

DEPARTMENT OF PUBLIC SERVICE AND ADMINISTRATION



POLICY AND PROCEDURE ON EMPLOYEES EXITING THE DEPARTMENT

2012

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Policy & Procedure on Employees Exiting the Department

CD	Chief Director
CRM	Corporate Resource Management
D	Director
DD	Deputy Director
DDG	Deputy Director General
DPSA	Department Of Public Service and Administration
FM	Financial Management
GEPF	Government Employees Pension Fund
GPSSBC	General Public Service Sector Bargaining Council
HR	Human Resources
HRA	Human Resource Administration
ID	Identity Document
ILR	Internal Labour Relations
ITM	Information Technology Management
MANCO	Management Committee
MMS	Middle Management Service
PPU	Personnel Provisioning and Utilisation
PSA	Public Service Act
PSCBC	Public Service Co-ordination Bargaining Chamber
PSR	Public Service Regulation
SCM	Supply Chain Management
SMS	Senior Management Service

1. INTRODUCTION AND BACKGROUND

The employer relationship that exists between the Department as an employer and employee will terminate in the event of:

- 1.1 Resignation
- 1.2 Expiry of the period of contract of employment
- 1.3 Death
- 1.4 Retirement
- 1.5 Transfer to another Department.
- 1.6 Dismissal
- 1.7 Abscondment

2. PURPOSE

The purpose of this policy is to:

- 2.1 Identify workplace, organizational or human resources factors that have contributed to an employee's decision to leave employment;
- 2.2 Enable the Department to identify any trends requiring attention or any opportunities for improving the Department's ability to respond to employee issues; and
- 2.3 Allow the Department to improve and continue to develop recruitment and retention strategies aimed at addressing these issues.

3. OBJECTIVES

To ensure that sound and fair practices are implemented regardless of the reasons when the employment relationship of employees with the Department is terminated and to identify the circumstance under which can employee stay.

4. PRINCIPLES

The following principles underpin the policy: (batho pele)

- 4.1 Fairness: Ensuring that the interview is conducted in a fair procedure for both the Manager and Official.
- 4.2 Communication: Ensure that all parties get all the relevant communication on time.
- 4.3 Resources: Make adequate resources progressively available for the realisation of the policy to the employees.

5. SOURCES OF AUTHORITY

- 5.1 Public Service Regulations, 2001 as amended (PSR) 1/VII/G.2;
- 5.2 Public Service Act, 1994
- 5.3 Section 16 of the PSA (retirement)

5.4 Section 17 of the PSA (discharge)

5.5 The Labour Relations Act

(Misconduct (see Public Service Co-ordination Bargaining Chamber (PSCBC) Resolution 2 of 1999 read and schedule 8 to ILR)

- Operational requirements of the employer's business (sections 189 and 189A of the ILR and PSCBC Resolution 7 of 2002)

This policy is subject to the PSA, PSR, determinations and directions made by the Minister for the Public Service and Administration in terms of that Act, collective agreements of the PSCBC and the GPSSBC and any other applicable law.

6. SCOPE OF APPLICATION

This policy shall apply to all employees on termination of their employment relationship with the Department.

7.1 FACE TO FACE INTERVIEWS:

- 7.1.1 Invite person in writing
- 7.1.2 Interview to take place as soon as possible
- 7.1.3 The employee will be asked a standard set of questions
- 7.1.4 He/she will be given a chance to discuss any concerns
- 7.1.5 If an employee chooses not to participate he/she will be encouraged to complete a questionnaire.

7.2 TELEPHONIC OR ELECTRONIC INTERVIEWS

- 7.2.1 The designated human resource representative will contact the employee in writing, inviting him/her to participate in an exit interview.
- 7.2.2 The exit interview should take place as soon as possible after the confirmed leaving date has been received by human resources.
- 7.2.3 The employee will be asked to complete a standard set of questions and given a chance to provide written feedback or any information they feel would be beneficial for the Department to know about their employment experience at the Department.
- 7.2.4 To ensure anonymity of the exit interview process, exit interviews will be conducted electronically. It is the intention of the Department to give departing employees the opportunity to complete the exit interview process prior to their departure.

