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## GOEWERMENTSKENNISGEWING

### KANTOOR VAN DIE STAATSDIENS- KOMMISSIE

**No. R. 1091**

**10 Junie 1994**

#### BYLAE

Hierby word vir algemene inligting bekendgemaak dat die President kragtens artikel 41 (1), saamgelees met artikel 43 (2) (b) en (d), van die Staatsdienswet, 1994, met ingang van 10 Junie 1994 —

- (a) die Staatsdiensregulasies, Personeelregulasies en ander soortgelyke regulasies uitgevaardig kragtens enige van die toepaslike Wette wat deur artikel 43 (1) van die Staatsdienswet, 1994, herroep word, herroep het; en
- (b) die volgende regulasies uitgereik het:

## GOVERNMENT NOTICE

### OFFICE OF THE PUBLIC SERVICE COMMISSION

**No. R. 1091**

**10 June 1994**

#### ANNEXURE

For general information it is hereby notified that the President has, under the powers vested in him by section 41 (1), read in conjunction with section 43 (2) (b) and (d), of the Public Service Act, 1994, with effect from 10 June 1994 —

- (a) repealed the Public Service Regulations, Staff Regulations and other like regulations issued in terms of any of the applicable Acts repealed by section 43 (1) of the Public Service Act, 1994; and
- (b) issued the following regulations:

## **"HOOFSTUK A**

### **ALGEMEEN**

#### **Woordbepalings**

A1.1 In hierdie regulasies, tensy/haar uit die samehang anders blyk, het 'n uitdrukking wat in die Wet omskryf is, dieselfde betekenis en beteken –

"afhanklikes" die lede van 'n beampte of werknemer se huishouding, maar nie ook bediendes nie;

"amptelike kwartiere" dié kwartiere, insluitende geboue, buitegeboue, die terrein, vaste toebehore, toebehore, masjinerie en uitrusting, maar uitgesonderd meubels, wat die eiendom van die Staat is of wat onder huurkontrak of andersins in die wettige besit van die Staat is en wat tot die beskikking van 'n departementshoof gestel is vir toewysing kragtens regulasie H5 of wat aan 'n beampte of werknemer kragtens regulasie H6 toegeken is;

"betaling" die salaris of loon wat gewoonlik aan 'n beampte of werknemer betaalbaar is wanneer in diens is en sluit in toelaes wat nie by salaris of loon inbegrepe is nie, met inagneming van regulasies met betrekking tot en opdragte deur die Kommissie of die Tesourie of deur die Tesourie op aanbeveling van die Kommissie uitgereik in verband met sulke toelaes;

"buiteland" 'n land of landstreek buite die grense van die Republiek;

## **"CHAPTER A**

### **GENERAL**

#### **Definitions**

**A1.1** In these regulations, unless the context otherwise indicates, an expression defined in the Act bears the same meaning and –

"abroad" means a country or region outside the borders of the Republic;

"adverse remark" means any written remark by a reporting officer or head of the office which, read in its full context, is adverse and also includes anything else in a report which the Commission may indicate as adverse;

"cycle" means a period of three years reckoned from 1 January 1959, and each succeeding period of three years;

"departementshoof" behalwe vir doeleindes van regulasie A4.1 ook die Staatsdrukker of die beampte of werknemer wat as sodanig waarneem;

"die Wet" die Staatsdienswet, 1994;

"diens" enige onafgebroke voltydse regeringsdiens in enige hoedanigheid;

"enkelkwartiere" dié amptelike kwartiere wat tot die beskikking van 'n departementshoof gestel is vir toewysing kragtens regulasie H5 en wat bedoel is vir 'n beampte of werknemer wat ongetroud is of wat nie afhanklikes het wat gewoonlik inwoon nie;

"getroude kwartiere" dié amptelike kwartiere wat tot die beskikking van 'n departementshoof gestel is vir toewysing kragtens regulasie H5 en wat bedoel is vir 'n beampte of werknemer met 'n gesin of ander afhanklikes wat gewoonlik inwoon;

"hoofkwartier" die stad, dorp of plek waar die vernaamste werk van 'n beampte of werknemer verrig word of verrig moet word, of wat deur die departementshoof as sy/haar/haar hoofkwartier aangewys is;

"hoof van kantoor" die hoof van 'n kantoor, tak, inrigting, afdeling of werkplek en sluit departementshoof in;

"huishouding" –

- (a) die vrou van 'n beampte of werknemer; en/of
- (b) die man van 'n getroude vrouebeampte of –werknemer wat noodsaaklikerwys die enigste broodwinner van haar gesin is, omrede haar man –
  - (i) permanent medies ongeskik is om 'n besoldigde betrekking te bekom; en
  - (ii) se inkomste, uit enige bron, nie die bedrag te bowe gaan wat in paragraaf (d) bedoel word nie;
- (c) sy of sy vrou se noodsaaklikerwys nie-selfonderhoudende kind wat bona fide by 'n beampte of werknemer inwoon: Met dien verstande dat indien sodanige kind aan 'n naskoolse opvoedkundige inrigting studeer, hetsy binnemuurs of buitemuurs, hy/sy geag kan word lid van die huishouding te wees, dog slegs –
  - (i) indien hy/sy na skoolverlating geen permanente voltydse betrekking (met inbegrip van enige vorm van beroepsopleiding waaraan besoldiging verbonde is) aanvaar het nie, dit wil sê uitgesonderd verpligte militêre diens wat hy/sy na skoolverlating moes verrig en/of vakansiewerk of 'n tydelike voltydse betrekking wat hy/sy aanvaar het tussen –
    - (aa) skoolverlating en die aanvang van die akademiese jaar; of
    - (bb) skoolverlating en die aanvang van sodanige militêre diens; en/of
    - (cc) die voltooiing van sodanige militêre diens en die aanvang van die akademiese jaar;



"day of rest" means

- (a) a Sunday or a public holiday in the case of an officer or employee who normally does not work on such a day;
- (b) such other day as he/she is normally relieved from duty in lieu thereof in the case of an officer or employee who normally works on a Sunday or a public holiday; or
- (c) a Saturday in the case of an officer or employee who observes a full-scale five-day working week;

"dependants" the members of an officer's or employee's household, but excluding servants;

"equipment officer" means the officer or employee in charge of equipment;

"expendable items" means fuses and fuse wire, dry cell batteries, electric light bulbs, tubes for fluorescent lights, tap or valve washers, bath, sink and washbasin plugs and chains, oil and gaslamp wicks, mantles and chimney glasses and such other items of a similar nature as may be approved by the Treasury;

"head of a department" except for the purpose of regulation A4.1, includes the Government Printer or the officer or employee acting as such;

"head of office" means the head of an office, branch, institution, division or place of work and includes head of department;

"headquarters" means the city, town or place where the principal duties of an officer or employee are or have to be performed or which may be indicated as his/her headquarters by the head of department;

"household" means -

- (a) the wife of an officer or employee; and/or
- (b) the husband of a married female officer or employee who is necessarily the only breadwinner of her family, on account of her spouse's -
  - (i) permanent medical disablement preventing his remunerative employment; and
  - (ii) income, from any source, not exceeding the amount contemplated in paragraph (d); and/or
- (c) his or his wife's necessarily dependent child who is bona fide resident with an officer or employee: Provided that if such a child studies at an institution for post-school education, whether intramurally or extramurally, he/she may be deemed to be a member of the household, but only -
  - (i) if he/she did not take up any permanent full-time employment (including any type of vocational training to which remuneration is attached) after leaving school, i.e. excluding compulsory military service which he/she had to undergo after leaving school and/or work during vacations or temporary full-time employment which he/she had taken up between -

en hy/sy by die aanvang van die akademiese jaar wat volg op die voltooiing van sy/haar skoolopleiding of militêre diensplig, met sy/haar studies aan sodanige inrigting begin het; en

(ii) totdat –

(aa) hy/sy die minimum naskoolse kwalifikasie (of minimum kombinasie van naskoolse kwalifikasies) verwerf wat hom in staat stel om 'n betrekking te aanvaar in dié studierigting waarin hy/sy hom aanvanklik wou bekwaam; of

(bb) die normale voorgeskrewe studietyperk, soos vir bedoelde studierigting deur die betrokke inrigting voorgeskryf, plus een akademiese jaar, verstryk, indien hy/sy as gevolg van swak akademiese prestasies langer as bedoelde studietyperk sou neem om die betrokke kwalifikasies te verwerf; of

(cc) hy/sy die betrokke studiekursus staak, of

(dd) hy/sy van studierigting verander;

Watter een van genoemde vier gebeure ook al eerste plaasvind; en/of

(d) 'n familielid van 'n beampte of werknemer wat permanent by hom/haar inwoon en noodsaaklikerwys van hom/haar afhanklik is en wie se inkomste, uit enige bron, nie meer is nie as die totaal van

(i) die toepaslike maksimum basiese maatskaplike pensioen; PLUS

(ii) die maksimum toelae vir 'n oudstryder aan wie 'n maatskaplike pensioen toegeken is; plus

(iii) die maksimum toelae wat as gevolg van 'n laat aansoek om 'n maatskaplike pensioen aan 'n persoon betaal word,

en as die betrokke familielid 'n maatskaplike pensioentrekker is, moet enige ander toelaes as dié in subparagrafe (ii) en (iii) hierbo genoem, wat hy/sy kragtens die toepaslike regulasies hierbo bedoel, mag ontvang, byvoorbeeld 'n oppasserstoelae, vir die doeleindes van hierdie paragraaf geïgnoreer word: Met dien verstande dat waar twee familieledes aldus by hom/haar inwoon en van hom/haar afhanklik is en die een familielid normaalweg 'n afhanklike van die ander familielid sou wees, byvoorbeeld 'n vader en 'n moeder, albei sodanige familieledes geag kan word lede van die huishouding te wees slegs as die helfte van hulle gesamentlike inkomste, uit enige bron, nie meer is nie as die totaal van die toepaslike maksimum basiese maatskaplike pensioen en die toelaes in subparagraaf (i) tot (iii) hierbo bedoel; asook

(e) hoogstens twee bediendes (met inbegrip van kinderoppassers) wat in 'n voltydse hoedanigheid by die beampte of werknemer in diens is;

"huurder" die beampte of werknemer aan wie amptelike kwartiere kragtens regulasie H5 toegewys of kragtens regulasie H6 toegeken is;

"nag" die ure tussen 20h00 en 06h00;

- (aa) leaving school and the commencement of the academic year; or
- (bb) leaving school and the commencement of such military service; and/or
- (cc) the completion of such military service and the commencement of the academic year;

and had commenced his/her studies at such an institution at the commencement of the academic year following the completion of his/her schooling or military service; and

(ii) until -

- (aa) he/she attains the minimum post-school qualification (or minimum combination of post-school qualifications) which will enable him/her to take up employment in the field of study for which he/she originally intended to qualify himself/herself; or
- (bb) the normal duration of the course, as prescribed by the institution concerned, plus one academic year, expires, if it takes him/her longer than such prescribed period to attain the relevant qualification as a result of poor academic performance; or
- (cc) he/she discontinues the relevant course of study; or
- (dd) he/she changes his/her course of study;

whichever of the said four events occurs first; and/or

- (d) a relative of an officer or employee who is permanently resident with and necessarily dependant on him/her and whose income, from any source, does not exceed the sum of -
  - (i) the appropriate maximum basic social pension; PLUS
  - (ii) the maximum allowance for a war veteran to whom a social pension has been awarded; PLUS
  - (iii) the maximum allowance paid to a person as a result of a late application for a social pension,

and if the relative concerned is a social pensioner, then any allowances other than those mentioned in subparagraphs (ii) and (iii) above, which he/she may receive in terms of the relevant regulations referred to above, e.g. an attendant's allowance, should be ignored for the purposes of this paragraph: Provided that where two relatives so reside with him/her and are dependent on him/her and where the one relative would normally have been a dependant of the other relative, for instance a father and a mother, both such relatives may be regarded as members of his/her household only if half of their joint income, from any source, does not exceed the sum of the maximum basic social pension in question and the allowances contemplated in paragraphs (i) to (iii) above; and

- (e) not more than two servants (including nursemaids) employed in a full-time capacity by the officer or employee;

"incremental month" means the month during which the salary of an officer or employee may be increased in accordance with the scale which is applicable to him/her;

"incremental period" means a period of twelve calendar months or another approved period which must elapse

"ongunstige opmerking" enige skriftelike opmerking deur 'n verslaggewende beampte of hoof van die kantoor wat, in volle verband gelees, ongunstig is en sluit ook enige iets anders in 'n verslag in wat die Kommissie as ongunstig mag aandui;

"oortyddiens" amptelike diens wat 'n beampte of werknemer –

- (a) (i) op 'n Sondag of op 'n openbare feesdag verrig, in die geval van 'n beampte of werknemer wat nie gewoonlik op sodanige dag werk nie; of
- (ii) wat gewoonlik op 'n Sondag of op 'n openbare feesdag werk en in plaas daarvan op 'n ander dag van diens vrygestel word, op sodanige ander dag verrig;
- (b) bo en behalwe die werkweek wat in of kragtens die bepalings van hierdie regulasies voorgeskryf is, verrig op dae waarop hy/sy gewoonlik werk;

"persoonlike besittings" die roerende goed van 'n beampte of werknemer en van sy/haar huishouding, wat normaalweg vir persoonlike gebruik aangewend word, met inbegrip van voertuie, maar uitgesonderd lewend hawe, huis- en troeteldiere;

"rusdag" –

- (a) 'n Sondag of 'n openbare feesdag in die geval van 'n beampte of werknemer wat nie gewoonlik op sodanige dag werk nie;
- (b) 'n ander dag wat hy/sy gewoonlik in plaas daarvan van diens vrygestel is in die geval van beampte of werknemer wat gewoonlik werk op 'n Sondag of 'n openbare feesdag; of
- (c) 'n Saterdag in die geval van 'n beampte of werknemer wat 'n volwaardige vyfdaagse werkweek nakom;

"salarisverhoging" die goedgekeurde bedrag waarmee 'n salaris volgens die toepaslike skaal verhoog kan word;

"salarisverhogingstydperk" 'n tydperk van 12 kalendermaande of 'n ander goedgekeurde tydperk wat met betrekking tot enige beampte of werknemer moet verstryk voordat sy/haar salaris volgens die skaal wat op hom/haar van toepassing is, verhoog kan word;

"sessie-amptenaar" 'n beampte of werknemer van wie dit vereis word dat hy/sy gedurende parlamentsitting in Kaapstad teenwoordig moet wees en wat deur die departementshoof as 'n sessie-amptenaar aangewys is;

"skriftelike mededeling" 'n ander verslag as 'n verslag in die vorm deur die Kommissie voorgeskryf, wat ten opsigte van 'n bepaalde beampte ingedien word of 'n verslag of opmerking in verband met 'n bepaalde aangeleentheid of voorval waarby 'n beampte betrokke was;

"Sondag"

- (a) ook 'n openbare feesdag genoem in die Tweede Bylae by die Wet op Openbare Feesdae, 1952 (Wet 5 van 1952), in die geval van 'n beampte of werknemer wat nie gewoonlik op sodanige dag werk nie; of

in regard to any officer or employee before his/her salary may be increased in accordance with the scale applicable to him/her;

"landlord department" means the Department of Public Works or any other department charged by the Treasury, on the recommendation of the Director-General: Public Works, with the duty of providing, maintaining and controlling the tenancy of official quarters;

"married quarters" means those official quarters available to a head of department for assignment in terms of regulation H5 and designed for an officer or employee with a family or other dependants who normally reside with him/her;

"night" means the hours between 20h00 and 06h00;

"official quarters" means those premises, inclusive of buildings, outbuildings, grounds, fixtures, fittings, plant and equipment, but exclusive of furniture, which, being owned or held on lease or otherwise in the lawful possession of the State, are available to a head of department for assignment in terms of regulation H5 or which have been allotted to an officer or employee in terms of regulation H6;

"overtime duty" means official duty performed by an officer or employee –

- (a) (i) on a Sunday or on a public holiday in the case of an officer or employee who does not normally work on such a day; or
- (ii) who normally works on a Sunday or on a public holiday and in lieu thereof is relieved from duty on another day, on such other day;
- (b) over and above the working week prescribed for him/her in or in terms of these regulations, on days on which he/she normally works;

"pay" means the salary or wage normally payable to an officer or employee when on duty and includes allowances which do not form part of salary or wage, due regard being had to regulations pertaining to and directions in connection with such allowances issued by the Commission or the Treasury or by the Treasury on the recommendation of the Commission;

"personal effects" means the movable property of an officer or employee and of his/her household which is normally applied to personal use, including vehicles, but excluding livestock, domestic animals and pets;

"reporting officer" means any officer who, as first party, completes a report in respect of another officer;

"salary increment" means the approved amount by which a salary may be increased according to the appropriate scale;

"service" means any continuous full-time government service in any capacity;

"sessional official" means an officer or employee who is required to be present in Cape Town during a parliamentary session and who is designated by the head of a department as a sessional official;

"single quarters" means those official quarters available to a head of department for assignment in terms of regulation H5 and designed for an officer or employee who is not married, or has no dependants who normally reside with him;

"subscribing member" means a member of a recognised staff association, or a member of a staff association or other body applying for recognition as a staff association, who is not more than three months in arrear with the payment of his/her membership fees;



- (b) 'n ander dag wat hy/sy gewoonlik in plaas daarvan van diens vrygestel is, in die geval van 'n beampte of werknemer wat gewoonlik werk op 'n Sondag of op 'n eersgenoemde openbare feesdag;

"subskripsie-betalende lid" 'n lid van 'n erkende personeelvereniging, of 'n lid van 'n personeelvereniging of ander liggaam wat om erkenning as personeelvereniging aansoek doen, wat nie meer as drie maande met die betaling van sy/haar ledegeld agterstallig is nie;

"tydkring" 'n tydperk van drie jaar gereken vanaf 1 Januarie 1959 en elke daaropvolgende tydperk van drie jaar;

"uitrustingsbeampte" die beampte of werknemer wat oor uitrusting toesig hou;

"verbruikbare artikels" sekerings en smeltdraad, droëselbatterye, elektriese gloeilampe, buise vir fluoresseerligte, kraan- of klempwasters, proppe en kettings vir baddens, opwasbakke en wasbakke, pitte, kappe en lampglase vir olie- en gaslampe en sodanige ander soortgelyke items as wat die Tesourie goedkeur;

"verhogingsmaand" die maand waarin die salaris van 'n beampte of werknemer verhoog kan word volgens die skaal wat op hom/haar van toepassing is;

"verskaffingsdepartement" die Departement van Openbare Werke of enige ander departement waaraan die plig deur die Tesourie op aanbeveling van die Direkteur-generaal: Openbare Werke opgedra is om amptelike kwartiere te verskaf en te onderhou en om die bewoning daarvan te beheer;

"verslaggewende beampte" enige beampte wat as eerste party, 'n verslag ten opsigte van 'n ander beampte voltooi;

"werkweek" die amptelike dienstyd wat 'n beampte of werknemer moet voltooi ten opsigte van 'n tydperk wat strek vanaf middernag tussen 'n Saterdag en Sondag tot middernag tussen die volgende Saterdag en Sondag.

- A1.2 Die bevoegdheid aan die Tesourie in hierdie regulasie verleen, word by hulle toepassing op 'n provinsie uitgeoefen deur die betrokke uitvoeringsgesag.

### **Vertolking van Regulasies**

- A2 As daar twyfel ontstaan betreffende die vertolking van die bepalings van hierdie regulasies, moet die saak aan die Kommissie vir beslissing voorgelê word.

### **Afwykinge in Tyd van Oorlog of Landsnood**

- A3 As daar 'n toestand van oorlog of landsnood ontstaan, kan die Kommissie 'n afwyking van die bepalings van hierdie regulasies aanbeveel, hetsy/haar in die algemeen of ten opsigte van 'n besondere beampte, werknemer of persoon of klasse beamptes, werknemers of persone; dog onderworpe aan die bepalings van artikel 8(2) van die Wet.

"Sunday" means

- (a) also a public holiday mentioned in the Second Schedule to the Public Holidays Act, 1952 (Act 5 of 1952), in the case of an officer or employee who does not normally work on such a day; or
- (b) such other day as he/she is normally relieved from duty in lieu thereof, in the case of an officer or employee who normally works on a Sunday or on a first-mentioned public holiday;

"tenant" means the officer or employee to whom official quarters are assigned in terms of regulation H5 or allotted in terms of regulation H6;

"the Act" means the Public Service Act, 1994 ;

"working week" means the official period of service which an officer or employee is required to complete in respect of a period which extends from midnight between a Saturday and Sunday to midnight between the following Saturday and Sunday;

"written communication" means a report, other than a report in the form prescribed by the Commission, which is submitted in respect of a particular officer or a report or remark in regard to a particular event or incident in which an officer was involved.

- A1.2 The powers conferred on the Treasury in these regulations shall, in their application to a province be exercised by the relevant executing authority.

#### **Interpretation of the Regulations**

- A2 If doubt arises regarding the interpretation of the provisions of these regulations, the matter shall be referred to the Commission for decision.

#### **Departures in Time of War or National Emergency**

- A3 If a state of war or national emergency arises the Commission may recommend a departure from the provisions of these regulations, either in general or in respect of a particular officer, employee or person or classes of officers, employees or persons; but subject to the provisions of section 8(2) of the Act.

#### **Duties of Heads of Departments and Heads of Offices**

- A4.1 In addition to any functions or duties lawfully assigned to or imposed upon him/her, the head of department shall be responsible for the efficient management and administration of his/her department, including the proper utilisation of staff, the maintenance of discipline and the proper use and care of Government property.
- A4.2 The head of the office is responsible to the officer or employee who exercises authority over him/her for the efficient management and administration of his/her office, branch, institution, division or place of work, including the proper utilisation of staff, the maintenance of discipline and the proper use and care of Government property.

#### **Delegation of the Powers of a Head of Department**

- A5.1 If he or she deems it expedient for the efficient administration of his or her national department, a head of department may delegate any power conferred upon him or her in terms of the provisions of these regulations to another officer or employee on such conditions as he or she may determine.

**Pligte van Departementshoofde en Hoofde van Kantore**

- A4.1 Benewens enige werksaamhede of pligte wat wettiglik aan hom/haar opgedra of opgelê is, is die departementshoof verantwoordelik vir die doeltreffende bestuur en administrasie van die departement, insluitende die behoorlike benutting van personeel, die handhawing van dissipline en die behoorlike gebruik en versorging van staatseiendom.
- A4.2 Die hoof van die kantoor is aan die beampte of werknemer wat oor hom/haar die gesag voer verantwoordelik vir die doeltreffende bestuur en administrasie van sy/haar kantoor, tak, inrigting, afdelings of werkplek, insluitende die behoorlike benutting van personeel, die handhawing van dissipline en die behoorlike gebruik en versorging van staatseiendom.

**Delegasie van Departementshoof se Bevoegdhede**

- A5.1 As hy/sy dit dienstig ag vir die doeltreffende administrasie van sy/haar departement, kan 'n departementshoof enige bevoegdheid wat kragtens die bepalings van hierdie regulasies aan hom/haar verleen is, aan 'n ander beampte of werknemer deleger op dié voorwaardes wat hy/sy bepaal.
- A5.2 'n Departementshoof kan 'n delegasie wat kragtens hierdie regulasie verleen is, te eniger tyd intrek.

**Amptelike Kommunikasiekanale**

- A6.1 'n Versoek of mededeling van 'n beampte of werknemer wat nie 'n departementshoof is nie, oor enige aangeleentheid wat binne die bestek van die Kommissie se bevoegdhede, werksaamhede of pligte val, moet deur die bemiddeling van die hoof van die kantoor aan die departementshoof gerig word. Met dien verstande dat 'n beampte of werknemer kan eis dat sodanige versoek of mededeling aan die Kommissie voorgelê word, behoudens die bepalings van subregulasie 2.
- A6.2 'n Versoek of mededeling aan die Kommissie, hetsy/haar skriftelik of andersins, van 'n departement of departementshoof oor enige aangeleentheid wat binne die bestek van die Kommissie se bevoegdhede, werksaamhede of pligte val, of wat kragtens die voorbehoudsbepalings by subregulasie 1 aan die Kommissie voorgelê moet word, moet deur of namens die departementshoof aan die Direkteur-generaal van die Kantoor van die Kommissie gerig word. Sodanige versoek of mededeling mag nie regstreeks aan die Kommissie, of 'n lid van die Kommissie, gerig word nie.
- A6.3 As daar omstandighede ontstaan wat 'n afwyking van die bepalings van hierdie regulasie regverdig, kan die betrokke uitvoeringsgesag, op aanbeveling van die Kommissie, goedkeur dat die hoof van 'n afdeling, tak, inrigting of kantoor geag word 'n departementshoof te wees vir die doeleindes van subregulasie 1 en 2.

**Gehoorsaamheid**

- A7.1 Behoudens die bepalings van subregulasie 2, moet 'n beampte of werknemer 'n wettige bevel wat aan hom/haar gegee is deur 'n persoon wat die bevoegdheid het om dit te gee, onvoorwaardelik gehoorsaam.
- A7.2 'n Beampte of werknemer kan eis dat 'n in subregulasie 1 bedoelde bevel skriftelik herhaal word na gehoorsaming daaraan en hy/sy kan enige klagte wat hy/sy in verband daarmee het vir beslissing voorlê, dog onderworpe aan die bepalings van regulasie A6.



- A5.2 A head of department may at any time revoke a delegation made in terms of this regulation.

### Official Channels of Communication

- A6.1 A request or communication from an officer or employee who is not a head of department, in connection with any matter falling within the scope of the Commission's powers, functions or duties, shall be addressed to the head of department through the medium of the head of the office: Provided that an officer or employee may demand that such request or communication be submitted to the Commission, subject to the provisions of subregulation 2.
- A6.2 A request or communication to the Commission, whether written or otherwise, from a department or a head of department in connection with any matter falling within the scope of the Commission's powers, functions or duties, or which is to be submitted to the Commission in terms of the proviso to subregulation 1 shall be addressed to the Director-General of the Commission by or on behalf of the head of department. Such request or communication shall not be addressed direct to the Commission or a member of the Commission.
- A6.3 If circumstances arise which justify a departure from the provisions of this regulation, the relevant executing authority may, on the recommendation of the Commission, approve that the head of a division, branch, institution or office be regarded as a head of department for the purposes of subregulations 1 and 2.

### Obedience

- A7.1 Subject to the provisions of subregulation 2 an officer or employee shall obey unconditionally a lawful instruction given to him/her by a person who is competent to do so.
- A7.2 An officer or employee may, after having carried it out, demand that an instruction referred to in subregulation 1 be repeated in writing and he/she may submit for decision any complaint he/she may have in connection therewith, but subject to the provisions of regulation A6.

### Residential Addresses and Telephones

- A8.1 An officer or employee shall notify the head of the office of his/her residential address and of his/her telephone number at home, if he/she has a telephone, and any change thereof, and the head of the office shall make a record thereof in a register which shall be kept for this purpose.
- A8.2 A head of department may be provided with an official telephone at his/her residence and he/she may be reimbursed the monthly rental and costs of the calls in such conditions as the Treasury may approve on the recommendation of the Commission.

### Private Financial Transactions

- A9.1 An officer or employee shall not become a party to any form of promissory note for compromising purposes: Provided that the head of department may give his/her written consent to a departure from the provisions of this subregulation if he/she has satisfied himself/herself by investigation that the proposed transaction is being entered into for acceptable reasons not connected with speculation, gambling or any other improper dealings which may lead to the pecuniary embarrassment of the officer or employee concerned: Provided further that such consent shall not be given in respect of a transaction between two officers, an officer and an employee or two employees.
- A9.2 An officer or employee shall under no circumstances borrow money from a subordinate serving in the same department.

**Woonadresse en Telefone**

- A8.1 'n Beampte of werknemer moet die hoof van die kantoor in kennis stel van sy/haar woonadres en van sy/haar telefoonnommer tuis, as hy/sy 'n telefoon het, en enige verandering daarvan, en die hoof van die kantoor moet daarvan aantekening maak in 'n register wat vir die doel gehou word.
- A8.2 'n Departementshoof kan by sy/haar woning van 'n amptelike telefoon voorsien word en hy/sy kan vir die maandelikse huurgeld en koste van oproepe vergoed word op sodanige voorwaardes as wat die Tesourie op aanbeveling van die Kommissie goedkeur.

**Private Geldelike Transaksies**

- A9.1 Vir skikkingsdoeleindes mag 'n beampte of werknemer nie medepligtig wees aan enige vorm van skuldbewys nie: Met dien verstande dat die departementshoof skriftelike toestemming daartoe kan verleen dat daar van die bepalinge van hierdie subregulasie afgewyk word as hy/sy hom/haar deur ondersoek oortuig het dat voorgenome transaksies aangegaan word om aanneemlike redes wat niks met spekulاسie, dobbelary of enige onbehoorlike handeling wat die betrokke beampte of werknemer in geldelike moeilikheid kan laat kom, te doen het nie: Met dien verstande voorts dat sodanige toestemming nie ten opsigte van 'n transaksie tussen twee beamptes, 'n beampte en werknemer of twee werknemers verleen mag word nie.
- A9.2 Onder geen omstandighede mag 'n beampte of werknemer geld van 'n ondergeskikte leen wat in dieselfde departement dien nie.
- A9.3 As dit blyk dat 'n beampte of werknemer in 'n onredelike mate in die skuld is, as hy/sy insolvent raak of sy/haar boedel afstaan ten behoeve van skuldeisers of as 'n vonnis weens skuld of 'n gyselingsbevel teen hom/haar in 'n geregshof verkry is, moet hy/sy, as die departementshoof dit vereis, 'n uitvoerige en volledige staat van sy/haar skulde aan die departementshoof voorlê tesame met 'n verklaring van hoe die skulde aangegaan is en hoe hy/sy van voorneme is om sodanige skulde te vereffen.

**Regsvordering Weens Skuld**

- A10 Die uitreiking van 'n prosesstuk weens skuld, vonnis of insolvensiegedinge waarby 'n beampte of werknemer die verweerder is, moet dadelik en tesame met volledige besonderhede aan die betrokke beampte of werknemer se departementshoof gerapporteer word deur -
- (a) die griffier of meester van die Hooggeregshof of landdros, na gelang van die geval; en
  - (b) die beampte of werknemer wat die verweerder is: Met dien verstande dat daar ten opsigte van 'n bepaalde geding slegs een keer gerapporteer hoef te word.

**Aanneem van Geskenke, Kommissie, Geld of Beloning**

- A11.1 'n Beampte of werknemer mag nie sonder die toestemming van die departementshoof, of, in die geval van die departementshoof, sonder die toestemming van die betrokke uitvoeringsgesag, 'n geskenk, geldelik of anders, aanneem wat hom/haar deur 'n lid van die publiek aangebied word uit hoofde daarvan dat hy/sy 'n bepaalde amp of pos in die Staatsdiens beklee of beklee het nie.

- A9.3 If it is evident that an officer or employee is in debt to an unreasonable extent, if he/she becomes insolvent or assigns his/her estate for the benefit of his/her creditors or if a judgment for debt or a decree of civil imprisonment has been obtained against him/her in a court of law, he/she shall, if the head of department so requires, furnish the head of department with a detailed and complete statement of his/her liabilities together with an explanation as to how the liabilities were incurred and how he/she proposes to liquidate them.

#### **Legal Proceedings for Debt**

- A10 The issue of a process for debt, judgment or insolvency proceedings in which an officer or employee is the defendant, shall forthwith and together with full particulars be reported to the head of the department of the officer or employee concerned by –
- (a) the registrar or master of the Supreme Court or magistrate, as the case may be; and
  - (b) the officer or employee who is the defendant: Provided that, in respect of any particular case, the reporting need only be done once.

#### **Acceptance of Gifts, Commission, Money or Reward**

- A11.1 An officer or employee shall not accept, without the permission of the head of department, or, in the case of the head of department, without the permission of the relevant executing authority, a gift, pecuniary or otherwise, offered to him/her by a member of the public by reason of his/her occupying or having occupied a particular office or post in the Public Service.
- A11.2 An employee shall not, without the permission of the head of department, accept or demand in respect of the carrying out of or the failure to carry out his/her duties, any commission, fee or reward, pecuniary or otherwise (not being the emoluments payable to him/her in respect of his/her duties) and shall not fail to report to the head of department the offer of such commission, fee or reward.

#### **Replying to Questions**

- A12 An officer or employee shall reply explicitly to a lawful question put to him/her by a person who is competent to put such question to him/her: Provided that an officer or employee is not compelled to furnish to a question a reply which may incriminate him/her.

