

	<b>TERMINATION OF EMPLOYMENT</b>	<b>Human Resource Manual</b>
	<b>Abandonment of Position</b>	<b>Section 1803</b>

## ABANDONMENT OF POSITION

### PURPOSE

1. Where an employee is absent from duty without leave for a period of more than five (5) working days, a Deputy Head may declare the employee to have abandoned the position. The position then becomes vacant and the individual ceases to be an employee of the public service.

### APPLICATION

2. These guidelines and procedures apply to all employees.

### DEFINITIONS

3. **Abandonment of Position** is termination of an individual's employment where the individual has failed to report for duty for a period of more than five (5) working days and does not intend to return to duty.

### PROVISIONS

4. An employee who is declared to have abandoned a position is not entitled to severance pay. Since abandonment of position constitutes misconduct for superannuation purposes, any superannuation benefit other than a return of contributions requires approval by the Treasury Board of Canada.
5. When an employee is absent from duty without leave, the supervisor makes every reasonable effort to contact the employee to determine the reason for the absence and to establish the employee's intent with respect to returning to duty.
6. The supervisor documents all attempts to contact the employee. Attempts must include telephoning the employee, contacting a spouse or relative, visiting the employee at home and sending the employee a double registered letter requesting an immediate response.
7. If the supervisor is successful in contacting the employee, the supervisor specifies to the employee a date for return to duty. Upon return to duty, the employee may be disciplined for the absence. If the employee fails to return to work on the date specified, a request for declaration of abandonment of position is prepared.

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<b>Abandonment of Position</b>	<b>Human Resource Manual</b> <b>Section 1803</b>

8. A request for declaration of abandonment of position is sent to the employee's Deputy Head by the supervisor. This request must be accompanied by supporting documentation which includes the name of the employee, the position title and number, attendance records showing the period of the employee's absence without leave and a summary of the attempts made to contact the employee.
  
9. Upon determining that declaration of abandonment of position is appropriate, the Deputy Head forwards the request to the Deputy Minister of Human Resources who advises the employee in writing that he or she is declared to have abandoned his or her position. The employer makes every reasonable attempt to hand-deliver this written notice to the employee without undue delay (Attachment "A" provides a sample format for the written notice). A copy of this letter is forwarded to the Director of Employee Relations and a copy is placed on the employee's personnel file. A copy is also faxed or hand-delivered to the appropriate Compensation and Benefits office as soon as possible so that appropriate pay action is taken.

#### **AUTHORITIES AND REFERENCES**

10. Public Service Act  
Section 26, Abandonment

#### **CONTACTS**

11. For further information or clarification, please contact:

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

or

**Director Compensation and Benefits**  
**Department of Finance**  
**Iqaluit, Nunavut**  
**975-5881**

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Human Resource Manual

**Abandonment of Position****Section 1803****ATTACHMENT**

“A”

**ABANDONMENT OF POSITION****PERSONAL & CONFIDENTIAL****Double Registered**

Employee  
Home Address

Dear (employee):

**Abandonment of Position**

Your Deputy Head has recommended that you be declared to have abandoned your position of (position title). Despite verbal and written notices you have failed to report to work.

Section 26 of the *Public Service Act* states that where an employee is absent without leave for more than one week, the employee can be declared to have abandoned his/her position. I have decided to accept the recommendation of your Deputy Head. Therefore, I declare you to have abandoned your position of (position title) and terminate your employment with the Government of Nunavut effective the date of this letter.

Sincerely,

Deputy Minister

cc: Personnel File  
Department of Human Resources

Director Compensation and Benefits  
Department of Finance

Director Employee Relations

bcc: Supervisor

April 12, 2006

3