



LIMPOPO
PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

**DEPARTMENT OF
SPORT, ARTS AND CULTURE**

TERMINATION OF SERVICE

Policy Name	Termination of Service
Domain	Human Resource Management
Approval date	27/3/2023
Review date	27/3/2026
Version	V.2
Policy reference number	S4/3/P
Policy Unique number	S4/3/P/2

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1. Acronyms and abbreviations

MEC	Member of Executive Council
HOD	Head of Department
HRM	Human Resource Management
SMS	Senior Management Services

2. Introduction

Termination of service of an employee may be initiated either by her-/himself or employer and shall be effected in terms of the Public Service Act, 1994 and PSR Regulation 69. Termination of Service can be initiated by the employer and the employee due to dismissal, retirement, resignation ,misconduct, ill health or injury, operational requirements of the department as provided for in the Labour Relations Act. The responsibility of reporting termination of service by an employee rest with the immediate supervisor.

Any statutory provisions referred to and/or freely quoted in this policy does not necessary reflect the precise wording and/or meaning of the said provision and is done for purpose of easy reference only. In the execution of relevant activities, it is key that the original statutory provision be consulted and read on conjunction with all other relevant provisions.

3. Purpose of the policy

To provide general policy guidelines regarding termination of service of employees, as well as conditions and guidelines in relation to the various termination situations

4. Authority of the policy

This policy is authorised and issued by the MEC for Limpopo Provincial Department of Sport, Arts and Culture. The policy resides with the HRM Directorate, which is responsible for its implementation and monitoring.

5. Legal framework

- a) Public Service Act, 1994
- b) Labour Relations Act, 1995
- c) Basic Conditions of Employment Act, 1997
- d) Public Service Regulations, 2016 as amended
- e) The Promotion of Administrative Justice Act, 2000
- f) Labour Relations Act, 1995 as amended
- g) The White Paper on Transforming Public Service Delivery (f3atho Pele White Paper, 1997)
- h) Compensation for occupation injuries and diseases Act, 1993
- i) Basic Conditions of Employment Act, 1997

6. Scope of application

This policy is applicable to all employees of the Department of Sport, Arts and Culture appointed or recruited in terms of the Public Service Act, 1994

7. Definition of terms

- a) Department shall mean the Limpopo Department of Sport, Arts and Culture.
- b) HRM shall mean Human Resource Management
- c) HR shall mean Human Resource
- d) "operational requirements" means requirements based on the economic, technological, structural or similar needs of an employer.

8. Policy principles

- a) During the termination of service of employees, both the interest of the state, which includes departmental interest, and the interests of employees must be considered and the provisions of the The Promotion of Administrative Justice Act, 2000, and Labour Relations Act, 1994 must be adhered to.
- b) Employees shall be treated with Courtesy, fairness and justness.
- c) Termination practices should be linked with human resource utilisation, planning, labour relations and salaries management.

9. Policy pronouncements

9.1 Retirement

9.1.1 Age retirement

- a) All employees who have reached the age of retirement as prescribed by the Public Service Regulations should be retired. In accordance with section 16(1) (a) of the Public Service Act, 1994, the compulsory retirement age of the Public Service is 65 years. Any employee, who reaches this age, must be retired on the date that she/he reaches this age.
- b) Employees, however, may exercise an option to retire earlier than the compulsory retirement age. Section 16(2A)(a) provides that an employee may retire from the Public Service on the date that she/he attains the age of 55 years, or on any date after that date. Employees, who wish to exercise this option, must notify the human resource management component within a department, through their managers/supervisors, of their intention to exercise this option, three (3) calendar months prior to the date that they so wish to retire.
- c) In terms of section 16(6)(a) of the Public Service Act, 1994, employees may retire before reaching the age of 55 years, if in the opinion of the Executing Authority, a sufficient reason exists and the retirement is of the advantage to the State. Employees wishing to retire in terms of this provision must submit their applications through their managers/supervisors to the human resource management component within a department. It will be the latter's responsibility to submit it to the Executing Authority for consideration. In this

case also, employees can contact the human resource management within a department in advance to establish the benefits which are payable should they wish to apply for early retirement in terms of this provision.

- d) The retirement of the Head of Department shall be done as per sections 12 and 14 of the Public Service Act, 1994 upon expiry of contract terms of appointment or any extended term thereof.(Section 16 (3) of the Act.
- e) Pension and other payable benefits shall be paid in accordance with the applicable prescripts.
- f) Human Resource Management should annually identify employees who will retire for effective human resource and financial planning so that pension benefits where due can be granted timeously.

9.1.2 Ill-Health retirement

- a) All cases of ill-health retirement shall be dealt with in terms of the Policy and Procedure on Incapacity Leave and Ill-health (PILIR) retirement November 2021, as determined by the Minister for Public Service and Administration in terms of Section 3 (3) (c) of the Public Service Act 1994 as amended.

9.1.3 Resignation

- a) It is possible that situations may arise where employees resign without serving the notice as required by the Public Service Regulation. The responsibility of reporting to the HRM Directorate for purposes of stopping salary to avoid overpayments rests with the immediate supervisor. The notice of resignation should be given in writing.