#### **Acceptance of Nomination for Parliament, etc.**

- A13.1 If an officer or employee accepts a nomination or requisition as candidate for election to, or in terms of subsections 41(b) and (c), 42(b) and (c) or 43(b) and (c) of the Constitution of the Republic of South Africa, 1993 (Act 200 of 1993), is nominated or elected as member of Parliament, he/she is deemed to have voluntarily retired from the Public Service with effect from the date on which he/she accepted such nomination or requisition or on which he/she is so nominated or elected.
- A13.2 An officer or employee may with prior permission from the relevant executing authority accept a nomination or requisition as candidate for election as member of –
- (a) a local government body as defined in the Promotion of Local Government Affairs Act, 1983 (Act 91 of 1983); or
  - (b) a school-board,

- A11.2 'n Werknemer mag nie sonder die toestemming van die departementshoof enige kommissie, geld of beloning, geldelik of andersins (wat nie die emolumente is wat ten opsigte van sy/haar pligte aan hom/haar betaalbaar is nie) aanneem of dit eis ten opsigte van die uitvoering van sy/haar pligte of die versuim om sy/haar pligte uit te voer, of versuim om aan die departementshoof die aanbod van so 'n kommissie, geld of beloning te rapporteer nie.

### Beantwoording van Vrae

- A12 'n Beampde of werknemer moet uitdruklik antwoord op 'n wettige vraag wat aan hom/haar gestel is deur die persoon wat die bevoegdheid het om so 'n vraag aan hom/haar te stel. Met dien verstande dat 'n beampde of werknemer nie verplig is om 'n antwoord wat hom/haar sal inkrimineer op 'n vraag te verstrek nie.

### Aanneem van Nominasie vir Parlement, ens.

- A13.1 As 'n beampde of werknemer 'n nominasie of rekwisisie aanvaar as kandidaat vir verkiesing tot, of kragtens subartikels 41(b) en (c), 42(b) en (c) of 43(b) en (c) van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet 200 van 1993), benoem of verkies word as lid van die Parlement, word hy/sy geag vrywillig uit die Staatsdiens te getree het met ingang van die datum waarop hy/sy sodanige nominasie of rekwisisie aanvaar het of waarop hy/sy aldus benoem of verkies is.

- A13.2 'n Beampde of werknemer kan met die vooraf toestemming van die betrokke uitvoeringsgesag 'n nominasie of rekwisisie as kandidaat vir verkiesing tot lid van -

(a) 'n plaaslike owerheidsliggaam soos omskryf in die Wet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1983 (Wet 91 van 1983); of

(b) 'n skoolraad,

aanvaar, of deur 'n bevoegde persoon of liggaam as lid daarvan benoem, aangewys of aangestel word, as die betrokke uitvoeringsgesag oortuig is dat daar nie inbreuk op die beampde of werknemer se ampspligte gemaak sal word nie. Met dien verstande dat indien sodanige toestemming nie verkry is of verleen word nie die bepalinge van subregulasie 1 mutatis mutandis op die beampde of werknemer van toepassing is.

- A13.3 Indien 'n beampde of werknemer wat verkies, benoem, aangewys of aangestel is as 'n lid van 'n in subregulasie 3 bedoelde liggaam of raad weens sy/haar werksaamhede as sodanige lid nie meer sy/haar ampspligte behoorlik kan vervul nie, of daar ander omstandighede is wat vereis dat hy/sy nie langer as sodanige lid diens moet dien nie, kan die betrokke uitvoeringsgesag daardie beampde of werknemer gelas om as lid van daardie liggaam of raad te bedank.

- A13.4 As 'n geskil ontstaan tussen die Regering en 'n in subregulasie 2 bedoelde liggaam of raad mag 'n beampde of werknemer wat lid is van sodanige liggaam of raad nie aan die bespreking of stemming oor daardie geskilpunt deelneem nie.



will not be affected detrimentally: Provided that if such permission is not obtained or granted, the provisions of subregulation 1 apply mutatis mutandis to the officer or employee.

A13.3 If an officer or employee who is elected, nominated, designated or appointed as member of a body or board, contemplated in subregulation 2, is no longer able to perform his/her official duties satisfactorily on account of his/her activities as such member, or if other circumstances require that he/she no longer serve as such member, the relevant executing authority may direct that officer or employee to resign as member of that body or board.

A13.4 In the event of a dispute arising between the Government and a body or board, contemplated in subregulation 2, an officer or employee who is a member of such body or board, shall not take part in the discussion or vote on the question at issue.

### **Notice of Change in Unmarried/Married Status**

A14 An officer or employee shall provide the head of department with documentary proof as soon as there is -

- (a) any change in his/her unmarried/married status; and
- (b) an increase/decrease in the number of his/her dependants: Provided that the provisions of this regulation shall not apply to a female officer or employee who gives notice of resignation with a view to her marriage.

### **Medical Assistance**

A15.1 An officer or employee may be granted assistance with his/her medical expenditure within the framework of the provisions and measures recommended by the Commission.

A15.2 If circumstances develop which justify a deviation from the provisions and measures described in regulation A15.1, the Commission may recommend such deviation.

### **Secondment of an Officer or Employee from One Department to Another**

A16 A head of department may, on the recommendation of the Commission and on such conditions as may be recommended by it in consultation with the Treasury, second an officer or employee to the service of another department either for a particular service or for a period of time.

### **Confidential Nature of Documents concerning Officers and Employees**

A17 All documents, files and correspondence concerning anything which may be done in terms of the Act and these regulations and which are the property of the Government, are of a confidential nature and officers and employees, or any person who assists or represents them with regard to a grievance, disciplinary action or in any other matter, shall only have the right of access to information held by the State or any of its organs at any level of government in so far as such information is required for the exercise or protection of any of his or her rights: Provided that it does not impede on the right of other officers and employees with regard to the confidentiality of their personal information and the State as employer's duty to maintain confidentiality in this regard. Officers and employees may be permitted to have access to and inspection of documents, files and correspondence as may be necessary for the performance of their official duties.

**Kennisgewing van Verandering in Ongehude/Gehude Staat**

- A14 'n Beampte of werknemer moet die departementshoof van dokumentêre bewys voorsien sodra -
- (a) enige verandering in sy/haar/haar ongehude/gehude staat intree; en
  - (b) 'n vermeerdering/vermindering in die getal van sy/haar/haar afhanklikes intree;

Met dien verstande dat die bepalings van hierdie regulasie nie van toepassing is nie op 'n vroulike beampte of werknemer wat kennis gee van bedanking met die oog op haar huwelik.

**Mediese Bystand**

- A15.1 Aan 'n beampte of werknemer kan hulp verleen word met sy/haar mediese uitgawe binne die raamwerk van die voorsienings en maatreëls wat die Kommissie aanbeveel.
- A15.2 As daar omstandighede ontstaan wat 'n afwyking van die voorsienings en maatreëls in regulasie A15.1 bedoel, regverdig, kan die Kommissie sodanige afwyking aanbeveel.

**Afstaan van 'n Beampte of Werknemer van Een Departement  
aan 'n Ander**

- A16 'n Departementshoof kan, op aanbeveling van die Kommissie en op sulke voorwaardes as wat die Kommissie in oorleg met die Tesourie aanbeveel, 'n beampte of werknemer aan die diens van 'n ander departement afstaan, hetsy/haar vir 'n besondere diens of vir 'n tydperk.

**Vertroulike Aard van Dokumente Rakende  
Beampes en Werknemers**

- A17 Alle dokumente, lêers en korrespondensie met betrekking tot enigiets wat kragtens die Wet en hierdie regulasies gedoen kan word en wat die eiendom van die Regering is, is vertroulik van aard en beampes en werknemers, of enige persoon wat hulle bystaan of verteenwoordig met betrekking tot 'n grief, dissiplinêre optrede of enige ander aangeleentheid, het slegs die reg op toegang tot inligting wat deur die Staat of enige orgaan van die Staat op enige regeringsvlak gehou word in soverre sodanige inligting benodig word vir die uitoefening of beskerming van enige van sy of haar regte: Met dien verstande dat daar nie inbreuk gemaak word nie op die reg van ander beampes en werknemers met betrekking tot die vertroulikheid van hulle persoonlike inligting en die Staat as werkgever se verpligting om vertroulikheid in hierdie verband te handhaaf. Beampes en werknemers mag toegelaat word om toegang en insae in dokumente, lêers en korrespondensie te hê wat vir die verrigting van hul amptelike pligte nodig is.

**Verslae oor Personeel en Ongunstige Opmerkings**

- A18.1 'n Verslag op 'n vorm deur die Kommissie voorgeskryf, moet so dikwels as wat die behoefte van die Staatsdiens dit vereis, ten opsigte van enige beampte deur die verslaggewende beampte ingevul en ingedien word.
- A18.2 Behoudens die bepalings van regulasie A17 en subregulasie 3 het 'n beampte ten opsigte van wie 'n verslag ingevolge subregulasie 1 voltooi is, nie die reg om insae daarin te hê nie.



**Reports on Staff and Adverse Remarks**

- A18.1 A report, on a form prescribed by the Commission, shall, as frequently as the exigencies of the Public Service so demand, be completed and submitted by the reporting officer in respect of any officer.
- A18.2 Subject to the provisions of regulation A17 and subregulation 3, an officer in respect of whom a report has been completed in terms of subregulation 1, shall not have the right of access thereto.
- A18.3 Any adverse remark contained in a report shall by the officer who made the remark, be brought to the notice of the officer reported upon in writing and in its full context. The officer reported upon must sign the written communication and return it, together with any representations, in writing, which he or she desires to submit, to the officer who made the remark. The foregoing provisions also apply to adverse remarks made in respect of an officer in a written communication, except that such remarks shall be brought to the notice of the officer by the head of the office: Provided that, subject to regulation A17, an adverse remark contained in the minutes of a meeting of a merit committee shall not be brought to the notice of an officer reported upon.
- A18.4 Notwithstanding the provisions of subregulation 3, the head of department or an officer authorised thereto by him or her, may, subject to regulation A17, approve that adverse remarks be not brought to the notice of an officer if he or she is of the opinion that it is not in the interests of the Public Service or the officer concerned: Provided that the Commission may direct that any adverse remarks be brought to the notice of an officer, either in writing or verbally.
- A18.5 If it is found by a person or body who has to countersign or consider a report in respect of an officer, that no justification exists for an adverse remark appearing therein, the adverse remark shall be expunged therefrom and the officer concerned be advised in writing of the expunction if the adverse remark has already been brought to his or her notice. Such advice of expunction shall then form part of the report.
- A18.6 After a reporting officer has completed a report or after the comments of a Public Service Inspector or a chairman of a regional or central merit committee have been recorded thereon, as the case may be, it shall be submitted to the head of department who shall send it to the Commission together with any comments or remarks he or she wishes to furnish, if the officer is employed in the A division. These provisions must also be complied with by a head of department in respect of adverse remarks contained in a written communication.

**Medical Examinations and Immunisation**

- A19.1 (a) A head of department may, in consultation with the Director-General: Health and Welfare or an officer authorised by him/her, direct that an officer or employee or the officers or employees of a departmental branch or office be subjected to a medical examination to determine whether any contamination with a contagious or communicable disease has occurred or that an officer or employee and, on such conditions as approved by the Treasury on the recommendation of the Commission, a member of his/her household be immunised against a contagious or communicable disease to
- (i) prevent an epidemic;
  - (ii) comply with international regulations; or
  - (iii) protect him/her/them against contamination with contagious or communicable diseases during a visit to or residence in a country or territory where the danger of such infection exists:

- A18.3 Enige ongunstige opmerking in 'n verslag vervat, moet deur die beampte deur wie dit gemaak is, skriftelik en in sy volledige samehang onder die aandag gebring word van die beampte oor wie gerapporteer word. Laasgenoemde beampte moet die skriftelike mededeling onderteken en dit tesame met enige skriftelike vertoë wat hy of sy wil voorlê aan eersgenoemde beampte terugbesorg. Die voorafgaande bepalings is ook van toepassing op ongunstige opmerkings wat ten opsigte van 'n beampte gemaak word in 'n skriftelike mededeling, behalwe dat sodanige opmerkings deur die hoof van die kantoor, onder die beampte se aandag gebring moet word: Met dien verstande dat, behoudens regulasie A17, 'n ongunstige opmerking wat in die notule van 'n vergadering van 'n merietekomitee vervat is, nie onder die aandag van die beampte oor wie gerapporteer word, gebring mag word nie.
- A18.4 Ondanks die bepalings van subregulasie 3 kan die departementshoof of 'n beampte deur hom of haar daartoe gemagtig, behoudens regulasie A17, goedkeur dat ongunstige opmerkings nie onder die aandag van 'n beampte gebring word nie indien hy of sy van oordeel is dat dit nie in die belang van die Staatsdiens of die betrokke beampte is nie: Met dien verstande dat die Kommissie kan gelas dat enige ongunstige opmerkings skriftelik of mondeling onder 'n beampte se aandag gebring word.
- A18.5 Indien dit deur 'n persoon of liggaam wat 'n verslag ten opsigte van 'n beampte moet mede-onderteken of moet oorweeg, bevind word dat daar geen regverdiging bestaan vir 'n ongunstige opmerking wat daarin voorkom nie, word daardie ongunstige opmerking uit die verslag geskrap en die betrokke beampte skriftelik van die skraping verwittig indien die ongunstige opmerking reeds onder sy of haar aandag gebring was. Sodanige verwittiging van skraping moet dan 'n deel van die verslag uitmaak.
- A18.6 Nadat 'n verslaggewende beampte 'n verslag voltooi het of nadat 'n Staatsdiensinspekteur of voorsitter van 'n streek- of sentrale merietekomitee sy of haar opmerkings daarop aangebring het, na gelang van die geval, word dit aan die departementshoof besorg wat dit aan die Kommissie moet deurstuur tesame met enige kommentaar of opmerkings wat hy of sy daaromtrent wil maak, indien die betrokke beampte in die A-afdeling in diens is. Hierdie bepalings moet ook deur 'n departementshoof nagekom word ten opsigte van ongunstige opmerkings in 'n skriftelike mededeling vervat.

### Geneeskundige Ondersoeke en Immunisering

- A19.1 (a) 'n Departementshoof kan, in oorleg met die Direkteur-generaal: Gesondheid en Welsyn of 'n beampte deur hom/haar daartoe gemagtig gelas dat 'n beampte of werknemer of die beamptes of werknemers van 'n departementele tak of kantoor onderwerp word aan 'n geneeskundige ondersoek om vas te stel of enige besmetting met aansteeklike of oordraagbare siektes plaasgevind het of dat 'n beampte of werknemer en, op sodanige voorwaardes wat die Tesourie op aanbeveling van die Kommissie goedkeur, 'n lid van sy/haar huishouding geïmmuniseer word teen 'n aansteeklike of oordraagbare siekte, om -
- (i) 'n epidemie te voorkom;
  - (ii) aan internasionale voorskrifte te voldoen; of
  - (iii) hom/haar/hulle te vrywaar teen besmetting met aansteeklike of oordraagbare siektes gedurende 'n besoek aan of verblyf in 'n land of gebied waar die gevaar van sodanige besmetting bestaan:

Provided that the services rendered by the Department of Health and Welfare or an administration or a local authority be made use of as far as possible and that an officer or employee who does not make use of medical services on grounds of religious or conscientious objections may, on application, be exempted from such examination or immunisation.

- (b) The expenditure connected with such an examination or immunisation shall be met from public funds.

A19.2 (a) The Commission or a head of department may at any time require that an officer or employee submit himself/herself to an examination by a registered medical practitioner or a medical board indicated or constituted by an officer authorised thereto in terms of regulation A5.1. The expenditure connected with the examination shall be met from public funds: Provided that the officer or employee who is to be examined, may, if he/she so desires, arrange at his/her own expense for his/her private medical practitioner to be present at the meeting of the medical board.

- (b) The Commission may prescribe the form on which the report of a medical practitioner or a medical board is to be submitted.

### Salary Increments

A20.1 Subject to the provisions of section 27 of the Act and of subregulation 2, the salary of an officer or employee shall be increased by one salary increment within the limits of the scale applicable to him/her, after completion of each incremental period and with effect from the first day of such officer's or employee's incremental month.

A20.2 If the head of the office issues a certificate in which it is declared that the officer's or employee's conduct as to industry, discipline, punctuality or sobriety was not uniformly satisfactory during an incremental period or that he/she did not perform his/her work uniformly satisfactorily during such incremental period, the salary of such officer or employee shall not be increased in terms of the provisions of subregulation 1: Provided that a head of department may, at his/her discretion, approve that the salary of an officer or employee be increased in terms of the provisions of subregulation 1 notwithstanding that a certificate contemplated in this subregulation has been issued.

A20.3 If the salary of an officer or employee is not increased in terms of the provisions of subregulation (1) or of the proviso to subregulation 2 on account of the issue of a certificate mentioned in subregulation 2 -

- (a) the head of department shall notify such officer or employee in writing of the reasons therefor and also that at the expiry of a continuous period to be indicated and which shall be not longer than an incremental period, a salary increment may be granted by the head of department on condition that a certificate is issued by the head of the office in which it is declared that the officer's or employee's work performance and his/her conduct in regard to the qualities mentioned in subregulation 2 were satisfactory during such period; and
- (b) the case shall be reported to the Commission in the case of an officer in the A division.

A20.4 (a) If the period mentioned in subregulation 3(a) is shorter than an incremental period, the head of department shall grant the officer or employee one salary increment with effect from the first day of the month following the date on which such period expired: Provided that such salary increment may be granted only if the head of the office issues a certificate in which it is declared that the officer's or employee's work performance and his/her conduct in regard to the qualities mentioned in subregulation 2 were satisfactory during such period.

Met dien verstande dat sover moontlik gebruik gemaak word van die dienste wat gelewer word deur die Departement van Gesondheid en Welsyn of 'n administrasie of 'n plaaslike owerheid en dat 'n beampte of werknemer wat vanweë geloofs- of gewetensbesware nie van geneeskundige dienste gebruik maak nie, op aansoek van sodanige ondersoek of immunisering vrygestel kan word.

(b) Die koste verbonde aan so 'n ondersoek of immunisering word uit staatsfondse betaal.

A19.2 (a) Die Kommissie of 'n departementshoof kan te eniger tyd eis dat 'n beampte of werknemer hom/haar onderwerp aan 'n ondersoek deur 'n geregistreerde geneesheer, of 'n geneeskundige raad aangewys of saamgestel deur 'n beampte wat daartoe gemagtig is kragtens regulasie A5.1. Die koste verbonde aan die ondersoek word uit staatsfondse betaal: Met dien verstande dat die beampte of werknemer wat ondersoek moet word, indien hy/sy dit verlang, op eie koste kan reël dat sy/haar private geneesheer by die verrigtinge van 'n geneeskundige raad teenwoordig kan wees.

(b) Die Kommissie kan die vorm voorskryf waarop 'n verslag van 'n geneesheer of 'n geneeskundige raad ingedien moet word.

### Salarisverhogings

A20.1 Behoudens die bepalings van artikel 27 van die Wet en van subregulasie 2, word die salaris van 'n beampte of werknemer verhoog met een salarisverhoging binne die perke van die skaal wat op hom/haar van toepassing is, na die voltooiing van elke salarisverhogingstydperk en wel met ingang van die eerste dag van sodanige beampte of werknemer se verhogingsmaand.

A20.2 As die hoof van die kantoor 'n sertifikaat uitreik waarin verklaar word dat 'n beampte of werknemer se gedrag met betrekking tot ywer, dissipline, stiptheid of matigheid gedurende 'n salarisverhogingstydperk nie deurgaans bevredigend was nie of dat hy/sy sy/haar werk gedurende sodanige salarisverhogingstydperk nie deurgaans op 'n bevredigende wyse verrig het nie, word die salaris van sodanige beampte of werknemer nie kragtens die bepalings van subregulasie 1 verhoog nie: Met dien verstande dat 'n departementshoof na goeddunke kan goedkeur dat die salaris van 'n beampte of werknemer kragtens die bepalings van subregulasie 1 verhoog word nieteenstaande dat 'n sertifikaat soos in hierdie subregulasie bedoel, uitgereik is.

A20.3 Indien die salaris van 'n beampte of werknemer nie kragtens die bepalings van subregulasie 1 of van die voorbehoudsbepaling by subregulasie 2 verhoog word nie vanweë die uitreiking van 'n in subregulasie 2 bedoelde sertifikaat, word -

(a) sodanige beampte of werknemer deur die departementshoof skriftelik verwittig van die redes daarvoor asook dat by verstryking van 'n aaneenlopende tydperk wat aangedui moet word en wat nie langer as 'n salarisverhogingstydperk is nie, 'n salarisverhoging deur die departementshoof toegeken kan word op voorwaarde dat 'n sertifikaat deur die hoof van die kantoor uitgereik word waarin verklaar word dat die beampte of werknemer se werkverrigting en gedrag met betrekking tot die in subregulasie 2 bedoelde eienskappe gedurende sodanige tydperk bevredigend was; en

(b) die saak aan die Kommissie gerapporteer in die geval van 'n beampte in die A-afdeling.



- (b) If an officer or employee has been granted a salary increment in terms of paragraph (a), the head of department shall grant him/her a further salary increment after the expiry of an incremental period reckoned from the date on which his/her salary would have been increased in terms of subregulation 1 had such increase not been withheld in terms of subregulation 2: Provided that such salary increment may be granted only if the head of the office issues a certificate in which it is declared that the officer's or employee's work performance and his conduct in regard to the qualities mentioned in subregulation 2 continued to be satisfactory from the date of the granting of the salary increment contemplated in paragraph (a) to the date preceding that on which a salary increment may be granted in terms of this paragraph: Provided further that the provisions of this paragraph shall not apply to an officer or employee if his/her salary is already equal to the maximum notch of the appropriate scale.

A20.5 If an officer or employee is not granted a salary increment in terms of subregulation 4(a) -

- (a) such officer or employee shall again be notified in writing by the head of department of the reasons therefor as well as that at the expiry of a continuous period which must be indicated and which must be equal to the difference between the period contemplated in subregulation 3(a) and an incremental period, a salary increment may be granted by the head of department on condition that the head of the office issues a certificate in which it is declared that the officer's or employee's work performance and his/her conduct in regard to the qualities mentioned in subregulation 2 were satisfactory during the said continuous period;
- (b) the provisions of subregulation 3(b) shall apply mutatis mutandis; and
- (c) the head of department shall grant the officer or employee two salary increments after the expiry of an incremental period reckoned from the date on which his/her salary would have been increased in terms of subregulation 1 if such increase had not been withheld in terms of the provisions of subregulation 2: Provided that such salary increments may be granted only if the head of the office issues a certificate in which it is declared that the officer or employee's work performance and his/her conduct in regard to the qualities mentioned in subregulation 2 were satisfactory during the continuous period contemplated in paragraph (a): Provided further that only one salary increment may be granted to such officer or employee if his/her salary is already equal to the penultimate notch of the appropriate scale.

A20.6 If the period mentioned in subregulation 3(a) is equal to an incremental period, the head of department shall grant such officer or employee two salary increments after the expiry of such period: Provided that such salary increments may be granted only if the head of the office issues a certificate in which it is declared that the officer or employee's work performance and his/her conduct in regard to the qualities mentioned in subregulation 2 were satisfactory during such period: Provided further that such officer or employee may be granted one salary increment only if his/her salary is already equal to the penultimate notch of the appropriate scale.

A20.7 If an officer or employee is not granted a salary increment in terms of subregulation 4(b), subregulation 5(c) or subregulation 6, the provisions of subregulation 2, 3, 4, 5 and 6 shall mutatis mutandis become operative afresh.

A20.8 Subject to the provisions of this regulation, the salary of an officer or employee to whom a salary increment has been granted in terms of subregulation 4(b), subregulation 5(c) or subregulation 6, shall, at the expiry of each further incremental period, be increased by one salary increment within the limits of the scale applicable to him/her.

### Missing Officers and Employees

A21.1 If an officer or employee is missing and the head of department is satisfied that his/her absence is the result of an act of any hostile or criminal element, irrespective of whether or not he/she was performing his/her duties in terms of the Act at the time he/she disappeared, or if an officer or



- A20.4 (a) Indien die in subregulasie 3(a) bedoelde tydperk korter is as 'n salarisverhogingstydperk, word een salarisverhoging deur die departementshoof aan die beampte of werknemer toegeken met ingang van die eerste dag van die maand wat volg op die datum waarop genoemde tydperk verstryk. Met dien verstande dat sodanige salarisverhoging slegs toegeken kan word as die hoof van die kantoor 'n sertifikaat uitreik waarin verklaar word dat die beampte of werknemer se werkverrigting en gedrag met betrekking tot die in subregulasie 2 bedoelde eienskappe gedurende sodanige tydperk bevredigend was.
- (b) Indien 'n salarisverhoging kragtens paragraaf (a) aan 'n beampte of werknemer toegeken is, word 'n verdere salarisverhoging deur die departementshoof aan hom/haar toegeken na verstryking van 'n salarisverhogingstydperk gereken vanaf die datum waarop sy/haar salaris kragtens subregulasie 1 verhoog wou gewees het as sodanige verhoging nie kragtens die bepalings van subregulasie 2 weerhou was nie. Met dien verstande dat sodanige salarisverhoging slegs toegeken kan word as die hoof van die kantoor 'n sertifikaat uitreik waarin verklaar word dat die beampte of werknemer se werkverrigting en gedrag met betrekking tot die in subregulasie 2 bedoelde eienskappe steeds bevredigend was vanaf die datum van toekenning van die in paragraaf (a) bedoelde salarisverhoging tot die datum voorafgaande dié waarop 'n salarisverhoging kragtens hierdie paragraaf toegeken kan word. Met dien verstande voorts dat die bepalings van hierdie paragraaf nie op 'n beampte of werknemer van toepassing is nie as sy/haar salaris reeds gelyk is aan die maksimum kerf van die toepaslike skaal.
- A20.5 Indien 'n salarisverhoging kragtens regulasie 4(a) nie aan 'n beampte of werknemer toegeken word nie –
- (a) word sodanige beampte of werknemer weereens deur die departementshoof skriftelik van die redes daarvoor asook dat by verstryking van 'n aaneenlopende tydperk wat aangedui moet word en wat gelykstaande moet wees aan die verskil tussen die in subregulasie 3(a) bedoelde tydperk en 'n salarisverhogingstydperk, 'n salarisverhoging deur die departementshoof toegeken kan word op voorwaarde dat 'n sertifikaat deur die hoof van die kantoor uitgereik word waarin verklaar word dat die beampte of werknemer se werkverrigting en gedrag met betrekking tot die in subregulasie 2 bedoelde eienskappe bevredigend was gedurende genoemde aaneenlopende tydperk;
- (b) is die bepalings van subregulasie 3(b) mutatis mutandis van toepassing; en
- (c) word twee salarisverhogings deur die departementshoof aan sodanige beampte of werknemer toegeken na verstryking van 'n salarisverhogingstydperk gereken vanaf die datum waarop sy/haar salaris kragtens subregulasie 1 verhoog sou gewees het as sodanige verhoging nie kragtens die bepalings van subregulasie 2 weerhou was nie. Met dien verstande dat sodanige salarisverhogings slegs toegeken kan word as die hoof van die kantoor 'n sertifikaat uitreik waarin verklaar word dat die beampte of werknemer se werkverrigting en gedrag met betrekking tot die in subregulasie 2 bedoelde eienskappe bevredigend was gedurende die in paragraaf (a) bedoelde aaneenlopende tydperk. Met dien verstande voorts dat slegs een salarisverhoging aan sodanige beampte of werknemer toegeken kan word as sy/haar salaris reeds gelyk is aan die tweede laaste kerf van die toepaslike skaal.

employee disappears for any other reason and the head of department is satisfied that his/her absence arose from the performance of his/her duties in terms of the Act, such officer or employee shall be deemed to be still employed from the moment such absence commenced until the day on which he/she again reports for duty or, in the opinion of the head of department, should again have reported for duty, or the day on which a competent court issues an order whereby the death of such officer or employee is presumed.

A21.2 The salary or wages and allowances accruing to an officer or employee during his/her absence contemplated in subregulation 1 shall, subject to the provisions of subregulation 4, be paid to

- (a) his/her spouse; or
- (b) his/her dependants, if he/she has no spouse; or
- (c) although he/she has a spouse and/or dependants, to any other person who, in the opinion of the head of department, is competent to receive and administer such salary or wages and allowances on behalf of his/her spouse and/or dependants; or
- (d) if he/she is single without dependants, any person who was authorised by him/her thereto, or any person who, in the opinion of the head of department, is competent to receive and administer such salary or wages and allowances on behalf of the officer or employee concerned.

A21.3 Payment of any salary or wages and allowances in terms of subregulation 2 shall for all purposes be deemed to be payment thereof to the officer or employee concerned, and an amount so paid shall not be recoverable by the State from any person.

A21.4 Notwithstanding the provisions of subregulation 2, the head of department may in his/her discretion direct that only a portion of the salary or wages and allowances of an officer or employee be paid in terms of the said subregulation or that no portion thereof be so paid.

#### **Procedure for Dealing with Complaints and Grievances of Officers**

- A22.1 (a) If an officer is dissatisfied or discontented with an official action or omission, he or she may raise the matter with his or her supervisor.
- (b) It is the responsibility of the supervisor to determine the cause of the dissatisfaction or discontent.
- (c) After the supervisor has interviewed the officer he or she shall, if it is in his or her power and within his or her competence to dispose of the dissatisfaction, take active steps in the matter within five working days.
- (d) Supervisors should also be prepared to listen to complaints about official actions or omissions of their own which harm or may harm the material or spiritual well-being of the officers under their supervision or the interests of the State.
- (e) If the supervisor finds that the dissatisfaction or discontent has arisen from a matter which it is not in his or her power or within his or her competence to deal with, he or she shall, within five working days of the interview referred to in paragraph (c), inform the officer concerned of his or her right to make representations about the matter to a higher authority.

- A20.6 Indien die in subregulasie 3(a) bedoelde tydperk gelyk is aan 'n salarisverhogingstydperk, word twee salarisverhogings deur die departementshoof aan sodanige beampte of werknemer toegeken na verstryking van sodanige tydperk: Met dien verstande dat sodanige salarisverhogings slegs toegeken kan word as die hoof van die kantoor 'n sertifikaat uitreik waarin verklaar word dat die beampte of werknemer se werkverrigting en gedrag met betrekking tot die in subregulasie 2 bedoelde eienskappe gedurende sodanige tydperk bevredigend was: Met dien verstande voorts dat slegs een salarisverhoging aan sodanige beampte of werknemer toegeken kan word as sy/haar salaris reeds gelyk is aan die tweede laaste kerf van die toepaslike skaal.
- A20.7 Indien 'n salarisverhoging nie kragtens subregulasie 4(b), subregulasie 5(c) of subregulasie 6 aan 'n beampte of werknemer toegeken word nie, tree die bepalings van subregulasie 2, 3, 4, 5 en 6 mutatis mutandis opnuut in werking.
- A20.8 Behoudens die bepalings van hierdie regulasie, word die salaris van 'n beampte of werknemer aan wie 'n salarisverhoging kragtens subregulasie 4(b), subregulasie 5(c) of subregulasie 6 toegeken is, by die verstryking van elke verdere salarisverhogingstydperk verhoog met een salarisverhoging binne die perke van die skaal wat hom/haar van toepassing is.

### Vermiste Beamptes en Werknemers

- A21.1 Indien 'n beampte of werknemer vermis word en die departementshoof oortuig is dat sy/haar afwesigheid ontstaan het as gevolg van 'n handeling van enige vyandige of misdadige element, ongeag of hy/sy op die tydstip toe hy/sy vermis geraak het besig was met die uitvoering van sy/haar pligte ingevolge die Wet al dan nie, of as beampte of werknemer om enige ander rede vermis word en die departementshoof oortuig is dat sy/haar afwesigheid ontstaan het uit die uitvoering van sy/haar pligte ingevolge die Wet, word bedoelde beampte of werknemer steeds geag in diens te wees vanaf die tydstip waarop bedoelde afwesigheid begin het tot op die dag waarop hy/sy hom/haar weer vir diens aanmeld of, volgens die oordeel van die departementshoof, moes aangemeld het, of die dag waarop 'n bevoegde hof 'n bevel uitreik waarby die dood van daardie beampte of werknemer vermoed word.
- A21.2 Die salaris of loon en toelaes wat 'n beampte of werknemer toeval tydens sy/haar afwesigheid in subregulasie 1 bedoel, word, behoudens die bepalings van subregulasie 4, uitbetaal aan –
- (a) sy/haar eggenote; of
  - (b) sy/haar ander afhanklikes, as hy/sy nie 'n eggenote het nie; en
  - (c) al het hy/sy 'n eggenote en/of afhanklikes, iemand wat, volgens die oordeel van die departementshoof, bevoeg is om daardie salaris of loon en toelaes ten behoeve van sy/haar eggenote en/of afhanklikes te ontvang en te administreer; of
  - (d) as hy/sy ongetroud is sonder afhanklikes, iemand wat hy/sy volmag daartoe gegee het of iemand wat, volgens die oordeel van die departementshoof, bevoeg is om daardie salaris of loon en toelaes ten behoeve van die betrokke te ontvang en te administreer.
- A21.3 Betaling van salaris of loon en toelaes ingevolge subregulasie 2 word vir alle doeleindes geag betaling daarvan aan die betrokke beampte of werknemer te wees, en 'n bedrag aldus betaal is nie deur die Staat of iemand verhaalbaar nie.
- A21.4 Ondanks die bepalings van subregulasie 2, kan die departementshoof na goeë dunske gelas dat slegs 'n gedeelte van 'n beampte of werknemer se salaris of loon en toelaes ingevolge genoemde subregulasie uitbetaal word of dat geen gedeelte daarvan aldus uitbetaal word nie.

