

DEPARTMENT OF SPORT, ARTS AND CULTURE
LIMPOPO PROVINCIAL GOVERNMENT
POLICY ON TERMINATION OF SERVICE

1. Preamble

The termination of service of an employee may be initiated by the Department or the employee himself/herself and shall be effected in terms of the relevant provisions of the Public Service Act, 1994 and PSR 1/VII/G. Termination of service occurs due to any of the following forms, namely, death, retirement, resignation, abscondment and discharge. The responsibility of reporting termination of service by an employee rests with the immediate supervisor.

2. Purpose

To provide guidelines regarding termination of service.

3. Legal Framework

- Public Service Act of 1994 and amendments
- Public Service Regulations, 2001 as amended
- Public Service Co-coordinating Bargaining Council (PSCBC) Resolution No. 3 of 1999
- Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997)
- Labour Relations Act, 1995 (Act No. 66 of 1995)

4. Scope of Application

This policy applies to all employees in the department appointed in terms of the Public Service Act, 1994.

5. Major Policy Principles

5.1. Age Retirement

- 5.1.1 All employees who have reached the age of retirement should be retired as prescribed by the public service regulations..
- 5.1.2 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.
- 5.1.3 Employees, however, may exercise an option to retire earlier than the compulsory retirement age. Section 16(2A)(a) of the Public Service Act, 1994, provides that an employee may retire from the Public Service on the date that she/he attains the age of 55

years, or any date after that date. Employees, who wish to exercise this option, must notify the Human Resource Management component, through their managers/supervisors, of their intention to exercise this option, three calendar months prior to the date that they so wish to retire.

- 5.1.4 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 to the advantage of 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. 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 in advance to establish the benefits which are payable should they wish to apply for early retirement in terms of this provision.

5.2 Ill-Health Retirement

- 5.2.1. All cases of ill-health retirement shall be dealt with in terms of the policy and Procedure on Incapacity Leave and Ill health Retirement (PILIR) November 2005, as determined by the Minister for Public Service and Administration in terms of section 3(3) of the Public Service Act, 1994.

5.3 Resignation

- 5.3.1 An employee may resign from the department at any time, subject to the giving of notice as provided for in PSR Part V11/G 2.3, which stipulates:
- (a) At least one month's written notice of resignation in case an employee is paid monthly;
 - (b) At least one week's notice of resignation in the case of any casual employee, employed for less than four weeks;
 - (c) At least one week's notice of resignation in the case of any casual employee, employed for more than four weeks; and
 - (d) Once an employee has given notice of his/her resignation, and she/he wishes to withdraw his/her resignation, approval for the reversal of the resignation must be recommended by the manager and approval to be granted by the Executing Authority or delegated employee.
- 5.3.2 It is possible that situations may arise where employees resign without serving notice as required by regulations. The responsibility of reporting to the Human Resource Management component for purposes of stopping salary in order to avoid overpayments rests with the immediate supervisor. The same reporting should apply in respect of termination of service as a result of death or abscondment.

5.4 Dismissal

5.4.1 An employee may be dismissed on account of:

- a) incapacity due to ill health or injury;
- b) operational and transformation requirements of the public administration institution as provided for in the Labour Relations Act;
- c) Incapacity due to poor work performance; or
- d) Misconduct.

5.4.2 Employees who absent themselves from their official duties without permission of the Executive Authority or Head of Department for a period exceeding 30 days will be deemed to have been dismissed automatically, on account of misconduct with effect from the date they absented themselves, and excludes the need to follow disciplinary procedures.

5.4.3 If an employee who has absconded reports for duty within 30 days, after their last day of attendance at their place of duty, an enquiry will be held into the reasons for such employee's absence and the Executive Authority may, on good cause shown, approve the reinstatement of that employee in their former post or any other capacity.

5.4.4 If an employee is reinstated, the period of their absence from official duty will be deemed to be absence on leave without pay.

5.5 Operational Requirements

Any discharge for operational requirements must comply with the requirements referred to in PSR 1/v11/G.5. The Executing Authority or delegate must approve such discharges.

5.5.1 Inefficiency

- a) Any discharge for unfitness or incapacity must comply with the requirements referred to in PSR 1/v11/G.6
- b) The Executing Authority or delegate must approve such discharges.

5.5.2 Termination on Probation

- a) Any termination on probation shall comply with requirements referred to in PSR 1/V11/G.7
- b) The Executing Authority or delegate must approve an employee's termination of probation.

5.5.3 Exit Interview

Human Resource Management & Development shall conduct exit interview when an employee vacates a post through transfer or resignation.

6. Monitoring, Evaluation and Reporting

The manager Human Resource Management will be responsible for publishing a quarterly report on trends with regard to the composition of the Department in terms of race, gender and disability. The report will also contain an analysis of the Department's personnel turnover and vacancy rate and exit interviews findings.

7. Policy Implementation

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

8. Amendment of Policy

This policy shall be reviewed annually and amended as and when necessary and it shall follow the initial process of policy development.

~~Recommended/Not Recommended~~

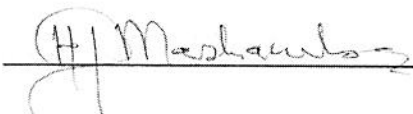


HEAD OF DEPARTMENT

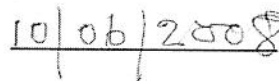


DATE

~~Approved/Not approved/Amended~~



MEMBER OF EXECUTIVE COUNCIL



DATE