

POLICY:-	
Policy Title:	Separation & Termination Policy and Procedure
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Resolution Number:	373/19
Next Policy Review Date:	2022

PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed:	
Procedure/guideline reference number:	

RESPONSIBILITY:-	
Draft Policy Developed by:	Human Resource Coordinator
Committee/s (if any) consulted in the development of this policy:	Consultative Committee
Responsibility for implementation:	Human Resource Coordinator
Responsibility for review of Policy:	Human Resource Coordinator

Policy

Upper Lachlan Shire Council has developed an environment that encourages retention of employees and seeks to minimise employee turnover.

In all cases of resignation, Upper Lachlan Shire Council will ensure that all entitlements are met and employees are treated fairly and equitably during the process.

An employee intending to resign from Upper Lachlan Shire Council is required to give notice in accordance with the Local Government Award or their contract of employment.

Separation and termination arise from resignation, retirement, involuntary termination and/or indefinite layoff. All terminations shall be handled in a fair and lawful manner.

Responsibilities

*It is the responsibility of **Management** to ensure that:*

- all required documentation is completed and returned to the Human Resources Section;
- the employee is treated fairly during the period of notice;
- all Council property is accounted for at the completion of the notice period.

*It is the responsibility of the **Employee** to ensure that:*

- required notice provisions and procedures relating to resignation are complied with.

*It is the responsibility of the **Human Resources Section** to ensure that:*

- all cases of resignation are reviewed to ensure all beneficial learning is achieved and appropriate action is taken as a result of the learning;
- where appropriate, resignations are accompanied by an exit interview;
- all paperwork and documentation is completed to ensure terminated employees receive their correct entitlements as soon as possible after the termination has taken place.

RELEVANT LEGISLATION AND COUNCIL POLICIES

The following legislation and Council policies that are relevant to this Policy include:

- Access to Information Policy;
- Australian Audit Standard AUS210 / ASA240;
- Anti Discrimination Act 1977;
- Bribes, Gifts and Benefits Policy;
- Cash Handling Policy;
- Code of Business Practice;
- Code of Conduct for Councilors, staff and delegates of Council;
- Complaints Management Policy;
- Corporate Credit Card Policy;
- Council's Code of Meeting Practice;
- Crimes Act 1900;
- Delegations of Authority Procedure;
- Disciplinary Policy;
- Drug & Alcohol Policy;
- Employee Assistance Program Policy;
- Environmental Planning and Assessment Act 1979;
- Equal Employment Opportunity Act 1987;
- Equal Employment Opportunity (EEO) Management Plan;
- Fair Work Act 2009 (Cwth);
- Flexible Work Arrangements Policy & Procedure;
- Fraud and Corruption Prevention Policy;
- Government Information (Public Access) Act 2009;
- Grievance Policy;
- Harassment Policy;
- Human Resource Training Plan;
- Human Resource Succession Plan;
- Independent Commission against Corruption Act (ICAC) 1988;
- Industrial Relations Act 1996;
- Injury Incident Management Procedures;
- Internal Reporting – Protected Disclosures Policy;
- Internet and Email Policy;
- Local Government Act 1993;
- Local Government (State) Award 2017;
- Local Government (General) Regulations 2005;
- Loss of Drivers Licence Policy & Procedure;
- Manual Handling Policy;
- Mobile Phone Policy;
- NSW Long Service Leave Act;
- NSW State Records Act 1998;
- Paid Parental Leave Act 2010 (Cwth);
- Payment of Expenses and Provision of Facilities Policy;
- Performance & Misconduct Policy;
- Private Works (Projects and Plant Hire) Policy;
- Privacy and Personal Information Protection Act 1998;

- Protective Clothing and Equipment Policy;
- Public Access Policy;
- Public Interest Disclosures Act 1994;
- Public Interest Disclosures Policy;
- Purchasing and Acquisition of Goods Policy and Procedures;
- Recruitment and Selection Policy;
- Rehabilitation Procedure and Practice Policy;
- Secondary Employment Policy;
- Service Delivery Policy;
- Standards Australia 8000 series;
- Statement of Ethical Principles;
- Sun Protection – Council Employees Policy;
- Time in Lieu of Overtime Policy;
- Trade Practices Act 1974;
- Trauma Management Policy;
- Trustees Act 1925;
- Upper Lachlan Shire Council Community Strategic Plan;
- Upper Lachlan Shire Council Resourcing Strategy documentation;
- Upper Lachlan Shire Council Delivery Program and Operational Plan;
- Volunteers Policy;
- Workforce Plan 2016-2020
- Workers Compensation Act 1987;
- Work Health & Safety Policy;
- Work Health & Safety Act & Regulations 2011;
- Workplace Relations Act 2008.

VARIATION

Council reserves the right to vary or revoke this policy.

Procedure

An employee wishing to resign must write a signed letter of resignation stating their name, the date of the letter, and date of resignation. Council encourages the employee to state their reasons for resignation; they need only do so if they wish. The employee should give notice in accordance with their employment contract.