(f) If the supervisor finds that the dissatisfaction or discontent has arisen from a matter which it is in his or her power or within his or her competence to deal with, but he or she does not succeed in disposing of the complaint, he or she shall, if the officer concerned has notified him or her that he or she is still dissatisfied or discontented, inform the latter within five working days of such notification of his or her right to make representations about the matter to a higher authority.

(g) In the circumstances mentioned in paragraphs (e) and (f), the supervisor shall give the officer the assurance that such representations will be accorded objective consideration and that this right to make representations to a higher authority will be recognised at all times, provided they are made through the correct official channels and in accordance with the procedure laid down in these regulations.

A22.2 (a) If an officer's complaint concerns a matter which cannot be dealt with by his or her supervisor, or if he or she has a complaint about the supervisor him- or herself, or if the circumstances contemplated in subregulation 1(f) are present, he or she may make representations about the matter to the officer in the department's staff section or another competent senior officer specifically designated by the head of department to deal with complaints and grievances.

(b) The designated officer contemplated in paragraph (a) shall -

(i) act without delay as stipulated in subregulations 1(b), (c), (e) and (f) or, within 10 working days of the receipt of such representations, refer the matter to an officer who is empowered to act as stipulated in the said subregulations; and

(ii) satisfy him- or herself that the provisions of subregulation 1(g) have been complied with and that the aggrieved officer has been fully informed of his or her rights.

(c) If the designated officer contemplated in paragraph (a), or the officer to whom the representation have been referred in accordance with paragraph (b)(i), is not stationed at the same place as the officer making the representations, the procedure laid down in subregulations 1(b), (c), (e) and (f) may be pursued by correspondence or through the agency of a local or other supervisor designated for the purpose by the head of department, in which case the periods determined in subregulations 1(c), (e) and (f) may be extended by a maximum of 10 working days.

A22.3 (a) If the officer's complaint cannot be disposed of to his or her satisfaction in accordance with the procedure laid down in subregulations 1 and 2, or within the periods specified therein, he or she may make written representations about the matter to the designated officer contemplated in subregulation 2(a).

(b) The written representation shall contain the following information:

(i) The name and rank of the officer.

(ii) Full details of the reasons for his or her dissatisfaction or discontent.

(iii) The steps already taken to dispose of the complaint and the outcome.

(iv) Statements by other persons or other evidence, if any, in support of the contention of the officer concerned.



**Prosedure vir die Hantering van Klagtes en Griewe van  
Beamptes**

- A22.1(a) Indien 'n beampte ontevrede of misnoeg is oor 'n amptelike handeling of versuim, kan hy of sy die aangeleentheid by sy of haar toesighouer aanhangig maak.
- (b) Dit is die verantwoordelikheid van die toesighouer om te bepaal wat die oorsaak van die ontevredenheid of misnoegdheid is.
  - (c) Nadat die toesighouer die beampte te woord gestaan het, moet hy of sy, indien dit binne sy of haar vermoë en bevoegdheid is om die ontevredenheid uit die weg te ruim, binne vyf werksdae daadwerklike stappe in dié verband doen.
  - (d) Toesighouers moet ook gewillig wees om te luister na klagtes oor hulle eie amptelike optrede of versuim wat die materiële of geestelike welsyn van die beamptes onder hulle toesig of die belange van die Staat benadeel of kan benadeel.
  - (e) Indien die toesighouer bepaal het dat die oorsaak van die ontevredenheid of misnoegdheid uit 'n aangeleentheid spruit wat nie binne sy of haar vermoë of bevoegdheid is om op te los nie, moet hy of sy, binne vyf werksdae na die onderhoud waarna in paragraaf (c) verwys word, die betrokke beampte inlig oor sy of haar reg om vertoë daaroor tot hoër gesag te rig.
  - (f) Indien die toesighouer bevind dat die ontevredenheid of misnoegdheid voortspruit uit 'n aangeleentheid wat binne sy of haar vermoë of bevoegdheid is om op te los, maar hy of sy nie daarin slaag om die klagte uit die weg te ruim nie, moet hy of sy die betrokke beampte, indien laasgenoemde hom of haar meegedeel het dat hy of sy steeds ontevrede of misnoeg is, binne vyf werksdae na so 'n mededeling, inlig oor sy of haar reg om vertoë daaroor tot hoër gesag te rig.
  - (g) In die omstandighede in paragrawe (e) en (f) vermeld, moet die toesighouer die beampte die versekering gee dat sodanige vertoë objektiewe oorweging sal geniet en dat sy of haar reg om dit tot hoër gesag te rig te alle tye erken sal word, mits dit geskied deur die korrekte amptelike kanale en in ooreenstemming met die prosedure by hierdie regulasie voorgeskryf.
- A22.2 (a) Indien die klagte van 'n beampte met 'n aangeleentheid te doen het wat nie deur sy of haar toesighouer gehanteer kan word nie, of indien hy of sy 'n klagte teen die toesighouer self het, of indien die omstandighede beoog in subregulasie 1(f) aanwesig is, kan hy of sy vertoë daaroor rig tot die beampte in die departement se personeelafdeling of 'n ander bevoegde senior beampte wat deur die departementshoof spesifiek aangewys is om klagtes en griewe te hanteer.
- (b) Die aangewese beampte in paragraaf (a) bedoel moet –
    - (i) sonder versuim optree soos in subregulasie 1(b), (c), (e) en (f) uiteengesit of, binne 10 werksdae na ontvangs van sodanige vertoë, die saak na 'n beampte verwys wat wel die bevoegdheid besit om op te tree soos in genoemde subregulasies bepaal; en
    - (ii) hom- of haarself vergewis dat die bepalings van subregulasie 1(g) nagekom is en dat die gegriefde beampte ten volle op die hoogte van sy of haar regte is.



- (c) Within 10 working days of receiving the written representations, the designated officer contemplated in subregulation 2(a) shall submit such representation together with any comments, explanations, statements or evidence that may be required, via the aggrieved officer's office or divisional head, to the head of department.
- (d)
  - (i) On receipt of the representations the head of department shall within 10 working days and in writing notify the officer making the representations that an investigation is being made into his or her complaint, giving the names of three officers not involved in the matter concerning which representations are being made, one of whom may be chosen by the officer to be designated by the head of department to undertake the investigation.
  - (ii) The officer shall exercise his or her right to choose within 10 working days of receiving the notification and shall notify the head of department of his or her choice in writing.
  - (iii) If the officer fails to do so, the head of department may designate any one of the three officers mentioned in the notification to undertake the investigation.
  - (iv) Should the investigating officer, after being designated, become unfit or for some reason or other be unable to continue the investigation, another person may be designated in the same manner as described above, to continue with the investigation.
- (e)
  - (i) Upon being designated, the investigating officer shall begin or continue the investigation of the complaint within five working days and shall complete the investigation within a period to be specified by the head of department, who may extend such period.
  - (ii) The investigating officer shall be permitted to peruse relevant official documents and files and to obtain from officers and employees information necessary for the investigation.
  - (iii) The investigating officer shall verbally or in writing request the officer who has made the representations to indicate whether he or she wishes to furnish further information and may also, if necessary, obtain further information from him or her.
  - (iv) The aggrieved officer may, if he or she so desires, be assisted or represented during the investigation by any officer or employee, or an official or office-bearer of a staff association or trade union which are recognised at central or departmental level and of which the officer is a member.
  - (v) The investigating officer shall keep detailed minutes of the investigation and of the information obtained during the investigation.
  - (vi) After the investigating officer has thoroughly investigated the complaint, he or she shall record his or her findings and submit them, together with the minutes of the investigation, evidence (if any) and his or her recommendations on the matter, to the head of department within the period determined by the head of department in terms of paragraph (e)(i).
- (f)
  - (i) On receipt of the documents referred to in paragraph (e)(vi), the head of department shall come to a decision in regard to the representations without delay and advise the officer who made the representations accordingly in writing.

- (c) Indien die aangewese beampte in paragraaf (a) bedoel, of die beampte na wie die vertoë ooreenkomstig paragraaf (b)(i) verwys is, op 'n ander standplaas gestasioneer is as die beampte wat die vertoë gerig het, kan die prosedure voorgeskryf by subregulasie 1(b), (c), (e) en (f) deur middel van korrespondensie of deur tussenkoms van 'n plaaslike of ander toesighouer wat vir daardie doel deur die departementshoof aangewys word, uitgevoer word, in welke geval die tydperke bepaal in subregulasie 1(c), (e) en (f) met 'n maksimum van 10 werksdae verleng kan word.
- A22.3 (a) Indien die klagte van 'n beampte nie tot sy of haar tevredenheid ooreenkomstig die prosedure voorgeskryf in subregulasies 1 en 2, of binne die tydperke daarin gemeld, uit die weg geruim kan word nie, kan hy of sy skriftelike vertoë daarvoor rig tot die aangewese beampte in subregulasie 2(a) bedoel.
- (b) Die skriftelike vertoë moet die volgende inligting bevat:
- (i) Die naam en rang van die beampte.
  - (ii) 'n Volledige uiteensetting van die redes vir sy of haar ontevredenheid of misnoegdheid.
  - (iii) Die stappe wat reeds gedoen is om die klagte uit die weg te ruim en die uitslag.
  - (iv) Verklarings van ander persone of ander bewyse, as daar is, ter staving van die bewering van die betrokke beampte.
- (c) Die aangewese beampte in subregulasie 2(a) bedoel, moet die skriftelike vertoë binne 10 werksdae na ontvangs daarvan, tesame met enige kommentaar, verduidelikings, verklarings of bewyse wat nodig mag wees, deur bemiddeling van die gegriefde beampte se kantoor of afdelingshoof aan die departementshoof voorlê.
- (d) (i) By ontvangs van die vertoë gee die departementshoof aan die beampte wat die vertoë gerig het, binne 10 werksdae skriftelike kennis dat ondersoek na sy of haar klagte ingestel word, met vermelding van die name van drie beamptes wat nie by die aangeleentheid waaroor die vertoë gaan, betrokke is nie, uit wie die beampte een persoon kan kies wat deur die departementshoof aangewys moet word om die ondersoek te doen.
- (ii) Die beampte moet sy of haar keuse binne 10 werksdae na ontvangs van die kennisgewing uitoefen en die departementshoof skriftelik daarvan in kennis stel.
- (iii) Indien die beampte versuim om dit te doen, kan die departementshoof enige van die drie beamptes wat in die kennisgewing genoem is, aanwys om die ondersoek te doen.
- (iv) Indien die ondersoekbeampte na aanwysiging ongeskik raak of om die een of ander rede nie met die ondersoek kan voortgaan nie, kan 'n ander persoon op dieselfde wyse as hierbo beskryf, aangewys word om met die ondersoek voort te gaan.
- (e) (i) Die ondersoekbeampte moet binne vyf werksdae na sy of haar aanwysing met die ondersoek van die klagte begin of voortgaan en die ondersoek voltooi binne die tydperk wat die departementshoof bepaal en wat deur hom of haar verleng mag word.

- (ii) If the head of department decides that the complaint is without foundation or that for some reason the representations have to be rejected, the reasons for the decision shall be given to the officer concerned in as much detail as possible and he or she shall be informed of his or her right to demand that his or her representations be submitted to the Commission.
  - (iii) All documents and evidence relating to the investigation and to the decisions taken in the matter shall be retained in a separate supplement to the officer's personal file.
- A22.4 (a) If an officer's complaint cannot be disposed of to his or her satisfaction by following the procedures laid down in subregulation 3, he or she may within ten working days of receipt of the notification referred to in subregulation 3(f)(i) demand, in terms of regulation A6.1, that all the documents relating to the complaint be submitted to the Commission. Such a demand shall be in writing and shall be submitted to the head of department through the official channels within ten working days.
- (b) Within ten working days of receiving the demand the head of department shall forward all the files and documents referred to in subregulation 3(f)(iii) to the Commission and advise the officer that this has been done.
  - (c) The Commission shall -
    - (i) consider the said files and documents and, if it is deemed expedient, designate, in terms of section 5(3) of the Public Service Commission Act, 1984, one of its members or an officer to investigate the matter within a period to be specified by the Commission, which may extend such period; and
    - (ii) advise the head of department and the officer who has made the complaint accordingly through the official channels.
  - (d)
    - (i) The investigating officer thus designated, who shall have the powers contemplated in section 8(6) of the Public Service Commission Act, 1984, shall commence his or her investigation within five working days of his or her being informed of his or her designation and shall complete his or her investigation within the period determined by the Commission in terms of paragraph (c)(i). If the investigating officer becomes incapacitated for some reason or if he or she is not available to complete the investigation, the Commission shall, within ten working days of its being informed thereof, designate another member or officer to proceed with the investigation.
    - (ii) If necessary the investigating officer shall obtain, verbally or in writing, further information from the aggrieved officer.
    - (iii) The investigating officer shall keep detailed minutes of the investigation and of the information obtained during the investigation.
    - (iv) After the investigating officer has thoroughly investigated the complaint, he or she shall record his or her findings and submit them, together with the minutes of the investigation, evidence (if any) and his or her recommendations on the matter, to the Commission within the period determined by the Commission in terms of paragraph (c)(i).
  - (e) On receipt of the documents referred to in paragraph (b) and, if further investigation has been ordered in terms of paragraph (c)(i), the documents mentioned in paragraph (d)(iv), the Commission shall -

- (ii) Die ondersoekbeampte moet toegelaat word om insae te kry in amptelike dokumente en lêers wat ter sake is en om die inligting wat vir die ondersoek noodsaaklik is, van beamptes en werknemers te verkry.
  - (iii) Die ondersoekbeampte moet die beampte wat die vertoë gerig het, mondeling of skriftelik versoek om aan te dui of hy of sy verdere inligting wil verstrek en kan ook, indien nodig, verdere inligting van hom of haar inwin.
  - (iv) Die gegriefde beampte kan, indien hy of sy so verlang, tydens die ondersoek deur enige beampte of werknemer, of 'n amptenaar of ampsdraer van 'n personeel- of vakvereniging wat op sentrale of departementele vlak erkenning geniet en waarvan die beampte lid is, bygestaan of verteenwoordig word.
  - (v) Die ondersoekbeampte moet 'n volledige notule hou van die ondersoek en van die inligting wat daardeur verkry is.
  - (vi) Nadat die ondersoekbeampte die klagte behoorlik ondersoek het, moet hy of sy sy of haar bevindings notuleer en dit saam met die notule van die ondersoek, bewyse (as daar is) en sy of haar aanbevelings oor die aangeleentheid aan die departementshoof voorlê binne die tydperk wat ingevolge paragraaf (e)(i) deur die departementshoof bepaal is.
- (f) (i) By ontvangs van die dokumente in paragraaf (e)(vi) genoem, moet die departementshoof onverwyld 'n besluit oor die vertoë neem en die beampte wat die vertoë gerig het, skriftelik van sy of haar besluit in kennis stel.
- (ii) Indien die departementshoof besluit het dat die klagte ongegrond is of dat daar om die een of ander rede nie aan die vertoë gehoor gegee kan word nie, moet die redes vir die besluit so volledig moontlik aan die betrokke beampte verstrek word en moet hy of sy gewys word op sy of haar reg om te eis dat sy of haar vertoë aan die Kommissie voorgelê word.
- (iii) Al die dokumente en bewyse wat betrekking het op die ondersoek en op die besluite wat oor die aangeleentheid geneem is, moet in 'n afsonderlike byvoegsel by die persoonlike lêer van die beampte bewaar word.
- A22.4 (a) Indien 'n beampte se klagte nie tot sy of haar tevredenheid uit die weg geruim kan word deur die prosedures te volg wat by subregulasie 3 voorgeskryf word nie, kan hy of sy binne tien werksdae na ontvangs van die kennisgewing wat in subregulasie 3(f)(i) genoem is, kragtens regulasie A6.1 eis dat al die stukke wat op die klagte betrekking het, aan die Kommissie voorgelê word. Sodanige eis moet skriftelik wees en moet binne tien werksdae deur die amptelike kanale aan die departementshoof voorgelê word.
- (b) Binne tien werksdae na ontvangs van die eis moet die departementshoof al die lêers en dokumente wat in subregulasie 3(f)(iii) genoem is, aan die Kommissie stuur en die beampte kennis gee dat dit gedoen is.
- (c) Die Kommissie –
- (i) oorweeg die gemelde lêers en dokumente en, indien hy dit dienstig ag, wys hy kragtens artikel 5(3) van die Wet op die Staatsdienskommissie, 1984, een van sy lede of 'n beampte aan om, binne die tydperk wat die Kommissie bepaal en wat deur hom verleng mag word, ondersoek na die aangeleentheid in te stel; en



- (i) decide on the representations, and make a recommendation in terms of section 3(5)(a)(ii) of the Public Service Act, 1994 and advise the aggrieved officer through the official channels that a recommendation has been so made; or
- (ii) refer the matter to the investigating officer for further investigation.

- A22.5 (a) The provisions of section 5 of the Act, shall apply to the recommendation by the Commission contemplated in subregulation 4.
- (b) After the department concerned has made a decision regarding the recommendation by the Commission contemplated in subregulation 4, the head of department shall advise the Commission and the aggrieved officer accordingly.

**Procedure for dealing with complaints and grievances of  
officers in cases where the Commission has made a  
recommendation in the matter**

- A23.1 (a) If an officer has sound and legitimate reasons for dissatisfaction or discontent as a result of a decision taken on the recommendation of the Commission, he or she may, with due regard to the official channels contemplated in regulation A6, submit representations in writing to the Commission. Such representations shall be submitted to the head of department within ten working days of the date of receipt.
- (b) The written representations shall contain the following information:
- (i) Full name, rank, station and post occupied.
  - (ii) Full details of the reasons for the dissatisfaction or discontent. Allegations shall, where possible, be supported by reference to specific instances, persons, incidents, etc.
  - (iii) Statements by other persons or other evidence, if any, which support the officer's contention.
- (c) Within ten working days of receipt of such representations the head of department shall submit them to the Commission together with –
- (i) his or her comments regarding the representations; and
  - (ii) statements, documents or files relating to the representations which may enable the Commission to judge the case on its merits.
- (d) If the head of department is unable to submit all the documents within the prescribed period, he or she shall submit the available documents and ask the Commission for an extension of time for the submission of the rest. The head of department shall notify the officer concerned of such extension if it is granted for a period in excess of ten working days.
- (e) Immediately the representations and all the documents are received by the Commission, the Commission shall institute an investigation into the representations in such manner as it may decide.
- (f) If the Commission decides that an investigation by an investigating officer is necessary, it shall –

- (ii) stel die departementshoof en die beampte wat die klagte het, deur die amptelike kanale daarvan in kennis.
- (d) (i) Die ondersoekbeampte wat aldus aangewys is en die bevoegdhede het wat in artikel 8(6) van die Wet op die Staatsdienskommissie, 1984, bedoel word, moet binne vyf werksdae nadat hy of sy van sy of haar aanwysing verwittig is, met sy of haar ondersoek begin en moet sy of haar ondersoek voltooi binne die tydperk wat ingevolge paragraaf (c)(i) deur die Kommissie bepaal is. Indien die ondersoekbeampte om enige rede ongeskik raak of nie beskikbaar is om die ondersoek te voltooi nie, wys die Kommissie, binne tien werksdae nadat hy daarvan verwittig is, 'n ander lid of beampte aan om daarmee voort te gaan.
- (ii) Indien nodig, moet die ondersoekbeampte mondeling of skriftelik verdere inligting van die gegriefde beampte inwin.
- (iii) Die ondersoekbeampte moet 'n volledige notule hou van die ondersoek en van die inligting wat daardeur verkry is.
- (iv) Nadat die ondersoekbeampte die klagte behoorlik ondersoek het, moet hy of sy sy of haar bevindings notuleer en dit saam met die notule van die ondersoek, bewyse (as daar is) en sy of haar aanbevelings oor die aangeleentheid aan die Kommissie voorlê, binne die tydperk wat deur die Kommissie ingevolge paragraaf (c)(i) bepaal is.
- (e) By ontvangs van die dokumente wat in paragraaf (b) genoem is, en, indien verdere ondersoek kragtens paragraaf (c)(i) gelas is, die dokumente wat in paragraaf (d)(iv) genoem is –
  - (i) besluit die Kommissie oor die verdoë, en doen hy 'n aanbeveling kragtens artikel 3(5)(a)(ii) van die Staatsdienswet, 1994 en stel hy die gegriefde beampte deur die amptelike kanale in kennis dat 'n aanbeveling aldus gedoen is; of
  - (ii) verwys hy die aangeleentheid na die ondersoekbeampte vir verdere ondersoek.
- A22.5 (a) Die bepalinge van artikel 5 van die Wet is van toepassing op die aanbeveling van die Kommissie in subregulasie 4 bedoel.
- (b) Nadat die betrokke departement 'n besluit oor die aanbeveling deur die Kommissie in subregulasie 4 bedoel, geneem het, stel die departementshoof die Kommissie en die gegriefde beampte daarvan in kennis.

**Prosedure vir die hantering van klagtes en griewe van  
beamptes in gevalle waar die Kommissie 'n aanbeveling oor  
die aangeleentheid gedoen het**

- A23.1 (a) Indien 'n beampte gegronde en wettige rede tot ontevredenheid of misnoegdheid het as gevolg van 'n besluit wat op aanbeveling van die Kommissie geneem is, kan hy of sy, met inagneming van die amptelike kanale in regulasie A6 bedoel, skriftelike verdoë tot die Kommissie rig. Sodanige verdoë moet binne tien werksdae na ontvangs aan die departementshoof voorgelê word.
- (b) Die skriftelike verdoë moet die volgende inligting bevat:

- (i) in terms of section 5(3) of the Public Service Commission Act, 1984, designate one of its members or an officer of its office who is not attached to the division that dealt with the case when the original recommendation was made or an officer of another department to investigate the matter; and
- (ii) advise the head of department and the aggrieved officer accordingly through the official channels.
- (g) The provisions of regulation A22.4(d) shall mutatis mutandis apply to such an investigation.
- (h) The Commission shall consider the representations with due regard to the documents mentioned in paragraphs (a) and (b) and, if an investigating officer was appointed, the documents mentioned in regulation A22.4(d)(iv), and shall -
  - (i) make a recommendation in terms of section 3(5)(a)(ii) of the Public Service Act, 1994 and advise the aggrieved officer through the official channels that such a recommendation in the matter has been made; or
  - (ii) refer the matter to the investigating officer for further investigation.
- A23.2 (a) The provisions of section 5 of the Act shall apply to the recommendation of the Commission contemplated in subregulation 1.
- (b) After the department concerned has made a decision regarding the recommendation of the Commission contemplated in subregulation 1, the head of department shall advise the Commission and the aggrieved officer accordingly.

#### **Procedure at Inquiry into Allegation of Inefficiency**

A24.1 When the relevant executing authority appoints an officer in terms of section 18(1) of the Act to inquire into an allegation of inefficiency, the following procedure is applicable:

- (a) The inquiring officer, in consultation with the head of department, shall determine the time and place of the inquiry and the head of department shall give the officer concerned reasonable notice in writing of the time and place thus determined.
- (b) The head of department may authorise any person to attend the inquiry and to adduce evidence and arguments in support of the allegations meant by section 18(2)(a) of the Act and to cross-examine any person who has given evidence to rebut those allegations.
- (c) The inquiring officer shall keep a record of the proceedings at the inquiry and of all evidence given there.
- (d) The failure of the officer concerned to attend the inquiry, either personally or through a representative, shall not invalidate the proceedings.
- (e) After the inquiry the inquiring officer shall find whether the officer concerned is unfit for his/her duties or unable to execute them in an efficient manner, inform the officer concerned of his/her finding and report on the result of the inquiry to the relevant executing authority.
- (f) If the inquiring officer has found that the officer concerned is unfit for his/her duties or incapable of carrying them out efficiently, the officer concerned may, within ten working days as from the date upon which he/she was informed of the finding, appeal to the Commission by giving to the officer who held the inquiry a written notice of appeal wherein he/she shall set forth fully the grounds upon which his/she appeal is based.

- (i) Die volle naam, rang en standplaas van die beampte en die pos wat hy of sy bekleë.
  - (ii) 'n Volledige uiteensetting van die redes vir die ontevredenheid of misnoegdheid. Bewerings moet, waar moontlik, gestaaf word deur verwysing na spesifieke gevalle, persone, gebeurtenisse, en so meer.
  - (iii) Verklarings van ander persone of ander bewyse, as daar is, ter staving van die beamptes se bewering.
- (c) Die departementshoof moet sodanige vertoë binne tien werksdae na die ontvangs daarvan aan die Kommissie voorlê tesame met –
- (i) sy of haar kommentaar oor die vertoë; en
  - (ii) verklarings, dokumente of lêers wat op die vertoë betrekking het en wat die Kommissie in staat mag stel om dit volgens meriete te beoordeel.
- (d) Indien die departementshoof nie al die dokumente binne die voorgeskrewe tydperk kan voorlê nie, moet hy of sy die beskikbare dokumente voorlê en die Kommissie om uitstel vra vir die indiening van die res. Die departementshoof moet die betrokke beampte kennis van enige sodanige uitstel gee indien dit vir 'n tydperk van meer as tien werksdae verleen is.
- (e) Sodra die vertoë en al die dokumente deur die Kommissie ontvang is, stel die Kommissie ondersoek na die vertoë in op die wyse waarop hy besluit.
- (f) Indien die Kommissie besluit dat 'n ondersoek deur 'n ondersoekbeampte nodig is –
- (i) wys hy kragtens artikel 5(3) van die Wet op die Staatsdienskommissie, 1984, een van sy lede of 'n beampte van sy kantoor wat nie aan die afdeling verbonde is wat die geval behartig het toe die oorspronklike aanbeveling gedoen is nie of 'n beampte van 'n ander departement aan om ondersoek na die aangeleentheid in te stel; en
  - (ii) stel hy die departementshoof en die gegriefde beampte deur die amptelike kanale daarvan in kennis.
- (g) Die bepaling van regulasie A22.4(d) is mutatis mutandis op so 'n ondersoek van toepassing.
- (h) Die Kommissie oorweeg die vertoë met inagneming van die dokumente wat in paragrawe (a) en (b) genoem is, en, indien 'n ondersoekbeampte aangewys is, die dokumente wat in regulasie A22.4(d)(iv) genoem is, en–
- (i) doen 'n aanbeveling kragtens artikel 3(5)(a)(ii) van die Staatsdienswet, 1994, en stel die gegriefde beampte deur die amptelike kanale in kennis dat so 'n aanbeveling oor die aangeleentheid gedoen is; of
  - (ii) verwys die aangeleentheid na die ondersoekbeampte vir verdere ondersoek.
- A.23.2 (a) Die bepaling van artikel 5 van die Wet is van toepassing op die aanbeveling van die Kommissie in subregulasie 1 bedoel.



- (g) If the inquiring officer has found that the officer concerned is unfit for his/her duties or incapable of carrying them out efficiently, he/she shall forward to the Commission the record of the proceedings at the inquiry and any documentary evidence admitted there, a written statement of his/her finding and his/her reasons therefor and any observations on the case which he/she desires to make. If notice of appeal has been given he/she shall forward with the record the notice and grounds of appeal, and shall furnish the officer concerned with a copy of the reasons for his/her finding.
- (h) If the officer concerned applies to the Commission for a copy of the record of the proceedings at the inquiry within five working days from the date upon which he/she received a copy of the reasons for the finding, the Commission shall furnish him/her with such a copy.
- (i) The officer concerned may within ten working days from the date upon which he/she received the copy of the record of the proceedings, or if he/she did not apply for a copy of the record, within fifteen working days from the date upon which he/she received the copy of the reasons for the finding, submit to the Commission written representations in support of his/her appeal.
- (j) The Commission shall forward to the head of department a copy of the record and documents and a copy of the officer's representations.
- (k) The head of department may, within ten working days from the date upon which he/she received the copies submit to the Commission any representations which he/she desires to make in support of the finding against which the appeal is brought, and the Commission shall furnish a copy of such representations to the officer concerned.
- (l) The officer concerned may within ten working days from the date upon which he/she received a copy of the head of the department's representations submit to the Commission any reply in writing he/she wishes to make to such representations.
- (m) The Commission shall furnish the head of department with a copy of such reply.
- (n) The head of department shall have no right to submit further representations in answer to such reply, except with permission of the Commission.
- (o) After consideration of the record and documents, the Commission may allow the appeal wholly or in part and set aside or alter the finding, or dismiss the appeal and confirm the finding wholly or in part, or the Commission may, before arriving at a final decision on the appeal, remit any question in connection with the inquiry to the inquiring officer and direct him/her to report thereon or to hold a further inquiry and arrive at a finding thereon.
- (p) If the Commission directs a further inquiry, the provisions of paragraphs (b) to (d) as well as section 18(2) of the Act shall apply.
- (q) When the Commission has arrived at a final decision on an appeal, that decision shall be conveyed in writing to the appellant and via the head of department to the relevant executing authority and a recommendation shall be furnished in terms of section 18(5) of the Act.
- (r) (i) Any notice, statement or other document which is to be given or furnished to or served upon any person in terms of section 18 of the Act or this subregulation or any matter which is to be or may be conveyed to any person in writing, may be sent by post in a registered letter or be delivered to him/her or left at his/her last known residential address which he/she should have furnished in terms of Public Service Regulation A8.1; or

- (b) Nadat die betrokke departement 'n besluit oor die aanbeveling van die Kommissie in subregulasie 1 bedoel, geneem het, stel die departementshoof die Kommissie en die gegriefde beampte daarvan in kennis.

#### **Prosedure by Onderzoek na Bewering van Onbekwaamheid**

A24.1 Wanneer die betrokke uitvoeringsgesag ingevolge artikel 18(1) van die Wet 'n beampte aanstel om ondersoek na 'n bewering van onbekwaamheid in te stel, geld die volgende prosedure:

- (a) Die ondersoekbeampte stel in oorleg met die departementshoof, die tyd en die plek van die ondersoek vas en die departementshoof gee aan die betrokke beampte redelike skriftelike kennisgewing van die tyd en plek aldus vasgestel.
- (b) Die departementshoof kan enige persoon magtig om by die ondersoek teenwoordig te wees en om getuienis en argumente ter stawing van die in artikel 18(2)(a) van die Wet bedoelde bewerings aan te voer en om enige persoon wat getuienis afgelê het om daardie bewerings te weerlê, onder kruisverhoor te neem.
- (c) Die ondersoekbeampte moet notule hou van die verrigtings by die ondersoek en van alle getuienis wat aldaar afgelê word.
- (d) Die versuim van die betrokke beampte om by die ondersoek teenwoordig te wees, hetsy/haar persoonlik of deur 'n verteenwoordiger, maak die verrigtings nie ongeldig nie.
- (e) Na afloop van die ondersoek moet die ondersoekbeampte bevind of die betrokke beampte ongeskik is vir sy/haar pligte of nie in staat is om hulle op 'n bekwame wyse uit te voer nie, die betrokke beampte van sy/haar bevinding in kennis stel en oor die uitslag van die ondersoek aan die betrokke uitvoeringsgesag verslag doen.
- (f) As die ondersoekbeampte bevind het dat die betrokke beampte ongeskik is vir sy/haar pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, kan die betrokke beampte binne tien werksdae na die datum waarop hy/sy van die bevinding verwittig is, by die Kommissie daarteen appelleer deur aan die ondersoekbeampte skriftelik kennis van appèl te gee, waarin hy/sy volledig die gronde waarop die appèl gebaseer word, moet uiteensit.
- (g) As die ondersoekbeampte bevind het dat die betrokke beampte ongeskik is vir sy/haar pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, moet hy/sy die notule van die verrigtings by die ondersoek en alle dokumentêre getuienis wat aldaar toegelaat is, asook 'n skriftelike uiteensetting van die redes vir sy/haar bevinding en enige opmerkings oor die saak wat hy/sy wens te maak, direk aan die Kommissie stuur. As kennis van appèl gegee is, moet hy/sy saam met die notule die kennisgewing en gronde van appèl aanstuur, en moet hy/sy aan die betrokke beampte 'n afskrif van die redes vir sy/haar bevinding verstrek.
- (h) As die betrokke beampte binne vyf werksdae na die datum waarop hy/sy 'n afskrif van die redes vir die bevinding ontvang het, by die Kommissie om 'n afskrif van die notule van die verrigtings by die ondersoek aansoek doen, verstrek die Kommissie so 'n afskrif aan hom/haar.
- (i) Die betrokke beampte kan binne tien werksdae na die datum waarop hy/sy die afskrif van die notule van die verrigtings ontvang het, of as hy/sy nie om 'n afskrif van die notule aansoek gedoen het nie, binne vyftien werksdae na die datum waarop hy/sy die afskrif van die redes vir die bevinding ontvang het, aan die Kommissie skriftelike verhoë ter stawing

- (ii) any person who has to be informed of any decision of finding, may be informed thereof verbally or in writing sent by post in a registered letter or delivered to him/her or left at his/her last known residential address.

