for the Taber Public Library.

**POLICY:**

1. An employee wishing to terminate employment for any reason must submit a written notice as per Alberta Employment Standards Rules.
2. The Library Board has the right to terminate employees for just cause, no termination notice is required, as per Alberta Employment Standards Rules.

**GUIDELINES**

1. The Library Manager must inform the Board of employee resignation.
2. The Library Manager and/or Staff and Personnel Committee will present all evidence to the Board to support any request for employee termination.
3. With a notice of termination, the Library Board will provide termination pay based on the appropriate period of employment.
4. Alberta Employment Standards Rules apply to Resignation, Termination and Severance.  
<https://www.alberta.ca/termination-pay.aspx>

**Date of Approval:** October 3, 2000

**Date Reviewed/Revised:** November 9, 2004  
September 9, 2008  
October 12, 2010  
June 11, 2013  
October 13, 2015  
September 10, 2019



# Resignation, Severance, & Termination

For Information only. The BASIC RULES do not make up the policy.

## Basic Rules Related to Alberta Employment Standards

- employees and employers must give each other notice of their intention to end the employment
- an employer may end the employment of an employee by giving them:
  - termination notice,
  - termination pay, or
  - a combination of termination notice and termination pay
- if the period of employment is 90 days or less, no notice is required from either party
- termination notice is not required for seasonal or task specific employment
- notice period length is based on how long the employee has been working for the employer
- when proper notice is given, the employee’s earnings must be paid within 3 days after their last day of employment
- neither earnings nor other terms or conditions of employment may be reduced during the notice period
- employers are prohibited from requiring employees to use entitlements such as vacation or overtime during the termination notice period, unless agreed to by both parties
- Deadline of payments for amounts owed
- When proper termination notice is given
- Whether the employee quits or the employer terminates their employment, the employee’s earnings must be paid within 3 days after their last day of employment when proper notice is given. Earnings include all wages, overtime pay, vacation pay, general holiday pay and termination pay owed.
- When proper termination notice is not given
- If the employee fails to give the required notice before ending their employment, the employer must pay the employee within 10 days after the date on which the notice would have expired.
- When termination notice and termination pay are not required
- If an employer or employee ends employment and no termination notice or termination pay is required, earnings must be paid within 10 days after the last day of employment.
- When an employee quits

### Termination notice

Employees who wish to end their employment must give written notice to the employer. The length of notice period is based on how long they’ve worked for the employer:

Notice period	Length of employment
1 week	More than 90 days but less than 2 years
2 week	2 years or more

### When notice is not required.

- Employees aren’t required to give termination notice if:
  - they’ve been employed for 90 days or less
  - there’s a different established custom or practice in an industry respecting terms of employment
  - continuing to be employed by the employer would endanger the employee’s personal health or safety
  - the employment contract is impossible to perform due to unforeseeable or unpreventable causes beyond the employee’s control
  - they’re temporarily laid off, or laid off after having refused reasonable alternate work
  - they’re not provided with work as the result of a strike or lockout at the employee’s place of employment



# Resignation, Severance, & Termination

- they're casual employees employed under an arrangement where they may choose to work or not when asked to do so
- they quit because of a reduction in wage rate, overtime rate, vacation pay, general holiday pay or termination pay
- Contents of the termination notice
- To be valid, the employee's termination notice must be:
  - in writing and addressed to the employer,
  - given or otherwise provided to the employer, and
  - for the correct notice period or longer
- When notice is no longer valid
- A termination notice is null and void if the employee continues to be employed by the same employer after the date specified for termination of employment.
- Expediting termination
- When an employee gives termination notice that is **less** than what the employer is required to give, and employer wants to expedite the termination:
  - the employer must pay the wages that the employee would have earned if they had worked regular hours for the remainder of the notice period the employee provided.
- When an employee gives termination notice that is **more** than what the employer is required to give, and employer wants to expedite the termination:
  - the employer must pay the wages that the employee would have earned if they had worked regular hours for the remainder of the notice period that is required to be given by the employer.
- Use of entitlements during the notice period
- An employer cannot require an employee to use the following during termination notice period:
  - banked overtime, unless otherwise agreed in writing
  - vacation unless the employer already informed the employee in writing to take their annual vacation prior to that employee giving notice
  - general holidays when an employee has not taken the day off as a holiday
- Construction workers
- Construction employees aren't entitled to termination notice or termination pay from their employer. Likewise, construction employees aren't required to give their employer termination notice.
- When an employer terminates the employment of an employee
- Employers may give termination notice, termination pay or a combination of termination notice and termination pay.

## Termination notice

Employers who end their employee's employment must give the employee, and ensure they receive, written termination notice.

An employer must give written notice to their employee of at least:

Notice period	Length of employment
1 week	More than 90 days but less than 2 years
2 week	2 years but less than 4 years
4 week	4 years but less than 6 years
5 week	6 years but less than 8 years



# Resignation, Severance, & Termination

Notice period	Length of employment
6 week	8 years but less than 10 years
8 week	10 years or more

## When notice is no longer valid

- A termination notice is null and void if the employee continues to be employed by the same employer after the date specified for termination of employment.
- Determining length of service
- The employee's length of service is the time that they've worked for the employer, which can include more than one period of employment if the breaks between periods are not longer than 90 days.
- Change of ownership
- When a business changes ownership and the employee continues to work for the business, the employee retains all previous length of service. In this case they'd be entitled to a notice of termination based on their full length of service.
- The original hire date with the initial business would be used for determining termination pay.
- When termination notice isn't required from employer
- Employers aren't required to give termination notice (or pay in lieu) to employees who are:
- dismissed for just cause
- employed on a seasonal basis and their employment ends on completion of the season
- employed for 90 days or less
- employed for a definite term or task for a period of 12 months or less
- not provided with work as the result of a strike or lockout at their place of employment
- casual employees who may elect to work or not for a temporary period when requested to by the employer
- refuse reasonable alternate work when temporarily laid off
- fail to return to work within 7 consecutive days of a recall (unless provided otherwise in a collective agreement) when temporarily laid off
- subject to a contract of employment that is or has become impossible to perform because of unforeseeable or unpreventable causes beyond the control of their employer
- employed on-site in the construction industry
- employed in the cutting, removal, burning or other disposal of trees and brush or either of them for the primary purpose of clearing land
- Although the Code outlines minimum termination notice requirements, some employees may be entitled to greater notice under common law.
- Contents of the termination notice
- To be valid, the employer's termination notice must:
- be in writing and addressed to the employee concerned
- include a termination date

**Note:** A termination notice is a legal document. You may need it if the employee sues for wrongful dismissal. Carefully consider the contents of your letter.