8. ROLE PLAYERS

- 8.1 Employees,
- 8.2 Supervisor.
- 8.3 DDG/Minister
- 8.4 DD: ILR
- 8.5 D: ITM
- 8.6 D: SCM

8.7 D: FM

8.8 D: ODG

8.9 DD: KM.

8.10 DD: Security

8.11 National Treasury (Pension)

8.12 CD: CRM

9. NOTICE PERIOD OF TERMINATION OF EMPLOYMENT RELATIONSHIP

9.1 One month's notice

- 9.1.1 Unless otherwise provided in the contract of an employment, an employee other than a casual employee who is paid monthly shall give one month's(1) written notice of resignation (see PSR 1/VII/G.2.3(a)).
- 9.1.2 An employee who is transferred to another Department shall also be required to serve a notice of one month, unless by agreement with supervisor a lesser period is agreed upon.

9.2 Two weeks notice

- 9.2.1 In case of a casual employee who has been employed for four weeks or less than a year, shall give two weeks notice of resignation (PSR 1/VII/G.2.3(c)).
- 9.2.2 In case of a casual employee who has been employed for more than four weeks, but less than a year, shall give two weeks notice of resignation (see PSR 1/VII/G.2.3 (b)).

9.5. Shorter period of notice:

- 9.5.1 If an employee requires working a shorter period of notice than addressed in par. 9.1 above, such request must be motivated in writing and submitted to the DD: HRP.
- 9.5.2 Deputy Director General (DDG), or if the CD/D is not part of a branch the Chief Director (CD) Director (D) may approve a shorter notice period, taking into consideration the operating and business requirements, as well as circumstances in the component (in accordance with the Minister's delegation).
- 9.5.3 Such approval/disapproval (with reasons thereof) must be communicated to the relevant employee within two working [days of approval/disapproval](#) of the submission.
- 9.5.4 If an employee does not honour the approved notice period he/she will not receive pay for the period not worked.

10. RESPONSIBILITIES DURING THE APPROVAL OF TERMINATION OF EMPLOYMENT RELATIONSHIP PROCESS

- 10.1 The Employee:
 - 10.1.1 An employee must terminate his/her employment relationship with the Department in writing.
 - 10.1.2 Must submit the letter of termination to his/her relevant manager (on level 13 or higher) through his/her supervisor.
 - 10.1.3 Must submit the following information in Termination Letter:
 - 10.1.3.1 Indicate intention to resign/retire/be transferred to another Department;
 - 10.1.3.2 Reason for resignation/retirement
 - 10.1.3.3 Intended notice period must be stated (if notice is less than prescribed in par. 9.1 above, he/she must complete part A of annexure A).
- 10.2 The Employer:
 - 10.2.1 The employer must sign the letter and affix the date of signature on letter Manager/Immediate Supervisor.
- 10.3 The Supervisor or Manager:
 - 10.3.1 Must sign the letter of termination, to indicate that he/she has been informed of the employee's intention to leave the Department and forward the termination letter to the DD: HRPA ;
 - 10.3.2 Must ensure that the employee completed Annexure C, and the Supervisor must complete part B of the Annexure A (The Supervisor must indicate on Annexure if the requested shorter notice period is supported, taking operating and business requirements into consideration.)
- 10.4 The CD: CRM will submit such a request for:
 - 10.4.1 Levels 1-12 to the DDG (or, if the CD/D is not part of a branch, the CD/D for his/her approval;
 - 10.4.2 SMS member to the Minister for approval.
 - 10.4.3 The Director of the relevant Directorate must determine whether the post is to be filled immediately or not.
- 10.5 If the post is to be filled, refer to the Departmental Recruitment Policy.

- 10.6 If the post is to be abolished, the relevant Director shall inform the CD: CRM in writing or DDG (Chief Director (CD) or Director (D) in case where Chief Directorate/Directorate is not part of a Branch):
- 10.7 The DDG or, if the CD/D is not part of a branch, the CD/D, must decide whether such shorter notice period is acceptable or not and indicate the decision in writing.
- 10.8 If the need for a counter offer exists, it will also be addressed in the submission.
- 10.9 Return the decision (submission) to the DD: HRPA
- 10.10 Minister must decide whether such shorter period is acceptable or not and indicate the decision in writing.
- 10.11 DD: (HRPA) will the following:
- 10.11.1 Process a submission to obtain approval from DDG/Minister for working a shorter notice period;
- 10.11.2 Submit a letter to the relevant employee to inform him/her of the approval of the submission (decision)
- 10.11.3 [Hand approved termination of employment letter to employee.](#)
- 10.11.4 [Determine Departmental liabilities \(i.e. state guarantee, bursaries, telephone account etc\)](#)
- 10.5.6 "Notice of change" Format e-mailed to key personnel in CD: CRM, Finance, SCM to inform them about transfer/resignation of employee.