The employee should pass the letter of resignation to their Supervisor/Manager, who should note the time and date of receipt. The Director should confirm that the resignation is firm and may also ask for any reasons, if appropriate.

Discretion rests with the Director regarding any relaxation of the period of notice.

The Director should forward the letter of resignation to the Human Resources Section for inclusion in the individual's personnel file and processing. The Director must nominate on this form the date of the employee's last day of service.

There may be cases where the employee reconsiders their decision to resign. There is no obligation on Upper Lachlan Shire Council to accept a withdrawal of a resignation. However, each case should be treated on its merits. Consideration should be given to the employee's performance and experience, together with the importance of the position and potential difficulty in finding a suitable replacement. Withdrawal of a resignation is not possible after the notice period has expired.

Directors should ascertain the name of the employee's new employer. If it is believed that an individual is joining another Council employee entitlements may be transferred as per the Local Government (State) Award 2017.

It is preferable that once notice is given, accrued time in lieu hours must be taken prior to termination, subject to operational requirements.

Termination Payments

The Human Resources Section will arrange for Payroll to prepare a final payment at the completion of the notice period.

Payment on termination will be in accordance with the terms of the individual's contract of employment. In the case of employees covered by an Award, provisions of the appropriate Award will apply.

In cases where the employer initiates the applicable notice period not to be worked out, payment is to be made in lieu. The payment must be in accordance with legislative and/or Award requirements. Where an employee requests early release from the notice period and it is agreed by the Director, payment is made only for the time worked.

No payment in lieu is to be made if the notice period is worked out.

Certificate of Service

As a rule, written references are not to be given to employees leaving Upper Lachlan Shire Council. However, a Certificate of Service can be prepared by the Human Resources Section, with a copy to be included in the employee's personal file. A draft Certificate of Service is attached as Appendix A.

Exit Interview

Feedback from employees leaving the organisation can provide valuable information on their perception of the Upper Lachlan Shire Council and the way it is managed. During the notice period Director (or their nominee) or the Human Resources Coordinator must arrange for the employee to attend an exit interview. Appendix B provides information on conducting an exit interview. Any information obtained from an exit interview should be forwarded in writing to the Human Resources Section.

The Manager and the employee must complete the Exit Checklist (Appendix D) detailing all Council property to be returned and other internal issues to be finalised.

On the satisfactory completion of the Exit Checklist, the Director (or their nominee) or the Human Resources Coordinator will pass on to the employee the letter outlining Termination Entitlements and Certificate of Service. It is the responsibility of the Director to ensure that all Council property has been returned before the employee receives their final payment.

All final documentation must be returned to the Human Resources Section for filing.

Attachments

<u>Appendix A</u>	Certificate of Service
<u>Appendix B</u>	Conducting an Exit Interview
<u>Appendix C</u>	Exit Interview Form
<u>Appendix D</u>	Exit Check List

Appendix A

CERTIFICATE OF SERVICE

To whom it may concern,

This is to certify that _____ left the service of this Council on ____/____/____. He/She was in our employment from ____/____/____ and at the date of leaving was in the position of _____.

It is the policy of the Upper Lachlan Shire Council not to issue any reference other than the above statement of service, but we shall be pleased to supply further information on request.

Yours faithfully,

Appendix B

CONDUCTING AN EXIT INTERVIEW

The following guidelines should assist with conducting the interview:

- (a) The interview should be arranged as early as possible following the resignation. It should not be left to the last couple of days when an employee is pre-occupied with cleaning his/her desk and is winding down.
- (b) The interview should be conducted by a member of the Human Resource Section, unless the employee states another preference as in their immediate Supervisor, Department Director or the General Manager.
- (c) The ground rules for interviewing should be observed, i.e. use of a private office, no interruptions, and a friendly and informal atmosphere.
- (d) It is probably best in the early stages of the interview to use a non-directive line of questioning. It is also important to obtain early feedback on what the employee liked/disliked most about the position they occupied.
- (e) It is important to encourage a free flow of discussion and to resist the opportunity to be defensive or confronting. The purpose of the interview is to establish the employee's perception of how things have eventuated and why he or she is leaving Upper Lachlan Shire Council
- (f) The exit interview should not be used as an opportunity to "buy back" the employee with offers to increase salary, or the chance of a promotion.