A24.2 The provisions of subregulation is, subject to the provisions of section 19(2) of the Act, mutatis mutandis applicable to an inquiry which has been instituted into alleged inefficiency of a head of department in terms of section 19(1) of the Act and for this purpose a reference in that subregulation to the head of department shall be interpreted as a reference to the relevant executing authority.

### Long Service Recognition

A25 A long service recognition award, including inter alia the discounting of available vacation leave, can be made to an officer or full-time employee in recognition of long service within the framework of the provisions and measures, recommended by the Commission.

### Norms and Standards

A26 The measures contained in the Public Service Regulations and Public Service Staff Code are the norms and standards which apply nationally.

### Exceptional Cases

A27 If circumstances arise which justify a departure from the provisions of the regulations contained in this chapter, the Commission may recommend such a departure.

## CHAPTER B

### CONDITIONS CONCERNING THE FILLING OF POSTS

#### General

- B1.1 A person who desires to be considered for permanent appointment in the Public Service, shall apply therefor on a form prescribed by the Commission.
- B1.2 A head of department may, at his/her discretion, require that a person who desires to be considered for appointment in the Public Service in a capacity other than that mentioned in subregulation 1, shall apply therefor on the form mentioned in subregulation 1.
- B1.3 A person mentioned in subregulation 1 shall, with a view to his/her appointment, complete and sign a declaration on a form prescribed by the Commission and, if he/she is required to do so, submit himself/herself to a medical examination.
- B1.4 The district surgeon or government medical officer who undertakes the medical examination of a person mentioned in subregulation 3, shall, after the examination, draw up a report thereon on a form prescribed by the Commission.

van sy/haar appèl voorlê.

- (j) Die Kommissie stuur 'n afskrif van die notule en dokumente en 'n afskrif van die betrokke beampte se vertoë aan die departementshoof.
- (k) Die departementshoof kan binne tien werksdae na die datum waarop hy/sy die afskrifte ontvang het, vertoë wat hy/sy wil voorlê ter stawing van die bevinding waarteen die appèl aangeteken is, tot die Kommissie rig en die Kommissie moet 'n afskrif van bedoelde vertoë aan die betrokke beampte verstrek.
- (l) Die betrokke beampte kan binne tien werksdae na die datum waarop hy/sy 'n afskrif van die departementshoof se vertoë ontvang het, enige skriftelike repliek wat hy/sy op die vertoë wil lewer, aan die Kommissie voorlê.
- (m) Die Kommissie verstrek 'n afskrif van bedoelde repliek aan die departementshoof.
- (n) Die departementshoof het nie die reg om verdere vertoë in antwoord op bedoelde repliek voor te lê nie, behalwe met verlof van die Kommissie.
- (o) Na oorweging van die notule en dokumente kan die Kommissie die appèl in sy/haar geheel of gedeeltelik toestaan en die bevinding tersy/haarde stel of wysig, of die appèl afwys en die bevinding in sy/haar geheel of gedeeltelik bekragtig, of kan die Kommissie, voordathy/sy tot 'n finale beslissing oor die appèl geraak, enige vraag in verband met die ondersoek na die ondersoekbeampte terugverwys, en hom/haar gelas om verslag daaroor te doen of om 'n verdere ondersoek in te stel en tot 'n bevinding daaroor te geraak.
- (p) As die Kommissie gelas dat 'n verdere ondersoek ingestel moet word, is die bepalings van paragrawe (b) tot (d) asook artikel 18(2) van die Wet van toepassing.
- (q) Wanneer die Kommissie tot 'n finale beslissing oor 'n appèl geraak het, sal daardie beslissing skriftelik aan die appellant en deur middel van die departementshoof aan die betrokke uitvoeringsgesag meegedeel word en 'n aanbeveling kragtens artikel 18(5) van die Wet.
- (r)
  - (i) Enige kennisgewing, verklaring of ander dokument wat ingevolge artikel 18 van die Wet of ingevolge hierdie subregulasie aan 'n persoon gegee of verstrek of bestel moet word of enige aangeleentheid wat skriftelik aan 'n persoon meegedeel moet of kan word, kan per pos in 'n geregistreerde brief aan hom/haar gestuur word of aan hom/haar afgelewer of by sy/haar laaste bekende woonadres wat hy/sy ingevolge Staatsdiensregulasie A8.1 moes verskaf het, gelaat word; of
  - (ii) 'n persoon wat van 'n beslissing of bevinding verwittig moet word, kan mondeling of per geskrif wat per pos in 'n geregistreerde brief aan hom/haar gestuur word of aan hom/haar afgelewer of by sy/haar laaste bekende woonadres gelaat word, daarvan verwittig word.

A24.2 Die bepalings van subregulasie 1 is, behoudens die bepalings van artikel 19(2) van die Wet, mutatis mutandis van toepassing op 'n ondersoek wat ingevolge artikel 19(1) van die Wet na die beweerde onbekwaamheid van 'n departementshoof ingestel word en vir dié doel word 'n verwysing in daardie subregulasie na die departementshoof uitgelê as 'n verwysing na die betrokke uitvoeringsgesag.



**Minimum Age on Appointment**

- B2 No one who has not reached the age of 15 years shall be appointed in the Public Service unless he/she is in possession of the matriculation certificate of the Joint Matriculation Board or a certificate which, in the opinion of the Commission, is of a standard equivalent to, or higher than, the said certificate.

**CHAPTER C****LEAVE OF ABSENCE****C1. PURPOSE**

To regulate an officer's or employee's absence from duty by means of the granting of leave of absence within the framework of provisions and measures as set out in this Chapter.

**C2. AUTHORISATION**

C2.1 The directives contained in this Chapter are issued in accordance with the provisions of section 41(1)(b) of the Public Service Act, 1994.

C2.2 The authority to approve that leave of absence be granted to an officer or employee in accordance with the provisions in this Chapter and the supplementary measures contemplated in regulation C5.14, is vested in the Head of Department who may delegate such authority. The granting of leave of absence to a Head of Department is subject to such approval as the relevant executing authority may determine.

**C3. SCOPE OF APPLICATION**

C3.1 Leave of absence may be granted to officers and employees, subject to the provisions of this Chapter.

C3.2 The following persons are excluded from these measures:

- (a) Scholars and students employed during vacations and persons employed for predetermined short periods of less than three calendar months.
- (b) Part-time employees who are not employed on at least a 5/8 basis.

**C4. PROVISIONS****C4.1 Classification of Leave of Absence**

Leave of absence is classified under one of the following headings:

- (a) Vacation leave (accumulative) with full pay.
- (b) Non-accumulative leave with full pay.
- (c) Vacation leave without pay.
- (d) Sick leave with full pay.

### Langdienserkenning

- A25 'n Langdienserkenningtoekenning wat onder andere die verdiskontering van beskikbare vakansieverlof insluit, kan aan 'n beampte of voltydse werknemer as erkenning vir langdiens gemaak word, binne die raamwerk van die voorsienings en maatreëls wat die Kommissie aanbeveel.

### Norme en Standaarde

- A26 Die maatreëls wat in die Staatsdiensregulasies en Staatsdienspersoneelkode vervat is, is die norme en standarde wat nasionaal van toepassing is.

### Buitengewone Gevalle

- A27 As daar omstandighede ontstaan wat 'n afwyking regverdig van die bepalings van die regulasies in hierdie hoofstuk vervat, kan die Kommissie sodanige afwyking aanbeveel.

## HOOFSTUK B

### VOORWAARDES AANGAANDE DIE VULLING VAN POSTE

#### Algemeen

- B1.1 'n Persoon wat in aanmerking wil kom vir vaste aanstelling in die Staatsdiens moet daarom aansoek doen op 'n vorm deur die Staatsdienskommissie voorgeskryf.
- B1.2 'n Departementshoof kan na goeddunke vereis dat 'n persoon wat in aanmerking wil kom vir aanstelling in die Staatsdiens in 'n ander hoedanigheid as dié in subregulasie 1 bedoel daarom aansoek doen op die vorm in subregulasie 1 bedoel.
- B1.3 'n In subregulasie 1 bedoelde persoon moet, met die oog op sy/haar aanstelling, 'n verklaring op 'n vorm deur die Staatsdienskommissie voorgeskryf, invul en onderteken en indien dit van hom/haar vereis word, hom/haar aan 'n geneeskundige ondersoek onderwerp.
- B1.4 Die distriksgeneesheer of staatsmediese beampte wat die geneeskundige ondersoek van 'n in subregulasie 3 bedoelde persoon waarneem, moet, na die ondersoek, 'n verslag daaroor opstel op 'n vorm deur die Staatsdienskommissie voorgeskryf.

- (e) Sick leave with half pay.
- (f) Sick leave without pay.
- (g) Special sick leave with full pay.
- (h) Special sick leave with partial pay.
- (i) Special sick leave without pay.
- (j) Special leave with full pay.
- (k) Special leave with conditions of pay as recommended by the Commission.

#### C4.2 Vacation and Sick Leave

C4.2.1 Officers and employees shall for the purpose of vacation and sick leave be classified in the undermentioned groups and may be granted leave accordingly. An employee (including a contract employee) who is employed additional to the fixed establishment shall be granted leave in accordance with these regulations and his or her grouping for leave purposes shall be as prescribed in subregulations (c) and (d):

| CLASSIFICATION                                                                                                             | ANNUAL<br>VACATION<br>LEAVE<br>ACCRUAL<br>(DAYS) | NUMBER OF DAYS SICK<br>LEAVE IN EACH CYCLE<br>WITH |          |
|----------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|----------------------------------------------------|----------|
|                                                                                                                            |                                                  | FULL PAY                                           | HALF PAY |
| (a) Officers who were appointed before 1 July 1966 and who were classified in terms of the pre-revised vacation leave in - |                                                  |                                                    |          |
| (i) Group IA                                                                                                               | 38                                               | 120                                                | 120      |
| (ii) Group IB                                                                                                              | 36                                               | 120                                                | 120      |
| (b) Officers who were appointed on or after 1 July 1966 and who have completed the following service:                      |                                                  |                                                    |          |
| (i) Ten years or longer                                                                                                    | 36                                               | 120                                                | 120      |
| (ii) Less than ten years                                                                                                   | 30                                               | 120                                                | 120      |

**Minimum Ouderdom by Aanstelling**

- B2 Niemand word in die Staatsdiens aangestel wat nie die ouderdom van 15 jaar bereik het nie tensy hy/sy in besit is van die matrikulasiesertifikaat van die Gemeenskaplike Matrikulasieraad of 'n sertifikaat wat volgens die mening van die Staatsdienskommissie gelykwaardig aan of hoër as gemelde sertifikaat is.

**HOOFSTUK C****AFWESIGHEIDSVERLOF****C1 DOEL**

Om binne die raamwerk van die voorsienings en die maatreëls in hierdie Hoofstuk uiteengesit 'n beampte of werknemer se afwesigheid van diens deur middel van die toestaan van afwesigheidsverlof te reguleer.

**C2 MAGTIGING**

- C2.1 Die voorskrifte in hierdie Hoofstuk vervat, word uitgereik ingevolge die bepalings van artikel 41(1)(b) van die Staatsdienswet, 1994.
- C2.2 Die bevoegdheid om goed te keur dat afwesigheidsverlof ingevolge die voorsienings in hierdie Hoofstuk en die aanvullende maatreëls bedoel in regulasie C5.14 aan 'n beampte of werknemer toegestaan word, berus by die departementshoof, welke bevoegdheid gedelegeer kan word. Die toestaan van afwesigheidsverlof aan 'n departementshoof is onderworpe aan die goedkeuring wat die betrokke uitvoeringsgesag bepaal.

**C3 TOEPASSINGSBESTEK**

- C3.1 Afwesigheidsverlof kan, behoudens die bepalings in hierdie Hoofstuk, aan beamptes en werknemers toegestaan word.
- C3.2 Die volgende persone is van die maatreëls uitgesluit:
- (a) Skoliere en studente wat gedurende vakansies in diens geneem word en persone wat vir voorafbepaalde kort tydperke van korter as drie kalendermaande in diens geneem word.
  - (b) Deeltydse werknemers wat nie op minstens 'n 5/8-grondslag in diens geneem word nie.

**C4 VOORSIENINGS****C4.1 Indeling van Afwesigheidsverlof**

Afwesigheidsverlof word onder een van die volgende hoofde ingedeel :

- (a) Vakansieverlof (oplopend) met volle betaling.



| CLASSIFICATION                                                                                                                                                                                                                              | ANNUAL<br>VACATION<br>LEAVE<br>ACCRUAL<br>(DAYS) | NUMBER OF DAYS SICK<br>LEAVE IN EACH CYCLE<br>WITH |          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|----------------------------------------------------|----------|
|                                                                                                                                                                                                                                             |                                                  | FULL PAY                                           | HALF PAY |
| (c) Employees who have completed the following service:                                                                                                                                                                                     |                                                  |                                                    |          |
| (i) Ten years or longer                                                                                                                                                                                                                     | 36                                               | 120                                                | 120      |
| (ii) Less than ten years                                                                                                                                                                                                                    | 30                                               | 120                                                | 120      |
| (d) Officers and employees who are employed at educational and training institutions which close completely during periods when instruction is suspended and who are eligible for non-accumulative leave in accordance with paragraph 4.3.1 | 12                                               | 90                                                 | 90       |
| (e) Registered Nursing Personnel who were appointed before 1 January 1968                                                                                                                                                                   | 54                                               | 120                                                | 120      |
| (f) Registered and/or enrolled Nursing Personnel (excluding Nursing Assistants) who were appointed on or after 1 January 1968 and who have completed the following service:                                                                 |                                                  |                                                    |          |
| (i) Ten years or longer                                                                                                                                                                                                                     |                                                  |                                                    |          |
| (ii) Less than ten years                                                                                                                                                                                                                    | 52                                               | 120                                                | 120      |
|                                                                                                                                                                                                                                             | 46                                               | 120                                                | 120      |
| (g) Nursing Assistants who were appointed before 1 January 1968                                                                                                                                                                             | 48                                               | 120                                                | 120      |
| (h) Nursing Assistants who were appointed on or after 1 January 1968 and who have completed the following service:                                                                                                                          |                                                  |                                                    |          |
| (i) Ten years or longer                                                                                                                                                                                                                     |                                                  |                                                    |          |
| (ii) Less than ten years                                                                                                                                                                                                                    | 46                                               | 120                                                | 120      |
|                                                                                                                                                                                                                                             | 40                                               | 120                                                | 120      |
| (i) Student and Pupil Nurses                                                                                                                                                                                                                | 30                                               | 120                                                | 120      |
| (j) Part-time Nursing Personnel                                                                                                                                                                                                             | 30                                               | 120                                                | 120      |

- (b) Nie-oplopende verlof met volle betaling.
- (c) Vakansieverlof sonder betaling.
- (d) Siekteverlof met volle betaling.
- (e) Siekteverlof met halwe betaling.
- (f) Siekteverlof sonder betaling.
- (g) Spesiale siekteverlof met volle betaling.
- (h) Spesiale siekteverlof met gedeeltelike betaling.
- (i) Spesiale siekteverlof sonder betaling.
- (j) Spesiale verlof met volle betaling.
- (k) Spesiale verlof met betalingsvoorwaardes soos deur die Staatsdienskommissie aanbeveel.

#### C4.2 Vakansie- en Siekteverlof

C4.2.1 Beampes en werknemers word vir doeleindes van vakansie- en siekteverlof in die volgende groepe ingedeel en hulle kan daarvolgens verlof toegestaan word. Aan 'n werknemer (insluitende 'n kontrakwerknemer) wat addisioneel tot die vaste diensstaat in diens is, word verlof toegestaan ooreenkomstig hierdie regulasies en sy of haar groepering vir verlofdoeleindes is soos voorgeskryf in subregulasies (c) of (d):

| GROEPERINGS                                                                                                         | JAARLIKSE<br>VAKANSIE-<br>VERLOF-<br>AANWAS<br>(DAE) | GETAL DAE<br>SIEKTEVERLOF IN ELKE<br>TYDKRING MET |                   |
|---------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|---------------------------------------------------|-------------------|
|                                                                                                                     |                                                      | VOLLE<br>BETALING                                 | HALWE<br>BETALING |
| (a) Beampes wat voor 1 Ju-lie 1966 aangestel is en wat ingedeel was ingevolge die voorhersiende vakansieverlof by - |                                                      |                                                   |                   |
| (i) Groep IA                                                                                                        | 38                                                   | 120                                               | 120               |
| (ii) Groep IB                                                                                                       | 36                                                   | 120                                               | 120               |
| (b) Beampes wat op of na 1 Julie 1966 aangestel is en wat onderstaande diens voltooi het:                           |                                                      |                                                   |                   |
| (i) Tien jaar of langer                                                                                             | 36                                                   | 120                                               | 120               |
| (ii) Minder as tien jaar                                                                                            | 30                                                   | 120                                               | 120               |

- C4.2.2 The provisions in subregulations 2.1(e) to (h) are not applicable to Nursing Personnel attached to head and regional offices, health centres or clinics which do not provide a 24-hour service per day. In respect of such personnel the appropriate provisions in subregulations 2.1(a) to (c) shall apply.
- C4.2.3 The appropriate vacation leave measures of nursing personnel referred to in subregulations 2.1(e) and (f) who serve in lecturing capacities at training colleges for nursing personnel, must be reduced by one day in respect of each public holiday on which no service is rendered.
- C4.2.4 The following vacation leave measures, instead of those contained in subregulation 2.1(j), apply in respect of part-time nursing personnel who comply with the prescribed working hours, but who only work two or three shifts per week: Vacation leave is granted on a working day basis at an allotment of 12 working days per year.

C4.3 Officers and Employees Employed at Educational and Training Institutions

- C4.3.1 Non-accumulative leave with full pay may be granted to officers or employees mentioned in regulation C4.2.1(d) during school or institutional holidays when instruction is suspended. If a head of department requires an officer or employee to remain on duty during periods of school or institutional holidays, he or she may be credited with accumulative vacation leave over and above that mentioned in regulation C4.2.1(d), equal to half the number of days in respect of which he or she remains on duty, but limited to a maximum of 25 days accumulative vacation leave per year ending 31 December.
- C4.3.2 Officers and employees who are employed at educational and training institutions and who are required to remain on duty during all periods when instruction is suspended shall be granted leave in accordance with regulation C4.2.1(a) to (c) above.

C4.4 Leave of Absence which may be Granted for Other Purposes

Apart from the vacation, sick and non-accumulative leave referred to in regulations C4.2 and C4.3, a head of department may, on the basis prescribed by the Public Service Commission, grant leave of absence in accordance with the classification in regulation C4.1.

C5. **GENERAL MEASURES**

C5.1 Leave of Absence a Privilege

- C5.1.1 Leave of absence is a privilege and is granted only with due regard to the exigencies of the Public Service.
- C5.1.2 Leave cannot be claimed as a right, and when an officer or employee leaves the Public Service, for any reason whatsoever, he or she cannot claim payment in respect of the cash value of leave standing to his or her credit.

| GROEPERINGS                                                                                                                                                                                                                                                | JAARLIKSE<br>VAKANSIE-<br>VERLOF-<br>AANWAS<br>(DAE) | GETAL DAE<br>SIEKTEVERLOF IN ELKE<br>TYDKRING MET |                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|---------------------------------------------------|-------------------|
|                                                                                                                                                                                                                                                            |                                                      | VOLLE<br>BETALING                                 | HALWE<br>BETALING |
| (c) Werknemers wat onderstaande diens<br>voltooi het:                                                                                                                                                                                                      |                                                      |                                                   |                   |
| (i) Tien jaar of langer                                                                                                                                                                                                                                    | 36                                                   | 120                                               | 120               |
| (ii) Minder as tien jaar                                                                                                                                                                                                                                   | 30                                                   | 120                                               | 120               |
| (d) Beamptes of werknemers in diens by<br>onderwys- en opleidingsinrigtings wat<br>geheel en al sluit gedurende tydperke<br>waartydens onderrig opgeskort word en<br>wat vir nie-oplopende verlof ooreen-<br>komstig paragraaf 4.3.1 in aanmerking<br>kom. | 12                                                   | 90                                                | 90                |
| (e) Geregistreerde verpleeg-personeel wat<br>voor 1 Januarie 1968 aangestel is                                                                                                                                                                             | 54                                                   | 120                                               | 120               |
| (f) Geregistreerde en/of ingeskrewe<br>verpleegpersoneel (verpleeg-assistente<br>uitgeslote) wat op of na 1 Januarie 1968<br>aangestel is en wat onderstaande diens<br>vol-tooi het:                                                                       |                                                      |                                                   |                   |
| (i) Tien jaar of langer                                                                                                                                                                                                                                    |                                                      |                                                   |                   |
| (ii) Minder as tien jaar                                                                                                                                                                                                                                   |                                                      |                                                   |                   |
|                                                                                                                                                                                                                                                            | 52                                                   | 120                                               | 120               |
|                                                                                                                                                                                                                                                            | 46                                                   | 120                                               | 120               |
| (g) Verpleegassistent wat voor 1 Januarie<br>1968 aangestel is                                                                                                                                                                                             | 48                                                   | 120                                               | 120               |
| (h) Verpleegassistent wat op of na 1<br>Januarie 1968 aangestel is en wat on-<br>derstaande diens voltooi het:                                                                                                                                             |                                                      |                                                   |                   |
| (i) Tien jaar of langer                                                                                                                                                                                                                                    |                                                      |                                                   |                   |
| (ii) Minder as tien jaar                                                                                                                                                                                                                                   |                                                      |                                                   |                   |
|                                                                                                                                                                                                                                                            | 46                                                   | 120                                               | 120               |
|                                                                                                                                                                                                                                                            | 40                                                   | 120                                               | 120               |
| (i) Student- en leerling-<br>verpleegkundiges                                                                                                                                                                                                              | 30                                                   | 120                                               | 120               |
| (j) Deeltydse verpleegpersoneel                                                                                                                                                                                                                            | 30                                                   | 120                                               | 120               |



C5.1.3 The provisions of this regulation shall not preclude the payment of leave gratuities on conditions recommended by the Public Service Commission.

**C5.2 Transfer from One Leave Group to Another**

If an officer or employee is transferred or is promoted or translated to another rank resulting in a change in his or her classification for leave purposes as indicated in regulation C4.2.1, he or she -

- (a) shall retain the accumulative vacation leave which accrued during his or her service in the previous group and the accumulative vacation leave of a new group shall become applicable to him or her from the first day of the month during which such transfer becomes effective;
- (b) retains, if the group transferred to has a less favourable sick leave provision, the more favourable sick leave provision for the duration of the cycle; and
- (c) immediately acquires the sick leave provision of the new group in the event of such provision being more favourable, less any paid sick leave already utilised during the relevant cycle,

unless the provision of regulation C5.9.1 is applicable.

**C5.3 Service Which Counts for Leave Purposes**

For purposes of this Chapter "service" includes the following periods:

- (a) A period of service in a full-time or part-time capacity, as well as a full-time contractual basis in respect of which leave privileges were granted in terms of this Chapter.
- (b) A period of full-time service which may be recognised in terms of the provisions of regulation C5.7.1.
- (c) A period of suspension in terms of section 22(7) of the Public Service Act, 1994.
- (d) A period of leave of absence, of whatever nature:

Provided that any such period or periods and the period of service of the officer or employee concerned in the latest capacity in which he or she has been appointed or reappointed, shall together extend over one continuous period, subject to the provisions of regulation C5.10.2.

**C5.4 Leave Application Forms, Granting and Withdrawal of Leave and Unauthorised Absences from Duty**

C5.4.1 Application for leave shall be made in writing on a form approved by the Public Service Commission. The submission of a written application for leave, shall not be required in the case of unauthorised absences.

C4.2.2 Die voorsienings in subregulasies 2.1(e) tot (h) is nie van toepassing op verpleegpersoneel verbonde aan hoof- en streekkantore, gesondheidssentrums of klinieke wat nie 'n 24 uur diens per dag lewer nie. Ten opsigte van sodanige personeel geld die toepaslike voorsienings in subregulasies 2.1(a) tot (c).

C4.2.3 In die geval van verpleegpersoneel in subregulasies 2.1(e) en (f) bedoel wat in doserende hoedanighede by kolleges vir die opleiding van verpleegpersoneel diens verrig, moet hul toepaslike vakansieverlofvoorsienings met een dag verminder word ten opsigte van elke openbare vakansiedag waarop daar nie deur hulle diens gelewer word nie.

C4.2.4 Ten opsigte van deeltydse verpleegpersoneel wat die voorgeskrewe diensure nakom, maar wat slegs twee en/of drie skofte per week werk geld die volgende vakansieverlofvoorsiening in plaas van die in subregulasie 2.1(j) vermeld: Vakansieverlof word op 'n werkdagbasis toegestaan teen 'n toekenning van 12 werkdade per jaar.

#### **C4.3 Beamptes en Werknemers in Diens by Onderwys- en Opleidingsinrigtings**

C4.3.1 Aan beamptes of werknemers in regulasie C4.2.1(d) bedoel kan gedurende skool- en inrigtingvakansies waartydens onderrig opgeskort word, nie-oplopende verlof met volle betaling toegestaan word. Indien 'n departementshoof van 'n beampte of werknemer verwag om aan diens te bly gedurende skool- en inrigtingvakansies, kan hy of sy gekrediteer word met oplopende vakansieverlof bo en behalwe die in regulasie C4.2.1(d) bedoel, gelykstaande met die helfte van die aantal dae waartydens hy of sy aldus aan diens gebly het, maar beperk tot hoogstens 25 dae oplopende vakansieverlof in 'n jaar eindigend 31 Desember.

C4.3.2 Aan beamptes of werknemers in diens by onderwys- en opleidingsinrigtings wat verplig is om gedurende alle tydperke waartydens onderrig opgeskort word, aan diens te bly, word verlof ooreenkomstig regulasie C4.2.1(a) tot (c) toegestaan.

#### **C4.4 Afwesigheidsverlof wat vir Ander Doeleindes Toegestaan kan word**

Benewens die vakansie-, siekte- en nie-oplopende verlof in regulasies C4.2 en C4.3 bedoel, kan 'n departementshoof afwesigheidsverlof volgens die indeling in regulasie C4.1 toestaan op die grondslae wat die Staatsdienskommissie voorskryf.

#### **C5 ALGEMENE MAATREëLS**

##### **C5.1 Afwesigheidsverlof 'n Vergunning**

C5.1.1 Afwesigheidsverlof is 'n vergunning en word toegestaan slegs met inagneming van die behoeftes van die Staatsdiens.

C5.1.2 Verlof kan nie as 'n reg geëis word nie en wanneer 'n beampte of werknemer die Staatsdiens verlaat, om watter rede ook al, kan hy of sy nie eis dat die geldwaarde van ongebruikte verlof aan hom of haar uitbetaal word nie.

C5.4.2 Leave already granted may at any time be withdrawn by the head of department or, in the case of a head of a department, by the relevant executing authority.

C5.4.3 Except in the case where an officer or employee is suspended from duty or is on a legal strike in terms of section 19 of the Public Service Labour Relations Act, 1994 or is prevented by sudden illness, or by other circumstances which are acceptable to the head of department, from remaining on or reporting for duty, or where he or she is absent from duty with non-accumulative leave in terms of regulation C4.3.1, he or she shall not leave or stay away from work until he or she has applied, in writing, for leave and has been advised that the leave application has been approved.

C5.4.4 All unauthorised absences from duty, irrespective of any disciplinary action which may be taken against an officer or employee, are deemed to be vacation leave without pay. Section 19(7) of the Public Service Labour Relations Act, 1994, also applies in this regard.

#### C5.5 Leave Registers

C5.5.1 A department shall keep a leave register in respect of each officer and employee in which all absences from duty shall be recorded in accordance with the classification contained in regulation C4.1.

C5.5.2 All applications for leave shall be filed for audit purposes in terms of the measures laid down by the Auditor-General.

#### C5.6 Leave Which Counts for Leave Accrual Purposes

C5.6.1 All leave with full or partial pay and vacation and sick leave without pay not exceeding 15 days on the aggregate in a month, shall count for purposes of leave accrual. If the leave without pay exceeds the number of days mentioned herein –

- (a) the month in which such excess occurs, shall not be regarded as service for the purpose of leave accrual; and
- (b) the provision in respect of sick leave with full pay and sick leave with half pay, shall be reduced by one thirty-sixth in respect of each month in which such excess occurs, which reduction shall be made from the provision of the cycle in which the excess occurs, or, if the available sick leave for the relative cycle has already been used, from the provision of the next succeeding cycle.

C5.6.2 Vacation leave which, in terms of subregulation 1, accrues during a period of vacation leave without pay or sick leave without pay, shall not be granted to an officer or employee until he or she has resumed his or her duties after his or her absence on vacation or sick leave without pay, and then only in respect of absences after such resumption of duty.

#### C5.7 Transfer of Leave Credit and Recognition of Other Service

C5.7.1 A person who is in full-time employment of –

- (a) a state-aided school or training institution within the Republic;

C5.1.3 Die bepalings van hierdie regulasie belet nie die betaling van verlofgratifikasies onder voorwaardes wat die Staatsdienskommissie aanbeveel nie.

C5.2 Oorgaan van Een Verlofgroep na 'n Ander

Indien 'n beampte of werknemer oorgeplaas of bevorder word of na 'n ander rang oorgeskakel word wat 'n verandering van sy of haar groepering vir verlofdoeleindes soos aangedui in regulasie C4.2.1 meebring -

- (a) behou hy of sy die oplopende vakansieverlof wat gedurende sy of haar dienstydperk in die vorige groep aangewas het en word die nuwe groep se oplopende vakansieverlofvoorsiening op hom of haar van toepassing vanaf die eerste dag van die maand waarin sodanige oorgang van krag word;
- (b) behou hy of sy, indien die oorgang 'n minder gunstige siekteverlofvoorsiening vir hom of haar tot gevolg het, vir die duur van die betrokke tydkring die gunstiger siekteverlofvoorsiening; en
- (c) verwerf hy of sy, indien die oorgang 'n gunstiger siekteverlofvoorsiening as voorheen vir hom of haar tot gevolg het, onmiddellik die siekteverlofvoorsiening van die nuwe groep minus enige betaalde siekteverlof wat hy of sy reeds gedurende die betrokke tydkring gebruik het,

tensy die bepalings van regulasie C5.9.1 op hom of haar van toepassing is.

C5.3 Diens wat vir Verlofdoeleindes Tel

Vir doeleindes van hierdie Hoofstuk sluit "diens" die volgende in:

- (a) 'n Tydperk van diens in 'n voltydse of deeltydse hoedanigheid asook op 'n voltydse kontraktuele grondslag ten opsigte waarvan verlofvoorregte ingevolge hierdie Hoofstuk toegeken is.
- (b) 'n Tydperk van voltydse diens wat ingevolge regulasie C5.7.1 erken kan word.
- (c) 'n Tydperk van skorsing ingevolge artikel 22(7) van die Staatsdienswet, 1994.
- (d) 'n Tydperk van afwesigheid met verlof, van watter aard ook al:

Met dien verstande dat enige sodanige tydperk of tydperke en die betrokke beampte of werknemer se dienstydperk in die jongste hoedanigheid waarin hy of sy aangestel of heraangestel is, gesamentlik oor een ononderbroke tydperk strek, behoudens die bepalings van subregulasie C5.10.2.