11 ADMINISTRATIVE PROCEDURES

11.1 Transfer

11.1.1 The Subsection: PPU prepares the documentation (documents for transfer) when the request for termination has been approved.

11.1.2 Phase 1 is done on PERSAL if the following documents are finalized:

- Annexure D (clearance Form) completed by employee;
- Debt Form issued by Finance.

11.2 Resignations/Retirement/Dismissal

11.2.1 The Subsection: COS requests the following the following documentation from the employee; when the request for termination has been approved:

- Letter of termination
- Certified copy of ID
- Tax number

- In case of termination there will be additional documents required dependent on the nature of termination

- 11.2.2 A leave audit must be conducted to pay leave gratuity regarding unused annual leave
- 11.2.3 Employee's Files are prepared for process (route form)
- 11.2.4 Process termination and electronic Z102 on PERSAL.
- 11.2.5 Complete a manual Z102 (withdrawal from pension fund) and submit it to National Treasury (Pension administration)
- 11.2.6 Complete a service certificate; and
- 11.2.7 Send letter to the employee confirming the termination date and pension number.

12 ABSCONDMENT

12.1 Section 17(5) (a) of the PSA, provides that if an employee absents him/herself from official duties without permission for a period exceeding one calendar month, he/she shall be deemed to have been discharged from the Public Service on account of misconduct with effect from the date immediately succeeding his/her last day attendance at his/her place of work

12.2 To deal with such a situation the following actions need to be taken:

12.2.1 When an employee is absent without authorization for a period of three working days, the Supervisor must inform the Chief Director: Corporate Resource Management (CD: CRM) and keep the Chief Directorate informed throughout the time of the employee's absence

12.2.2 If the employee has been absent without authorization for a period of five working days, the supervisor must, via: Internal Labour Relations (ILR), send a letter (Annexure B.1) per registered post to the employee's last known address, or deliver it by hand to him/her, demanding that the employee returns to work with immediate effect. If the letter is delivered by hand the employee (if he/she can be located) must be requested to sign for receipt of the letter, failing which the delivery of the letter to the employee must be witnessed.

12.2.3 If after a period of three working days after the letter referred to in paragraph 12.2.2 has been sent or delivered to the employee, he/she fails to return to work:

a) The employee's salary must be frozen after five working days of unauthorized leave of absence. Disciplinary action must be taken against Managers who fail to take action and be held accountable for salary overpayments.

b) The supervisor must, via the DD: ILR, Send a letter (Annexure B.2) per registered post to the employee's last known address, or deliver it by

hand to him/her, to call the employee to a meeting (before the one calendar month period lapses) in which he/she will have the opportunity to advance reasons why he/she was absent without authorization. If the letter is delivered by hand, the employee (if he/she can be located) must be requested to sign for receipt of the letter, failing which the delivery of the letter to the employee must be witnessed

- 12.2.4 If the employee attends the meeting contemplated in 12.2.3 and his/her reasons for being absent is-
- (a) Acceptable, the necessary steps must be taken to accommodate him/her in terms of necessary leave arrangements; or
 - (b) Unacceptable, he/she must be demanded to immediately return to work.
- 12.2.5 If at any time before the expiry of the one month period, the employee returns to work, the manager must establish the reasons for the employee's unauthorized absence and decide whether or not to institute disciplinary action against the employee.
- 12.2.6 If the employee referred to in paragraph 12.2.4(b) fails to ensure duty as demanded, his/her services shall terminate in terms of section 17(5)(a) of the Public Service Act, Proclamation 103 of 1994, at the one month period referred to in that section.
- 12.2.7 The CD: CRM must be informed by the supervisor at least three working days before the expiry of the one month period that the employee is still absent without authorization. The DD: ILR will prepare a letter of discharge signed by the Director-General to be forwarded to the employee's last known address per registered post (hand delivered to him/her) on the day after the expiry of the one month period
- 12.2.8 The DD: ILR will submit a copy of the relevant letter to section: Corporate Resource Management after delivery, to implement the discharge on PERSAL/IFMS and to avoid any further overpayments to the employee.
- 12.2.9 If the employee returns to work after being absent without permission for the period of one month he/she must not be allowed to resume duties, but should be informed that he/she can make representations to the Minister.
- 12.2.10 The Minister will consider the representations and-
- 12.2.10.1 If the representations are acceptable, reinstate the employee to his/her former post or any other position on such terms and conditions as may be determined. The period he/she was absent must be regarded as leave without pay; or leave on such other conditions as the said authority may determine.

