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Regulation for Appointment and/or Continuation of Service after the age of 65

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HEMIS classification	
Aim	To set out the procedure for appointment and/or continuation of service after the age of 65
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Institutional functionary (curator) responsible for this code	Chief Director: Human Resources
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The English version of this document is the operative version, and the Afrikaans version is a translation thereof.

The core of this regulation

The core of this regulation is to provide the framework for appointment and/or continuation of service after the age of 65.

1. Introduction

The SU Council decided in 2014 that the retirement age for all employees will be 65. This means that staff have to retire no later than 31 December of the year in which they reach the age of 65. The SU Council also decided that staff who (a) render an excellent service on a continuous basis and (b) also have scarce (almost irreplaceable) skills may be nominated to continue their employment at the University until the age of 70. The University recognizes that the need might arise to appoint external persons beyond age 65 who will also be subjected to this regulation.

The regulations are based on the following principles:

- **continued need for the services** as identified by the environment.
- **excellent service** as referred to in the Performance Management Policy and Strategy in that the performance surpasses the expected standards in all respects.
- **scarce skills** as defined, but not limited to, in the *National List of Occupations in High Demand* of the Department of Higher Education and Training (DHET)
- **continuation of service** should not impede the transformation imperative of SU

2. Application of the regulation

This regulation replaces any other regulatory framework that deals with the employment of persons beyond the age of 65. It applies to current employees who are permanently appointed and any external person who meets the criteria provided for in this regulation.

There may be instances that require appointments of persons beyond the age of 65 that cannot be dealt with in terms of this Regulation. This may be due to the fact that the Institutional Oversight Committee (IOC) meets only once per year to consider nominations. It may also be due to the fact that there may be pressing operational

needs that warrant the appointment of persons beyond 65 who may not meet the criteria in terms of the Regulation. Accordingly, this Regulation permits the Chief Director: Human Resources to approve appointments of persons beyond age 65 for the following limited reasons only:

- A limited duration appointment pending the filling of a scarce skills position for the purposes of succession planning and knowledge transfer. The process of filling the vacancy must have commenced.
- Involvement in a project which commenced prior to the employee reaching the age of 65. The continuation of service beyond age 65 in order to work on a project, is limited to 12 months. Any application for a period longer than 12 months must be considered in terms of this Regulation.
- A limited duration appointment pending an employee who has been appointed and is awaiting a work visa.
- The need for a replacement where an employee is temporarily absent from work due to research leave, maternity leave, leave due to ill health/incapacity, parental leave and adoption leave.
- Adjunct academic appointments (industry experience).
- Clinical skills transfer limited to a defined period.
- A vacancy arising due to unforeseen circumstances as a result of: termination of employment, resignation, death.

The period of appointment cannot be longer than twelve (12) months. Any re-appointments or extension of contracts must be approved by the CD:HR before being implemented.

Appointments of this nature must be dealt with in terms of the *Guidelines regulating fixed term appointments exceeding three (3) months* ("the Guidelines") These Regulations authorises the Chief Director: Human Resources to develop the Guidelines to make provision for these appointments. The Chief Director: Human Resources serves as the approval authority for appointments of this nature.

3. Definitions

- **A-rated researcher with the NRF** – Researchers who are unequivocally recognised by their peers as leading international scholars in their field for the high quality and impact of their recent research outputs as defined by the NRF.
- **B-rated researcher with the NRF** – Researchers who enjoy considerable international recognition by their peers for the high quality and impact of their recent research outputs as defined by the NRF.
- **DHET** – Department of Higher Education and Training
- **IOC** – Institutional Oversight Committee – approves nominations for appointment and/or continuation of service beyond 65
- **Occupations in High Demand** – those occupations that show relatively strong employment growth, or are experiencing shortages in the labour market as defined by the DHET
- **Scarce skills** – highly sought-after, almost irreplaceable skills

4. Purpose of the regulation

These regulations are intended to provide a mechanism by which highly sought-after skills can be attracted or retained for an appointment period of up to the age of 70 to enable and advance knowledge and skills transfer.