C5.4 Verlofaansoekvorms, Toestaan en Intrekking van Verlof en Ongemagtigde Afwesighede van Diens

C5.4.1 Aansoek om verlof moet skriftelik gedoen word op 'n vorm wat deur die Staatsdienskommissie goedgekeur is. Die indiening van 'n skriftelike aansoekvorm is nie 'n vereiste in die geval van ongemagtigde afwesighede nie.

C5.4.2 Verlof reeds toegestaan kan te eniger tyd deur die departementshoof, of, in die geval van die departementshoof, deur die betrokke uitvoeringsgesag, ingetrek word.

- (b) a State department established by an Act of Parliament other than the Public Service Act, 1994;
- (c) a statutory institution specifically established by an Act of Parliament and which obtains its funds wholly or partially direct from the State Revenue Fund, irrespective of whether or not it is controlled by a State department,

and who is appointed, without a break in service, to a post or position in which these regulations become applicable to him or her, shall retain the accumulative vacation leave standing to his or her credit on the day before his or her appointment, and the previous service in respect of which the leave credit is carried forward shall count as service for leave purposes: Provided that persons who are in full-time service of a tertiary institution as lecturing personnel and who are appointed as such, retain their accumulative leave which has a cash value for gratuity purposes, limited to a maximum of 1 day for every completed month of service: Provided further that in order to qualify for the more favourable leave allocation in accordance with regulation C4.2.1(a), the person's latest appointment in the Public Service occurred before 1 July 1966.

C5.7.2 In the application of the provisions of subregulation 7.1 any portion of a day shall be regarded as one day when the accumulated vacation leave is placed to the credit of an officer or employee on the date on which these regulations become applicable to him or her.

#### C5.8 Lapse of Leave on Termination of Service

If an officer's or employee's services terminate for any reason whatsoever, any accumulated leave standing to his or her credit, shall lapse, subject to the provisions of regulation C5.1.3 and C5.9.

#### C5.9 Leave during Reappointment

C5.9.1 If a person contemplated in regulation C5.8 is reappointed, with or without a break in service, in a permanent or temporary capacity such reappointment shall be regarded as a new appointment for all purposes of these regulations, his or her previous service shall not count as service for leave purposes, and accumulated leave which has lapsed in terms of regulation 5.8, shall not be placed to his or her credit again.

C5.9.2 During the reappointment of nursing personnel, notwithstanding the provisions of subparagraph 9.1, all previous government service in any capacity (interrupted or uninterrupted) may be taken into account for leave grouping purposes. In order to qualify for the more favourable leave allocation according to regulation C4.2.1(e) or (g) it is a requisite that the latest reappointment in the Public Service of the person concerned, took place before 1 January 1968.

#### C5.9.3 When an officer's -

- (a) probationary appointment is terminated on account of his or her inability to comply with the prescribed appointment requirements and he or she is reappointed, without a break in service, in a temporary capacity; or



C5.4.3 Behalwe in die geval waar 'n beampte in sy of haar diens geskors is of met 'n wettige staking ingevolge artikel 19 van die Wet op Arbeidsverhoudinge vir die Staatsdiens, 1994, besig is of waar 'n beampte of werknemer weens sy of haar skielike siekte of weens ander omstandighede wat vir die departementshoof aanneemlik is, verhinder word om in sy of haar werk aan te bly of hom of haar vir diens aan te meld, of waar 'n beampte of werknemer ingevolge regulasie C4.3.1 met nie-oplopende verlof van diens afwesig is, mag hy of sy nie sy of haar werk verlaat of van diens wegbly voordat hy of sy skriftelik om verlof aansoek gedoen het en hy of sy in kennis gestel is dat die verlofaansoek goedgekeur is nie.

C5.4.4 Alle ongemagtigde afwesighede van diens, ongeag enige dissiplinêre maatreëls wat teen 'n beampte of werknemer geneem mag word, word geag vakansieverlof sonder betaling te wees. Artikel 19(7) van die Wet op Arbeidsverhoudinge vir die Staatsdiens, 1994, is ook van toepassing in hierdie verband.

#### C5.5 Verlofstase

C5.5.1 'n Departement moet ten opsigte van elke beampte of werknemer 'n verlofstase hou waarin alle afwesighede van diens aangeteken word volgens die indeling vervat in regulasie C4.1.

C5.5.2 Verlofaansoeke moet vir ouditdoeleindes ingevolge maatreëls neergelê deur die Ouditeur-generaal, bewaar word.

#### C5.6 Verlof Wat Tel vir die Doel van Verlofaanwas

C5.6.1 Alle verlof met volle of gedeeltelike betaling, en vakansie- en siekteverlof sonder betaling van altesaam hoogstens 15 dae in 'n maand, tel vir die doel van verlofaanwas. As die verlof sonder betaling die gemelde getal dae oorskry, word –

- (a) die maand waarin sodanige oorskryding plaasvind, nie as diens vir die doel van verlofaanwas gereken nie; en
- (b) die voorsiening ten opsigte van siekteverlof met volle betaling en siekteverlof met halwe betaling met een ses-en-dertigste ten opsigte van elke maand waarin sodanige oorskryding plaasvind, verminder en hierdie vermindering word aangebring aan die voorsiening vir die tydkring waarin die oorskryding voorkom, of, as die beskikbare siekteverlof van die betrokke tydkring reeds gebruik is, aan die voorsiening vir die eersvolgende tydkring.

C5.6.2 Vakansieverlof wat kragtens subregulasie 1 aanwas gedurende 'n tydperk van vakansieverlof sonder betaling of siekteverlof sonder betaling mag nie aan 'n beampte of werknemer toegestaan word voordat hy of sy, na sy of haar afwesigheid met vakansie- of siekteverlof sonder betaling, weer sy of haar diens hervat het nie en dan slegs ten opsigte van afwesighede na sodanige hervatting van diens.

#### C5.7 Oordra van Verlofkrediet en Erkenning van Ander Diens

C5.7.1 'n Persoon wat voltyds in diens is van –

- (a) 'n staatsondersteunde skool of opleidingsinrigting binne die Republiek;
- (b) 'n staatsdepartement kragtens 'n wet van die Parlement anders as die Staatsdienswet, 1994; of

- (b) relinquishes his or her permanent position and is re-employed in a part-time capacity, without a break in service,

any vacation leave with full pay standing to his or her credit on his or her last day of probationary service or at his or her resignation as an officer, must be placed to his or her credit upon reappointment without a break in service in a temporary or part-time capacity and his or her previous permanent service must be taken into account for leave and leave grouping purposes, notwithstanding the provisions of subregulation 9.1.

C5.9.4 When an employee is appointed in a permanent capacity, without a break in service, any vacation leave accrued at the time of resignation as an employee must, notwithstanding the provisions of subregulation 9.1, be placed to his or her credit on appointment in a permanent capacity and his or her previous temporary service be taken into account for leave and leave grouping purposes.

#### C5.10 Days of Rest

C5.10.1 A day of rest shall not be regarded as leave and shall not be recorded as such in the leave register: Provided that a day of rest, or two or more consecutive days of rest –

- (a) falling within a period of leave, shall be regarded as leave falling under the same heading, according to the classification in regulation C4.1, as the leave which precedes and succeeds such day or days of rest;
- (b) falling between a period of authorised vacation or non-accumulative leave and a period of sick leave (or vice versa) shall be regarded as vacation leave, unless the officer or employee concerned produces evidence that he or she was actually ill on such day or days of rest, in which case it shall be regarded as sick leave;
- (c) falling between a period of authorised vacation, non-accumulative or special leave and a period of unauthorised vacation leave (or vice versa), shall be regarded as vacation leave with full pay, if available, or else vacation leave without pay; and
- (d) falling between a period of sick leave and a period of unauthorised vacation leave or vice versa, shall be regarded as vacation leave with pay, if available, or else vacation leave without pay, unless the officer or employee concerned produces evidence that he or she was actually ill on such a day or days of rest, in which case it shall be regarded as sick leave.

C5.10.2 For purposes of the application of regulations C5.3, C5.7.1 and C5.9, a day of rest or two or more consecutive days of rest which fall between a person's last day of service at his or her previous employer and his or her date of assumption of duty in the Public Service, or his or her last day of service in the Public Service and his or her date of reappointment, are not considered to be a break in service.

C5.10.3 An officer or employee shall not be paid salary or wages in respect of a day of rest unless he or she is entitled to such payment for the day in terms of his or her conditions of service.

- (c) 'n statutêre instelling wat spesifiek deur 'n wet van die Parlement ingestel is en sy fondse direk in die geheel of gedeeltelik uit die Staatsinkomstefonds verkry, ongeag of dit deur 'n staatsdepartement beheer word of nie,

en wat sonder 'n onderbreking van diens aangestel word in 'n pos of betrekking waarin hierdie regulasies op hom of haar van toepassing word, behou die oplopende vakansieverlof wat tot sy of haar krediet gestaan het op die dag voor sy of haar aanstelling en die vorige diens ten opsigte waarvan die verlofkrediete oorgedra word tel as diens vir verlofdoeleindes: Met dien verstande dat persone wat voltyds as doserende personeel in diens is by 'n tersiêre inrigting en aldus aangestel word, hul oplopende verlof waaraan 'n gratifikasiewaarde gekoppel is, behou, beperk egter tot hoogstens 1 dag vir elke voltooidde maand van diens: Met dien verstande voorts dat om vir die gunstiger verloftoekenning ooreenkomstig regulasie C4.2.1(a) te kwalifiseer, die betrokke se jongste aanstelling in die Staatsdiens voor 1 Julie 1966 plaasgevind het.

- C5.7.2 By die toepassing van die bepalings van subregulasie 7.1 word enige gedeelte van 'n dag as een dag gereken wanneer die opgelope vakansieverlof tot 'n beampte of werknemer se krediet geplaas word op die datum waarop hierdie regulasies op hom of haar van toepassing word.

#### C5.8 Verval van Verlof by Dienseindiging

Indien 'n beampte of werknemer se diens eindig om watter rede ook al, verval die opgeloopte verlof wat tot sy of haar krediet staan, behoudens die bepalings van regulasie C5.1.3 en C5.9.

#### C5.9 Verlof by Heraanstelling

- C5.9.1 Indien 'n persoon in regulasie C5.8 bedoel met of sonder onderbreking van diens in 'n permanente of tydelike hoedanigheid heraanstelling word, word sodanige heraanstelling vir alle doeleindes van hierdie regulasies as 'n nuwe aanstelling beskou, tel sy of haar vorige diens nie as diens vir verlofdoeleindes nie en opgelope verlof wat ingevolge regulasie C5.8 verval het, word nie weer tot sy of haar krediet geplaas nie.

- C5.9.2 By die heraanstelling van verpleegpersoneel kan, ondanks subregulasie 9.1, alle vorige regeringsdiens in enige hoedanigheid (afgebroke of onafgebroke) vir verlofgroeperingsdoeleindes in aanmerking geneem word. Om vir die gunstiger verloftoekenning ooreenkomstig regulasie C4.2.1(e) of (g) te kwalifiseer, is dit 'n vereiste dat die betrokke se jongste heraanstelling in die Staatsdiens voor 1 Januarie 1968 plaasgevind het.

#### C5.9.3 Wanneer 'n beampte –

- (a) se proefaanstelling beëindig word weens sy of haar onvermoë om aan die voorgeskrewe aanstellings-vereistes te voldoen en hy of sy sonder onderbreking van diens in 'n tydelike hoedanigheid aangestel word; of
- (b) sy of haar permanente betrekking neerlê en sonder onderbreking van diens in 'n deeltydse hoedanigheid in diens geneem word,

moet, ondanks die bepalings van subregulasie 9.1, enige vakansieverlof met volle betaling wat tot sy of haar krediet gestaan het op die laaste dag van sy of haar proefdiens of by sy of haar bedanking as beampte, by sy of haar aanstelling sonder onderbreking van diens in 'n tydelike of deeltydse hoedanigheid tot sy of haar krediet geplaas word en sy of haar vorige permanente diens vir verlofdoeleindes in berekening gebring word.

**C5.11 Payments of Allowances, etc., during Leave**

The continuance or cessation of the payment to an officer or employee of allowances or remuneration other than salary or wages and the liability of an officer or employee for payments due to the State in respect of goods supplied or services rendered by the State during periods of leave shall be subject to the provisions of the regulations applicable thereto and directions issued by the Public Service Commission or the Department of State Expenditure, or by the Department of State Expenditure on the recommendation of the Public Service Commission, in connection therewith.

**C5.12 Leave Counts for the Purpose of Salary Increments**

All leave, of whatever nature, whether with or without pay, shall count for the purpose of salary increments, unless the Public Service Commission directs otherwise.

**C5.13 Leave Privileges with regard to Repealed Regulations**

C5.13.1 The promulgation of these regulations and the repeal of the regulations in force immediately before such promulgation, shall in no way affect the accumulated vacation leave credit of an officer or employee who was in service immediately before the date of implementation of these regulations and accumulated vacation leave shall remain to the credit of such officer or employee.

C5.13.2 Sick leave utilised from 1 January 1992 must be taken into account for purposes of the granting of sick leave in terms of this regulations.

**C5.14 Supplementary Measures**

The Public Service Commission may issue measures to illustrate or supplement the regulations in this Chapter.

**C5.15 Exceptional Cases**

In the event of circumstances arising which justify a departure from the provisions of this Chapter or the measures issued in terms thereof, the Public Service Commission may recommend or direct that alternative provisions and measures be applied. The Public Service Commission may also, at its discretion prescribe special leave privileges for an officer or employee or classes of officers or employees and also make recommendations and give directions which are not covered by these regulations.



C5.9.4 Wanneer 'n werknemer sonder onderbreking van diens in 'n permanente hoedanigheid in diens geneem word, moet, ondanks die bepalings van subregulasie 9.1, enige vakansieverlof met volle betaling wat tot sy of haar krediet gestaan het by sy of haar bedanking as werknemer, by sy of haar aanstelling in 'n permanente hoedanigheid tot sy of haar krediet geplaas word en sy of haar vorige tydelike diens vir verlof- en verlofgroeperingsdoeleindes in berekening gebring word.

#### C5.10 Rusdae

C5.10.1 'n Rusdag word nie geag verlof te wees nie en word nie in die verlofstaat as sodanig aangeteken nie : Met dien verstande dat 'n rusdag, of twee of meer opeenvolgende rusdae -

- (a) wat binne 'n tydperk van verlof val, geag word verlof te wees wat onder dieselfde hoof volgens die indeling in regulasie C4.1 val as die verlof wat sodanige rusdag of rusdae voorafgaan en daarop volg;
- (b) wat tussen 'n tydperk van gemagtigde vakansie- of nie-oplopende verlof en 'n tydperk van siekteverlof (of omgekeerd) val, geag word vakansieverlof te wees, tensy die betrokke beampte of werknemer bewys lewer dat hy of sy werklik op sodanige rusdag of rusdae siek was, in welke geval dit geag word siekteverlof te wees;
- (c) wat tussen 'n tydperk van gemagtigde vakansie-, nie-oplopende of spesiale verlof en 'n tydperk van ongemagtigde vakansieverlof (of omgekeerd) val, geag word vakansieverlof met volle betaling, indien beskikbaar, of andersins vakansieverlof sonder betaling te wees; en
- (d) wat tussen 'n tydperk van siekteverlof en 'n tydperk van ongemagtigde vakansieverlof (of omgekeerd) val, geag word vakansieverlof met volle betaling, indien beskikbaar, of andersins vakansieverlof sonder betaling te wees, tensy die betrokke beampte of werknemer bewys lewer dat hy of sy werklik op sodanige rusdag of rusdae siek was, in welke geval dit geag word siekteverlof te wees.

C5.10.2 Vir doeleindes van die toepassing van regulasies C5.3, C5.7.1 en C5.9 word 'n rusdag of twee of meer agtereenvolgende rusdae wat tussen 'n persoon se laaste dag van diens by sy of haar vorige werkgewer en sy of haar datum van diensaanvaarding in die Staatsdiens of sy of haar laaste dag van diens in die Staatsdiens en sy of haar datum van heraanstelling in die Staatsdiens val, nie geag 'n onderbreking van diens te wees nie.

C5.10.3 'n Beampte of werknemer word nie salaris of loon ten opsigte van 'n rusdag betaal nie tensy hy of sy kragtens sy of haar diensvoorwaardes op betaling vir die dag geregtig is.

#### C5.11 Betaling van Toelaes, ens., Tydens Verlof

Die voortsetting of staking van die betaling aan 'n beampte of werknemer van toelaes of ander besoldiging as sy of haar salaris of loon en die aanspreeklikheid van 'n beampte of werknemer vir die betaling aan die Staat van gelde vir goedere of dienste deur die Staat gelewer gedurende tydperke van verlof, is onderworpe aan die bepalings van die regulasies wat daarop van toepassing is en opdragte wat deur die Staatsdienskommissie of deur die Departement van Staatsbesteding op aanbeveling van die Staatsdienskommissie, daaromtrent uitgereik is.



**CHAPTER D****ACCOMMODATION EXPENDITURE**

- D1** An officer or employee who, in the interest of the state, is absent from his or her headquarters on official duty, may be compensated for the accommodation expenditure incurred by him or her during such a period within the framework of the provisions and measures which the Commission recommends.
- D2** If circumstances arise which justify deviation from the provisions and the measures mentioned in regulation D1, the Commission may recommend that alternative provisions and measures be applied.

**CHAPTER E****OFFICIAL TRAVELLING AND TRANSPORT****Economy and Control**

- E1.1** All official journeys shall be approved by the head of department who shall ensure that they are necessary and in the interests of the State.
- E1.2** An officer or employee shall, subject to the provisions of regulation E3, undertake an official journey by the most economical means with due regard to available means of transport, routes, duration and all other items of expenditure applicable in the circumstances.
- E1.3** The reason(s) for any non-observance of the provisions of regulation E1.2 shall be furnished by the officer or employee, in writing, and such explanation shall be attached to the form mentioned in regulation E11.
- E1.4** If an officer or employee has travelled in a manner which results in greater transport expenditure or which involves a longer period of time than was necessary –
- (a) the head of department shall limit the amount payable to him or her in reimbursement of his or her travelling expenses to what it would have amounted to had he or she observed the provisions of regulation E1.2;
  - (b) he or she shall refund the expenditure unnecessarily incurred if he or she has travelled on a Government warrant or by means of Government-owned motor transport; and
  - (c) each working day by which the normal travelling time has been exceeded, shall be covered by leave of absence in accordance with Chapter C.

**C5.12**    Verlof Tel vir Staatsverhogingsdoeleindes

Alle verlof, van watter aard ook al, hetsy met of sonder betaling, tel vir salariverhogingsdoeleindes, tensy die Staatsdienskommissie anders gelas.

**C5.13**    Verlofvoorregte ingevolge Herroepe Regulasies

C5.13.1 Die uitvaardiging van hierdie regulasies en die intrekking van die regulasies wat onmiddellik voor sodanige uitvaardiging van krag was, raak in geen opsig die opgelope vakansieverlofkrediet van 'n beampte of werknemer wat onmiddellik voor die datum van inwerkingtreding van hierdie regulasies in diens was nie, en opgelope vakansieverlof bly staan tot die krediet van sodanige beampte of werknemer.

C5.13.2 Siekteverlof wat vanaf 1 Januarie 1992 benut is, moet in berekening gebring word vir doeleindes van die toestaan van siekteverlof ingevolge hierdie regulasies.

**C5.14**    Aanvullende Maatreëls

Die Staatsdienskommissie kan maatreëls uitreik ter toeligting of aanvulling van die regulasies in hierdie Hoofstuk.

**C5.15**    Uitsonderlike Gevalle

As daar omstandighede ontstaan wat 'n afwyking regverdig van die voorsienings in hierdie Hoofstuk of die maatreëls uitgereik ingevolge daarvan, kan die Staatsdienskommissie aanbeveel of gelas dat alternatiewe voorsienings en maatreëls toegepas word. Die Staatsdienskommissie kan ook na goeiddunke spesiale verlofvoorregte vir 'n beampte of werknemer of klasse beamptes of werknemers voorskryf, asook aanbevelings doen en lasgewings gee wat nie deur hierdie regulasies gedek word nie.

## HOOFSTUK D

### VERBLYFUITGAWES

**D1**    'n Beampte of werknemer wat in staatsbelang van sy of haar hoofkwartier in amptelike diens afwesig is, kan binne die raamwerk van die voorsienings en die maatreëls wat die Kommissie aanbeveel, gekompenseer word ten opsigte van verblyfuitgawes wat hy of sy gedurende sodanige tydperk van afwesigheid aangaan.

**D2**    As daar omstandighede ontstaan wat 'n afwyking van die voorsienings en maatreëls in regulasie D1 bedoel regverdig, kan die Kommissie aanbeveel dat alternatiewe voorsienings en maatreëls in die verband toegepas word."

### Transport Expenses

- E2 Subject to the provisions of this chapter and other conditions which the Department of State Expenditure may approve on the recommendation of the Commission, the head of department may reimburse an officer or employee, who is required to travel on official duty, the costs of conveying himself or herself and his or her necessary personal luggage, as well as reasonable expenditure incurred in connection with taxi hire (if Government-owned or contract transport is not available), portorage, gratuities, landing or shipping fees and other incidental services.

### Means of Transport to be Used

- E3.1 If an officer or employee has to travel on official duty, he or she shall use public transport and if public transport is not available or the use thereof is impractical, he or she shall use his or her subsidised motor transport or in the absence thereof, available Government-owned motor transport, or if such motor transport is also not available, he or she shall requisition from a Government Garage or a person having a transport contract with the State for such means of transport as may be necessary for the performance of the journey, or, if none of these means of transport is available, he or she shall make the best and most economical transport arrangements, including the use of private transport: Provided that the provisos contained in regulation E3.2 (a) and (b) shall apply mutatis mutandis in cases where private motor transport or subsidised motor transport is used.
- E3.2 Notwithstanding the provisions of regulation E3.1, a head of department may authorise an officer or employee to undertake an official journey or part thereof, by any means of transport irrespective of whether or not it is possible to undertake the journey by other means of transport, if the head of department is satisfied that the public interest will be better served thereby or if it is necessary in the interests of the officer's or employee's health or that of a member of his or her household, excluding a servant, who travels at State expense, in which case the head of department may, at his or her discretion, require the submission of a supporting medical certificate: Provided that -
- (a) in the case of frequent or regular travelling by privately-owned motor transport the prior recommendation of the Director-General of the provincial authority concerned, shall be obtained; and
  - (b) in the event of use being made of subsidised motor transport, the distance so covered shall be regarded as official.
- E3.3 Notwithstanding any provisions to the contrary in this chapter -
- (a) a head of department or any other officer or employee whose salary according to the standard salary scale attaching to his or her rank is higher than the maximum notch of the standard salary scale attaching to a post of Assistant Director: Provisioning Administration may, at his or her discretion, undertake an official journey by any means of transport if it is in the public interest: Provided that -

## HOOFSTUK E

### AMPTELIKE REISE EN VERVOER

#### Besuiniging en Beheer

- E1.1 Alle amptelike reise moet deur die departementshoof goedgekeur word wat moet toesien dat dit noodsaaklik en in belang van die Staat is.
- E1.2 'n Beampte of werknemer moet, behoudens die bepalings van regulasie E3, 'n amptelike reis op die mees ekonomiese wyse onderneem met behoorlike inagneming van beskikbare vervoermiddels, roete, tydsduur en alle ander uitgawe-items wat in die omstandighede van toepassing is.
- E1.3 Die rede(s) vir nie-nakoming van die bepalings van regulasie E1.2 moet skriftelik deur die beampte of werknemer verstrek word en 'n uitleg daarvan moet aan die vorm in regulasie E11 vermeld, geheg word.
- E1.4 Indien 'n beampte of werknemer op 'n wyse gereis het wat groter vervoeruitgawes meegebring het of 'n langer tydperk in beslag geneem het as wat nodig was, moet –
- (a) die departementshoof die bedrag wat ter vereffening van sy of haar reiskoste aan hom of haar betaal kan word, beperk tot wat dit sou beloop het as hy of sy die bepalings van regulasie E1.2 nagekom het;
  - (b) hy of sy die uitgawes wat onnodig aangegaan is, terugbetaal as hy of sy op 'n Regeringsorder of met staatsmotorvervoer gereis het; en
  - (c) elke werkdag waarmee die normale reistyd oorskry word deur afwesigheidsverlof ooreenkomstig Hoofstuk C gedek word.

#### Vervoeruitgawes

- E2 Behoudens die bepalings van hierdie hoofstuk en ander voorwaardes wat die Departement van Staatsbesteding op aanbeveling van die Kommissie goedkeur, kan die departementshoof aan 'n beampte of werknemer van wie dit vereis word dat hy of sy in amptelike diens moet reis, die uitgawe verbonde aan die vervoer van hom of haar en sy of haar noodsaaklike persoonlike bagasie, asook redelike uitgawes wat in verband met huurmotors (as staats- of kontrakvervoer nie beskikbaar is nie), kruiersloon, fooitjies, inskeping en ontskeping en ander bykomende dienste aangegaan is, terugbetaal.

#### Vervoermiddels wat Gebruik moet word

- E3.1 Indien 'n beampte of werknemer in amptelike diens moet reis, moet hy of sy van 'n openbare vervoermiddel gebruik maak en as 'n openbare vervoermiddel nie beskikbaar is nie of die gebruik daarvan onprakties is, moet hy of sy van sy of haar gesubsidieerde motorvervoer of, in afwesigheid daarvan, van beskikbare staatsmotorvervoer gebruik maak of, as sodanige motorvervoer ook nie beskikbaar is nie moet hy of sy by 'n staatsgarage of 'n persoon wat 'n vervoerkontrak met die Staat het 'n bestelling plaas vir dié vervoermiddel wat vir die aflê van die reis nodig is, of, as nie een van hierdie vervoermiddels beskikbaar is nie, moet hy of sy die beste en mees ekonomiese ver-



- (i) such journey by Blue Train of Spoornet shall occur only on such conditions as the Department of State Expenditure approves on the recommendation of the Commission; and
  - (ii) in the event of use being made of subsidised motor transport, the distance so covered shall be regarded as official;
- (b) any officer or employee, other than an officer or employee referred to in paragraph (a), may, at his or her discretion, use privately-owned transport or subsidised motor transport or travel by air or by boat to undertake an official journey subject to such conditions as may be prescribed by the Department of State Expenditure on the recommendation of the Commission and provided that -
- (i) privately-owned transport or subsidised motor transport shall be utilised at own risk in so far as it is not in conflict with the provisions of the Workmen's Compensation Act, 1941, as amended, or any other legal provision;
  - (ii) such means of transport shall not be used on official duty instead of allocated Government-owned motor transport; and
  - (iii) in the event of use being made of subsidised motor transport, the distance so covered shall be regarded as private.

E3.4 Members of an officer's or employee's household, who are conveyed at State expense, may, if they accompany him or her, use the same means of transport and travel in the same class or grade as the officer or employee concerned and shall be regarded for this purpose as official passengers: Provided that when they do not accompany him or her the provisions of regulations E3.3 and E4.3 shall apply mutatis mutandis to such members in so far as the choice of means of transport and the classes and grades in which they may travel, are concerned.

#### Class of Travel by Train, Boat or Air

E4.1 An officer or employee who is required to undertake an official journey by train or boat or by air, may travel in the following classes:

- (a) By train -
  - (i) In the Republic: First class if available, otherwise second class;
  - (ii) Abroad: In the class considered by the head of department to be in keeping with the officer's or employee's status, with due regard to the class by which persons of a comparable status travel in the country concerned.
- (b) By boat - First class: Provided that if that class is divided into various grades the officer or employee shall travel in the cheapest grade.
- (c) By air - As approved from time to time by the Department of State Expenditure on the recommendation of the Commission.

voerreëlings, insluitende die gebruik van private vervoer, tref: Met dien verstande dat die voorbehoudsbepalings vervat in regulasie E3.2(a) en (b) mutatis mutandis van toepassing is in gevalle waar private motorvervoer of gesubsidieerde motorvervoer gebruik word.

E3.2 Ondanks die bepalings van regulasie E3.1, kan die departementshoof 'n beampte of werknemer magtig om 'n amptelike reis of 'n gedeelte daarvan met enige vervoermiddel te onderneem ongeag of dit moontlik is om die reis met 'n ander vervoermiddel te onderneem, as die departementshoof oortuig is dat die openbare belang beter daardeur gedien sal word of as dit noodsaaklik is in die belang van die gesondheid van die beampte of werknemer of van 'n lid van sy of haar huishouding, uitgesonderd 'n bediende, wat op staatskoste vervoer word, in welke geval die departementshoof, na goeddunke, kan vereis dat 'n stawende geneeskundige sertifikaat ingedien word: Met dien verstande dat –

- (a) 'n aanbeveling vooraf van die Direkteur-generaal van die betrokke provinsiale owerheid verkry moet word indien dikwels of gereeld met private motorvervoer gereis moet word; en
- (b) indien van gesubsidieerde motorvervoer gebruik gemaak word, die afstand aldus afgelê as amptelik beskou moet word.

E3.3 Ondanks andersluidende bepalings in hierdie hoofstuk kan –

- (a) 'n departementshoof of 'n ander beampte of werknemer wie se salaris volgens die standaardsalarisskaal verbonde aan sy of haar rang hoër is as die maksimum kerf van die standaardsalarisskaal verbonde aan 'n pos van Assistent-direkteur: Voorsienings-administrasie na goeddunke van enige vervoermiddel gebruik maak om 'n amptelike reis te onderneem indien dit in die openbare belang is: Met dien verstande dat –
  - (i) sodanige reis met die Bloutrein van Spoornet slegs sal geskied op sodanige voorwaardes as wat die Departement van Staatsbesteding op aanbeveling van die Kommissie goedkeur; en
  - (ii) indien van gesubsidieerde vervoer gebruik gemaak word, die afstand aldus afgelê as amptelik beskou moet word;
- (b) 'n ander beampte of werknemer as dié in paragraaf (a) bedoel na goeddunke van private vervoer of gesubsidieerde motorvervoer gebruik maak of per vliegtuig of boot reis om 'n amptelike reis te onderneem op sodanige voorwaardes as wat die Departement van Staatsbesteding op aanbeveling van die Kommissie bepaal en met dien verstande dat –
  - (i) private vervoer of gesubsidieerde motorvervoer op eie risiko gebruik word vir sover dit nie strydig met die bepalings van die Ongevallewet, 1941, soos gewysig, of enige ander wetsbepaling is nie;
  - (ii) sodanige vervoermiddels nie in amptelike diens gebruik mag word in die plek van toegewese staatsmotorvervoer nie; en
  - (iii) indien van gesubsidieerde motorvervoer gebruik gemaak word, die afstand aldus afgelê as privaat beskou word.

E4.2 The head of department may, if he or she is satisfied that it is in the public interest or essential or unavoidable, authorise an officer or employee –

- (a) in the case of travelling by train or by boat, to travel in a more expensive class or grade than that prescribed in subregulation 1(a) or (b); and
- (b) in the case of travelling by plane, to travel in a more expensive class than that approved by the Department of State Expenditure on the recommendation of the Commission in terms of subregulation 1(c).

E4.3 Notwithstanding any provisions to the contrary in this chapter –

- (a) a head of department or any other officer or employee whose salary according to the standard salary scale attaching to his or her rank is higher than the maximum notch of the standard salary scale attaching to a post of Assistant Director: Provisioning Administration may, at his or her discretion, subject to the first proviso to regulation E3.3(a), travel in any class or grade if it is in the public interest; and
- (b) any officer or employee other than an officer or employee contemplated in paragraph (a) may, at his or her discretion, travel in any class or grade provided that the expenditure that may be met from public funds is limited to what it would have amounted to had the officer or employee travelled in the prescribed class or grade.

**Subsidised Motor Transport provided in terms  
of the prerevised scheme applicable  
before 1 August 1992**

E5.1 If a head of department is satisfied that the interests of the State will be best served thereby, he or she may, on the recommendation of the Director-General of the provincial authority concerned and notwithstanding any provisions to the contrary in this chapter, require an officer or employee whose duties necessitate frequent or regular travelling on official duty to maintain subsidised motor transport for official purposes if the use of other means of transport is impractical or inadvisable.

E5.2 The conditions governing the maintenance of subsidised motor transport and the allowances payable in connection with the use of such transport shall be approved by the Department of State Expenditure on the recommendation of the Director-General: Transport.

E5.3 A dispute arising from the application of the provisions of regulations E5.1 and E5.2 shall be referred to the Department of State Expenditure, which, in consultation with the Director-General: Transport, shall decide the question at issue.

E5.4 An officer or employee who is required in terms of the provisions of regulation E5.1 to maintain subsidised motor transport shall not be entitled to be provided with a driver at State expense.

