

## **1.1. TERMINATION OF EMPLOYMENT**

### **Policy Statement**

The Country High School Hostels Authority will ensure that an employee is dealt with equitably and all entitlements are provided.

### **Definition**

***Termination relates to the cessation of employment for reasons other than discipline, sub standard performance or redundancy.***

For other forms of termination, such as Redundancy, Substandard Performance or Serious Misconduct please refer to the appropriate policies and procedures in the Human Resource Manual.

*It is a requirement under the Industrial Relations Act 1993 for an Employer to afford Employees procedural fairness in the course of terminating employment (Ref Div 3 Sub Division B)*

### **Types of termination to be dealt with under this policy are:**

- a) cessation of casual employment
- b) terms of contract
- c) employee submitting notice
- d) retirement
- e) death of an employee

### **Confidentiality**

Confidentiality will be maintained in all matters relating to the termination of an employee's employment.

Information and material will be provided only to the employee, and officer/s who may have direct involvement in the proceedings on a need to know basis, with due regards to the Freedom of Information Act 1992.

### **Review Process**

Any decisions made in relation to the termination of an officer and the subsequent consequences of those decisions can be reviewed through the Breach of Standards process. (see 10.3)

## **Definitions, Terms and Procedures**

### **a) Cessation of Casual Employment**

Termination of Casual Staff will be in accord with the terms of their employment and in accordance with the Public Sector Management Act 1994 (Schedule 6 Section 100 (2)).

A casual employee is employed on an '*as needs' basis by the hour*. Salary will be paid at the appropriate rate for time worked on submission through their supervisor of a signed timesheet in the pay period following submission of the timesheet.

A casual employee, on termination of services (ie when there is no expectation of being called in at a later date) will be:

- (i) paid by cheque for any hours worked in the current pay period, at the prescribed hourly rate;
- (ii) reminded of their non contributory superannuation component and directed to contact the Government Employees' Superannuation Board;
- (iii) provided with a statement of employment record on request.

### **b) Terms of Contract (fixed term contracts)**

A person may be appointed on a full time *or* part time basis for a period *not exceeding* five (5) years as specified in the instrument of their appointment and section 64 (1)(b) and 3(a) of the Public Sector Management Act 1994.

The College Manager will ensure that notice of termination is given in writing in accordance with the terms in the employment contract, except that the contract may be otherwise terminated by mutual consent due to changes of circumstances.

### **c) Resignation of Employee**

College employees must tender their resignation, in writing, to the College Chairperson giving the appropriate period of notice under the terms of their employment.

On receipt of an employee's resignation the Chairperson will:

either

- (i) invite the employee to remain with the CHSHA and give him/her the opportunity to withdraw or reschedule the resignation. Any alternative arrangements are to be confirmed in writing;

- or
- (ii) accept the resignation in writing;
- (iii) notify the College Manager.

**d) Retirement of an Employee**

The Equal Opportunity Amendment Act 1992 Part IV, Section 66W (1) states that *'it is unlawful for an employer to discriminate against a person on the ground of that person's age and (66W (1) (c) in the terms and conditions on which employment is offered.'*

This allows an employee to elect their date of retirement at any time or age after attaining the age of 55 years.

Once that date has been identified by the employee, and he or she has notified the Chairperson in writing of his/her intention to retire, the Chairperson will:

- (i) either invite the employee to remain longer with the CHSHA and give him/her the opportunity to reschedule the date of retirement;
- (ii) or accept the date of retirement in writing;
- (iii) notify the College Manager.

**The Administrative Assistant will:**

- (i) ensure that all relevant correspondence and documentation has been placed on the resigning employee's personal file;
- (ii) arrange for final salary payout on completion date either by cheque or direct credit . Payout will include:
  - full salary entitlement including any overtime and pay out of time in lieu if not cleared;
  - accrued Annual Leave (plus Leave loading where applicable);
  - accrued Long Service Leave (where applicable);
  - pro rata Annual Leave;
  - pro rata Long Service Leave (for retirement only)
- (iii) advise the Superannuation Board of termination date and salary rates for the calculation of final superannuation entitlement;
- (iv) provide a statement of employment record on request.

**The Administrative Assistant will also:**

- (i) offer the employee the option of an exit interview with a senior member of College staff, or the Chairperson of the Board of the College or a Board Member nominated to act on behalf of the Board Chairperson.

- (ii) ensure that keys, work materials etc have been retrieved from the exiting staff member:
- (iii) for staff vacating college accommodation, arrange inspection and inventory to ensure that all college property is accounted for and left in a satisfactory condition.
- (iv) ensure that computer access passwords are obtained prior to termination and modified as soon as the employee has left.
- (v) complete a 'Staffing Variation Advice' form and forward it to Central Office.

**e) *Death of an Employee***

Upon the death of an employee the Chairperson/College Manager will contact the family to provide comfort and assistance in conjunction with the Department of Social Security and other appropriate Government Agencies.

In the event of the death of an employee, payment will be made to the estate of the deceased officer unless the officer is survived by a legal dependant, in which case payment or part payment will be made to the legal dependant (Public Service Regulation 7 (1) and (2)).

It is important on compassionate grounds that payment be made with minimum delay.

It should be noted that, in general, the claim of legal dependant may only be submitted by the surviving marriage partner of the deceased (refer State Administration Act Section 14 ).

Procedures, prior to actual payment of monies have been set down by the \*Public Service Board and strict adherence is recommended to ensure legal compliance with the State Administration Act. (Appendices TER6.1.A, B and C attached).

Once the legal aspects of claimants has been established, the following payments may be processed and at the **discretion of the employer paid to either the estate or the legal dependant/s.**

*(i) Salaries for Time Worked*

- Full salary entitlement including any overtime and pay out of time in lieu if not cleared.

*(ii) Annual Leave*

- Accrued Annual Leave (plus Leave Loading where applicable).
- Pro rata Annual Leave (plus Leave Loading where applicable).

It should be noted that in the event that an officer dies whilst on pro rata Annual Leave for which continuous service to accrue such leave has not been completed, *no refund for the value of the unearned pro rata Annual Leave will be requested.*

*(iii) Long Service Leave (accrued and pro rata)*

Payment will be made to the estate of the officer unless the officer is survived by a legal dependant approved by the employer, in which case payment shall be made to the legal dependant.

\* **NOTE:** *Although the Public Service Board has been replaced by the Work Force Management and Development Office, these procedures have not been rescinded and remain current at this time.*

Where there are no legal dependants as shown in the Administration Act 1903 Clause 14, all monies which are due to the deceased employee are to be paid to the estate.

Where there is a likelihood of acute financial hardship occurring to the dependant(s) there are provisions for the payment of monies to the deceased's family in respect of expenses for funeral arrangements (Fifth Schedule Section 10A Administration Act 1903) whether or not the employee died intestate.

It should be noted that there are no provisions under Section 14 of the Administration Act 1903 for payment to a de facto partner.