5. General Criteria

All the following criteria must be met in order to motivate for appointment or continuation of service after 65.

- 5.1 The environment must have identified the need to attract or retain the employee's services beyond age 65.

- 5.2 The multi-year workforce plan of the relevant environment provides for appointment or continuation of service without inhibiting Succession Planning, Knowledge Transfer, and without compromising Financial Sustainability.
- 5.3 The environment must demonstrate, by reference to its profile, that the appointment or continued service of the employee will not impede the transformation imperative of SU.
- 5.4 The employee must show high productivity supported by exceptional performance for the preceding three performance evaluation cycles.
- 5.5 A significant part of the duties of the employee after age 65 must involve knowledge and skills transfer.
- 5.6 The employee must possess highly sought-after skills as defined in this regulation or consistently have demonstrated exceptional performance.

6. Criteria applicable to Academic Staff

- 6.1 In addition to the general criteria, the following criteria are applicable to academic staff.
- 6.2 The Academic staff member must:
 - 6.2.1 Be an A-rated NRF academic staff member; or
 - 6.2.2 Be a B-rated NRF academic staff member; or
 - 6.2.3 hold a grant in the year that they reach the age of 65; or
 - 6.2.4 possess highly sought-after skills as defined in the National List of Occupations in High Demand published by the DHET.
- 6.3 NRF A-rated academic employees may continue service after the age of 65 with retention of funding for the post provided that:
 - 6.3.1 they retain their NRF A-rated status; and
 - 6.3.2 their continued service advances the transformation imperative of SU.

- 6.4 In the case of other academic employees (employees who are not NRF A-rated academic employees), the following applies to the funding of the position:
- 6.4.1 external funding must be available for the remuneration of the employee continuing service after reaching normal retirement age of 65.
 - 6.4.2 the remuneration from the main budget linked to the post becomes available as the post that the staff member occupied becomes vacant.
- 6.5 In the event that the grant or external funding ends prior to the employee reaching age 70, the employee's employment will automatically terminate at the stage where the grant or external funding is no longer available.
- 6.6 Should the employee's NRF A-/B-rating not be renewed, the academic staff member is required to retire no later than December of the particular year or at age 70, whichever occurs first.

7. Criteria applicable to Support Staff

- 7.1 In addition to the general criteria, the following criteria are applicable to support staff.
- 7.2 Support services staff members must possess scarce, almost irreplaceable skills as defined in, but not limited to, the *National List of Occupations in High Demand* published by the DHET.

8. Process to obtain approval for the continuation of service

- 8.1 Deans and Responsibility Centre Heads (RC-Heads), with the assistance of the Human Resources practitioner responsible for the environment, must submit a motivation for each employee over the age of 65 that is nominated for appointment or continuation of service.

- 8.2 The motivation for continuation of service must be provided by no later than 31 July of the year preceding the year in which the employee is recommended for continuation of service. Should it be necessary for planning or retention purposes to do so earlier, this must be indicated in the motivation.
- 8.3 The motivation must include the following:
- 8.3.1 Biographical details (name, age, job title, grade and environment)
 - 8.3.2 How the position is currently funded (internal/external) and will be funded during the continuation of service
 - 8.3.3 Performance marks for the previous three performance cycles
 - 8.3.4 Description of the nature and level of the recommended employee's exceptional contribution, including NRF-rating where applicable
 - 8.3.5 The nature of the scarce (occupations in high demand) expertise
 - 8.3.6 A detailed plan for succession and knowledge and skills transfer
 - 8.3.7 Current responsibilities and future responsibilities as agreed upon in the work agreement
 - 8.3.8 Envisaged contribution to the advancement of the transformation imperative of SU, e.g. mentorship of upcoming academics from the designated groups.
 - 8.3.9 The proposed duration of the continuation of service and terms and conditions thereof.
 - 8.3.10 An indication that the employee being recommended is available and will accept the continuation of service beyond age 65.
- 8.4 In respect of Academic staff members, the Dean identifies staff members (aged 60 and older) and motivates why these staff members meet the criteria as set out in this regulation to continue in service beyond age 65. The motivations must be presented to the meeting during the third term of the Appointments Committee of Senate (AC(S)). The Dean has the opportunity to present the motivation(s) for continuation of service to the AC(S). In the event of an external appointment of a person older than 65, the Dean must arrange with the AC(S) to recommend the appointment.