- E3.4 Lede van 'n beampte of werknemer se huishouding wat op staatskoste vervoer word, mag, indien hulle hom of haar vergesel, van dieselfde vervoermiddel as die betrokke beampte of werknemer gebruik maak asook in dieselfde klas of graad reis en hulle word vir dié doel as amptelike passasiers beskou: Met dien verstande dat wanneer hulle hom of haar nie vergesel nie, die bepalings van regulasies E3.3 en E4.3 mutatis mutandis op sodanige lede van toepassing is vir sover dit die keuse van vervoermiddels en klasse en grade waarin gereis kan word, betref.

**Klas waarin per Trein, Boot of Vliegtuig Gereis moet word**

- E4.1 'n Beampte of werknemer wat 'n amptelike reis per trein, boot of vliegtuig moet onderneem kan in die volgende klasse reis:
- (a) Per trein –
    - (i) In die Republiek: Eerste klas indien beskikbaar; anders tweede klas;
    - (ii) In die buiteland: In die klas wat volgens die oordeel van die departementshoof by die beampte of werknemer se status pas, met inagneming van die klas waarin persone met vergelykbare status in die betrokke land reis.
  - (b) Per boot – Eerste klas: Met dien verstande dat, indien dié klas in verskillende grade verdeel is, die beampte of werknemer van die goedkoopste graad gebruik moet maak.
  - (c) Per vliegtuig – Soos van tyd tot tyd deur die Departement van Staatsbesteding op aanbeveling van die Kommissie goedgekeur.
- E4.2 Die departementshoof kan, indien hy of sy oortuig is dat dit in die openbare belang of noodsaaklik of onvermydelik is, 'n beampte of werknemer magtig om –
- (a) in die geval van reise per trein of per boot, in 'n duurder klas of graad as dié wat deur subregulasie 1(a) of (b) voorgeskryf is, te reis; en
  - (b) in die geval van reise per vliegtuig, in 'n duurder klas as dié wat ingevolge subregulasie 1(c) deur die Departement van Staatsbesteding op aanbeveling van die Kommissie goedgekeur is, te reis.
- E4.3 Ondanks andersluidende bepalings in hierdie hoofstuk kan –
- (a) 'n departementshoof of 'n ander beampte of werknemer wie se salaris volgens die standaardsalarisskaal verbonde aan sy of haar rang hoër is as die maksimum kerf van die standaardsalarisskaal verbonde aan 'n pos van Assistent-direkteur: Voorsienings-administrasie, behoudens die eerste voorbehoudsbepaling van regulasie E3.3(a), na goeddunke in enige klas of graad reis indien dit in die openbare belang is; en
  - (b) 'n ander beampte of werknemer as dié in paragraaf (a) bedoel na goeddunke in enige klas of graad reis, maar op voorwaarde dat die uitgawe wat uit staatsgelde bestry kan word, beperk word tot wat dit sou beloop het indien die beampte of werknemer in die voorgeskrewe klas of graad gereis het.

**Amounts and Allowances Payable for the Voluntary  
Use of Privately-owned or Subsidised Motor Transport  
or Public Transport**

- E6 The head of department may pay the following to an officer or employee who, in terms of the provisions of regulation E3.1, E3.2 or E3.3, uses privately-owned or subsidised motor transport or a means of public transport instead of the proper means of transport for the undertaking of an official journey:
- (a) In the case of privately-owned or subsidised motor transport which is used in terms of the provisions of regulations E3.1, E3.2 or E3.3(a): The appropriate allowances in respect of privately-owned motor transport and, in the case of subsidised motor transport, the running and depreciation allowances prescribed by the Department of State Expenditure on the recommendation of the Director-General: Transport for the use of such transport.
  - (b) In the case of privately-owned or subsidised motor transport or a means of public transport which is used in terms of the provisions of regulation E3.3(b): An amount equal to what it would have cost, at Government rate, where applicable, had the officer or employee and any official passenger(s) accompanying him or her travelled by the proper means of public transport (inclusive of the expenditure which would have been defrayed from public funds to convey him or her and the passenger(s) to and from the point of departure or arrival by means of public transport) or in the absence of such means of public transport by any other means of transport in terms of the provisions of regulation E1.2: Provided that -
    - (i) reimbursement for the use of privately-owned motor transport or subsidised motor transport instead of Government-owned motor transport shall not exceed the allowances mentioned in paragraph (a); and
    - (ii) expenditure incidental to journeys by means of public transport, such as portorage (at railway stations and airports), surcharges on coupés and baggage room fees, where applicable, shall be disregarded for the purposes of this paragraph.
  - (c) In the case of other means of private transport: The amounts or allowances approved by the Department of State Expenditure on the recommendation of the Commission.

**Commuted Transport Allowance**

- E7 Notwithstanding any provisions to the contrary in this chapter, the Department of State Expenditure may, on the recommendation of the Commission, approve that the head of department pays a transport allowance on a commuted basis to an officer or employee.



**Gesubsidieerde Motorvervoer voorsien in terme  
van die voorhersiende skema soos van toepassing  
voor 1 Augustus 1992**

- E5.1 As 'n departementshoof oortuig is dat dit in staatsbelang is, kan hy of sy, op aanbeveling van die Direkteur-generaal van die betrokke provinsiale owerheid en ondanks andersluidende bepalings in hierdie hoofstuk, van 'n beampte of werknemer wie se pligte hom of haar noodsaak om dikwels of gereeld in amptelike diens te reis, vereis dat hy of sy gesubsidieerde motorvervoer vir amptelike doeleindes moet aanhou as die gebruik van ander vervoermiddels onprakties of ongerade is.
- E5.2 Die voorwaardes waarop gesubsidieerde motorvervoer aangehou word en die toelaes wat in verband met die gebruik van sodanige vervoer betaal kan word, word deur die Departement van Staatsbesteding op aanbeveling van die Direkteur-generaal: Vervoer goedgekeur.
- E5.3 'n Geskil wat uit die toepassing van die bepalings van regulasies E5.1 en E5.2 voortspruit, moet na die Departement van Staatsbesteding verwys word wat in oorleg met die Direkteur-generaal: Vervoer 'n beslissing gee.
- E5.4 'n Beampte of werknemer van wie daar kragtens die bepalings van regulasie E5.1 vereis word dat hy of sy gesubsidieerde motorvervoer aanhou, is nie daarop geregtig om van 'n motorbestuurder op staatskoste voorsien te word nie.

**Bedrae en Toelaes betaalbaar vir die Gebruik  
van Private of Gesubsidieerde Vervoer of  
Openbare Vervoermiddels uit Eie Keuse**

- E6 Die departementshoof kan aan 'n beampte of werknemer wat kragtens die bepalings van regulasies E3.1, E3.2 of E3.3 van private of gesubsidieerde motorvervoer of van 'n openbare vervoermiddel gebruik maak in plaas van die aangewese vervoermiddel, om 'n amptelike reis te onderneem, die volgende betaal:
- (a) In die geval van private of gesubsidieerde motorvervoer wat kragtens die bepalings van regulasies E3.1, E3.2 of E3.3(a) gebruik word: Die toepaslike toelaes ten opsigte van private motorvervoer en die loop- en waardeverminderingstoelaes in die geval van gesubsidieerde motorvervoer wat die Departement van Staatsbesteding op aanbeveling van die Direkteur-generaal: Vervoer vir die gebruik van sodanige vervoer voorskryf.
- (b) In die geval van private of gesubsidieerde motorvervoer of 'n openbare vervoermiddel wat kragtens die bepalings van regulasie E3.3(b) gebruik word: 'n Bedrag gelyk aan wat dit sou gekos het, teen staatstarief waar van toepassing, indien die beampte of werknemer en enige amptelike passasier(s) wat hom of haar vergesel, gebruik gemaak het van die aangewese openbare vervoermiddel (met inbegrip van die uitgawe wat uit staatsgelde bestry sou gewees het om hom of haar en die passasier(s) na en van die punt van vertrek of aankoms van die openbare vervoermiddel te vervoer) of, in afwesigheid van sodanige openbare vervoermiddel, van enige ander vervoermiddel ingevolge die bepalings van regulasie E1.2: Met dien verstande dat -
- (i) die vergoeding vir die gebruik van private motorvervoer of gesubsidieerde motorvervoer in die plek van staatsmotorvervoer nie die toelaes in paragraaf (a) vermeld, oorskry nie; en

**Payment of Commuted Transport Allowance during Periods  
of Leave and while Duties are Performed which  
do not Necessitate the Use of Transport**

- E8 The payment of a commuted transport allowance to an officer or employee in terms of the provisions of regulation E7, shall be continued during the periods indicated below, while he or she is on leave or is performing duties not necessitating the use of transport:
- (a) In the case of motor transport: Fourteen days in the aggregate during a year ending on 31 December.
  - (b) In the case of transport other than motor transport: Any period in respect of which the transport is placed at the disposal of the State, whether or not it is used for official purposes.

**Travelling Privileges on Selection,  
Appointment, Termination of Services  
and Death**

- E9.1 The head of department may grant a person who is resident in the Republic and who is a candidate for appointment or promotion to a post in the A or B division of the Public Service, such travelling privileges at State expense as the Department of State Expenditure may approve on the recommendation of the Commission, in order to enable him or her to report for an interview.
- E9.2 In cases where the local recruitment of suitable candidates is not possible, the head of department may grant a person who is resident in the Republic and who is appointed to a post mentioned in regulation E9.1 or as an employee (including an employee on contract), travelling privileges at State expense for himself or herself and members of his or her household from the place where he or she is recruited or the place where he or she is resident, whichever is applicable, to the place where he or she is instructed to assume duty on the same conditions concerning means of transport and classes and grades of travel as those prescribed in this chapter for comparable officers and employees.
- E9.3 The head of department may grant a person who resides outside the Republic and who is appointed to a post mentioned in regulation E9.1 or on contract for a fixed period of time, such travelling privileges at State expense in respect of himself or herself and members of his or her household as the Department of State Expenditure may approve on the recommendation of the Commission.
- E9.4 The head of department may grant an officer or employee stationed in the Republic and who on termination of services qualifies for the retirement benefits prescribed in regulation F5.1 and his or her household (or his or her household in the event of his or her death), travelling privileges at State expense from his or her place of residence to a place where he or she or his or her household intends to reside in the Republic, subject to the conditions concerning the means of travel and classes and grades of travel prescribed in this chapter.

- (ii) toevallige vervoeruitgawes verbonde aan reise met openbare vervoermiddels, naamlik kruiersloot (by spoorwegstasies en lughawes), toeslag op koepees en bagasiekamergelde, waar van toepassing, vir doeleindes van hierdie paragraaf buite rekening gelaat moet word.
- (c) In die geval van ander private vervoermiddels: Die bedrae of toelaes wat die Departement van Staatsbesteding op aanbeveling van die Kommissie goedkeur.

#### **Vaste Vervoertoelae**

- E7 Ondanks andersluidende bepalings in hierdie hoofstuk, kan die Departement van Staatsbesteding op aanbeveling van die Kommissie goedkeur dat die departementshoof 'n vervoertoelae op 'n vaste grondslag aan 'n beampte of werknemer betaal.

#### **Betaling van 'n Vaste Vervoertoelae gedurende Tydperke van Afwesigheidsverlof en wanneer Pligte verrig word waarby die Gebruik van Vervoer nie Noodsaaklik is nie**

- E8 Die betaling van 'n vaste vervoertoelae aan 'n beampte of werknemer kragtens die bepalings van regulasie E7 word voortgesit gedurende die tydperke hieronder aangedui, terwyl hy of sy met verlof is of pligte verrig waarby die gebruik van vervoer nie noodsaaklik is nie:
- (a) In die geval van motorvervoer: 'n Totaal van veertien dae gedurende 'n jaar eindigende op 31 Desember.
  - (b) In die geval van ander vervoer as motorvervoer: Enige tydperk waarin die vervoer tot beskikking van die Staat gestel word, ongeag of dit vir amptelike diens gebruik word, al dan nie.

#### **Reisvoorregte by Keuring, Aanstelling, Diensbeëindiging en die Dood**

- E9.1 Aan 'n persoon wat in die Republiek woonagtig is en wat 'n kandidaat is vir aanstelling in of bevordering tot 'n pos in die A- of die B-afdeling van die Staatsdiens, kan die departementshoof sodanige reisvoorregte op staatskoste toestaan as wat die Departement van Staatsbesteding op aanbeveling van die Kommissie goedkeur, om hom of haar vir 'n onderhoud aan te meld.
- E9.2 Die departementshoof kan aan 'n persoon wat in die Republiek woonagtig is en in 'n pos in regulasie E9.1 gemeld of as 'n werknemer (insluitende 'n werknemer op kontrak) aangestel word in gevalle waar dit nie moontlik is om 'n geskikte kandidaat plaaslik te werf nie, reisvoorregte vir hom of haar en lede van sy of haar huishouding op staatskoste toestaan van die plek waar hy of sy gewerf is of die plek waar hy of sy woonagtig is, welke ook al van toepassing is, tot by die plek waar hy of sy aangesê is om diens te aanvaar op voorwaardes betreffende vervoermiddels, reisklasse en -grade wat ooreenstem met dié vir vergelykbare beamptes en werknemers wat in hierdie hoofstuk voorgeskryf is.
- E9.3 Aan 'n persoon wat buite die Republiek woonagtig is en wat in 'n pos in regulasie E9.1 gemeld of vir 'n bepaalde tydperk op kontrak aangestel word, kan die departementshoof sodanige reisvoorregte ten opsigte van hom of haar en lede van sy of haar huishouding op staatskoste toestaan as wat die Departement van Staatsbesteding op aanbeveling van die Kommissie goedkeur.

**Driver's licences**

- E10 If an officer or employee, who is required to use motor transport for official purposes and who is not in possession of an appropriate driver's licence, the head of department may provide him or her with the necessary tuition at State expense and may pay from public funds all examination or driver's licence fees, the cost of photographs which must be affixed to the licence and the fee for any medical examination required.

**Form of the Submission of Claims**

- E11 Claims for the reimbursement of transport expenses which may be paid in terms of the provisions of this chapter, excluding a commuted transport allowance, shall be made in a form approved by the Commission.

**Exceptional Cases**

- E12 If circumstances arise which justify a departure from the provisions of this chapter or which are not covered thereby, the Department of State Expenditure may approve or prescribe official travelling by such manner or means of transport or the payment of such compensation, expenses or allowances or the granting of such travelling privileges as the Commission or the Director-General: Transport, as the case may be, recommends.
- E13 An officer or employee may be transported with government transport between his or her residence and place of work within the framework of the provisions and measures which the Commission recommends.
- E14 If circumstances develop which justify deviation from the provisions and measures described in regulation E13, the Commission may recommend that alternative provisions and measures be applied.

**CHAPTER F****RESETTLEMENT EXPENDITURE****F1 PURPOSE**

To compensate a person who, in the interest of the State and at State expense, is transferred or appointed or, due to certain service requirements, is utilised at a place other than his or her headquarters, or on termination of service or death, within the framework of the provisions and the measures and guidelines set out in this chapter, for the reasonable expenditure actually and necessarily incurred as a result thereof.

- E9.4 Die departementshoof kan aan 'n beampte of werknemer wat in die Republiek gestasioneer is en wat vir uitdienstredingsvoordele by dienseindiging kwalifiseer soos voorgeskryf in regulasie F5.1 en aan sy of haar huishouding (of aan sy of haar huishouding indien hy of sy te sterwe kom), reisvoorregte op staatskoste toestaan van sy of haar woonplek af na 'n plek waar hy of sy of sy of haar huishouding begerig is om te woon in die Republiek, op voorwaardes betreffende vervoermiddels en reisklasse en -grade wat in hierdie hoofstuk voorgeskryf is.

### **Bestuurderslisensies**

- E10 As 'n beampte of werknemer, van wie daar vereis word dat hy of sy motorvervoer vir amptelike doeleindes gebruik, nie 'n gepaste bestuurderslisensie besit nie, kan die departementshoof hom of haar op staatskoste van die nodige onderrig voorsien en alle eksamen- of bestuurderslisensiegelde, die koste van foto's wat aan die lisensie geheg moet word en die gelde vir enige vereiste geneeskundige ondersoek uit staatsgelde betaal.

### **Vorm vir die Indiening van Eise**

- E11 Aansoeke om die vergoeding van vervoeruitgawes wat kragtens die bepalings van hierdie hoofstuk betaal kan word, uitgesonderd 'n vaste vervoertoelae, moet gedoen word in 'n vorm wat deur die Kommissie goedgekeur is.

### **Buitengewone Gevalle**

- E12 As daar omstandighede ontstaan wat 'n afwyking van die bepalings van hierdie hoofstuk regverdig of wat nie daardeur gedek word nie, kan die Departement van Staatsbesteding amptelike reise op die wyse of met die vervoermiddels of die betaling van die vergoeding, uitgawes of toelae of die toestaan van reisvoorregte goedkeur of voorskryf wat die Kommissie of die Direkteur-generaal: Vervoer, na gelang van die geval, aanbeveel.
- E13 'n Beampte of werknemer kan met staatsvervoer tussen sy of haar woning en werkplek vervoer word binne die raamwerk van die voorsienings en maatreëls wat die Kommissie aanbeveel.
- E14 As daar omstandighede ontstaan wat 'n afwyking van die voorsienings en maatreëls in regulasie E13 bedoel, regverdig, kan die Kommissie aanbeveel dat alternatiewe voorsienings en maatreëls in die verband toegepas word.

## **HOOFSTUK F**

### **HERVESTIGINGSKOSTE**

#### **F1. DOEL**

Om 'n persoon wat in staatsbelang op staatskoste oorgeplaas of aangestel word of vanweë bepaalde dienssituasies op 'n ander plek as sy of haar hoofkwartier benut word of by dienseindiging of die dood, binne die raamwerk van die voorsienings en die maatreëls en riglyne in hierdie hoofstuk uiteengesit, vir die redelike werklike uitgawes, wat noodsaaklikerwys daaruit voortspruit, te kompenseer.



F2

**DEFINITIONS**

In addition to the applicable definitions in regulation A1.1, for the purpose of this chapter –

"furnished accommodation" means a hotel– or boardingroom, caravan, a rented furnished private house or official quarters furnished with the basic and essential furniture other than by the officer or employee himself or herself;

"interim accommodation" means furnished accommodation occupied temporarily –

- (a) whilst permanent accommodation is being sought or until permanent accommodation, which has already been obtained, becomes vacant and available for occupation; and/or
- (b) by a member/members of a household who, as a result of the transfer and due to school obligations, reside(s) at the old and/or the new headquarters.

"officer or employee" means an officer or employee as defined in the Public Service Act, 1994, as well as –

- (a) a married female officer or employee notwithstanding the reference in subparagraph (b) of the definition of "household" in regulation A1.1; and
- (b) a person who was in the employ of an institution mentioned in regulation C9.2 and who, without a break in service, was appointed in terms of section 15(1) of the Public Service Act, 1994.

"transfer" –

- (a) means the moving of an officer or employee and/or his or her household from one headquarters to another in the Republic or to, from and in a foreign country;
- (b) means the temporary or permanent evacuation of official quarters at the headquarters of an officer or employee in order to occupy other accommodation; or
- (c) means the evacuation by an officer or employee of accommodation in order to occupy official quarters at his or her headquarters.

F3

**MEASURES FOR THE APPLICATION OF THE PROVISIONS IN THIS CHAPTER**

F3.1

The powers described in this chapter are delegated in terms of section 5(2)(a) of the Public Service Commission Act, 1984, to heads of department who may further delegate such powers. For the purposes of applying the delegation referred to, a head of department has discretion to act in a managerial autonomous way, taking into account the following measures and guidelines:

- (a) A head of department must, within the context of the provisions, determine policy regarding aspects such as maximum periods of compensation, limits of expenditure, restrictions in respect of the quantity and kind of personal effects, the number and brand of motor vehicles, classes of travel, means of transport, costs of property transfer and any other possible item of expenditure or facet of transfer costs which may come to the fore.

**F2. WOORDBEPALINGS**

Benewens die toepaslike woordbepalings in regulasie A1.1, beteken vir doeleindes van hierdie hoofstuk –

"beampte of werknemer" 'n beampte of werknemer soos omskryf in die Staatsdienswet, 1994 en ook –

- (a) ondanks die verwysing in subparagraaf (b) van die woordbepaling "huishouding" in regulasie A1.1, 'n getroude vroulike beampte of werknemer; en
- (b) 'n persoon wat in diens was by 'n instelling in regulasie C9.2 vermeld en wat sonder diensonderbreking aangestel word ingevolge artikel 15(1) van die Staatsdienswet, 1994;

"gemeubileerde huisvesting" 'n hotel- of losieskamer, woonwa, 'n gehuurde gemeubileerde private woning of 'n amptelike kwartier wat anders as deur die beampte of werknemer van die basiese en noodsaaklike meublement voorsien is;

"interim herberg" beteken gemeubileerde huisvesting wat tydelik betrek word –

- (a) terwyl na permanente huisvesting gesoek word of totdat permanente huisvesting, wat reeds bekom is, vir bewoning vakant raak; en/of
- (b) deur 'n lid/lede van 'n huishouding wie, as gevolg van die oorplasing en weens skoolverpligtinge, by die ou en/of die nuwe hoofkwartier woon;

"oorplasing" –

- (a) die verhuising van 'n beampte of werknemer en/of sy of haar huishouding van een hoofkwartier na 'n ander of na, van en in die buiteland;
- (b) die tydelike of permanente ontruiming van 'n amptelike kwartier by 'n beampte of werknemer se hoofkwartier ten einde ander huisvesting te betrek; of
- (c) die ontruiming deur 'n beampte of werknemer van huisvesting om by sy of haar hoofkwartier amptelike kwartiere te betrek.

**F3. MAATREËLS VIR DIE TOEPASSING VAN DIE VOORSIENINGS IN HIERDIE HOOFSTUK**

F3.1 Die bevoegdhede in hierdie hoofstuk beskryf, word kragtens artikel 5(2)(a) van die Wet op die Staatsdienskommissie, 1984, aan departementshoofde gedelegeer, wat sodanige bevoegdhede verder kan deleger. Vir doeleindes van die toepassing van gemelde delegasie het 'n departementshoof diskresie om, met inagneming van die volgende maatreëls en riglyne, bestuursselfstandig op te tree:

- (a) 'n Departementshoof moet binne die konteks van die voorsienings beleid bepaal oor aspekte soos maksimum tydperke van kompensering, uitgawelimiete, beperkings ten opsigte van die hoeveelheid en aard van persoonlike besittings, die aantal en soort motor-voertuie, reisklasse, soort vervoermiddels, oordrags-koste en enige ander moontlike uitgawe-item of faset van hervestigingskoste wat na vore mag kom.

- (b) In considering the implications in terms of costs, it must be seen to that effective competition takes place where services are rendered for the purpose of resettling an officer or employee and that all available alternatives are taken into consideration to ensure that the most suitable option is exercised under the circumstances.
- (c) The status of the officer or employee being resettled in terms of his or her rank and taking into account the particular circumstances and underlying reasons.
- (d) The principle of fairness and reasonableness by the employer in the application of the relevant measures, as well as in such provisions which the head of department may determine in his or her discretion.

F3.2 The delegation of any of the powers vested in a head of department in terms of the provisions of this chapter, must be done taking into account the provisions of the Exchequer Act, 1975 (Act No 66 of 1975) and the Public Service Act, 1994.

#### F4 TRANSFER OF AN OFFICER OR EMPLOYEE

The following expenses are payable from State funds on the transfer of an officer or employee:

##### F4.1 Travelling and subsistence expenses

- (a) The travelling and subsistence expenses of an officer or employee and/or a member of his or her household arising from a visit beforehand to the new headquarters in terms of the provisions and measures contained in chapter D and E of the Public Service Regulations.
- (b) The travelling and subsistence expenses of an officer or employee and his or her household arising from the transfer to the new headquarters in terms of the provisions and measures contained in chapters D and E of the Public Service Regulations.

##### F4.2 Transport expenses and insurance costs of the personal effects of an officer or employee and/or his or her household

The expense of transport of personal effects from packing to the eventual unpacking thereof at permanent accommodation as well as the all-inclusive insurance cover thereof.

##### F4.3 Storage of the personal effects of an officer or employee and/or his or her household

The expense of storage of personal effects as well as the all-inclusive insurance cover thereof.

##### F4.4 Accommodation expenditure of an officer or employee and/or his or her household

The expense of interim accommodation in rented furnished accommodation at the old and/or the new headquarters.

##### F4.5 Taxation in respect of the transport of motor vehicles across international borders

The expense in respect of customs duty, tax and other levies or fees arising from the transport of private motor vehicles (including vehicles obtained under the motor finance scheme) across international borders.

- (b) By oorweging van die koste-implikasies moet sorg gedra word dat effektiewe mededinging plaasvind waar dienste vir doeleindes van die hervestiging van 'n beampte of werknemer gelewer word, asook dat daar met beskikbare alternatiewe rekening gehou word ten einde van die geskikste opsie met inagneming van omstandighede gebruik te maak.
- (c) Die rangstatus van die beampte of werknemer wat hervestig word, inaggenome die omringende omstandighede en onderliggende oorweegredes.
- (d) Die beginsels van billikheid en redelikheid van werkgewerskant in die toepassing van die onderhawige maatreëls, asook in sodanige bepalings wat 'n departementshoof in sy of haar diskresie mag neerlê.

F3.2 Die delegering van enige van die bevoegdhede wat kragtens die bepalings van hierdie hoofstuk aan 'n departementshoof verleen word, moet met inagneming van die bepalings van die Skatkiswet, 1975 (Wet No 66 van 1975) en die Staatsdienswet, 1994, gedoen word.

#### F4. OORPLASING VAN 'N BEAMPTTE OF WERKNEMER

Die volgende uitgawes kan by die oorplasing van 'n beampte of werknemer uit staatsfondse betaal word:

##### F4.1 Reis- en Verblyfuitgawes

- (a) Die beampte of werknemer en/of 'n lid van sy of haar huishouding se reiskoste en verblyfuitgawes voortspruitend uit 'n besoek vooraf aan die nuwe hoofkwartier op die grondslae en voorwaardes vervat in Hoofstukke D en E van hierdie regulasies.
- (b) Die beampte of werknemer en sy of haar huishouding se reiskoste en verblyfuitgawes voortspruitend uit die oorplasing na die nuwe hoofkwartier op die grondslae en voorwaardes vervat in Hoofstukke D en E van hierdie regulasies.

##### F4.2 Vervoer- en versekeringskoste van die persoonlike besittings van 'n beampte of werknemer en/of sy of haar huishouding

Die uitgawes aan die vervoer van die persoonlike besittings, vanaf die verpakking daarvan tot by die uiteindelijke uitpak by permanente huisvesting, asook die allesomvattende versekeringsdekking daarvan.

##### F4.3 Opberging van die persoonlike besittings van 'n beampte of werknemer en/of sy of haar huishouding

Die uitgawes verbonde aan die opberging van die persoonlike besittings, asook die allesomvattende versekeringsdekking daarvan.

##### F4.4 Herberguitgawes van 'n beampte of werknemer en/of sy of haar huishouding

Die uitgawes aan interim herberg in gehuurde, gemeubileerde huisvesting by die bestaande en/of die nuwe hoofkwartier.

**F4.6      Transfer fees connected with the purchase or erection of a dwelling**

- (a) The transfer expense arising from the purchase of a dwelling or a building site and the erection of a dwelling thereon. The expenses in this regard refer to the cost of conveyance of the property, mortgage costs, expenses arising from the drafting of a purchase contract, inspection fees, etc.
- (b) In cases where the transfer fees are included in a mortgage loan, payment from State funds must not be made to the officer or employee personally, but directly into his or her mortgage loan account.

**F4.7      Expenditure on school books, uniforms and other requirements**

- (a) A single amount of R895 for each child attending school as assistance towards the expenditure on school books, uniforms, sport outfits and other requirements.
- (b) The amount in (a) above is effective from 1 April 1994 and is revised quarterly on 1 January, 1 April, 1 July and 1 October, respectively, on the grounds of price increases as reflected in the Central Statistical Service's Consumer Price Index for Clothing and Footwear for the first month of the previous quarter, rounded-off to the nearest higher full Rand.
- (c) Officials abroad are however to be compensated reasonable actual expenditure incurred.

**F4.8      Incidental expenses**

- (a) A single amount to meet incidental expenses arising from resettlement, other than those for which provision is made elsewhere in these regulations, on the following basis:
  - (i) If furnished accommodation is occupied permanently  
An amount equal to 25% of an officer's or employee's basic monthly pensionable salary as on the date of resettlement.
  - (ii) If unfurnished accommodation is occupied permanently
    - (aa) Single officer or employee  
An amount equal to 50% of an officer's or employee's basic monthly pensionable salary as on the date of resettlement.
    - (bb) An officer or employee with dependants  
An amount equal to the basic monthly pensionable salary of an officer or employee, as on the date of resettlement.
    - (iii) An officer or employee who is transferred to or in a foreign country  
An amount equal to 35% of the monthly norm station allowance in the local monetary unit concerned as on the date of resettlement.
- (b) If the amount meant in subparagraph (a)(i) or (ii) is less than an amount calculated according to the applicable percentage mentioned in the said paragraph and based on the monthly pensionable salary equal to the minimum notch for the standard salary scale of a Senior Provisioning Administration Officer, the applicable amount based on the last-mentioned basis must be paid.



F4.5 Belasting ten opsigte van die invoer van motorvoertuie oor internasionale grense

Die uitgawes ten opsigte van doeanereg, belasting en ander heffings of gelde voortspruitend uit die vervoer van private motorvoertuie (met inbegrip van voertuie verkry onder die motorfinansieringskema) oor internasionale grense heen.

F4.6 Oordragkoste verbonde aan die aankoop/oprigting van 'n woning

- (a) Die koste voortspruitend uit die oordrag by die aankoop van 'n woning of die aankoop van 'n bouperseel en die oprigting van 'n woning daarop. Die koste hier ter sprake het betrekking op die transportkoste van die eiendom, verbandkoste, koste vir die opstel van 'n koopkontrak, inspeksiefooie, ens.
- (b) In die geval waar die oordragkoste by die verband-lening ingesluit is, moet die betaling uit Staatsfondse nie persoonlik aan die beampte of werknemer gemaak word nie, maar direk in sy of haar verbandleningsrekening.

F4.7 Uitgawes aan skoolboeke, -uniforms en ander benodigdhede

- (a) 'n Eenmalige bedrag van R895 vir elke skoolgaande kind as hulpverlening met die bestryding van uitgawes aan skoolboeke, -uniforms, sportuitrustings en ander benodigdhede.
- (b) Die bedrag in (a) hierbo is met ingang van 1 April 1994 van toepassing en word kwartaalliks op onderskeidelik 1 Januarie, 1 April, 1 Julie en 1 Oktober hersien op grond van prysstygings soos weerspieël in die Sentrale Statistiekdiens se Ver-bruikersprysin-deks vir Klerasie en Skoeisel vir die eerste maand van die voorafgaande kwartaal, afgerond tot die naashoër volle Rand.
- (c) Amptenare in die buiteland word egter vir redelike werklike uitgawes gekompenseer.

F4.8 Diverse uitgawes

- (a) 'n Eenmalige bedrag as hulpverlening met die bestryding van diverse uitgawes, waarvoor daar nie elders in hierdie regulasies spesifieke voorsiening gemaak word nie, op die volgende grondslag:
  - (i) Indien gemeubileerde huisvesting permanent betrek word  
  
'n Bedrag gelyk aan 25% van 'n beampte of werknemer se basiese maandelikse pensioendraende besoldiging soos op die datum van hervestiging.
  - (ii) Indien ongemeubileerde huisvesting permanent betrek word
    - (aa) Enkellopende beampte of werknemer  
  
'n Bedrag gelyk aan 50% van 'n beampte of werknemer se basiese maandelikse pensioendraende besoldiging soos op die datum van hervestiging.
    - (bb) 'n Beampte of werknemer met afhanklikes  
  
'n Bedrag gelyk aan die basiese maandelikse pensioendraende besoldiging van 'n beampte of werknemer soos op die datum van hervestiging.

- (c) The amount meant in subparagraph (a)(i) or (ii) may not exceed an amount based on the basic monthly pensionable salary (fixed salary or maximum notch of the applicable salary scale) of a Director in the defined management echelon of the Public Service.

F4.9 Continued payment of home owner allowance

The payment of home owner allowance in respect of a dwelling at the previous headquarters may be continued with on such bases as the Department of State Expenditure may approve on the recommendation of the Commission.

F4.10 Travelling expenses originating from children's schooling

The most economical travelling expenses for a period not exceeding one school year in respect of an officer's or employee's school attending child(ren) who remain(s) at the old headquarters. The travelling expenses are limited to travelling to and from the new headquarters at the beginning and end of school holidays and at the end of the school year.