9.1.3.1 Notice of resignation

- a) An employee may resign at any time, subject to the giving of notice as provided for in PSR Regulation 69, which indicates:
- b) Four weeks' (a months) notice of resignation is required in the case of any employee who has been employed for one year or more

- c) At least 2 weeks' notice in case of employee who has been employed for more than six months, but not more than a year.
- d) At least six calendar months in case of a Head of Department who wish to be retired from the public service

9.1.3.2 Manner in which resignation should be submitted

An employee who resigns should submit letter of resignation to the Director Human Resource Management and copy the immediate supervisor.

9.1.3.3 Withdrawal of resignation

- a) An employee may only withdraw her/his resignation with the written approval of the executive authority or delegate, which approval shall be made no later than the last working day.
- b) Once an employee has given notice of her/his resignation, and she/he wishes to withdraw her/his resignation, approval for such withdrawal of the resignation must be recommended by the Director /Chief Director/ HOD.

9.1.3.4 Acceptance of nomination as candidate for election or as member of parliament (Section 36 of the PSA, 1994 and regulation 15 of the PSR, 2016).

9.1.3.5 Conditions of payment

An employee who resigns, irrespective of whether a month's notice is given or not, he/she is only paid up to and including his/her last day of actual service. If the month ends on a day of rest or consecutive days of rest, he/she remain in service up to and including the last working day of the month.

9.1.4 Misconduct

9.1.4.1 Absence from duties

- a) Provisions of Section 17(3)(a) (i) of the Public Service Act, 1994 applies. In terms of this provision an employee who absents himself or herself from his or her official duties without permission of his or her head of department, office or institution for a period exceeding one calendar month shall be deemed to have been dismissed from the public service on account of misconduct with effect from the date immediately succeeding his or her last day of attendance at his or her place of duty.

- b) An employee who absence himself/herself forfeits remuneration in respect of the month during which she/he absconded. The withholding of such remuneration should not be applied as a general rule, the Head of Department should decide whether payment should be effected. If payment is decided upon all moneys due to the state should be recovered before payment is made of balance.

9.1.5 Expiry of contract

Employees appointed on a temporary basis including employees on Expanded Public Works Programme are not expected to give a notice of termination as the services will be terminated automatically on PERSAL system.

9.1.6. Certificate of service

Employees appointed on a temporary basis will be given a certificate of service upon expiry of contract as per section 42 of Basic Conditions of Employment Act,1997. The Certificate shall state (a) the employee's full name;(b) the name and address of the employer;(c) a description of any council or sectoral employment standard by which the 20 employer's business is covered; (d) the date of commencement and

date of termination of employment; (e) the title of the job or a brief description of the work for which the employee was employed at date of termination;(f) the remuneration at date of termination: and (g) if the employee so requests. the reason for termination of employment.

9.1.7 Exit Interview

Exit interview shall be conducted when an employee vacates a post through transfer or resignation using the prescribed exit interview form. This shall be analysed and report produced on an annual basis.

12. Default

Failure to comply with the provisions of this policy shall be dealt with in terms of the Public Service Disciplinary Code and Procedures, as amended.

13. Inception date

The policy shall come into effect on the first date of the month following the month which the Executing Authority approved it.

14. Termination and review conditions

This policy shall be amended, after three years (3) or when there are major policy changes in government and will follow the initial policy development processes

15. Enquiries

Enquiries with regard to any issues regarding this policy should be directed to the Director responsible for Human Resource Management.

Recommended/~~Not Recommended~~



HEAD OF DEPARTMENT

Approved /Not Approved:



MEMBER OF EXECUTIVE COUNCIL

27/03/2023
DATE

27/03/2023

DATE

Annexure A: Standard Operating Procedures: Termination of service (High level)

Action	Template Ref/ Input	Responsibility
Termination of Service		
<p>1. The purpose of this process is to ensure that an employee's termination of service payments are recorded and paid correctly.</p> <p>HRM issue instruction to Salary section to record the termination of service of the employee.</p> <p>Salary section calculates the amount of leave gratuity due to the employee based on the leave entitlement of the employee. This is recorded on the system.</p> <p>Normal termination of service is done with a 30 day notice period. In normal circumstances the termination of service will be captured in time and the last payment due to the employee is paid correctly.</p> <p>Permanent staff in Government (Departments) gets paid two weeks in advance namely on the 15th of the month. The employee service period, however, is the last working day of the month. No salary recall is necessary if the termination is done timely.</p> <p>The salary for the next open period will be terminated if the termination date is captured timely. However, if the termination of service is not captured in time, and the salary run period end has lapsed, the salary must be recalled and disallowed.</p> <p>The system will determine if any amount is owed by the employee in relation to any benefits, debt or taxes.</p> <p>In addition to any system calculations, the Assets and Liability form is used to instate any debt owing to the Institution by the employee, such as telephone debt.</p> <p>A Tax direction request is sent to SARS to determine any outstanding tax due by the employee.</p> <p>Tax must be deducted as per SARS instruction from leave gratuity due to employee.</p> <p>If possible all Institutional debt must be deducted from</p>	<p>Instruction of Termination</p> <p>Signed employee exit form.</p> <p>Assets and Liability form</p>	<p>HRM</p> <p>Financial Management: Salary Section</p>

Action	Template Ref/ Input	Responsibility
<p>the final payment due to the employee.</p> <p>If no monies are due to the employee debt will be instated on the Debtor system (refer to SOP Debt Management).</p> <p>If money is due to the employee the final payment is prepared and recorded on the payroll system.</p> <p>Relevant information is forwarded to the Government Employee's Pension Fund (GEPF).</p>		