



## Termination of Service Policy

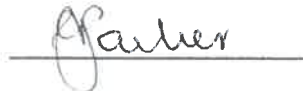
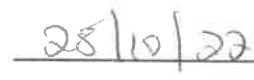
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**Version** : 01

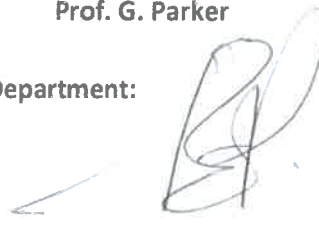
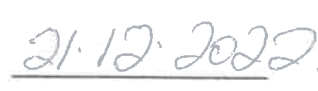
**Publishing Date** : October 2022

**Review Date** : No sooner than 18 Months and no later than 3 years after the publishing date

**Responsible Manager** : Director for Corporate Services

**Recommended** :   
Prof. G. Parker   
Date

**Approved by the Head of Department:**

  
Mr. R. Pieterse   
Date

- 4.1.3. An employee must obtain a Z280 form from the human resource management component for completion and submit together with the written notice of resignation to HRM component via the supervisor/manager.
- 4.1.4. Should an employee wish to withdraw his/her notice of resignation, approval must be solicited and may be granted by the Head of Department. The withdrawal should take place within the notice period.
- 4.1.5. An Exit interview should be conducted, in that way the employee will feel that his/her views are acknowledged and that she/he was an asset to the Department and his/her exit will make the employer improve its short falls, so that it does not lose valued individuals that make a difference in the department or unit.
- 4.1.6. If an employee resigns because of better offer, but really made an **impact** in the department, he/she can/may be counter offered in terms of the Public Service Regulations 2016, Section 44 Subsection 2.

#### **4.2. Retirement**

- 4.2.1. Employees who were appointed prior to 1<sup>st</sup> October 1993 shall have the right to retire from the Public Service on the date of attaining the age of 65 years.
- 4.2.2. Those who were appointed on or after 1<sup>st</sup> October 1993 shall have the right to retire on the date of attaining the age of 60 years.
- 4.2.3. An employee shall have the right to early retirement between ages 55 to 59 years.
- 4.2.4. Upon attaining the age of 55 to 59 years, an employee who wishes to retire early shall give at least three calendar months written notification.

#### **4.3. Discharge of Officer**

- 4.3.1. The Head of Department shall exercise his/her power to dismiss an employee in accordance with Labour Relations Act, and with the following conditions as outlined in section 17 (2) of the Public Service Act and the collective agreements:
  - 4.3.1.1. Incapacity due to ill-health or injury

4.3.1.2. Operational requirements of the department as provided in the Labour Relations Act

4.3.1.3. Incapacity due to poor work performance or

4.3.1.4. Misconduct

#### **4.4. Ill – Health Retirement**

4.4.1. The employer may, in terms of the applicable legislation, consider on the basis of medical evidence, the discharge of an employee on account of ill health if this prevents the proper performance of the employee's duties.

4.4.2. A discharge on account of ill-health must occur with due regard to item 10 of schedule 8 of the Labour Relations Act 1995.

4.4.3. An employee may decide to apply for ill-health retirement. The employer must however submit an application for ill-health retirement as soon as it is evident that the employee may not be able to return to work following incapacity.

4.4.4. The application for ill-health retirement must be done in accordance with the PILIR procedures.

4.4.5. The application for ill-health retirement must be submitted in the prescribed form in terms of PILIR to the HR component.

4.4.6. Once it has been decided that the employee must retire on grounds of ill-health, the employer must submit to the Government Employee Pension Fund copies of the relevant documentation including the advice of the Risk Manager to implement the payment of ill-health benefits.

#### **4.5. Poor Work Performance**

4.5.1. Any discharge for incapacity due to poor work performance must comply with the provision of section 17 (2) (c) of the Public Service Act, 30 of 2007 as amended and with the provision of Labour Relations Act, 1995 schedule 8 item 9.

4.5.2. The employer shall discharge the employee after having determined that the employee failed to meet performance standard, and the employee was aware of

the performance standard he/she was afforded the opportunity to meet the required performance standard and dismissal was the appropriate sanction for not meeting the required performance standard.

#### **4.6. Operational Requirements**

4.6.1. When the Head of Department discharges an employee based on operational requirement, he/she must comply with section 17(2)(b) of the Public Service Act of 2007.

4.6.2. The relevant Head of Department must approve such discharge, provided that the dismissal was to give effect to a requirement based on the employer's economic, technological, structural, or similar needs; the dismissal is operationally justifiable on rational grounds; and there was a proper consideration of alternatives and the selection criteria were fair and objective.

#### **4.7. Misconduct**

4.7.1. An employee will be found guilty if he/she amongst other things performs acts of misconduct as defined in Public Service Co-ordinating Bargaining Council Resolutions 2 of 1999.

4.7.2. In dealing with cases of alleged misconduct the employer and the affected employee will comply with the provision of the Disciplinary Code and Procedure, Public Service Act, 103 of 2007 PSCBC Resolution 2 of 1999 and the Labour Relations Act, 1995.

4.7.3. An employee may be discharged from the employment of the Public Service on account of an act of misconduct in accordance with section 17 (2) (d) of the Public Service Act, 103 of 2007.

#### **4.8. Abscondment**

4.8.1. An employee who absents himself/herself from the official duties without permission of the Head of Department or his/her delegate for a period exceeding

one calendar month shall be deemed to have been dismissed from the Public Service.

4.8.2. The dismissal date shall be with effect from the date immediately succeeding the last day of attendance at his/her place of work.

#### **4.9. Completion of Fixed Term Contract**

4.9.1. The service of an employee on a fixed term contract shall automatically cease at the end of the contract period.

4.9.2. Extension may be granted because of additional operational requirements in relation to the original contract.

4.9.3. There must be clear operational grounds for extending the contract.

#### **5. Roles and Responsibilities**

5.1. Each manager/supervisor as well as the head of Human Resources Management component should monitor and ensure adherence to the provision of this policy.

#### **6. Review and Distribution**

The manager for Corporate Services is responsible for this policy and for ensuring that it is reviewed and updated.

- a. This Policy will be reviewed no sooner than 18 months and no later than 3 years of the last publication date. If necessary, an updated version will be issued, if not a formal cover letter will be issued to supplement the cover of this Policy (identifying a revised publication date).
- b. The senior manager for Strategic Management, Organisational Development and Institutional Performance will distribute updated versions to:
  - Member of the Executive Council
  - Head of Department
  - All Senior Managers who will in turn distribute to their staff as appropriate.

