	
<b>TERMINATION OF EMPLOYMENT</b> <b>Layoff – NTA Bargaining Unit</b>	<b>Human Resource Manual</b> <b>Section 1802 (a)</b>

## LAY-OFF - NTA BARGAINING UNIT

### PURPOSE

1. These guidelines outline the process to be followed when a reduction in staff is necessary and all other reasonable alternatives to avoid lay-offs have been exhausted.

### APPLICATION


2. These guidelines and procedures apply to all employees in the Nunavut Teachers Association (NTA).

### DEFINITIONS

3. **Deputy Minister** is the senior public service employee of a Government department. In the case of Regional School Operations the Deputy Minister is the Deputy Minister of the Department of Education.
4. **Lay-Off** means the termination of a teacher's contract because the teacher's position is eliminated or has become redundant and no comparable, alternate position for which the teacher is qualified is available.
5. **Lay-Off Notice** is written notification to an employee at least 45 days prior to the end of the academic year whereby an employee is notified of lay-off.
6. **Qualified Teacher** is one possessing the necessary academic qualifications, training and experience for a specific teaching position.
7. **Notice Period** is the 45 calendar days prior to termination of employment due to lay-off.
8. **Reasonable Job Offer** is an offer of employment anywhere in the bargaining unit to which the individual is deemed qualified.

### PROVISIONS

9. Lay-off is not used to terminate the employment of an employee for poor performance or misconduct.
10. Lay-off may be considered when a change in structure, responsibilities or functions must be made to reduce costs or increase effectiveness.

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11. In the event of an impending lay-off, representatives of the Department of Education shall contact the President of the Federation or designate, to discuss the implications of the lay-off and shall provide the President with a list of teachers who have received lay-off notice in writing.
12. Where there are indeterminate, probationary and term employees in similar positions, every reasonable effort will be made to terminate the term and probationary teachers to avoid lay-offs.
13. Lay-off notice must be received at least 45 calendar days prior to the end of the academic year. A copy of the Layoff Provisions of the Collective Agreement (18.09 -18.14) shall accompany the written notification.
14. Lay-off notice received after the time period specified above will not take effect until the end of the subsequent academic year.
15. In recognition of the value of teachers with long service, Regional School Operations shall give fair consideration to redeploying qualified laid off teachers having the greatest continuous employment with the Employer.
16. No teacher shall be laid off until the Department of Education has determined that the teacher cannot be accommodated within its jurisdiction.
17. During the notice period, a teacher will have priority on all vacant teaching positions for which they are qualified for as follows:
  - within the teacher's Regional School Operations
  - within other Regional School Operations.
18. An employee who relocates to another Government of Nunavut teaching position under this program is deemed to be moving at the Employer's request.
19. No term employee shall receive a payment under the lay-off provisions which exceeds the pay the employee would have received for the remainder of the term.
20. When Regional School Operations determines that positions are to be deleted, the Deputy Head identifies those employees who may be affected. If required, the Deputy Head contacts the Deputy Minister of Human Resources to ensure that lay-off is appropriate.



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21. The Deputy Head notifies the affected candidate of lay-off in writing at least 45 calendar days before the end of the school year. The date of the letter or the date as specified in the letter serves as the date of notification. The notices are copied to the Deputy Minister of Human Resources and the NTA.
22. A comparable vacancy which occurs within the following year, and for which the teacher is qualified, will be offered to any teacher who has been laid off and is still unemployed. It is the responsibility of the laid off teacher to become aware of a vacant position and make application for it.

**AUTHORITIES AND REFERENCES**

23. Education Act  
Section 53, Notice of Termination
24. Collective Agreement with the NTA  
Article 18, Lay-Off

**CONTACTS**

25. For further information or clarification, please contact:

**Director Employee Relations**  
**Department of Human Resources**  
**Iqaluit, Nunavut**  
**975-6211**