



LIMPOPO

PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

PROVINCIAL TREASURY

LIMPOPO PROVINCIAL TREASURY

DEPARTMENTAL TERMINATION OF SERVICE

POLICY

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1. PREAMBLE

The purpose of this policy is to set guidelines and provisions in respect of termination of service in the Limpopo Provincial Treasury (LPT). The termination of service of an employee may be initiated by him/her self or the LPT.

2. APPLICABLE LEGAL FRAMEWORK

This policy has been developed within the following applicable legal framework:

- Public Service Act, 1994(Act no 103 of 1994), Chapter V, Section 13 and 17, Sub-Section 2

Section 13

(6) (a) An executing authority may, at the request of an officer, allow him or her to retire from the public service before reaching the age of 55 years, notwithstanding the absence of any reason for discharge in terms of section 17 (2), if in the opinion of such authority a sufficient reason exists therefore and the retirement will be to the advantage of the State.

Section 17

(2) Every officer, other than a member of the services or an educator or a member of the Agency or the Service, may be discharged from the public service-

(a) on account of continued ill-health;

(b) owing to the abolition of his/her post or any reduction in or

reorganisation or readjustment of LPT;

- (c) if, for reasons other than his/her own unfitness or incapacity, his/her discharge will promote efficiency or economy in the LPT in which he/she is employed, or will otherwise be in the interest of public service;
- (d) on account of unfitness for his/ her duties or incapacity to carry them out efficiently;
- (e) on account of misconduct;
- (f) if, in the case of an officer appointed on probation, his/ her appointment is not confirmed;
- (g) on account of misrepresentation of his/her position in relation to a condition for permanent appointment;
- (h) if his/her continued employment constitutes a security risk for the State; and
- (i) if the President or a Premier appoints him/her in the public interest under any law to an office to which the provisions of this Act do not apply.

- Public Service Regulations, 2001, 1/VII/G
- PSCBC Resolution No. 03 of 1999, VI
- Labour Relations Act , 1995 (Act no 66 of 1995)
- Basic Conditions of Employment Act, 1997 (Act no. 75 of 1997)
- Government Employees Pension fund Act, 1996(Act no 22 of 1996)
- This policy must be read in conjunction with the Policy Manual Guidelines Northern Province Provincial Administration Version 1, March

2000 – Procedures for Appointments, Promotions and Termination of Service – Paragraphs 11.4.11 Termination of Service.

3. SCOPE OF POLICY APPLICATION

This policy applies to all employees of the Limpopo Provincial Treasury appointed in terms of the Public Service Act, 1994 (Act no 103 of 1994), as amended.

4. TERMINATION OF SERVICE

4.1 Retirement

An employee's retirement age is 65 years, if appointed before 1 July 1997. If appointed after 1 July 1997, the retirement age is 60 years but an employee may retire early at age 55. This is defined as early retirement and may be approved by the Head of Department if sufficient reason exists therefore and the retirement will be to the advantage of the state.

4.2 Resignation

Resignation is defined as when the employee terminates his/her employment with LPT. An employee may resign from LPT at any time by submitting written notice to his/her manager on such conditions as may be applicable in terms of any contractual agreement which may apply at the date of resignation (e.g. bursary obligations).

4.2.1 Notice period

Employees must serve notice when they resign, unless the employer waives the notice period or part thereof. Notice must be served as follows:

- a) In the case of any employee paid monthly, give at least one month's written notice of resignation;
- b) In the case of any casual employee who has been employed for less than four weeks; give at least one week's notice of resignation or
- c) In the case of any casual employee who has been employed for more than four weeks, give at least two weeks' notice.

The LPT must record the reasons given by the employee for her/ his resignation.

If the LPT waives the notice period, the employee will be paid until the last working day worked.

4.2.2 Benefits on resignation

Permanent employees receive the following payments upon resignation:

- If employees have been contributing to a pension fund, a gratuity will be paid, calculated at 7.5% of their final salary multiplied with the period of their pensionable service, and increased by 10 percentage points for each full year of pensionable service between 5 and 15 years;
- Payment of the remaining leave credits of the previous leave cycle; and
- Unused leave credits of the current leave cycle.

Casual employees, working less than 24 hours per month, are entitled to payment of unused leave credits if they have been in service longer than 4 months.