F5. PRIVILEGES ON APPOINTMENT IN THE PUBLIC SERVICE

- F5.1 The travelling expenses as well as the transport expenses, insurance costs and storage costs for not longer than one month, of the personal effects of a candidate and/or his or her household who, on appointment, necessarily has to relocate may be compensated on the same basis provided for in regulation F4.1(b), F4.2, and F4.3.

- F5.2 In such cases persons must be bound contractually, in writing, for not less than 12 months. In the case of breach of contract by such persons a pro rata portion of the amount paid in terms of subparagraph 5.1 in respect of the unexpired period must be paid back by them.

F6. PRIVILEGES ON APPOINTMENT ON CONTRACT FROM ABROAD

- F6.1 The travelling expenses of a person and/or his or her household as well as the transport expenses and insurance costs of his or her personal effects from a foreign country resulting from his or her appointment on contract, as well as supplementary compensation for the defraying of expenses related to his or her moving and resettlement may be paid.

- F6.2 In such cases candidates must be bound contractually, in writing, for not less than 12 months. In the case of breach of contract by such persons a pro rata portion of the amount paid in terms of subparagraph 6.1 in respect of the unexpired period must be paid back by them.

F7. PRIVILEGES WHEN PERFORMING SESSIONAL DUTY

The travelling and subsistence expenses of a sessional official and/or his or her household at the beginning and end of a Parliamentary session, as well as the conveyance to and from Cape Town of essential personal effects and the all-inclusive insurance cover thereof, may be compensated.

F8. PRIVILEGES ON TERMINATION OF SERVICES BY THE EMPLOYER OR IN THE EVENT OF DEATH

- F8.1 The expenses provided for in regulation F4.1(b) to F4.5, arising from moving from an existing place of residence to a place where he or she and/or his or her household wish to settle in the Republic on termination of service, may be paid mutatis mutandis to an officer or employee (excluding an employee who was recruited abroad as contemplated in subparagraph 8.2) or his or her household in the case of his or her death on the bases, conditions and requirements which a head of department may determine in his or her discretion.

(iii) 'n Beampte of werknemer wat na of in die buiteland oorgeplaas word

'n Bedrag gelyk aan 35% van die maandelikse normstandplaastoelae in die betrokke plaaslike munteenheid, soos op die datum van hervestiging.

(b) Indien die bedrag in subparagraaf (a)(i) of (ii) bedoel minder is as 'n bedrag bereken ooreenkomstig die toepaslike persentasiegronslag in gemelde paragraaf en gebaseer op die basiese maandelikse pensioendraende besoldiging verbonde aan die minimum kerf van die standaardsalarisskaal van 'n Senior Voorsieningsadministrasiebeampte, word die toepaslike bedrag wat op laasgemelde grondslag bereken is, betaal.

(c) Die bedrag in subparagraaf (a)(i) of (ii) bedoel mag nie meer wees nie as 'n bedrag gebaseer op die basiese maandelikse pensioendraende besoldiging (vaste salaris of maksimum kerf van die toepaslike salarisskaal) van 'n Direkteur in die omskrewe bestuurskader van die Staatsdiens.

F4.9 Voortgesette betaling van huiseienaarstoelae

Daar kan met die betaling van die huiseienaarstoelae ten opsigte van 'n woning by die vorige hoofkwartier voortgegaan word op grondslae wat die Departement van Staatsbesteding op aanbeveling van die Kommissie goedkeur.

F4.10 Reisuitgawes voortspruitend uit skoolbelange van kinders

Die mees ekonomiese reisuitgawes vir hoogstens een skooljaar, ten opsigte van 'n beampte of werknemer se skoolgaande kind(ers) wat by die vorige standplaas agterbly. Die reisuitgawes word beperk tot ritte na en van die nuwe hoofkwartier aan die begin en einde van skoolvakansies en aan die einde van die skooljaar.

F5. VOORREGTE BY AANSTELLING IN DIE STAATSDIENS

F5.1 Aan 'n persoon en/of sy of haar huishouding wat by aanstelling noodsaaklikerwys moet verhuis, kan die uitgawes aan reise, asook die vervoer-, versekering- en opbergingskoste vir hoogstens een maand, van sy of haar persoonlike besittings, op dieselfde grondslag as in regulasies F4.1(b), F4.2 en F4.3 voorsien, gekompenseer word.

F5.2 In gemelde gevalle moet persone skriftelik kontraktueel vir nie minder nie as 12 maande gebind word. By kontrakbreuk aan die kant van sodanige persone moet hulle 'n pro rata-gedeelte van die bedrag wat ingevolge subparagraaf F5.1 betaal is ten opsigte van die onverstreke tydperk, terugbetaal.

F6. VOORREGTE BY KONTRAKAANSTELLINGS VANUIT DIE BUTTELAND

F6.1 In die geval van die aanstelling op kontrak van 'n persoon vanuit die buiteland, kan daardie uitgawes wat uit die reise van so 'n persoon en/of sy of haar huishouding, asook die vervoer en versekering van sy of haar persoonlike besittings, voortspruit, betaal word, asook ander aanvullende finansiële vergoeding ter bestryding van uitgawes wat met sy of haar verhuising en hervestiging verband hou.

F6.2 In gemelde gevalle moet persone skriftelik kontraktueel vir nie minder nie as 12 maande gebind word. By kontrakbreuk aan die kant van sodanige persone moet hulle 'n pro rata-gedeelte van die bedrag wat ingevolge subparagraaf F6.1 betaal is, ten opsigte van die onverstreke tydperk, terugbetaal.

F8.2 The expenses provided for in regulation F4.1(b) and F4.2 may be paid *mutatis mutandis* on termination of service to an employee who was recruited abroad for appointment, or his or her household in the case of his or her demise, from his or her existing place of residence back to the place where initially recruited.

F9. PRIVILEGES WHEN AN OFFICER OR EMPLOYEE DIES WHILE ON OFFICIAL DUTY AWAY FROM HIS OR HER HEADQUARTERS

Should an officer or employee die whilst on official duty away from his or her headquarters or whilst being stationed abroad, including a member of his or her family who accompanies him or her officially, expenses arising therefrom (excluding funeral costs) may be paid.

F10. CONVEYANCE OF PERSONAL REQUIREMENTS DURING CAMP CONDITIONS

The reasonable actual transport expenses for the conveyance of personal requirements, including food supplies, of an officer or employee who, for the purpose of carrying out his or her official duties, is required to live under camp conditions, may be paid.

F11. REPORT ON RESETTLEMENT EXPENDITURE

In order to enable the Commission to report to Government on resettlement expenditure and related practices in departments, as well as to serve departments with advice, the Commission must be furnished annually with particulars regarding all expenses resulting from the application of this chapter, in a format prescribed by the Commission.

## CHAPTER G

### OFFICIAL HOURS OF ATTENDANCE, WORKING WEEKS AND OVERTIME REMUNERATION

#### Official hours of attendance

G1.1 The head of a department determines the hours of attendance during which an officer or a full-time or part-time employee must be present at his or her place of work for duty, provided that –

- (a) in the case of an officer or full-time employee, a minimum of 40 hours of service per week has to be rendered; and
- (b) in the case of a part-time employee such determination be done according to the basis on which such an employee is employed and remunerated in relation to a full-time employee and the result thereof represents the minimum hours of service a part-time employee has to render.

G1.2 Notwithstanding regulation G1.1, the head of a department may require an officer or employee to perform official duty on any day of the week or at any time during the day or night or to be present at his or her normal place of work or elsewhere for such duty.

G1.3 The head of a department shall determine the meal break of an officer or employee or classes of officers or employees: Provided that a meal break falling within the official hours of attendance prescribed in terms of the provisions of this chapter shall not be reckoned as official duty time for the completion of the working week.



**F7. VOORREGTE BY DIE VERRIGTING VAN SESSIEDIENS**

Aan 'n sessie-amptenaar en/of sy of haar huishouding kan daardie uitgawes gekompenseer word wat uit die reise en verblyf aan die begin en einde van 'n Parlementsitting voortspruit, asook die vervoer na en van Kaapstad van noodsaaklike persoonlike besittings en die allesomvattende versekeringsdekking daarvan.

**F8. VOORREGTE BY DIENSEINDIGING DEUR DIE WERKGEWER OF IN GEVAL VAN DOOD**

F8.1 Die uitgawes waarvoor in regulasies F4.1(b) tot F4.5 voorsiening gemaak word en wat voortvloei uit die verhuising vanaf 'n bestaande woonplek na 'n plek waar hy of sy en/of sy of haar huishouding begerig is om te woon in die Republiek by dienseindiging, kan mutatis mutandis aan 'n beampte of werknemer (uitgesluit 'n werknemer wat ingevolge subparagraaf 8.2 oorsee gewerf is) of sy of haar huishouding indien hy of sy te sterwe kom, betaal word op die grondslae, voorwaardes en vereistes wat 'n departementshoof in sy of haar diskresie bepaal.

F8.2 Die uitgawes waarvoor in regulasie F4.1(b) en F4.2 voorsiening gemaak word, kan mutatis mutandis by dienseindiging aan 'n werknemer betaal word wat oorsee vir aanstelling gewerf is, of aan sy of haar huishouding indien hy of sy te sterwe kom, vanaf sy of haar bestaande woonplek terug na die plek van aanvanklike werwing.

**F9. VOORREGTE WANNEER 'N BEAMPTTE OF WERKNEMER TYDENS AMPTELIKE DIENS WEG VAN SY OF HAAR HOOFKWARTIER TE STERWE KOM**

Indien 'n beampte of werknemer wat met amptelike diens weg van sy of haar hoofkwartier of in die buiteland gestasioneer is, te sterwe kom, met inbegrip van 'n lid van sy of haar gesin wat hom of haar ampshalwe vergesel, kan uitgawes voortspruitend daaruit (uitgesonderd begrafniskoste) betaal word.

**F10. VERVOER VAN PERSOONLIKE BENODIGDHEDE NA 'N KAMP**

Aan 'n beampte of werknemer wie se amptelike pligte vereis dat hy of sy in 'n kamp moet woon, kan die redelike werklike vervoeruitgawes ten opsigte van persoonlike benodigdhede, insluitende voeselvoorrade, betaal word.

**F11. VERSLAGDOENING OOR HERVESTIGINGSKOSTE**

Ten einde die Kommissie in staat te stel om aan die Regering verslag te doen oor hervestigingskoste en praktyke in departemente wat daarmee verband hou, asook om departemente van advies te bedien, moet die Kommissie jaarliks van besonderhede met betrekking tot bepaalde uitgawes, asook ander gegewens voortspruitend uit die toepassing van hierdie hoofstuk, voorsien word en wel in die formaat deur die Kommissie vir die doel bepaal.

## **HOOFSTUK G**

### **AMPTELIKE DIENSURE, WERKWEKE EN OORTYDBESOLDIGING**

#### **Amptelike diensure**

G1.1 Die departementshoof bepaal die diensure waartydens 'n beampte of 'n volttydse of deelttydse werknemer by sy of haar werkplek vir diens aanwesig moet wees, onderworpe daaraan dat -



- G1.4 The head of a department, taking into consideration the hours of attendance determined by him or her, determines the starting and closing times of departmental offices and places of work under his or her control as well as the times during which the public shall have access to these to attend to official business.
- G1.5 Subject to the proviso in regulation G1.1, the head of a department may introduce a system of flexitime for his or her staff (shift workers excluded), provided that –
- (a) full-time staff who adhere to a five-day working week, be on continuous duty on each working day for a minimum of 8 hours (meal breaks excluded) and that a fixed time from 08:00 to 15:30 be adhered to (such fixed time may include a meal break);
  - (b) the official hours of attendance of individual officers and employees start and end as determined by the head of a department after he or she has considered the needs of the department, its clients (the public) as well as those of the officers and employees;
  - (c) the times meant in paragraph (b) may be changed by the head of a department if he or she is convinced that the needs of the department or its clients necessitate it or the needs of the officers and employees justify it; and
  - (d) the needs of the users and/or clients of the department's services receive preference.
- G1.6 The permission to an officer or employee to work flexitime is a privilege granted and the head of a department is entitled to withdraw or change it.
- G1.7 An officer or employee –
- (a) shall, during his or her official hours of attendance, give his or her full attention to the duties entrusted to him or her; and
  - (b) shall not without the consent of the head of his or her office be absent from his or her office or place of work during his or her official hours of attendance.
- G1.8 Resulting from the provisions of section 7(3)(b) of the Act and regulation A4.1 the head of a department shall make arrangements which he or she considers proper in order to ensure that the official hours of attendance are complied with.

### Working weeks

- G2.1 Subject to the provisions of regulation G1 and the approval of his or her political head, the head of a department shall decide with due regard to the public interest, which officers and employees or groups of officers or employees shall observe a five-day working week or otherwise.
- G2.2 (a) If an officer or employee, during the official hours of attendance prescribed for him or her in or in terms of the provisions of this chapter, is absent from duty as a result of leave granted or as a result of other circumstances which are acceptable to the head of a department, he or she shall be regarded as having been on duty during such absence for the purpose of the completion of his or her working week.

- (a) in die geval van 'n beampte of voltydse werknemer, 'n minimum van 40 diensure per week gelewer moet word; en
  - (b) in die geval van 'n deeltydse werknemer, sodanige bepaling geskied aan die hand van die grondslag waarop so 'n werknemer in verhouding tot 'n voltydse werknemer in diens geneem en besoldig word en die resultaat daarvan die minimum diensure verteenwoordig wat 'n deeltydse werknemer moet lewer.
- G1.2 Ondanks regulasie G1.1 kan die departementshoof van 'n beampte of werknemer vereis om op enige dag van die week of op enige tyd van die dag of die nag amptelike diens te verrig of om by sy of haar normale werkplek of elders aanwesig te wees vir sodanige diens.
- G1.3 Die departementshoof bepaal die etenspouse van 'n beampte of werknemer of klasse beamptes of werknemers: Met dien verstande dat 'n etenspouse wat binne die amptelike diensure val wat kragtens die bepaling van hierdie hoofstuk voorgeskryf is, nie as amptelike dienstyl vir die voltooiing van die werkweek gereken word nie.
- G1.4 Die departementshoof bepaal, met inagneming van die diensure deur hom of haar bepaal, die aanvangs- en sluitingstye van departementele kantore of -werkplekke onder sy of haar beheer, asook welke tye die publiek vir amptelike besigheidsdoeleindes toegang tot voormelde kantore of werkplekke sal hê.
- G1.5 'n Departementshoof kan, behoudens die voorbehoudsbepaling in regulasie G1.1, 'n stelsel van skiktyd vir sy of haar personeel (skofwerkers uitgesluit) instel, onderworpe daaraan dat -
- (a) voltydse personeel wat 'n vyfdaagse werkweek nakom, ten opsigte van elke werkdag 'n minimum van 8 ure (etenspouse uitgesluit) aaneenlopend aan diens moet wees en 'n kerntyd van 08:00 tot 15:30 moet nakom (sodanige kerntyd kan 'n etenspouse insluit);
  - (b) individuele beamptes en werknemers se amptelike diensure 'n aanvang neem en eindig soos deur die departementshoof bepaal na oorweging van die departement, die departement se kliënte (die publiek), asook die beamptes en werknemers se behoeftes;
  - (c) die tye in paragraaf (b) bedoel, deur die departementshoof gewysig kan word indien hy of sy oortuig is dat die behoeftes van die departement of die departement se kliënte dit noodsaak of die behoeftes van die beamptes en werknemers dit regverdig; en
  - (d) die behoeftes van die gebruikers en/of kliënte van die departement se dienste vooropgestel word.
- G1.6 Die verlening van toestemming aan 'n beampte of werknemer om skiktyd te werk is 'n vergunning wat deur die departementshoof teruggetrek of gewysig kan word.
- G1.7 'n Beampte of werknemer -
- (a) moet gedurende sy of haar amptelike diensure sy of haar volle aandag wy aan die pligte wat aan hom of haar toevertrou is; en
  - (b) mag nie van sy of haar kantoor of werkplek gedurende sy of haar amptelike diensure sonder toestemming van die hoof van sy of haar kantoor afwesig wees nie.
- G1.8 Voortspruitend uit die bepaling van artikel 7(3)(b) van die Wet en regulasie A4.1 moet 'n departementshoof sodanige reëlins tref wat hy of sy geskik ag ten einde te verseker dat die amptelike diensure nagekom word.

- (b) The official hours of attendance for a specific day which have been prescribed for an officer or employee in or in terms of the provisions of this chapter and which fall on a public holiday, in the case of an officer or employee who does not normally work on such day shall be reckoned for the purposes of the completion of the working week.
- (c) In the case of an officer or employee whose normal duties require him or her to work on a public holiday, such a person may be granted a day off in lieu of him or her having worked on such a public holiday, in which case such a day off shall be reckoned for the purposes of the completion of the working week.

### **Overtime duty and overtime remuneration**

- G3.1 Should the head of a department in terms of regulation G1.2 require of an officer or employee to perform overtime duty which exceeds his or her official hours of attendance, the officer or employee has no right to claim overtime remuneration for such duty.
- G3.2 The Commission may issue directives on the remuneration of overtime duty.

### **Deviations**

- G4 If circumstances arise which justify deviation from the regulations in this chapter or the directives issued by the Commission in terms of regulation G3.2 above, the Commission may recommend such a deviation.

## **CHAPTER H**

### **STATE HOUSING**

- H1 State housing may be provided to an officer or employee within the framework of the provisions and measures recommended by the Commission.
- H2 Should circumstances arise which justify a deviation from the provisions and the measures contemplated in regulation 1, the Commission may recommend that alternative provisions and measures be applied in this regard.

## **CHAPTER J**

### **NORMS AND STANDARDS IN REGARD TO ORGANISATION AND ESTABLISHMENT**

#### **J1.0 INTRODUCTION**

- J1.1 Functions (as derived from the legislative competence of the levels of government as set out in the Constitution of the Republic of South Africa, 1993) (the Constitution) must be allocated to the different levels of government in accordance with the provisions of the Constitution.

### Werkweke

- G2.1 Behoudens die bepalings van regulasie G1 en die goedkeuring van sy of haar politieke hoof, besluit die departementshoof met inagneming van die openbare belang welke beamptes en werknemers, of groepe beamptes of werknemers, 'n vyfdaagse werkweek of andersins moet nakom.
- G2.2 (a) Wanneer 'n beampte of werknemer gedurende die amptelike diensure wat in of kragtens die bepalings van hierdie hoofstuk vir hom of haar voorgeskryf is, van diens afwesig is as gevolg van verlof toegestaan of weens ander omstandighede wat vir die departementshoof aanneemlik is, moet hy of sy, vir doeleindes van die voltooiing van sy of haar werkweek, geag word op diens te gewees het gedurende sodanige afwesigheid.
- (b) Die amptelike diensure wat ten opsigte van 'n bepaalde dag in of kragtens die bepalings van hierdie hoofstuk vir 'n beampte of werknemer voorgeskryf is en wat op 'n openbare feesdag val moet, in die geval van 'n beampte of werknemer wat nie normaalweg op sodanige dag werk nie, ingereken word vir doeleindes van die voltooiing van sy of haar werkweek.
- (c) In die geval van 'n beampte of werknemer wie se normale pligte van hom of haar vereis om op 'n openbare feesdag te werk, mag sodanige persoon 'n dag vry gegee word na aanleiding van die feit dat hy of sy op sodanige feesdag gewerk het, in welke geval die vry dag ingereken moet word vir doeleindes van die voltooiing van sy of haar werkweek.

### Oortyddiens en oortydbesoldiging

- G3.1 Wanneer die departementshoof kragtens regulasie G1.2 van 'n beampte of werknemer vereis om oortyddiens te verrig wat 'n oorskryding meebring van die beampte of werknemer se amptelike diensure, mag oortydbesoldiging ten opsigte van sodanige oortyddiens nie as 'n reg geëis word nie.
- G3.2 Die Kommissie kan voorskrifte uitreik oor die besoldiging van oortyddiens.

### Afwykinge

- G4 As daar omstandighede ontstaan wat 'n afwyking regverdig van die bepalings van hierdie hoofstuk of die voorskrifte deur die Kommissie ingevolge regulasie G3.2 uitgereik, kan die Kommissie sodanige afwyking aanbeveel.

## HOOFSTUK H

### STAATSBEHUISING

- H1 Staatsbehuising kan aan 'n beampte of werknemer beskikbaar gestel word binne die raamwerk van die voorsienings en maatreëls wat die Kommissie aanbeveel.
- H2 As daar omstandighede ontstaan wat 'n afwyking van die voorsienings en maatreëls in regulasie H1 bedoel, regverdig, kan die Kommissie aanbeveel dat alternatiewe voorsienings en maatreëls toegepas word.

- J1.2 The Public Service for the Central Government and the nine provincial governments shall be served by one Public Service as encompassed within the Public Service Act, 1994. In the case of certain services within the Public Service (e.g. the National Defence Force and the S A Police Service) there shall be separate acts to further regulate such services. However, to retain the essential nature of a single public service certain matters e.g. the provision of management echelon posts, must be determined on a co-ordinated basis.

## J2.0 PURPOSE

To establish norms and standards serving as rules and guidelines to govern the development of public service organisational structures and the creation of posts and giving of other authorisations for the employment of personnel charged with the execution of public service functions.

## J3.0 SCOPE OF APPLICATION

The provisions of this chapter except where otherwise indicated apply to the whole of the Public Service as contemplated in section 212 of the Constitution and as defined in section 7 of the Public Service Act, 1994.

## J4.0 DEFINITIONS

"Post" - Means a post on the fixed establishment as referred to in section 7 of the Public Service Act, 1994.

"Establishment" - Means the totality of the posts of a department, service, administration or other organisational component of the public service.

"Additional to the establishment" or "employment additional to the establishment" - means authorisations for the employment of personnel in addition to the establishment whether in a full time or part time capacity.

"Out of adjustment" - Means the employment of a person in a post which does not correspond to his or her rank except where such difference is the result of a rank held in terms of the provisions of a Personnel Administration Standard (PAS) which provides for rank promotion without a change of post.

"Parastatal organisations" - Means those organisations other than departments, administrations or other components of the Public Service that are specifically created by an Act, or are wholly or partly financed by the State and which are therefore subject to control by Parliament or a provincial legislature; or in which the State has a controlling interest; or where a combination of these conditions exist.

PAS and PAM - Means personnel administration standards and personnel administration measures pertaining to a particular group or class of personnel issued in terms of the Public Service Act 1994 or another act applicable to a particular sector of the Public Service.

## J5.0 GENERAL ORGANISATIONAL POLICY PROVISIONS

J5.1 When structuring the public service organisationally, the following principles must be applied :

- (a) Functional relationships must be properly taken into account.



## HOOFSTUK J

### NORME EN STANDAARDE MET BETREKKING TOT ORGANISASIE EN DIENSSTAAT

#### J1.0 INLEIDING

J1.1 Funksies (soos afgelei van die wetgewende bevoegdhede van die vlakke van regering soos in die Grondwet van die Republiek van Suid-Afrika, 1993 (die Grondwet) uiteengesit) moet aan die verskillende vlakke van regering in ooreenstemming met die bepalings van die Grondwet toegeken word.

J1.2 Die Staatsdiens vir die Sentrale Regering en die nege provinsiale regerings sal deur een Staatsdiens bedien word soos omvat in die Staatsdienswet, 1994. In die geval van bepaalde dienste binne die Staatsdiens (bv. die Nasionale Weermag en SA Polisiediens) sal aparte wetgewing sulke dienste verder reguleer. Ten einde die essensiële aard van 'n enkele staatsdiens te behou moet sekere aangeleenthede bv. die voorsiening van bestuurskaderposte, op 'n gekoördineerde basis bepaal word.

#### J2.0 DOEL

Om norme en standaarde vas te stel wat as reëls en riglyne kan dien om die ontwikkeling van Staatsdiens organisatoriese strukture en die skepping van poste te bestuur asook die gee van ander magtigings vir die indiensneming van personeel wat met die uitvoering van Staatsdiensfunksies belas is.

#### J3.0 OMVANG VAN AANSOEK

Die bepalings van hierdie hoofstuk, tensy waar anders vermeld, is op die Staatsdiens as 'n geheel van toepassing soos in artikel 212 van die Grondwet beoog en soos in artikel 7 van die Staatsdienswet, 1994, bepaal.

#### J4.0 DEFINISIES

"Pos" - Beteken 'n pos op die vaste diensstaat soos in artikel 7 van die Staatsdienswet, 1994 na verwys.

"Diensstaat" - Beteken die totaliteit van die poste van 'n departement, diens, administrasie en ander organisasie komponent van die Staatsdiens.

"Addisioneel tot die diensstaat" of "indiensneming" addisioneel tot die diensstaat - Beteken magtigings vir die indiensneming van personeel addisioneel tot die diensstaat hetsy in 'n voltydse of deeltydse hoedanigheid.

"Buite verband" - Beteken die indiensneming van 'n persoon in 'n pos wat nie met sy/haar rang ooreenstem nie behalwe waar so 'n verskil die gevolg is van 'n rang wat in terme van 'n Personeeladministrasie-standaard (PAS) gehou word wat vir 'n rang-bevordering voorsiening maak sonder 'n verandering van die pos.

"Parastatale instellings" - Beteken daardie instellings wat nie departemente, administrasies of ander komponente van die Staatsdiens is nie, wat spesifiek ingevolge 'n wet ingestel is, of wat in die geheel of gedeeltelik deur die Staat gefinansier word en wat daarom aan beheer deur die

- (b) Functional overlapping must be avoided so that each organisation and organisational component has a properly defined task ensuring clear allocation of responsibility and accountability.
- (c) Co-ordination must be internalised as far as possible to avoid proliferation of committees and other external mechanisms which are a symptom of dysfunctional organising.
- (d) The size and scope of each organisation and component of an organisation must represent a reasonable managerial or supervisory work load.
- (e) Decentralisation and devolution of decision-making must be properly provided for.
- (f) Functions which are likely from time to time to expand and contract depending upon factors such as the availability of funds should be accommodated by arrangements such as contracting out to avoid the unnecessary employment and discharge of personnel.
- (g) There must not be an unnecessary proliferation of parastatal organisations as this complicates co-ordination and waters down accountability.
- (h) Parastatal organisations should be linked to departments on the basis of functional relationship.
- (i) Clear lines of communication, authority and accountability must be established in all organisations.

#### J6.0 **SPECIFIC ORGANISATIONAL PROVISIONS**

- J6.1 The creation, redesignation or abolition of departments and administrations as well as other organisational components as listed in Schedules 1 and 2 of the Public Service Act, 1994 may only be effected on the recommendation of the Public Service Commission.
- J6.2 Organisational changes within the departments, administrations and organisations referred to in 6.1 may only be effected on the recommendation of the Commission.
- J6.3 All requests for organisational changes must be accompanied by complete descriptions of the functions and their purposes in regard to new components that are proposed as well as those components that will be affected by the establishment of the proposed new components. These descriptions must be in accordance with established work study principles and practices.

#### J7.0 **GENERAL POLICY PROVISIONS IN REGARD TO THE CREATION OF POSTS AND OTHER AUTHORISATIONS FOR THE EMPLOYMENT OF PERSONNEL**

- J7.1 A post may only be created if there is a permanent need for the performance of the work attaching to such a post, and the need for the continued existence of a post must regularly be evaluated.
- J7.2 All posts must be created in terms of section 3(2) of the Public Service Act, 1994, except where other acts apply to specific sectors of the Public Service in this respect.
- J7.3 The creation of posts must be in accordance with the occupational classes, gradings, designations and other measures (including any personnel provision scales) set out in PAS and PAM and in this chapter.
- J7.4 Where any department, administration or other organisational component of the Public Service does not already have a post in a particular occupational class (as contained in PAS) no such post may be created without the recommendation of the Commission.

Parlement of 'n provinsiale wetgewer onderhewig is; of waar die Staat 'n beheerende belang het; of waar 'n kombinasie van hierdie voorwaardes bestaan.

"PAS en PAM"

- Beteken personeeladministrasiestandaarde en personeeladministrasiemaatreëls wat op 'n bepaalde groep of personeelklas betrekking het wat ingevolge die Staatsdienswet, 1994 of 'n ander wet wat op 'n bepaalde sektor in die Staatsdiens van toepassing is, uitgereik is.

## J5.0 ALGEMENE ORGANISATORIESE BELEIDBEPALINGS

J5.1 Wanneer die Staatsdiens organisatories gestruktureer word, moet die volgende beginsels toegepas word:

- (a) Funksionele verwantskappe moet deeglik in berekening gebring word.
- (b) Funksionele oorvleueling moet vermy word sodat elke organisasie en organisasiekomponent 'n behoorlik gedefinieerde taak het wat die duidelike toekenning van verantwoordelikheid en aanspreeklikheid sal verseker.
- (c) Koördinering moet so ver as moontlik intern geskied ten einde proliferasie van komitees en ander eksterne meganismes wat 'n simptoom van disfunksionele organisering is, te vermy.
- (d) Die grootte en omvang van elke instelling en komponent van 'n instelling moet 'n billike bestuurs- en toesighoudende werklading verteenwoordig.
- (e) Behoorlike voorsiening moet vir desentralisering en devolusie van besluitneming gemaak word.
- (f) Funksies wat van tyd tot tyd neig tot uitbreiding of afskaling en wat van faktore soos die beskikbaarheid van fondse afhanklik is, behoort deur reëlins soos uitkontraktering geakkommodeer te word ten einde onnodige indiensneming en aflegging van personeel te voorkom.
- (g) Onnodige proliferasie van parastatale instellings moet voorkom word aangesien dit koördinering kompliseer en aanspreeklikheid afwater.
- (h) Parastatale instellings behoort by departemente op die basis van funksionele verwantskap aangeskakel te word.
- (i) Duidelike kommunikasielyne, gesag en aanspreeklikheid moet binne alle organisasies gevestig word.

## J6.0 SPESIFIEKE ORGANISATORIESE BEPALINGS

J6.1 Die skepping, herbenaming, of afskaffing van departemente, administrasies en organisasiekomponente soos in Bylaes 1 en 2 van die Staatsdienswet, 1994 gelys, mag slegs beslag krydienskommissie.

J6.2 Organisasoriese veranderinge binne departemente, administrasies en organisasiekomponente waarna in paragraaf 6.1 verwys is, mag slegs op aanbeveling van die Staatsdienskommissie in werking gestel word.

- J7.5 Authorisations for the employment of personnel additional to the establishment must be utilised in cases where the work that such personnel must perform is not of a permanent nature or where the placement of a particular individual person in a post can for good reasons not be immediately finalised and where the termination of such a person's services would not be in the interest of the State. Such additional authorisations should be terminated as soon as the need therefore ceases to exist.
- J7.6 The employment of a person out of adjustment in a post may only be allowed in exceptional circumstances and such a person must be placed in an appropriately graded post at the earliest opportunity.
- J7.7 When any organisational changes in a department, administration or other organisational component of the Public Service are brought about, the effect thereof on the work load and content of posts must be properly evaluated and the necessary changes to the establishment and authorisations additional to the establishment effected.
- J7.8 Where fluctuations in the work load of an organisational component occur unavoidably it must be endeavoured to cope with the situation by means of voluntary or paid overtime or other appropriate measures and not by the creations of additional posts.
- J7.9 Before any post is created careful consideration must be given to actions such as the redistribution of work amongst existing posts, the elimination of unnecessary work, the simplification/improvement of procedures and improved training and motivation of personnel.
- J7.10 Posts may not be created on a grade higher than that dictated by the level of work in an endeavour to improve the remuneration of incumbents or as a measure to attract staff.
- J7.11 No post may be created unless the relevant department or administration has the funds to finance the filling of the post.
- J7.12 Posts may not be created retrospectively.
- J8.0 **SPECIFIC ESTABLISHMENT PROVISIONS**
- J8.1 The creation and abolition of all posts (including redesignation and regrading thereof) and other authorisations in regard to the employment of personnel are subject to the recommendation of the Commission.
- J8.2 Requests submitted to the Commission for the creation of posts which fall within the management echelon (as set out in the relevant PAS) must be preceded by a proper evaluation including evaluation by means of any instrument prescribed by the Commission.
- J8.3 Where powers have been delegated or assigned to create posts below the management echelon level and where the creation of such posts could or would have an effect on the provision of posts at the management level, such posts may not be created until the Commission's recommendation in regard to the relevant adjustment of posts at the management level has been obtained.
- J8.4 No post may be created or authorisation for the employment of a person additional to the establishment given if such a creation of a post or additional authorisation is in excess of the norms/standards in regard to the global limits placed on personnel salary expenditure as set out in Annexure A.



