



agriculture &  
rural development

Department:  
Agriculture and Rural Development  
North West Provincial Government  
REPUBLIC OF SOUTH AFRICA



# **DIRECTORATE: HUMAN RESOURCE MANAGEMENT**

## **SERVICE TERMINATION POLICY**


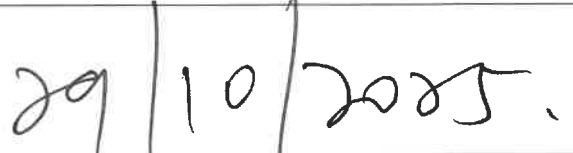
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<b>Organisation</b>	<b>Department of Agriculture and Rural Development</b>
<b>Directorate</b>	<b>Human Resource Management</b>
<b>Policy</b>	<b>Service Termination Policy</b>
<b>Policy Ref No.</b>	<b>3/8/P</b>
<b>Compiled by</b>	<b>Human Resource Management</b>
<b>Approved by</b>	<b>Head of Department :</b>  <b>Signature</b> 
<b>Date of effect</b>	

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## **1. INTRODUCTION**

1.1 The Department of Agriculture and Rural Development aims to regulate the process of termination of services of its employees in a fair and procedural manner, which could be initiated by either the employer or employee.

## **2. ABBREVIATIONS AND DEFINITIONS**

<b>Department</b>	:	Department of Agriculture and Rural Development.
<b>Employee</b>	:	Individuals appointed according to the Public Service Act, 1994 as amended
<b>Health Risk Manager</b>	:	An independent natural / juristic person / company appointed by the employer to advise on the granting of incapacity leave and ill-health retirement of employees.
<b>Incapacity</b>	:	Diagnosis for illness or injury, which renders the employee unable to report for duty.
<b>PILIR</b>	:	Policy and Procedure on Incapacity Leave and Ill- Health Retirement.
<b>Unfitness</b>	:	Incompetence / incapability.
<b>Deemed Dismissal</b>	:	Termination of employment by operation of the law

### **3. PURPOSE AND OBJECTIVES**

- 3.1 To provide broad policy framework regarding termination of services of employees.
- 3.2 To provide for conditions and guidelines about various service termination situations.

### **4. PRINCIPLES**

- 4.1 It is the policy of the Department that all employees shall be aware of and follow upon their service termination.
- 4.2 The Department strives to always treat its employees with fairness and compassion on termination of service.

### **5. LEGISLATIVE FRAMEWORK**

- 5.1 Public Service Act, 1994 as amended
- 5.2 Public Service Regulations 2016 as amended
- 5.3 Labour Relation Act, 1995 as amended
- 5.4 Basic Conditions of Employment Act, 1997 as amended
- 5.6 Policy and Procedure on Incapacity Leave and Ill Health Retirement
- 5.7 Determination on employee-initiated severance package.

### **6. SCOPE OF APPLICATION**

- 6.1 This policy is applicable to all the employees of the Department of Agriculture and Rural Development

### **7. POLICY STATEMENT**

- 7.1 Public Service Act 103, 1994 and Public Service Regulations 2016 as amended mandates the department to adhere to the provisions related to service termination.

A handwritten signature in black ink, consisting of a stylized 'T' followed by a cursive 'W'.

## **8. POLICY PROVISIONS**

8.1 The Directorate Human Resource Management shall be responsible for ensuring that termination of service of employees is procedurally and substantively fair.

### **8.1.1 Retirement**

- a) All employees shall retire at the age and in the circumstances specified in section 16, of the Public Service Act, 1994 as amended.
- b) An employee shall upon attaining the age of 65, be retired from the Public Service. The employer shall issue him/her with notification of his intended retirement at least three (3) calendar months prior to the actual date of his /her retirement.
- c) An employee has the right to an earlier retirement age and he/she shall give written notification to the Head of Department or delegate through his / her head of section of his/her wish to retire.
- d) The employee's notification to the department should be given at least three (3) calendar months prior to the intended date of his/her retirement.
- e) Employee's notification for early retirement (55-59) and normal retirement (60-64) shall be approved as follows: Salary level 2-12, Chief Director: Corporate Services and for Salary levels 13-14, the Head of Department.
- g) If it is in the interest of the department to retain an official in his/her post beyond the age at which he/she is required to be retired, and with his/her consent he/she may be retained in the post he/she occupies, on a contract basis, for a period of not more than two (2) years following approval by the Executive Authority.

