SERVICE TERMINATION POLICY

2013
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1. ACRONYMS

HOD: Head of Department
HRM: Human Resource Management
LEDET: Limpopo Department of Economic Development, Environment and Tourism
RSA: Republic of South Africa
SMS: Senior Management Services

2. INTRODUCTION

The Department of Economic Development, Environment and Tourism commits itself into ensuring that termination of service is well administered and that the provisions of the relevant legal mandates are adhered to. The Department also aims to regulate the process of termination of services of its employees in a fair, equitable and procedural manner, which could be initiated by either the employer or the employee.

3. PURPOSE AND OBJECTIVE OF THE POLICY

The purpose of this policy is amongst other things, the following:

3.1 To provide measures and to ensure that employees who served the Department are treated with respect and due consideration upon termination of the service.

3.2 To ensure that there is proper management of service termination within the Department; and

3.3 To outline the circumstances under which the Executive Authority or delegated official shall approve or disapprove termination of service of
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employees.

4. AUTHORITY OF THE POLICY

The policy is issued under the authority of the MEC as the Executive Authority and the HOD as the Accounting Officer for LEDET.

5. LEGAL FRAMEWORK

This policy is guided by the following legal prescripts:

5.1 The Constitution of the RSA, 1996.
5.2 Public Service Act, 1994, as amended.
5.3 Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997) as amended.
5.4 Public Service Regulations, 2001 as amended.
5.5 Labour Relations Act, 1995 (Act No. 66 of 1995).
5.6 Public Service Co- Coordinating Bargaining Council, Resolution No. 3 of 1999.
5.7 SMS handbook.

6. SCOPE OF APPLICATION

This policy is applicable to all employees of the Department of Economic Development, Environment and Tourism, Limpopo Province.

7. DEFINITIONS

"Compulsory retirement" means to terminate from public service due to normal retirement age;
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“Discharge or Dismissal” means termination of service from the public service on account of unfitness or incapacity to carry out day to day activities or unfitness due to own accord or any other reasons that will promote efficiency or economy in the Department;

“Early retirement” means termination of service by an employee from the public service prior the actual normal retirement age;

“Employer” means the Department of Economic Development, Environment and Tourism, Limpopo Province;

“Employees” mean individuals appointed in terms of the Public Service Act, 1994 as amended within the Department of Economic Development, Environment and Tourism, Limpopo Province;

“Executive Authority” means the Member of the Executive Council of the Department of Economic Development, Environment and Tourism, Limpopo Province;

“Inefficiency” means failure to achieve results or the desired effect after systematic remedial or development support has been provided to assist the employee to improve her or his performance;

“Incapacity due to ill health” means inability to perform assigned duties due to illness or injury;

“Resignation” means officially and permanently leaving the position in the Department;

“Unfitness” means incompetence or Incapability to carry out official duties efficiently; and
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"Voluntary retirement" means termination of service by an employee from the public service prior the age of 65 years, (from 55 to 64 years of age).

8. POLICY PRONOUNCEMENTS

8.1 SERVICE TERMINATIONS APPLICABLE IN THE PUBLIC SERVICE

8.1.1 Compulsory Retirement

(a) An employee who is 65 years old qualifies for compulsory retirement.
(b) An employee may be retained in his or her post beyond the age of 65 years due to scarce skills and such retention may be with his or her consent upon approval by the Executive Authority or delegated official for a period not exceeding two years.

8.1.2 Voluntary Retirement

(a) An employee who has reached the age of 60 years may opt for voluntary retirement which may be granted upon approval by the Executive Authority or a delegated official of the Department.

8.1.3 Early Retirement

(a) An employee may retire on the date she or he attains the age of 55 years, however, the pension benefits shall be reduced by one third of one percentage for each completed month between the member's actual retirement age and the normal retirement age.
(b) In a case where the department initiates the early retirement, cost thereof incurred shall be liability of the Employer.
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8.1.4 Discharge or Dismissal

An employee may be discharged from the Department on the following conditions:

(a) Incapacity or ill-health
(b) Inefficiency
(c) Dismissal as a result of misconduct
(e) Unconfirmed probation:

8.1.5 Resignation

(a) An employee may resign from the department upon approval by the Executive Authority or delegated official. If an employee leaves the Department before the Executive Authority or delegated official's approval, such an employee will have absconded.

8.1.6 Completion of fixed term contract

(a) The service of an employee on a fixed term contract shall automatically terminate at the end of the agreed period.

8.2 ROLES AND RESPONSIBILITIES

8.2.1 The Executive Authority or delegated official

(a) The Executive Authority or delegated official is responsible for approving all service terminations of departmental officials.
8.2.2 Senior Manager: HRM

8.2.2.1 The role of the Senior Manager: Human Resources Management shall be the following:

(a) To compile reports on the trends pertinent to the staff turnover, vacancy rate, development of integrated strategies on Human Resource planning and retention.

(b) To ensure that all termination of service, processes and procedures are adhered to and in line with the legal prescripts.

(c) To ensure that exit interview is conducted with an employee whose employment is to terminate on account of any of the following: Incapacity due to continued ill-health, injury, early retirement and resignation.

(d) To compile an analysis report on the findings of the exit interviews.

8.2.3 Senior Management Services and Line Managers

8.2.3.1 The role of Senior Management and line managers in respect of termination of services shall be:

(a) To report all termination of service of their respective directorates to senior Manager: HRM for further processing.

8.2.4 Employees

(a) Any employee who wishes to terminate his or her service from the Department shall lodge a request to terminate the service in writing to the relevant Senior Manager through the immediate supervisor.
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8.3 MONITORING AND EVALUATION

(a) Senior Manager: HRM will be responsible for monitoring and evaluating the processes of termination of service within the Department.

9. DEFAULT

An employee who fails to comply with the provisions of this policy shall be dealt with in terms of the Public Service Disciplinary Code and Procedures for the Public Service.

10. INCEPTION DATE

The inception date of this policy is 30 days after approval by the Head of Department.

11. REVIEW

This policy shall be reviewed every twenty four (24) months.

12. TERMINATION

This policy shall remain in force until and unless it has been withdrawn and/or amended.

13. ENQUIRIES

Enquiries regarding the policy shall be directed to the Senior Manager: Human Resource Management.
14. APPROVAL

APPROVED BY:

Approved by: ____________________________ 30/07/2013

HEAD OF DEPARTMENT: LEDET

DATE