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# Termination of Employment of Administrative, Professional and Technical Employees

Human Resources & Organizational Development (HROD)

Policy

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## 1.0 Purpose

- 1.1 The University of New Brunswick recognizes the need to distinguish clearly among the various categories of employment and the procedures to be followed in the termination of individual contracts within each kind, so that all employees are aware of the procedures that apply to them.

## 2.0 Applicability

- 2.1 University-wide
- 2.2 This policy applies to all employees, in the categories of continuing, renewable or term (with the exception of the President, Vice-Presidents, Deans, Associate Deans and Assistant Deans), of the University of New Brunswick who are not covered by a collective agreement. This group is defined as the Administrative, Professional and Technical group for the purpose of this policy. Nothing in this policy limits the University from terminating employees.

## 3.0 Definitions

- 3.1 Termination of Employment may occur as a result of the following:
- Resignation
  - Death
  - Retirement
  - Compulsory retirement for employees with long-term disabilities
  - Lay-off for a period of twelve months
  - End of a term appointment
  - Completion of a specific work assignment or termination of external funding
  - Termination of probationary appointment
  - Dismissal
- 3.2 APPROPRIATE ADMINISTRATOR: For the purposes of this policy, the term "appropriate administrator" shall mean either the President, the Vice-President (Fredericton-Academic), the Vice-President Finance & Corporate Services, Vice-President (Research) or the Vice-President Saint John depending upon the reporting relationship of the employee concerned.

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### **4.0 Implementation**

- 4.1 **RESIGNATION NOTICE:** All employees covered by this policy are required to give at least two weeks written notice of intention to leave University employment. Written notice is to be given to the immediate supervisor with a copy forwarded to the Department of Human Resources & Organizational Development.
- 4.2 **DEATH OF AN EMPLOYEE:** The Human Resources Consultant (Benefits and Pensions), Human Resources & Organizational Development, will, upon being notified of the death of an employee, contact the surviving spouse or partner, if applicable, or appropriate family member. Arrangements will then be made with the appropriate person to ensure that applicable benefits are properly processed.
- 4.3 **RETIREMENT:** Prior to reaching sixty-five years of age, the employee will be contacted by the Human Resources Consultant (Benefits and Pensions), Human Resources & Organizational Development, to arrange an appointment to discuss pension arrangements and related matters. The purpose of this meeting is to provide information to the individual in order to assist in planning for retirement.
- 4.4 **COMPULSORY RETIREMENT:** The retirement of long-term disability employees shall be in accordance with the Policy and Procedure Compulsory Retirement For Employees With Long-Term Disabilities. Retirement may begin six months after the commencement of long-term disability payments up to a period of two years on long-term disability payments.
- 4.5 **LAY-OFF LEADING TO TERMINATION OF EMPLOYMENT:** Financial restraint and/or lack of work may necessitate the laying-off of employees whose positions are funded from the University's operating budget. The lay-off provisions do not apply to externally funded positions. The procedure followed will be that of the Policy and Procedure Concerning Staff Transfers, Displacements, or Lay-offs in Relationship to the Discontinuance of Support Staff Positions. Following a period of twelve months of lay-off if no other position has been found, it is then considered that the employees employment relationship with the University is terminated. The employee would receive a written notice of termination from the Department of Human Resources & Organizational Development, and a meeting would be arranged with the Human Resources Consultant (Benefits and Pensions), to discuss the status of the employees benefits.
- 4.6 **NOTICE OF TERM APPOINTMENT**
  - 4.6.1 Some appointments at the University are for a specified period of time. The employee is normally informed of the term nature of the employment relationship by way of the initial job advertisement or by the hiring department, and for appointments of six (6) months or longer, an appointment letter.

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- 4.6.2 In this case, no further notice will be provided by the University.
- 4.7 COMPLETION OF WORK ASSIGNMENT OR TERMINATION OF FUNDING
- 4.7.1 Some appointments at the University are on a project basis. The termination date of employment is not known at the time of hire. The employee is normally advised of the term nature of the employment relationship by way of the initial job advertisement, and also by the appointment letter which would specify the status of the employment relationship.
- 4.7.2 In this case, a minimum of two weeks notice of termination of employment must be provided by the University.
- 4.8 TERMINATION OF PROBATIONARY APPOINTMENT: The employment of a probationary employee may be terminated during the probationary period by the hiring department in consultation with the Department of Human Resources & Organizational Development. The Dean, Director or Head of Administrative Unit shall send a letter of termination to the employee concerned. The University will provide a minimum of two weeks notice or pay in lieu of notice.
- 4.9 DISMISSAL
- 4.9.1 Dismissal may result from conduct which is generally contrary to the policies and procedures of the University or detrimental to the effective administration of the University and may include one or more instances of the following:
- Dishonesty
  - Insubordination
  - Violent conduct involving either actual physical contact or the threat of physical contact
  - Job performance
  - Damage to University property
  - Culminating incident
  - Conduct considered inconsistent with University policy, procedures and organizational effectiveness
- 4.10 RECOMMENDATION FOR TERMINATION: In the event that a Dean, Director, or Head of Administrative Unit believes that it would be in the best interest of the University to terminate the employment of an employee, the Dean, Director or Head of Administrative Unit shall submit a recommendation to the appropriate administrator with reasons. The employee will be notified by the Dean, Director, or Head of Administrative Unit that a recommendation for termination of employment has been made.

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- 4.11 **SUSPENSION:** In cases where immediate action is required, the Dean, Director, or Head of Administrative Unit may suspend the employee without pay pending a final decision by the appropriate administrator.
  - 4.12 **ARRANGEMENT FOR HEARING:** Upon receipt of a recommendation from the Dean, Director, or Head of Administrative Unit for the termination of employment, the appropriate administrator will contact the employee and set a date for a hearing which the employee will be invited to attend.
  - 4.13 **PURPOSE OF HEARING:** The purpose of the hearing is to provide the employee with an opportunity to hear and present information relevant to the termination of the employee's employment to the appropriate administrator prior to a final decision being taken. The employee may choose not to meet with the administrator, in which case the administrator will render a decision without a hearing.
  - 4.14 **ASSISTANCE AND CONSULTATION:** An employee who receives notification of a hearing under the terms of this policy is entitled to be accompanied, assisted or have their position presented by one other employee, provided that employee is considered an Administrative, Technical or Professional Employee.
  - 4.15 **DECISION:** The President or appropriate Vice-President will render a decision following the hearing and shall inform the employee by a written notice what action will be taken. The decision of the President or appropriate Vice-President is final and binding and not subject to the Policy and Procedures for Resolving Grievances for Administrative, Professional and Technical Staff.
  - 4.16 **NOTICE:** The University will not normally provide a notice period or pay in lieu of notice for a dismissal; however, in exceptional circumstances the University may elect to provide a notice period or pay in lieu of notice.

### **5.0 Interpretation and Questions**

- 5.1 The Department of Human Resources & Organizational Development is located in Room 102 of the Physics and Administration Building in the Integrated University Complex on the Fredericton Campus. Questions concerning this policy may be directed to the Human Resources Consultant, (Employee Relations and Salary Administration) at 453-4648.