12.2.10.2 If the representations are not acceptable, the employee will remain discharged.

13. RESIGNATION BY EMPLOYEE SUSPENDED OR ACCUSED OF MISCONDUCT.

- 13.1 If an employee who is suspended or accused of misconduct resigns, he/she shall not be permitted a notice period which is shorter than the required notice period for his/her nature of appointment.
- 13.2 The disciplinary action for the misconduct by an employee referred to in par 13.1 must as far as responsible be finalized before the end of the notice period of the employee. If the disciplinary action is not finalized a note must be made on his/her personnel file that he/she left the service while on suspension or while misconduct proceedings had been pending against him/her.
 - 13.2.1 The employee/former employee must be notified in writing that such note will be made on his/her personnel file and that he/she has an opportunity to make written representations regarding the note within 60 days after receipt of such notification.
 - 13.2.2 If such representations are made, the fact thereof must be noted on his/her personnel file.
- 13.3 If the employee referred to in par 13.1 absents him/herself from work, the procedure in par 13.2 must still be followed.

14. BENEFITS (RESIGNATION/DISCHARGE/RETIREMENT/DEATH)

<u>Benefits</u>	<u>Contract</u>	<u>Resignation</u>	<u>Discharge</u>	<u>Retirement</u>	<u>Death</u>
<u>Pension</u>	*Depending on conditions stated in contract	*Yes	*Yes	*Yes	*Yes
<u>Leave Gratuity (Annual & Capped)</u>	*Annual (not Capped)	*Annual (not Capped)	*Annual (not Capped)	*Annual and Capped	*Annual and Capped
<u>Service bonus</u>	SMS and MMS if structured	SMS and MMS if Structured	SMS and MMS if Structured	*Pro-rata L1-10 & SMS, MMS if structured	*Pro-rata L1-10 & SMS, MMS if structured
<u>Medical Aid(see PSCBC Resolution 3, part 3 of 1999) COS</u>	None	None	None	*Depending on years of service	*Continuation of Medical benefit (only in case of spouse)

Notes:

- The transfer from one Department to any other government Department does not influence an employee's benefits.
- [Resettlement benefits in the case of retirement/ill-health and death will be addressed in the Resettlement policy. COS](#)

14.1 Pension Benefits:

Pension payouts shall be made in accordance with the rules of Government Employee Pension Fund (GEPF) and depends on the reason the member exits the fund and pensionable years of service.

14.1.1 Two options. An employee may choose that:

- Pension benefit to be paid out to him/herself in a lump sum, or
- Pension benefit to be transferred to an approved retirement fund.

14.1.2 The employee's pension benefits will be paid by Section: Pension Administration, National Treasury, within/approximately 60 days after Z102 was submitted per hand by the CD: CRM.

14.1.3 The letter addressed in par 11.2.7 above will indicate the employee's pension number, for reference purpose.

14.1.3.1 Any enquiries regarding payment of pension benefits should be made directly to the Head: Pensions Administration at National Treasury. If an employee's banking particulars changes between the date of notice of termination (resignation/retirement/discharge) of employment and the date of payment of pension benefits, the employee must immediately contact the D: HRP A of the DPSA to make the necessary arrangements. Employees are discouraged from changing bank particulars during the period when pension payout is being processed.

14.2 Payment of Leave Gratuity

14.2.1 An employee qualifies to be paid out unused annual leave in accordance with the Department's leave policy.

14.2.2 The Department undertakes to pay out leave gratuity within one month after service termination to employee who gave a month's notice. If employee gives a shorter period of notice, payment will be made within two months after service termination.

15. PAYMENT OF LAST SALARY

15.1 When an employee resigns (irrespective of whether one month's notice of termination of service was given or not) she/he shall be paid up to and including her/his last day of actual service.

15.2 If a month ends on a day of rest or consecutive days of rest (weekends/public holiday), and he/she remains in service up to and including the last working day of the month, salary and allowances will be paid to her/him for the day of rest or consecutive days of rest, provided that he/she is normally paid for the days of rest

15.3 If an employee resigns and approval is granted for a shorter period, after receiving a full salary for a period which he/she has not completed, the salary shall be regarded as overpayment and be recovered.

