

# **Human Resources Policy 08 – Termination of Employment of Excluded Employees**

Last updated: April 12, 2016

This policy statement covers the termination of excluded employees appointed under sections 8, 12, 14, and 15 of the [Public Service Act](#). Termination of bargaining unit employees is covered by their collective agreement. The policy statement supports the government's core policy objective that the "public service is a versatile workforce that can adapt to meet changing needs." Terminated employees will be treated with respect and professionalism.

## **Termination Without a Notice Period**

Terminated employees are not entitled to a notice period or to severance pay if they:

- Resign or retire;
- Are discharged for cause;
- Are rejected on initial probation, if other than a deputy, associate deputy or assistant deputy minister;
- Were appointed on an auxiliary, per diem, stipendiary, or at pleasure basis
- Complete a defined-term appointment;
- Have refused an offer of alternate employment that the BC Public Service Agency head believes constitutes reasonable alternate employment, or
- Abandon a position.

If termination notice is required, it must be in writing and must indicate when the termination takes effect. Documentation substantiating performance concerns and issues must be kept on file by organizations.

## **Termination With a Notice Period**

In situations not covered under Termination Without a Notice Period, organizations may terminate an employee at any time provided the employee is given a reasonable notice period and/or severance pay.

Organizations must notify the Agency Head before issuing a notice of termination with notice and/or severance pay. The Agency Head is solely responsible for determining the duration and terms of the notice period and the amount and terms of any severance.

The notice period or severance pay in lieu of the notice period is to provide the terminated employee with a reasonable period of time in which to make the transition to comparable employment. During the notice period or period of severance pay in lieu, employees are expected to mitigate and diligently pursue other employment opportunities both inside and outside the BC Public Service. Eligible employees, who are terminated with notice, will be assisted in a cost-effective manner in identifying opportunities for employment.

Employees are obligated to inform the Agency Head if they find work before the severance pay period is over. If terminated employees on paid or working notice do not accept an offer of permanent employment within the BC Public Service that is commensurate with their abilities, they will be deemed to have resigned from the BC Public Service and will no longer be entitled to the balance of the notice period or severance.