

Clause 47

47.0 Termination of Employment

- 47.1 Employees shall be given at least three months' notice of termination of employment and shall give three months' notice of resignation.
- 47.2 If an employee resigns part way through Run A, with the resignation to take effect in a run subsequent to Run A (Run B), then Run B may be reallocated by the employer subject to the following:
- The run to which the RMO is reallocated (Run C) shall offer no lesser remuneration and shall be an equivalent level to Run B e.g., Reg to Reg; and
 - The reallocation must only occur when the employer can offer the entire run to another RMO to benefit their training; and
 - The reallocation does not compromise the resigning RMO's New Zealand or Australasian vocational training pathway.

The rest of clause 47 will not be disrupted by this provision.

- 47.3 This period of notice may be varied by agreement between the employer and the employee. Where an RMO is taking up a more senior post on a permanent basis within Australasia this three-month notice period may be reduced where the offer from the next employer has a commencement date that does not allow the RMO to provide three months' notice. However, the RMO must advise their employing DHB that they have been offered employment at their new employer as soon as possible and the RMO has an obligation to provide as much notice as reasonably feasible.
- 47.4 The employer may summarily terminate the employee's employment for serious misconduct. Any such termination shall be in accordance with the employer's policies and procedures.

Overview – Application

RMOs shall be given at least three months' notice of termination of employment and shall give three months' notice of resignation. Where an RMO's employment is summarily terminated for serious misconduct any such termination shall be in accordance with the DHB's policies and procedures.

Resignation or termination of employment must be provided in writing and in the case of a resignation, on the template resignation form where the DHB has one.

When resigning the last day of employment will be the day specified in the RMOs letter of resignation / resignation form but it must be at least three months from the date the notice is provided to their employing DHB. Within the normal requirements and expectations of the roster, an RMO may be rostered to work any day up until, and including, their last day of service which may include a weekend.

Variation to notice period

The three month notice period may be varied by agreement between the DHB and RMO.

Where an RMO is taking up a more senior post on a permanent basis within Australasia this three month notice period may be reduced where the offer from the next employer has a commencement date that does not allow the RMO to provide three months' notice. However, the RMO must advise their employing DHB that they have been offered employment at their new employer as soon as possible and the RMO has an obligation to provide as much notice as reasonably feasible.

A more senior post might be expected to cover circumstances where;

- The RMO is moving to their first Registrar position from a House Officer/Senior House Officer role (where run changeovers dates are not aligned and the College acceptances processes have a specific timeframe).
- The RMO is moving from a non-training Registrar position to a College training position (and application process timeframes, including start dates, may not align neatly with notice requirements).
- The Registrar is moving from basic training to an advanced training position (and application process timeframes, including start dates, may not align neatly with notice requirements).
- The Registrar is moving to a Fellow or SMO position having completed their RMO training.

Frequently Asked Questions (FAQs)

1. Do I need to complete the DHB resignation form when I resign?
 - Yes, your resignation must be in writing and where the DHB has a resignation form this must be completed. The resignation form will contain mandatory information that you will need to complete for payroll purposes so that your final pay can be processed. This is important if you are moving to another DHB and want to have your annual leave balance transferred to your new DHB. Refer to clause 25 Annual Leave in the Manual for further FAQs regarding transfer of annual leave entitlements.
2. I am a Registrar and have been offered and accepted an SMO post within Australasia. The position commences sooner than my three month notice period. Will I be able to finish earlier than my notice period?
 - Yes, but you should advise the DHB as soon as possible that you have been offered employment and the start date of the employment. The DHB may reduce the notice period in these circumstances; however you have an obligation to provide as much notice as reasonably feasible as detailed in clause 47.3.
3. I am resigning from my position and would like to finish earlier than my three month notice period for personal reasons, am I able to do this?
 - You can request in writing to vary the notice period and the DHB will consider the request and your individual circumstances. There is however, no obligation on the DHB to agree to the variation where it can not accommodate the lesser notice period.
4. Can I apply for leave prior to my resignation taking effect?
 - An RMO may apply for leave for any day(s) up to and including their last day of employment in the normal manner; the obligations on the DHB to accommodate this request are no more or no less than for any other leave request.
5. I am employed in a training accredited post and have just completed my training will this impact my employment?
 - RMOs have open ended employment with the employing DHB until the completion of training. Once training is completed the DHB may terminate a RMOs employment with three months' notice, or payment in lieu thereof, where the RMO has not already advised their intention to resign.
6. I am a House Officer and my resignation takes effect part way through Quarter 2. The DHB has contacted me to advise they are changing my allocation for Quarter 2. Can the DHB change my allocation?
 - Yes, your resignation is partway through a run and as such the DHB can reallocate you. Where this occurs the following applies;
 - The run category of the run you are reallocated to must not be less than your original allocation;
 - Your original allocation must have a House Officer allocated for the full year;
 - The change in allocation does not impact your vocational training pathway.

Comparison STONZ and NZRDA MECAs

The following table sets out where there are differences between the STONZ MECA and NZRDA MECA. Where there is no difference between clauses no detail has been provided in the comparison table.

	STONZ MECA Clause 47.3	NZRDA MECA Clause 45.3
Variation to notice period	<p>This period of notice may be varied by agreement between the employer and the employee.</p> <p>Where an RMO is taking up a more senior post on a permanent basis within Australasia this three month notice period may be reduced where the offer from the next employer has a commencement date that does not allow the RMO to provide three months' notice. However, the RMO must advise their employing DHB that they have been offered employment at their new employer as soon as possible and the RMO has an obligation to provide as much notice as reasonably feasible.</p>	<p>This period of notice may be varied by agreement between the employer and the employee. Where an RMO is taking up a registrar post this three month notice period need not apply in genuine circumstances.</p>

Forms, Templates and Other Resources

The following resources form part of clause 47 Termination of Employment of the Manual.

Resource	Comment
National Certificate of Service	Used by the RMO Support Units to complete service and specific information related to an RMOs employment and entitlements under the RMO MECAs