15.4 Service bonus

15.4.1 In respect of Resignation/Discharge a pro-rata service bonus is only payable to members of the Senior Management Service (SMS) and Middle Management Services (MMS) who structured a 13th cheque in their salary packages. Employees on level 1-10 do not qualify to be paid a pro-rata service bonus.

15.4.2 In respect of Death and retirement a pro-rata service bonus is payable regarding employees on Level 1-10, and in respect of MMS and SMS members who have structured a service bonus.

16. OUTSTANDING EXPENSES (DEBT)

All outstanding expenses/debt owed by the employee and not settled on the last working day, must be recovered from an employee's pension benefits or leave gratuity. If the pension benefit is not adequate, other arrangements shall be made to recover debts.

17. PROPERTY OF THE DEPARTMENT

17.1 The employee must ensure that the Department's property issued to him/her is returned. For this purpose a clearance form (**Annexure D**) must be submitted to the Section: COS prior to the employee leaving the Department.

17.2 If an employee fails to return such property, the value thereof shall be calculated and:

17.2.1 Deducted from employee's pension benefits and/leave gratuity on resignation, termination or exit.

17.2.2 By way of salary deduction if he/she was transferred to another Department.

18. EXIT INTERVIEW

18.1 When an employee's relationship with the Department is terminated (for whatever reason), the HR representative will conduct an exit interview. The purpose of exit interview is-

18.1.1 To ensure that the termination procedure was properly adhered to, and

18.1.2 In the event of resignation/transfer, to ascertain in a confidential manner the reasons for resignation/transfer (PSR 1/V11/G 2.2).

18.2 The CD: CRM must as soon as the employee's intention to exit the Department becomes known, schedule an exit interview with employee.

18.3 The exit interview must be conducted by an HR representative, by making use of the prescribed exit interview questionnaire. An employee shall be allowed to choose an interviewer, if he/she feels uncomfortable with one allocated.

18.4 The following persons shall be present at the exit interview

18.4.1 The employee concerned,

18.4.2 The interviewer concerned (HR Representative), and

18.5 The interviewer must also conduct a separate interview with the exiting employee's supervisor, to obtain supervisor's views about the relevant exit. Throughout the interview, the interviewer must avoid taking a value stand on the accuracy of the statements made. The interviewer's role is not to judge but to obtain information that will be checked and evaluated later. Such information shall form part of the comparative analysis report.

19. **WITHDRAWAL OF TERMINATION**

19.1 If an employee has tendered his/her resignation and thereafter has a change of mind, he/she must inform the relevant manager (level 13 or higher) in writing (motivating the reasons for withdrawing his/her resignation):

19.1.1 If the employee requested a shorter notice period, which was already approved in terms of par 10.3/10.4, the relevant authority must decide whether the reasons indicated by the relevant employee to withdraw the intent of resignation is acceptable or not and indicate the decision in writing.

20. **MONITORING, EVALUATION AND REPORTING**

20.1 The CD: CRM and D: HRPA shall keep statistics of number of the number of employee who exit the Department (see PSR 1/III/J), due to the following reasons:

20.1.1 Resignation,

20.1.2 Dismissal,

20.1.3 Transfer to another Department,

20.1.4 Retirement,

20.1.5 Early retirement, and

20.1.6 Death.

20.2 Exit interview reports must be used to do a comparative analysis, which must provide trend information that can be used to address Corporate Resource Management practices of the organization. Such use must take place with due consideration of the privacy of the employee and supervisor in question.

20.3 The findings of the comparative analysis regarding exit interviews shall be presented to the MANCO meeting on a quarterly basis, for evaluation and remedial purposes.

21. **POLICY REVIEW**

The policy shall be reviewed as or when required by legislative changes.

A **DEFINITION OF TERMS**

In this policy, unless the content otherwise indicates and any word or expression has the meaning assigned thereto in the Public Service Act, or any regulations in force there under, unless the context otherwise indicates.

Policy & Procedure on Employees Exiting the Department

TERM	DEFINITION
Abscondment	When an employee absents himself/herself without permission from his/her official duties for a period of one calendar month;
Approved retirement fund	A fund other than a related fund, which has been registered as a pension fund organization in terms of the Pension funds Act, 1995 (Act No 24 of 1956) and which has been approved as a pension fund, retirement annuity fund or provided fund in terms of the Income Tax Act, 1962 (Act No 58 of 1962), and
Casual employee	An employee working on a short-term basis for a period of 12 months or less.
Resignation	When an employee terminates his/her
Expiry of the period of contract of employment	
Death	
Retirement	
Transfer to another Department	

Bring in all terminology