Appendix C

EXIT INTERVIEW FORM

Name:

Department:

Start Date:

Finish Date:

In Attendance:

PLEASE INDICATE THE REASONS YOU ARE LEAVING UPPER LACHLAN
SHIRE COUNCIL

Higher salary		More interesting work	
Better non-salary benefits		Better fit with workplace culture and values	
Career Opportunities		More convenient work location	
Flexible work practices		Bored	
Need a change		Ill health	
Didn't feel welcome		Didn't get along with Supervisor/Manager	
Didn't like job/tasks I was given		Didn't get along with other Department members	
Retirement		Other	

Comments

PLEASE COMMENT ON HOW SATISFIED YOU WERE WITH EACH OF
THE FOLLOWING

OFFICE ENVIRONMENT	Highly satisfied	Satisfied	Dissatisfied	Highly Dissatisfied
Physical – heating, lighting, layout etc				
Parking facilities				
Working hours				
Availability of equipment and aids				

Comments

PLEASE COMMENT ON HOW SATISFIED YOU WERE WITH EACH OF THE FOLLOWING

JOB ROLE	Highly satisfied	Satisfied	Dissatisfied	Highly Dissatisfied
Opportunities for advancement & development				
Workload				
Nature and content of work				
Performance Review and Development Process				
Your ability to provide input into issues that affect your work				

Comments

REMUNERATION AND BENEFITS	Highly satisfied	Satisfied	Dissatisfied	Highly Dissatisfied
Present remuneration and benefits in relation to responsibilities				
Other benefits				
Access to flexible working arrangements				

Comments

INTERPERSONAL RELATIONSHIPS	Highly Satisfied	Satisfied	Dissatisfied	Highly Dissatisfied
Relationship with immediate supervisor/manager				
Relationship with staff in your Department				
Relationship with staff in other Departments				

Comments

PLEASE COMMENT ON HOW SATISFIED YOU WERE WITH EACH OF THE FOLLOWING

TRAINING AND DEVELOPMENT	Highly Satisfied	Satisfied	Dissatisfied	Highly Dissatisfied
Induction				
Initial training and development				
Knowledge of work you were required to do				
Access to additional training programs				

Comments

MANAGEMENT	Highly Satisfied	Satisfied	Dissatisfied	Highly Dissatisfied
Communication of company direction and policy				
Feedback on your annual performance review				
Communication of decisions and other issues affecting you				
Competence of your immediate supervisor/manager				

Comments

WORKPLACE CULTURE	YES	NO
Does the culture support all staff to develop and reach their potential?		
Is the culture supportive of the needs of individual groups?		
Does the culture respect individual difference?		
Is the workplace free of harassment and bullying?		

Comments

WORKING AT UPPER LACHLAN SHIRE COUNCIL (ULSC)	YES	NO
Were you employed prior to working here?		
Is ULSC a better organisation to work for than others?		
Would you advise a friend to work for ULSC?		
Would you consider returning to work at ULSC?		

Comments

YOUR NEW JOB	YES	NO
Are you intending to continue working immediately?		
Does your new position offer higher remuneration?		
Does your new position offer greater career responsibility?		

Comments:

Conclusion:

Employee Name: _____ Signature: _____

Date: _____

Interviewer Name: _____ Signature: _____

Date: _____

Thank you for completing this information. Your responses will be treated with total confidence.

Appendix D

EXIT CHECK LIST
The Supervisor of the member of staff leaving the Council must complete this form.

Staff Member: _____ Department: _____

Please discuss the following items with the above staff member and place a check in the box after each item has been returned. If particular item does not apply, write N/A to the left of the box.

Return of Keys/Card/Password

- | | | |
|---|---|--------------------------|
| 1 | All keys (Fob) belonging the ULSC Buildings | <input type="checkbox"/> |
| 2 | Staff name badge | <input type="checkbox"/> |
| 3 | Credit Card | <input type="checkbox"/> |
| 4 | Fuel Card | <input type="checkbox"/> |
| 5 | Vehicle keys & log book | <input type="checkbox"/> |
| 6 | Details of Pin Nos/Passwords/ | <input type="checkbox"/> |

Return of equipment

- | | | |
|---|---|--------------------------|
| 1 | Computer (s) | <input type="checkbox"/> |
| 2 | Software and manuals | <input type="checkbox"/> |
| 3 | Mobile Phone | <input type="checkbox"/> |
| 4 | Pager | <input type="checkbox"/> |
| 5 | Cancel password | <input type="checkbox"/> |
| 6 | Tools purchased by Council for Council use only | <input type="checkbox"/> |

Return of Materials

- | | | |
|---|--------------------------------------|--------------------------|
| 1 | Council Uniforms eg PPE | <input type="checkbox"/> |
| 2 | Council Diary | <input type="checkbox"/> |
| 3 | Relevant Council files and documents | <input type="checkbox"/> |
| 4 | Confidential Council files | <input type="checkbox"/> |

Notification

- | | | |
|---|--|--------------------------|
| 1 | All departments notified | <input type="checkbox"/> |
| 2 | Switchboard notified | <input type="checkbox"/> |
| 3 | Shutdown all relevant network accounts | <input type="checkbox"/> |
| 4 | IT notified of exit | <input type="checkbox"/> |

Director's/Managers/Supervisors signature when complete:

_____ Date: _____

It is essential that all Upper Lachlan Shire Council property be returned to the Council prior to departure date. Final payments will be delayed to employees until this form is completed and returned to the Human Resources Section