8.5 The AC(S) must consider the motivation and make a final recommendation to the Institutional Oversight Committee.

8.6 In respect of Support Services staff members, the Dean/RC-Head identifies staff members aged 60 and older and motivates why these staff members meet the criteria as set out in this regulation to continue service beyond age 65. The motivation must be made directly to the Institutional Oversight Committee. The Dean/RC-Head has the opportunity to present the motivation(s) for continuation of service to the Institutional Oversight Committee.

9. Approval of motivations

9.1 Motivations are considered and approved by an Institutional Oversight Committee (IOC) The committee is constituted as follows:

- Rector (or his delegate) as chairperson;
- two members of the Rectorate (Post Level 2) appointed by the Rectorate;
- two Deans appointed by the EC(S) for a term of two (2) years;
- the Chief Director: Human Resources; and
- the Director: Employment Equity

9.2 The IOC has the following powers, role and responsibilities:

9.2.1 It may determine its own internal arrangements, including secretarial support, regularity of meetings including special arrangements for ad hoc-requests and manner of making decisions.

9.2.2 It must consider all motivations for appointment and continuation of service.

9.2.3 It can call on any person to provide further information that will assist in its consideration and decision-making.

9.2.4 It can approve or reject any motivation for the appointment or continuation of service and impose any conditions for the continuation of service.

9.3 The Division of Human Resources (HR) is responsible to convene the IOC and to communicate the IOC's decisions to the environment.

10. Variation of the employment contract

10.1 Any approval by the IOC for continuation of service beyond age 65 must specify any variations to the employee's benefits and conditions of service. This includes, but is not limited to:

- 10.1.1 The duration of the continuation of service;
- 10.1.2 Whether the employee will be required to work on a full-time or part-time basis;
- 10.1.3 The role and responsibilities of the employee;
- 10.1.4 The employee's working hours and location; and
- 10.1.5 The employee's benefits; and
- 10.1.6 Any other changes to the employee's conditions of service.

10.2 The approval of the IOC must indicate that the continuation of service is conditional upon the employee accepting the variations to the contract of employment.

10.3 The employee must indicate acceptance of the variations to the benefits and conditions of services of employment. The employee's acceptance must be in writing and in the manner and form prescribed in the offer for the continuation of service that must be presented to the employee.

10.4 Notwithstanding the duration of the continuation of service, the employee's services can be terminated before the specified end date for any reason justifiable in law, including misconduct, poor performance or operational requirements.

10.5 In cases where the employee is a grant holder or the post is externally funded, the duration of the contract must be linked to the period of the grant or external funding.

10.6 All benefits and conditions of service must be dealt with in terms of the University's policies, rules and guidelines applicable at any given time.

11. Monitoring of performance

It is expected that staff members who have been appointed or granted permission to continue their service after reaching the age of 65 years will maintain a level of exceptional performance. This will be based on the evaluation of whether or not the employee has met the outputs as agreed in terms of the work agreement. Interim performance discussions are encouraged.

If the level of performance is not maintained, the performance management process must be implemented.

12. Annual Reporting

Staff members who have been appointed or granted permission to continue their service after reaching the age of 65 years must submit a comprehensive annual report (template available on HR Web) on their work outputs with specific reference to the criteria as mentioned in 5 to 7 via the line manager to the Dean/RC-Head. The Dean/RC-Head must submit the report to Human Resources by the end of August for ratification by the Oversight Committee and must satisfy him-/herself that the report is accurate and that the employee has met the work outputs as agreed in terms of the work agreement.

13. General

Staff Members who have been granted continuation of service retains their membership of all SU statutory bodies as governed by the statutory body.

14. Supporting documents

Item no.	Name of document	Status <i>(e.g. identified, in process or approved)</i>
	National List of Occupations in High Demand published by the DHET	
	Performance Management Policy and Strategy	

15. Related documents

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