4.2.3 Conditions of resignation

- an employee forfeits capped leave on resignation;
- an employee may not take any form of leave whilst serving the notice period, except for sick leave;
- a medical certificate must be submitted for any sick leave taken during this period, even for periods of less than three days;
- an employee forfeits the service bonus on resignation;
- an employee who has resigned, is entitled to a certificate of service on request; and
- if employees wish to withdraw their resignation, a written withdrawal letter must be submitted before their last day of service.
- outstanding employee debt such as personal loans, bursary commitments etc... must be settled or a repayment plan be committed prior to the employee leaving.

4.3 Discharge

4.3.1 Ill-health

LPT may on the basis of medical evidence, consider the discharge of an employee in terms of section 17(2) (a) of the Public Service Act on account of ill-health and Public Service Regulation Pilir. To this end, LPT may require an employee to undergo a medical examination by a registered physician. A discharge on account of ill health shall occur with due regard to item 10 of Schedule 8 to the Labour Relations Act, 1995(Act no 66 of 1995)

4.3.2 Operational Requirements

The Head of Department may discharge employees for operational reasons:

- a) if the discharge complies with sections 17(2)(b) and (c) of the Public Service Act, 1994, and sections 189 and 190 of the Labour Relations Act, 1995; and
- b) any applicable collective agreement that determines benefits for employees to be so discharged.

If LPT transfers personnel to an entity outside the public service, the employee shall comply with section 197 of the Labour Relations Act, 1995.

4.3.3 Incapacity

The aim of Section 17(2) (d) of the Public Service Act, 1994, is to afford those employees who are unfit or incapable of performing their duties as expected, to be discharged from the service of the LPT. The Head of Department may approve discharges based on unfitness or incapacity.

4.3.4 Termination of Probation

When the services of an employee on probation are terminated in terms of section 13 of the Public Service Act, 1994, due regard must be given to item 8 of Schedule 8 to the Labour Relations Act, 1995.

LPT must ensure that such discharges are procedurally and substantively fair.

4.3.5 Misconduct

In instances of misconduct, refer to Resolution 2 of 1999 and the Disciplinary Procedure. LPT must ensure that such discharges are procedurally and substantively fair.

4.3.6 Misrepresentation of Position in Relation to Conditions of Permanent Employment

Should an employee not comply with the stipulations of Section 10 of the Public Service Act, 1994 his/her services will be terminated in terms of section 17 (2) (g) of the Act.

4.3.7 Continued Employment which Constitutes a Security Risk for LPT

Should it come to light that an employee's continued employment with LPT presents a security risk to LPT, or the State, the employee's services may be terminated.

4.3.8 Employment in Public Interest

In cases where the Head of Department has employed officials to an office which serves the public interest, such employment may be terminated in accordance with Section 17 (2) (1) of the Public Service Act, 1994 where the employee's contract expires or no further need for extended appointment is required.

4.3.9 Voluntary/Premature Discharge Initiated by an Employee

In terms of Section 16 (6) (a) of the Public Service Act, 1994 as amended, an employee may request to be discharged

prematurely from the public service before reaching the age of 55. LPT has a prerogative to make such a decision to approve the release of such an employee or refuse to relieve the employee.

4.4 Death

Payment will be made to the employee's family as follows:

- employee's salary will be paid until the last working day worked;
- if employee has been contributing to a pension fund, a gratuity will be paid calculated at 7.5% of his/her final salary multiplied with the period of his/her pensionable service, and increased by 10 percentage points for each full year of pensionable service between 5 and 15 years;
- payment of the remaining leave credits of the previous leave cycle; and
- unused leave credits of the current leave cycle.
- unused capped leave credits;
- pro-rata service bonus;

5. POLICY CONTROL

5.1 Policy Audit

Annual audits will be conducted by the Directorate: Human Resource Management to ensure appropriate application and compliance with the Policy.

5.2 Policy Review

This policy is subject to annual review or when deemed necessary by LPT, to ensure that it is aligned to prevailing legislation and market conditions.

5.3 Policy Amendments

No amendment(s) may be made to any section of this policy without such amendment(s) first being-

- consulted with recognised Employee Organisations; and
- duly approved and signed by the recognised parties to the Provincial Bargaining Council.

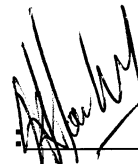
6. EFFECTIVE DATE

This policy will be applicable from 22/06/2007 (date).

7. RATIFICATION

This policy was signed on the 22 (day of) JUNE (month) at POLOCEANE (place).

HEAD OF DEPARTMENT (HOD)



MEMBER OF EXECUTIVE COUNCIL (MEC) :

