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A Better Place for All

TERMINATION OF SERVICE POLICY

Date Approved:	30 th MAY 2023
Date Implemented:	2023/2024

1. PURPOSE

The objective of this policy is to outline policy guidelines for the termination of service of employees employed within Dr Nkosazana Dlamini- Zuma Local Municipality.

2. SCOPE OF APPLICABILITY

The policy is applicable to all officials of the Dr Nkosazana Dlamini- Zuma Municipality who are appointed in terms of the Municipal Systems Act and who fall within the scope of Local Government Bargaining Council and including Section 57 employees.

3. DEFINITIONS

3.1 "Employer" means the Dr Nkosazana Dlamini- Zuma Municipality/ Council that utilizes the efforts of employee to render services to communities.

3.2 "Employee" means a person employed by the employer to carry out certain duties and responsibilities in return for remuneration.

3.3 "Council" means the council of Dr Nkosazana Dlamini- Zuma Municipality.

4. TERMINATION OF SERVICE

- 4.1 Subject to the provisions of this policy, and all relevant legislation, the Council, in the case of the Municipal Manager and his direct reports, and the Municipal Manager in the case of other staff, may terminate the services of an employee on a date determined by the Council or the Municipal Manager for any of the following reasons and with strict adherence to relevant legislation:
- 4.2 The attainment of the pensionable age as determined by the regulations of the relevant pension fund, or as per the law of the Republic where the employee is not a contributing member of such fund of which he would normally have been a member had he/she qualified for membership.
- 4.3 Continued ill-health or continued physical disability which, in the opinion of a Medical Practitioner, renders such employee unfit for the effective execution of the duties attached to the post occupied by him.
- 4.4 The forfeiture of certificate of competence, license or authorization without which the employee is unable to perform the duties attached to the post occupied by him/her.
- A conviction of misconduct in terms of Disciplinary Policy.
 - The expiry of the employee's contract with the municipality.
 - If the employee and Council/ Municipal Manager agree thereto.
 - If the Municipal Manager, on or before the date of completion of a probationary period of an employee, is of the opinion that he is not fit for the post occupied by him, the Municipal Manager may give such employee at least 1 (one) working month's written notice that his services will be terminated on a specific date; provided that a fair procedure has been followed.
 - When an employee serves a term of imprisonment in terms of a sentence imposed by a competent court.
 - Contract employee in terms of their contracts of employment.
- 4.5 The services of an employee who retires in terms of the provisions of the regulations of an approved pension fund or at such age as may be determined in clause 4.2 shall be terminated on the last day of the calendar month in which he retires.

4.6 Where a re-organization of the Municipality's service results in the post occupied by an employee being declared redundant and abolished by the Council or the Municipal Manager as the case may be, or for operational requirements, the services of such employee may be terminated only if the employee cannot be transferred or demoted by the Council or Municipal Manager as the case may be, to another post in the Municipality's service provided that:

- In the case of permanent employee or a contract employee, who is a member of an approved pension fund, such termination of service shall take place in terms of the regulations of the pension fund, provided further, that such permanent employee shall receive at least 3 (three) working months' written notice of termination of service, and for such contract employee the period of notice of in terms of his contract of employment.
- The provisions of all relevant legislation are strictly adhered to.

4.8 That on date of termination the employer pays the employee:

- (a) for any paid time off that the employee is entitled to that the employee has not taken.
- (b) Remuneration for any period of annual leave due that the employee has not taken.
- (c) severance pay equal to at least one week's remuneration for each completed year of continuous service.

4.9 An employee who absents himself for a period exceeding 15 (fifteen) consecutive working days without the Municipal Manager's permission or a reason acceptable to the Municipal Manager and without the Municipal Manager being informed during such period of the reason for such absence shall, unless the Municipal Manager determines otherwise, be deemed to have absconded on the first working day on which he was so absent. Absence of the Municipal Manager and his direct reports shall be dealt with in terms of their contracts of employment.

4.10 Subject to any provisions to the contrary contained in this policy or in an employee's service contract with the municipality, notice termination of service by either the Council/Municipal Manager or the employee shall be given in writing, and the period from the date of such notice to the date of

such termination of service shall be at least as set out hereunder. Provided that the Council/Municipal Manager or the employee, as the case may be, may accept a shorter period, as follows:

- (one) working day in the case of daily-paid employee;
- (one) working week in the case of a weekly-paid employee;
- (two) working weeks in the case of a two-weekly-paid employee;
- (one) working month in the case of a monthly-paid employee;
- In the case of a contract employee, in terms of his contract of employment.

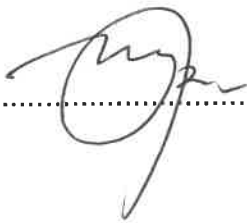
- 4.11 Subject to any provisions to the contrary contained in this policy or unless the Council/Municipal Manager and the employee agree to accept a shorter period of notice of termination of service than is required in terms of this clause, the Council/Municipal Manager shall where such shorter period of notice is given, pay the employee his pay in terms of the period agreed.
- 4.12 Unless both the Council/Municipal Manager and the employee agree thereto, a period of notice of termination of service shall not coincide with any period of approved leave of absence on full or half-remuneration.
- 4.13 The expiry of the service contract of a contract employee shall not be deemed to constitute a termination of service if, before or on the date of expiry of his service contract, the employee rejoins the service of the municipality with the consent of the Council/Municipal Manager through proper processes or in the case of the Municipal Manager and the managers reporting directly to him by Executive Authority.
- 4.14 The termination of the services of the Municipal Manager shall be handled by the Executive Authority and in terms of his contract of employment.
- 4.15 The termination of the services of the managers reporting directly to the Municipal Manager shall be handled by the Executive Authority in consultation with the Municipal Manager and in terms of the contracts of employment of such managers.
- 4.15 On termination of employment an employee is entitled to a certificate of service stating:
- (a) The employee's full name;
 - (b) The name and address of the employee;
 - (c) A description of any council or sectorial employment standard by which the employer's business is covered;

- (d) The date of commencement and the date of termination of employment;
- (e) The title of the job for which the employee was employed at the date of termination;
- (f) The remuneration at the date of termination.

5. COUNCIL APPROVAL AND EFFECTIVE DATE

Approval of Policy by Council and Effective date: -----

MUNICIPAL MANAGER


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DATE

30/05/2023

