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LOCAL MUNICIPALITY – PLAASLIKE MUNISIPALITEIT

EXIT POLICY

Policy Number: EP -1	Approved by Council: 01 August 2013
Resolution No: A52/07/2013	Review Date:

PURPOSE

To lay out the procedure on how exits from the municipality will be managed. Exits deal with resignations, abscondment, retirements, boarding due to illhealth, completion of fixed-term contract and dismissal.

2. SOURCE DOCUMENTS

This policy needs to be read in conjunction with the Basic Conditions of Employment, Municipal Systems Act Regulations, Labour Relations Act, Disciplinary code, Municipal Systems Act, 32 of 2000 as amended and the relevant pensions rules, procedures and regulations.

3. RESIGNATION

An employee may resign from the Municipality of his/her free will at any time by giving the employer notice in writing. Human Resource staff will acknowledge receipt of resignation before it takes effect and it can only be withdrawn with the consent of the Head of Department on condition that the resignation has not taken effect.

When an employee accepts nomination as a member of parliament/provincial or Local Government Executive Committee or accepts full-time employment elsewhere he/she is considered to have resigned.

An employee should submit his/her resignation and shall indicate reasons for the resignation in writing.

4. NOTICE OF TERMINATION OF EMPLOYMENT

- 4.1 Employees paid monthly must give at least one calendar month's written notice with effect from the first day of a month, or the earliest possible date.
 - 4.2 Short notice can be approved if there are no large liabilities and the HRM and Financial Services offices should determine whether the liabilities will be met by pension contributed. Short notice is anything less than the prescribed period.
 - 4.3 Temporary employees who have been employed for less than four weeks must give at least one week's notice of resignation.
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4.4 In the case of any temporary employee who has been employed for more than four weeks must give at least two week's notice.

4.5 An Officer shall give at least three calendar months written notification of his/her intention to retire prior to the date he/she attains the retirement age applicable to him/her.

5. ABSCONDMENT

An employee who absents himself/herself from duty without permission for a period exceeding 10 days will be deemed to have absconded with effect from the last date immediately succeeding his/her last day of attendance at his/her place of duty.

A separate policy must be developed to deal with this issue. The definition of terms, and the steps to be strictly adhered to when handling abscondment cases are clearly stated thereon.

6. PREMATURE RETIREMENT [below 55 years of age]

In exceptional cases, the Municipal Manager or designated officer may approve a request for premature retirement.

7. EARLY RETIREMENT

An employee has the right to retire from the Municipal Service from 55 years of age onwards, with reduced benefits in terms of the Pension Fund provisions.

8. RETIREMENT AGE

An employee shall retire from the Municipal Service on the last day of the month in which he/she attains the age of 65 years.

Employment beyond the age of 65 will only be permitted in exceptional circumstances where the Employer can clearly demonstrate that the employee in question is the only person who can carry out the duties in question and the employee is willing to extend his/her service. He/She should be employed on a fixed-term contract for a period of not more than 12 months at a time and for a maximum period of 2 years only.

9. TERMINATION DUE TO ILL-HEALTH

The Executive Director: Corporate Services may on the basis of medical evidence consider the discharge of an employee on account of illhealth.

He/she may also require an employee to undergo a medical examination by a registered physician.

Three professional medical authorities acting independently should evaluate the employee and agree that he/she is permanently unfit for duty.

The Department will consider other suitable jobs he/she can perform.

The HOD or designated officer shall where a person is declared to be temporary disabled within 80 working days investigate the extent of inability to perform normal official duties and if both the employer and the employee are convinced that the employee will never be able to perform any type of duties, the employer shall proceed with discharge as a result of ill-health.

Re-employment can be considered subject to medical evidence of his/her fitness and that he/she will have to comply with the current provisions for the filling of vacant posts.

10. COMPLETION OF FIXED-TERM CONTRACT

Employees appointed on fixed-term contract will have their contract terminated at the end of the contract period. Extension may be considered on condition that the job requirements do not completely constitute new requirements, that the employee did not deliver outcomes in the original timescale, that there are clear operational grounds for extending the contract and that the employee's performance has been wholly satisfactory. The period of extension must not exceed the previous fixed term period.

11. INCAPACITY

11.1 A termination due to incapacity or inefficiency must be dealt with in terms of Collective Agreements and schedule 8 of the Labour Relations Act, 1995. Before procedures for termination can be instituted, the following must be taken into account:

- a. The employer must be able to demonstrate that the employee has consistently failed to perform to the required standard,
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notwithstanding all possible remedial measures, including opportunities for improvement provided by performance management system policy.

- b. The employer can demonstrate that the employee is incapable of improving or unwilling to improve his/her performance.
- c. There is no vacant post/ job within the organization which the employee is capable of doing within his/her capacity and willingness to perform to a satisfactory standard.

11.2 The Municipal Manager or his/her delegate must approve such discharge. The Head of Department will be responsible for ensuring that such discharges are procedurally fair.

12. MISCONDUCT

12.1 Employees are required to uphold the highest standard of professional and personal behaviour, as laid down in the Code of Conduct for Public Servants. An employee who is guilty of misconduct so serious as to render her or him unsuitable for employment in the Public Service is in effect, in breach of her or his contract and may therefore be dismissed.

12.2 Dismissal for misconduct must be effected in terms of the SALGBC Resolution and its Disciplinary Code. Procedures for dismissing an employee on grounds of misconduct should comply with the following:

- a. There should be proven evidence of the alleged misconduct.
- b. Disciplinary action, short of dismissal, should be considered before a decision to dismiss is taken.
- c. The employee should be given a written notice of the intention to discipline her or him, and adequate opportunity to make representations, with the assistance of a personal representative of her/his choice, within the Disciplinary Code of the municipality.

13. INDUSTRIAL ACTION

13.1 Participation in a strike that does not comply with chapter IV of the Labour Relations Act, 1995 as amended is a misconduct. However like any other act of misconduct, it does not always deserve dismissal. Procedure for dealing with misconduct must be followed. The fairness of dismissal must be determined in the light of:

- a. The seriousness of the contravention of the Act (L R Act as amended).
- b. Attempts made to comply with the Act.
- c. Whether or not the strike was in response to unjustified conduct by the employer.

14. COMMUNICATION

This policy shall be communicated to all municipal employees using the full range of communication methods available to the municipality, including Induction/orientation programmes.

15. POLICY REVIEW

Notwithstanding the review date herein, this policy shall remain effective until such time approved otherwise by Council and may be reviewed on an earlier date if necessary.

All proposed amendments will serve before the Local Labour Forum for recommendations and the Council for approval.

16. BUDGET AND RESOURCES

The financial and resource implication/s related to the implementation of this policy should be practical and planned accordingly.

17. ROLES AND RESPONSIBILITIES

The relevant Director or his/her delegate assignee accepts overall responsibility for the implementation and monitoring of the policy. The Municipal Manager assumes final accountability.

18. PENALTIES

Non compliance of any of the stipulations contained in the policy will be viewed as misconduct and will be dealt with in terms of the municipality's Disciplinary Code.

19. DISPUTE RESOLUTION

Any dispute arising from this policy due to ambiguous wording or phrasing must be referred to the Local Labour Forum for adjudication. Resolutions

from the Local Labour Forum must be incorporated into the policy, after Council has finally approved such.