### **8.1.2 Resignation**

- a) An employee may, in terms of PSR 2016, Chapter 4, Part 4(69) resign from the public service, and ensure compliance with the following:

- i. in the case of any employee who has been employed for one (1) year or more, give at least a month's notice of resignation starting from the first day of the month in which he/she intends to resign.
  - ii. in the case of an employee who has been employed for more than six (6) months but not more than a year, give at least two (2) weeks' notice of resignation.
  - iii. in the case of any employee who has been employed for six (6) months or less, give at least one (1) week resignation notice.
- b) Subject to section 16B (6) of the Public Service Act, the Executive Authority and the employee may agree to a period of notice shorter or longer than the applicable period referred to in (a) above.
- c) If a notice of resignation is given in terms of (b) above, the Executive Authority or his /her delegate may require the employee to return all official equipment and documents, vacate his or her office and leave the department's premises before the expiry of the notice period on a day stipulated by the Executive Authority or his/her delegate and not to perform any duties for the remaining notice period.
- d) If the Executive Authority acts in terms of (c) above, the benefits of the employee shall remain unaffected.
- e) If an employee is appointed as a permanent delegate of the National Council of Provinces, National Assembly or of any Provincial Legislature he/she is deemed as having resigned from the Public Service with effect from the date immediately before the date he/she assumes office as a delegate.

### **8.1.3 Withdrawal of service termination**

- a) An employee who has submitted his or her service termination through a resignation or retirement to the department, may only withdraw his or her service termination following receipt of written approval granted by the Executive Authority/ delegate for his/her service termination withdrawal which approval shall be made no later than the last working day.

#### **8.1.4 Ill-Health Retirement**

- a) The Executive Authority or his/her delegate 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, 1994 as amended on account of ill health.
- b) The Executive Authority or his/her delegate may require an employee to undergo a medical examination by a registered medical physician through a recommendation by the Health Risk Managers.
- c) A discharge on account of ill-health shall occur with regard to item 10 of schedule 8 of the Labour Relations Act.

#### **8.1.5 Termination of Probation**

- a) An employee's services may be terminated through termination of his/her probation on account of poor performance. This shall occur with regard to item 9 of schedule 8 of the Labour Relations Act

#### **8.1.6 Dismissal**

- a) An Executive Authority or his/her delegate may on the basis of a serious misconduct committed by an employee, discharge the employee in line with the provisions of Resolution 01 of 2003.

#### **8.1.7 Deemed Dismissal**

- a) An employee of the Department who absents himself or herself from his/her official duties without the permission of his/her manager or supervisor, for a period exceeding one calendar month shall be deemed to have been discharged from the Public Service on account of misconduct with effect from date immediately succeeding his or her last day of attendance at his or her place of duty.

- b) The item (a) above is by operation of the law in terms of section 17(3)(a) of the Public Service Act, 1994 as amended.
- c) In the event where an employee who is deemed to be discharged, reports for duty, he/she must under no circumstances be allowed to resume duty by his/her supervisor/manager.
- d) He/she must be informed of his/her rights to apply for re-instatement in terms of section 17(3)(b) of the Public Service Act, 1994 as amended if he /she so wishes.
- e) The relevant Director should issue a letter informing the employee that he/she is deemed dismissed in terms of section 17(3)(a) of the Public Service Act, 1994 as amended. This is an administrative process and has no effect in the application of the act once the employee has failed to report for duty for a period exceeding one calendar month without permission.
- f) Once the employee is deemed dismissed, normal termination processes will be followed unless the employee has invoked provisions of section 17(3)(b) of Public Service Act, 1994 as amended, for practical purpose, the salary may be frozen pending outcome of representation.

#### **8.1.9 Conducting of Exit Interviews**

- a) The Directorate HRM shall conduct and record exit interviews with employees who are terminating their services with the department and record the reasons given by the employee for his or her service termination.

### **9. MONITORING, EVALUATION AND REVIEW**

- 9.1 The Human Resource Management Human Resource Management should monitor and ensure adherence to the provisions of this policy
- 9.2 This policy is subject to review every five years or when necessary to ensure that, is aligned to current legislation and working conditions. When this policy is amended, the amended policy will therefore supersede this one.

## **10. RELATED POLICIES**

10.1 The policy should be read together with all other relevant human resources policies. Ministerial directives will take precedence over any provision of this policy should there be any contradiction.

## **11. COMMENCEMENT OF THE POLICY**

11.1 This policy shall be implemented by the Department with effect from the date of approval and signature by the Head of Department.