- J6.3 Alle versoeke vir organisatoriese veranderinge moet vergesel wees van volledige beskrywings van die doele en funksies van voorgestelde komponente asook daardie komponente wat deur die voorgestelde komponente geraak sal word. Hierdie beskrywing moet in ooreenstemming met gevestigde werkstudiebeginsels en -praktyke wees.
- J7.0 ALGEMENE BELEIDBEPALINGS MET BETREKKING TOT DIE SKEPPING VAN POSTE EN ANDER MAGTIGINGS VIR DIE INDIENSNEMING VAN PERSONEEL**
- J7.1 'n Pos mag slegs geskep word indien daar 'n permanente behoefte vir die uitvoering van die werk verbonde aan so 'n pos bestaan. Die behoefte vir die voortgesette bestaan van 'n pos moet gereeld geëvalueer word.
- J7.2 Alle poste moet ingevolge artikel 3(2) van die Staatsdienswet, 1994 geskep word, behalwe waar ander wette op spesifieke sektore van die Staatsdiens in hierdie verband van toepassing is.
- J7.3 Die skepping van poste moet ooreenkomstig die beroepsklasse, graderings, benamings en ander maatreëls (insluitende enige personeelvoorsieningskale) soos in die PAS, die PAM en hierdie hoofstuk uiteengesit, wees.
- J7.4 Waar enige departement, administrasie en ander organisasiekomponent van die Staatsdiens nie alreeds oor 'n pos in 'n spesifieke beroepsklas (soos vervat in die PAS) beskik nie, mag sodanige pos nie sonder die aanbeveling van die Kommissie geskep word nie.
- J7.5 Magtigings vir die aanstelling van personeel addisioneel tot die diensstaat moet benut word in gevalle waar die werk wat sulke personeel moet uitvoer, nie van 'n permanente aard is nie of waar plasing van 'n spesifieke individu in 'n pos vir goeie redes nie onmiddellik gefinaliseer kan word nie en waar beëindiging van so 'n persoon se dienste nie tot voordeel van die Staat sal strek nie. Sulke addisionele magtigings behoort so gou as wat die behoefte daarna verval, ingetrek te word.
- J7.6 Die aanstelling van 'n persoon buite verband in 'n pos kan slegs toegelaat word in uitsonderlike omstandighede en so 'n persoon moet so vroeg as die geleentheid hom voordoen, gepas geplaas word.
- J7.7 Wanneer enige organisatoriese veranderinge in 'n departement, administrasie of ander organisasiekomponent van die Staatsdiens bewerkstellig word, moet die effek daarvan op die werklading en posinhoud deeglik geëvalueer word en die nodige veranderinge aan die diensstaat en magtigings addisioneel tot die diensstaat aangebring word.
- J7.8 Waar die werkklas van 'n organisasiekomponent onvermydelik fluktueer, moet daar gepoog word om die situasie te hanteer by wyse van vrywillige of betaalde oortyd of ander gepaste maatreëls en nie deur die skepping van addisionele poste nie.
- J7.9 Voordat enige pos geskep word, moet sorgvuldige oorweging geskenk word aan aksies soos herverdeling van werk tussen bestaande poste, die eliminerings van onnodige werk, die vereenvoudiging/verbetering van prosedures en verbeterde opleiding en motivering van personeel.
- J7.10 Poste mag nie op 'n hoër gradering as wat die vlak van werk dikteer, geskep word ten einde te poog om die vergoeding van ampsbekleërs te verbeter of om as 'n werwingsmaatstaf te dien nie.
- J7.11 Geen pos mag geskep word tensy die relevante departement of administrasie fondse het om die vulling van die pos te finansier nie.
- J7.12 Poste mag nie terugwerkend geskep word nie.



J8.5 No management posts may be created or authorisations for the employment of personnel additional to the establishment given if such creation of a post or additional authorisation is in excess of the norms and standards in regard to the provision of management echelon posts and posts with an equivalent grading set out in Annexure A.

J8.6 Where norms and standards in regard to the creation of posts are indicated, the number and grading of posts allowed thereby is the maximum and individual posts must still only be created when they are essential.

#### J9.0 RECORDS AND REPORTING

J9.1 All departments, administrations and other organisational components of the Public Service must keep full and accurate records of –

- (a) their organisational structures as regards the designation of components, the purpose and functions of each component and the geographical location of officers/components;
- (b) all posts and other authorisations for the employment of personnel whether full time or part time; and
- (c) all authorisations for the employment of personnel out of adjustment.

J9.2 The Public Service Commission must as and when it so requests and in the format prescribed by it, be provided with information regarding the matters referred to in 9.1 above.

#### J10 DELEGATION

The Public Service Commission and, where the prescripts in this chapter refer to the Commission also a provincial service commission, may delegate its powers subject to the provisions of the Public Service Act, 1994.

**J8.0 SPESIFIEKE DIENSSTAATBEPALINGS**

- J8.1 Die skepping en afskaffing van alle poste (herbenaming en hergradering daarvan ingesluit) en ander magtigings met betrekking tot die indiensneming van personeel is onderhewig aan die Kommissie se aanbeveling.
- J8.2 Versoeke wat aan die Kommissie voorgelê word vir die skepping van poste wat onder die bestuurskader (soos in die PAS uiteengesit) ressorteer, moet deur 'n behoorlike evaluering voorafgegaan word, insluitend evaluering by wyse van enige instrument, soos deur die Kommissie voorgeskryf.
- J8.3 Waar magte gedelegeer of toegewys is om poste op 'n vlak laer as dié in die bestuurskader te skep en waar die skepping van sulke poste 'n invloed op die voorsiening van poste op bestuursvlak kan of sal hê, kan sulke poste slegs geskep word indien die Kommissie se aanbeveling met betrekking tot die relevante verstelling van poste op bestuursvlak verkry is.
- J8.4 Geen pos mag geskep word of magtiging vir die indiensneming van 'n persoon addisioneel tot die diensstaat mag verleen word nie indien die skepping van 'n pos of addisionele magtiging die norme/standaarde met betrekking tot die globale beperkinge wat op personeel/salarisuitgawes soos in Wyser A uiteengesit, oorskry.
- J8.5 Geen bestuursposte mag geskep word of magtiging vir die indiensneming van personeel addisioneel tot die diensstaat verleen word nie indien die skepping van so 'n pos of addisionele magtiging die norme en standaarde met betrekking tot die voorsiening van bestuurskaderposte en poste van gelyke gradering soos in Wyser A uiteengesit, oorskry.
- J8.6 Waar norme en standaarde met betrekking tot die skepping van poste aangedui is, is die aantal en die gradering van poste daardeur toegelaat die maksimum. Individuele poste moet steeds slegs geskep word indien dit noodsaaklik is.

**J9.0 REKORDS EN VERSLAGGEWING**

- J9.1 Alle departemente, administrasies en ander organisatoriese komponente van die Staatsdiens moet volledige en akkurate rekords hou van –
- (a) hul organisatoriese strukture sover dit die benaming van komponente betref, die doel en funksies van elke komponent en die geografiese ligging van beamptes/komponente;
  - (b) alle poste en ander magtigings vir die indiensneming van personeel hetsy voltyds of deelyds; en
  - (c) alle magtigings vir die indiensneming van personeel buite verband.
- J9.2 Die Staatsdienskommissie moet, soos en wanneer dit so versoek en in die formaat deur hul voorgeskryf, van inligting met betrekking tot aangeleenthede in 9.1 hierbo verwys, voorsien word.

**J10 DELEGASIE**

Die Staatsdienskommissie en waar die voorskrifte in hierdie hoofstuk na die Kommissie verwys, asook 'n provinsiale dienskommissie, mag sy magte deleger onderhewig aan die bepalings van die Staatsdienswet, 1994.

**ANNEXURE A****NORMS AND STANDARDS WHICH SET THE LIMITS WITHIN WHICH THE ESTABLISHMENTS AS WELL AS AUTHORISATIONS FOR THE EMPLOYMENT OF PERSONNEL ADDITIONAL TO THE ESTABLISHMENTS OF PROVINCIAL ADMINISTRATIONS MUST BE DETERMINED****1.0 GLOBAL LIMIT IN REGARD TO PERSONNEL EXPENDITURE**

1.1 A provincial administration may not in any financial year spend more than 35% of its total expenditure budget on the salaries of public servants. In applying this norm/standard the following words shall have the meaning indicated below:

(a) "Total expenditure budget" means the total amount of the expenditure budget plus any additional budget approved by a provincial legislature excluding :

- funds for the servicing or repayment of loan debts;

- funds for professional and special services as far as they are utilised to pay for services rendered by professional and specialised personnel outside the public service in stead of employing them in the public service; and

- transfer payments which means those payments that are made in bulk to institutions outside the Public Service or to funds that are not administered by the Public Service. Basically the guiding principle when classifying funds as transfer payments is that the transferring institution is not involved in the actual spending or intensively involved in the administration of the spending of the money in order to render a service. A typical transfer payment would be the payment of a lump sum to finance a parastatal body. On the other hand an amount included in an institution's budget which is paid out to pensioners or recipients of welfare allowances must not be classified as a transfer payment. In cases of doubt the Public Service Commission must be approached for a decision.

(b) "Public Servants" means all public servants whether full time or part time falling within the dilineation of the public service as set out in section 7 of the Public Service Act, 1994.

(c) "Salaries" means the basic salaries excluding any allowances, bonuses, awards or other service benefits paid to or in respect of public servants.

1.2 Should a provincial administration, after the rationalisation process contemplated in section 237 of the Constitution has been completed, find that its public service personnel salary expenditure exceeds the norm/standard laid down in paragraph 1.1, the following measures shall apply :

(a) The provincial government must draw up and execute a plan to bring the relevant expenditure within the norm/standard within a reasonable period which must not extend beyond 31 March 1999. The plan must inter alia include the following :

- (i) Reduction of personnel mainly by way of natural attrition and the abolition of posts that become vacant in the process.

- (ii) Improvement of efficiency by means of improved work procedures and methods and better training and motivation of personnel.

- (iii) Terminating the services of excess and incompetent personnel in accordance with the relevant provisions of the Public Service Act, 1994.

## BYLAE A

**NORME EN STANDAARDE WAT DIE BEPERKINGE STEL WAARBINNE DIE DIENSSTATE SOWEL AS MAGTIGINGS VIR DIE INDIENSNEMING VAN PERSONEEL ADDISIONEEL TOT DIE DIENSSTATE VAN PROVINSIALE ADMINISTRASIES BEPAAL MOET WORD****1.0 GLOBALE BEPERKING MET BETREKKING TOT PERSONEELUITGAWES**

1.1 'n Provinsiale administrasie mag nie in enige finansiële jaar meer as 35% van sy totale uitgawebegroting aan die salarisse van staatsamptenare bestee nie. Tydens die toepassing van hierdie norm/standaard sal die volgende woorde die betekenis soos hieronder aangedui, hê:

(a) "Totale uitgawebegroting" beteken die totale bedrag van die uitgawe begroting plus enige addisionele begroting deur 'n provinsiale wetgewer goedgekeur, uitsluitende:

- fondse vir die onderhoud of terugbetaling van leningskuld.
- fondse vir professionele en spesiale dienste sover dit benut word om vir dienste gelewer deur professionele en gespesialiseerde personeel buite die staatsdiens te betaal in plaas daarvan om hulle in die staatsdiens aan te stel; en
- oordragbetalings wat beteken daardie betalings wat in groot volumes aan instellings buite die staatsdiens gemaak word of aan fondse wat nie deur die staatsdiens geadminestreer word nie. Wanneer fondse as oordragbetalings geklassifiseer word, is die basiese riglyn dat die oordraggewende instelling nie by die werklike spandering betrokke is nie of intensief by die administrasie van die besteding van die fondse betrokke is, ten einde 'n diens te kan lewer. 'n Tipiese oordragbetaling sal wees die betaling van 'n ronde som om 'n parastatale instelling te finansier. Aan die ander kant moet 'n bedrag wat in 'n instelling se begroting ingesluit is, wat aan pensionarisse of ontvangers van welsyntoelaes uitbetaal is, moet nie as 'n oordragbetaling geklassifiseer word nie. In gevalle waar twyfel bestaan moet die Staatsdienskommissie om 'n beslissing genader word.

(b) "Staatsamptenare" beteken alle staatsamptenare hetsy voltyds of deelyds wat binne die omskrywing van die Staatsdiens soos in artikel 8 van die Staatsdienswet, 1994 uiteengesit.

(c) "Salarisse" beteken die basiese salarisse en sluit toelaes, bonusse, toekennings en ander diensvoordele wat aan, of ten opsigte van, staatsamptenare betaal word, uit.

1.2 Sou 'n provinsiale administrasie, na die rasionaliseringsproses bedoel in artikel 237 van die Grondwet voltooi is, vind dat sy staatsdienspersoneel salarisuitgawes die norm/standaard soos in paragraaf 1.1 neergelê oorskry, sal die volgende maatreëls geld:

(a) Die provinsiale regering moet 'n plan optrek en uitvoer om die relevante uitgawe binne die norm/standaard binne 'n redelike tydperk te bring wat nie 31 Maart 1999 mag oorskry nie. Die plan moet inter alia die volgende insluit:

- (i) Vermindering van personeel hoofsaaklik deur natuurlike afskaling en die afskaffing van poste wat in die proses vakant raak.
- (ii) Verbetering van effektiwiteit by wyse van verbeterde werksprosedures en metodes en beter opleiding en motivering van personeel.

- (iv) Ensuring that posts are graded correctly taking into account the level of work that has to be performed.

- (b) Each provincial administration must submit information on the plan and progress therewith to the Public Service Commission in the format and on the date(s) directed by the Public Service Commission.

## 2.0 PROVISION OF MANAGEMENT ECHELON POSTS OR OTHER POSTS WITH EQUIVALENT GRADINGS FOR PROVINCIAL ADMINISTRATIONS

- 2.1 A province shall, subject to the provisions of this chapter and the recommendation of the Commission, be limited to the number and grading of management echelon posts or other posts with equivalent gradings (including posts of CS Educator on post level 8 and S A Police Service posts but excluding CS Educators on post level 7) in accordance with the following provisions on the basis of total points values (TPV) as determined from the factor tables and formulas at 2.4:

| <u>Post level/grading</u> | <u>Maximum number</u>        |
|---------------------------|------------------------------|
| DG                        | 1                            |
| SG                        | $\frac{TPV \times 1.8}{65}$  |
| DDG                       | $\frac{TPV \times 7.2}{65}$  |
| CD                        | $\frac{TPV \times 21.6}{65}$ |
| D                         | $\frac{TPV \times 86.4}{65}$ |

Fractions resulting from the application of the formulas must be rounded to the nearest whole number and the fraction 0,5 must be rounded upwards to a whole number.

DG = A post of Director General or a post with a different designation on the same grading who is the head of a department, service or an administration as set out in Schedule 1 of the Public Service Act, 1994.

SG = A post of Superintendent General or a post with a different designation on the same grading as that of a Director General or on a different grading if so determined by the Public Service Commission..

DDG = A post of Deputy Director General or a post with a different designation on the same grading as that of a Deputy Director General.

CD = A post of Chief Director or a post with a different designation on the same grading as that of a Chief Director.

D = A post of Director or a post with a different designation on the same grading as that of a Director.

- 2.2 Any authorisation for the employment of a person additional to the establishment must be accommodated within the provision as determined in accordance with the table set out above. A post provision on a higher grading within the norm may be utilised by creating a post/additional authorisation on a lower grading (e.g. a CD provision may be used to create a D post) but not the reverse.



- (iii) Beindiging van oortollige en onbevoegde personeel se dienste in ooreenstemming met die relevante bepalings van die Staatsdienswet, 1994.

- (d) Versekering dat poste korrek gegradeer is met inagneming van die vlak van werk wat gelewer moet word.

- 1.2.2 Elke provinsiale administrasie moet inligting van die plan en vordering daarmee aan die Staatsdienskommissie voorlê in die formaat en op datums deur die Staatsdienskommissie voorgeskryf.

## 2.0 BEPALING VAN BESTUURSKADERPOSTE OF ANDER POSTE MET GELYKE GRADERINGS VIR PROVINSIALE ADMINISTRASIES

- 2.1 'n Provinsie sal, onderworpe aan die bepalings van hierdie hoofstuk en die Kommissie se aanbeveling, beperk wees tot die aantal en gradering van bestuurskaderposte of ander poste met gelyke graderings (poste van KS opvoeders op posvlak 8 en SA Polisie poste ingesluit, maar KS opvoeders op posvlak 7 uitgesluit) in ooreenstemming met die volgende bepalings op die basis van totale punte waardes (TPW) soos van die faktor tabelle en formules by 2.4 bepaal kan word:

| <u>Posvlak/gradering</u> | <u>Maksimum getal</u>        |
|--------------------------|------------------------------|
| DG                       | 1                            |
| SG                       | $\frac{TPW \times 1.8}{65}$  |
| ADG                      | $\frac{TPW \times 7.2}{65}$  |
| HD                       | $\frac{TPW \times 21.6}{65}$ |
| D                        | $\frac{TPW \times 86.4}{65}$ |

Breuke as gevolg van die toepassing van die formules moet tot die naaste heelgetal afgerond word en die breuk 0,5 moet opwaarts na 'n heelgetal afgerond word.

- DG = 'n Pos van Direkteur-generaal of 'n pos met 'n ander benaming op dieselfde gradering wat die hoof van 'n departement, diens of 'n administrasie, soos in Bylae 1 van die Staatsdienswet, 1994 uiteengesit, is.
- SG = 'n Pos van Superintendent-generaal of 'n pos met 'n ander benaming op dieselfde gradering as dié van 'n Direkteur-generaal of op 'n ander gradering indien die Staatsdienskommissie dit so sou bepaal.
- ADG = 'n Pos van Adjunk Direkteur-generaal of 'n pos met 'n ander benaming op dieselfde gradering as dié van 'n Adjunk Direkteur-generaal.
- HD = 'n Pos van Hoofdirekteur of 'n pos met 'n ander benaming op dieselfde gradering as dié van Hoofdirekteur.
- D = 'n Pos van Direkteur of 'n pos met 'n ander benaming op dieselfde gradering as dié van Direkteur.

- 2.3 The provisions of paragraph 1.2 of this annexure apply *mutatis mutandis* to the reduction of posts and authorisations for management echelon personnel and personnel with equivalent gradings.

### **Factor Tables**

- 2.4 Each province must determine the total points value (TPV) which applies to it at any given time by reading off the points values of the factor tables/formulas set out below (based on the factual situation in that province) and adding them together to determine the number and grading of management echelon posts and posts with an equivalent grading which may be utilised by that province.

(a) **Factor Table 1 – Geographical Area**

| <u>1000km<sup>2</sup></u> | <u>Points</u> |
|---------------------------|---------------|
| 0 – 100                   | 0             |
| 101 – 300                 | 1             |
| 300 PLUS                  | 2             |

(b) **Factor Formula – Population**

The total population of a province must be determined and the figure arrived at must be rounded upwards to the nearest 100 000. The rounded figure must then be divided by 100 000 to determine the points value for this factor. To the total number of points calculated on this basis a further 3 points must be added.

**NOTE :** The population to be used is that projected by the Central Statistical Services for the year in respect of which the provision of posts is being calculated

(c) **Factor Table 3 – Gross Geographic Product**

| <u>R1 000 000</u>    | <u>Points</u> |
|----------------------|---------------|
| 0 – 4 999,99         | 1             |
| 5 000 – 9 999,99     | 2             |
| 10 000 – 14 999,99   | 3             |
| 15 000 – 19 999,99   | 4             |
| 20 000 – 24 999,99   | 5             |
| 25 000 – 29 999,99   | 6             |
| 30 000 – 39 999,99   | 7             |
| 40 000 – 49 999,99   | 8             |
| 50 000 – 59 999,99   | 9             |
| 60 000 – 69 999,99   | 10            |
| 70 000 – 79 999,99   | 11            |
| 80 000 – 99 999,99   | 12            |
| 100 000 – 119 999,99 | 13            |
| 120 000 – 139 999,99 | 14            |
| 140 000 – 159 999,99 | 15            |
| 160 000 – 179 999,99 | 16            |
| 180 000 – 219 999,99 | 17            |
| 220 000 – 259 999,99 | 18            |
| 260 000 – 299 999,99 | 19            |
| 300 000 – 339 999,99 | 20            |
| 340 000 – 379 999,99 | 21            |
| 380 000 – 439 999,99 | 22            |
| 440 000 – 499 999,99 | 23            |

- 2.2 Enige magtiging vir die indiensneming van 'n persoon addisioneel tot die diensstaat moet binne die bepalings soos in ooreenstemming met die tabel hierbo uiteengesit bepaal is, geakkommodeer word. 'n Pos/voorsiening op 'n hoër vlak binne die norm mag benut word deur die skepping van 'n pos/addisionele magtiging op 'n laer gradering (bv. 'n HD voorsiening mag gebruik word om 'n D pos te skep) maar nie die omgekeerde nie.
- 2.3 Die bepalings van paragraaf 1.2 van hierdie aanhangsel is mutatis mutandis van toepassing op die vermindering van poste en magtigings vir bestuurskaderpersoneel en personeel met gelyke graderings.

#### Faktor Tabele

- 2.4 Elke provinsie moet die totale punte waarde (TPW) wat op hul op enige gegewe tyd van toepassing is bepaal deur die punte waardes van die faktor tabelle/formules soos hieronder uiteengesit, (gebaseer op die feitelike situasie in daardie provinsie) af te lees en bymekaar te tel ten einde die aantal en gradering van bestuurskaderposte en poste met 'n gelyke gradering te bepaal wat deur daardie provinsie benut mag word.

##### 2.4.1 Faktor Tabel 1 – Geografiese Area

| <u>1 000 km<sup>2</sup></u> | <u>Punte</u> |
|-----------------------------|--------------|
| 0 – 100                     | 0            |
| 101 – 300                   | 1            |
| 300 PLUS                    | 2            |

##### 2.4.2 Faktor Formule – Bevolking

Die totale bevolking van 'n provinsie moet bepaal word en die syfer wat bereik word moet opwaarts na die naaste 100 000 afgerond word. Hierdie afgeronde getal moet dan met 100 000 gedeel word om die punte waarde vir hierdie faktor te bepaal. By die totale aantal punte wat op hierdie basis bereken word, moet 'n verdere 3 punte bygetel word.

NOTA: Die bevolking wat gebruik moet word, is dié deur die Sentrale Statistiekdiens geprojekteer vir die jaar waarvan die poste- voorsiening bereken word.

**APPLICATION RULE** For purposes of determining the points value for a province, each province must apply the following formula to its gross geographic product (GGP) to accommodate the effect of inflation -

$$\frac{A \times B}{C}$$

Where : A = the GGP for the year two years before the year for which the provision of posts is being calculated

B = the CPI for 1992

C = the CPI for the year two years before the year for which the provision of posts is being calculated.

(d) **Factor Table 4 - Per Capita Income**

| <u>Rand</u>    | <u>Points</u> |
|----------------|---------------|
| 0 - 2 000      | 4             |
| 2 001 - 4 000  | 3             |
| 4 001 - 7 000  | 2             |
| 7 001 - 10 000 | 1             |
| 10 000 PLUS    | 0             |

**APPLICATION RULE** For purposes of determining the points value for a province, each province must apply the following formula to its per capita income -

$$\frac{D \times B}{C}$$

Where : D = The per capita income for the year two years before the year for which the provision of posts is being calculated

B = the CPI for 1992

C = the CPI for the year two years before the year for which the provision of posts is being calculated.

## 2.4.3 Faktor Tabel 3 – Bruto Geografiese Produk

| <u>R1 000 000</u>    | <u>Punte</u> |
|----------------------|--------------|
| 0 – 4 999,99         | 1            |
| 5 000 – 9 999,99     | 2            |
| 10 000 – 14 999,99   | 3            |
| 15 000 – 19 999,99   | 4            |
| 20 000 – 24 999,99   | 5            |
| 25 000 – 29 999,99   | 6            |
| 30 000 – 39 999,99   | 7            |
| 40 000 – 49 999,99   | 8            |
| 50 000 – 59 999,99   | 9            |
| 60 000 – 69 999,99   | 10           |
| 70 000 – 79 999,99   | 11           |
| 80 000 – 99 999,99   | 12           |
| 100 000 – 119 999,99 | 13           |
| 120 000 – 139 999,99 | 14           |
| 140 000 – 159 999,99 | 15           |
| 160 000 – 179 999,99 | 16           |
| 180 000 – 219 999,99 | 17           |
| 220 000 – 259 999,99 | 18           |
| 260 000 – 299 999,99 | 19           |
| 300 000 – 339 999,99 | 20           |
| 340 000 – 379 999,99 | 21           |
| 380 000 – 439 999,99 | 22           |
| 440 000 – 499 999,99 | 23           |

TOEPASSINGSREËL: Vir die doel om punte waardes vir 'n provinsie te bepaal, moet elke provinsie die volgende formule by sy bruto geografiese produk (BGP) toepas ten einde die effek van inflasie te akkommodeer –

$$\frac{A \times B}{C}$$

- Waar: A = Die BGP vir die jaar, twee jaar tevore van die jaar waarin die poste voorsiening bereken word.
- B = Die GPI vir 1992.
- C = Die GPI vir die jaar, twee jaar tevore van die jaar waarin die poste voorsiening bereken word.



**CHAPTER K****PROCEDURE AT INVESTIGATION OF A CHARGE OF MISCONDUCT****Definition**

- K1 In this Chapter any word or expression to which a meaning has been assigned in the Act, bears the meaning so assigned thereto, and "this Act" means the Public Service Act, 1994, and the regulations issued in terms thereof.

**Suspension of officers**

- K2.1 An officer shall be suspended under section 22(7) of the Act and in writing by the head of department or his or her deputy.
- K2.2 An officer who has been suspended from duty in terms of section 22(7) of the Act, shall not receive any emoluments during the period of his suspension: Provided that the head of department may in his or her discretion direct that the emoluments be paid to the officer in full or in part, according as he or she may deem fit.
- K2.3 The head of department or his or her deputy may at any time withdraw the suspension, but the proceedings in connection with the charge of misconduct shall, notwithstanding such withdrawal, be continued and finalised.

**Appointment of investigating officer**

- K3.1 The appointment of an investigating officer under section 21(1) of the Act shall be under the hand of the head of department or his or her deputy.
- K3.2 In a letter of appointment issued to an investigating officer it shall be stated that the investigating officer shall be authorised to –
- (a) enter all buildings and offices occupied by the department or administration in which the officer in respect of whom the investigation is conducted, is employed;
  - (b) inspect all official documents and books being in those buildings and offices and related to the investigation;
  - (c) seize all such books, documents and objects relating to the investigation;
  - (d) interrogate any officer or employee who he or she on reasonable grounds suspect to have at his or her disposal information concerning the investigation; and
  - (e) designate, if he or she deems it necessary, an officer employed in that department or administration with the necessary expertise to assist him or her during the investigation.
- K3.3 If an officer hinders or obstructs an investigating officer in the exercise of his or her powers under Regulation K3.2, the investigating officer shall report the matter to the officer who appointed him to enable him or her to take steps in terms of section 20(b) of the Act.
- K3.4 The opinion of the investigating officer contemplated in section 21(2) of the Act shall be in writing and accompanied by certified copies of supporting exhibits relating to the investigation.

2.4.4 Faktor Fabel 4 – Per Kapita Inkomste

| <u>Rand</u>    | <u>Punte</u> |
|----------------|--------------|
| 0 – 2 000      | 4            |
| 2 001 – 4 000  | 3            |
| 4 001 – 7 000  | 2            |
| 7 001 – 10 000 | 1            |
| 10 000 PLUS    | 0            |

**TOEPASSINGSREËL:** Vir die doel om punte waardes vir 'n provinsie te bepaal, moet elke provinsie die volgende formule by sy per kapita inkomste toepas –

$$\frac{D \times B}{C}$$

- Waar: D = Die per kapita inkomste vir die jaar, twee jaar tevore van die jaar waarin die poste voorsiening bereken word.
- B = Die GPI vir 1992.
- C = Die GPI vir die jaar, twee jaar tevore van die jaar waarin die poste voorsiening bereken word.

## HOOFTUK K

### PROSEDURE BY ONDERSOEK VAN 'N AANKLAG VAN WANGEDRAG

#### Woordomskrywing

- K1 In hierdie Hoofstuk het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis, en beteken "die Wet" die Staatsdienswet, 1994, en die regulasies daarkragtens uitgevaardig.

#### Skorsing van beamptes

- K2.1 'n Beampte word kragtens artikel 22(7) geskors en wel skriftelik deur die departementshoof of sy of haar gemagtigde.
- K2.2 'n Beampte wat ingevolge artikel 22(7) van die Wet in sy of haar diens geskors is, ontvang geen emolumente gedurende die tydperk van skorsing nie: Met dien verstande dat die departementshoof, na goeddunke kan gelas dat die geheel of 'n gedeelte van sy of haar emolumente, na gelang hy of sy wenslik ag, aan 'n beampte betaal word.
- K2.3 Die departementshoof, of sy of haar gemagtigde, kan te eniger tyd die skorsing van 'n beampte intrek, maar die verrigtinge in verband met die aanklag van wangedrag word, ondanks so 'n intrekking, voortgesit en afgehandel.

- K3.5 (a) If an investigating officer is for good reason unable to continue the investigation, the head of department may relieve him or her of his or her duties and appoint another officer in terms of section 21(1) of the Act to continue the investigation.
- (b) An investigating officer so relieved of his or her duties shall forthwith hand over to the officer appointed in his or her stead all books, documents and objects in his or her possession relating to the investigation.

#### **Steps after investigation by investigating officer**

- K4.1 If a head of department after consideration of the opinion of the investigating officer referred to in Regulation K3.4 is of the opinion that during the investigation no sufficient grounds for a charge of misconduct against an officer have been found, he or she shall record the reasons for his or her decision.
- K4.2 If an officer referred to in subregulation 1 was suspended from duty, he or she shall be allowed to resume forthwith his or her duty, and his or her full emoluments for his or her period of suspension shall be paid to him or her.

#### **Charge of misconduct**

- K5.1 A charge under section 22(1) or (2) of the Act shall specify –
- (a) the contravention as defined in section 20 of the Act; and
- (b) the grounds for the charge.
- K5.2 A charge shall be served on the officer by delivering or tendering it to him or her or by sending it by registered post to, or leaving it at, his or her residential address last furnished by him or her under Regulation A8.1.
- K5.3 The period specified in a direction under section 22(4) of the Act shall be a period of not less than 10 working days from the date of the receipt of the direction.
- K5.4 If the officer charged is unable to admit or deny the charge within the period specified in the direction, he or she may apply in writing, specifying his or her reasons, to the head of department for postponement, who may extend the period for not more than 10 working days at a time.
- K5.5 A head of department may at any time before or during the hearing withdraw the charge, and shall record the reasons for the withdrawal.

#### **Appointment of presiding officer**

- K6.1 The appointment of a presiding officer under section 22(6) of the Act shall be in writing.
- K6.2 An officer shall not be so appointed as presiding officer, unless he or she is in possession of a recognised legal qualification including the courses –
- (a) Law of Evidence;
- (b) Civil Procedure;
- (c) Criminal Procedure;
- (d) Criminal Law; and
- (e) Interpretation of Statutes,

and with at least an RVQ 13.

**Aanstelling van ondersoekbeampte**

- K3.1 Die aanstelling van 'n ondersoekbeampte kragtens artikel 21(1) van die Wet moet onder die handtekening van die departementshoof, of sy of haar gemagtigde, geskied.
- K3.2 In 'n aanstellingsbrief wat aan 'n ondersoekbeampte uitgereik word, moet vermeld word dat die ondersoekbeampte gemagtig word om -
- (a) alle geboue en kantore geokkupeer deur die departement of administrasie waarin die beampte ten opsigte van wie 'n ondersoek ingestel word, werksaam is, te betree;
  - (b) insae te hê in alle amptelike dokumente en boeke wat in daardie geboue en kantore is en op die ondersoek betrekking het;
  - (c) op alle sodanige boeke, dokumente en voorwerpe wat op die ondersoek betrekking het, beslag te lê;
  - (d) enige beampte of werknemer wat, na hy of sy op redelike gronde vermoed, oor inligting beskik betreffende die ondersoek, te ondervra;
  - (e) indien hy of sy dit nodig ag, 'n beampte werksaam in daardie departement of administrasie met die nodige kundigheid aan te wys om hom of haar tydens die ondersoek by te staan.
- K3.3 Indien 'n beampte 'n ondersoekbeampte hinder of belemmer in die uitoefening van sy of haar bevoegdhede kragtens Regulasie K3.2, moet die ondersoekbeampte die aangeleentheid aan die beampte wat hom of haar aangestel het rapporteer vir moontlike optrede ingevolge artikel 20(b) van die Wet.
- K3.4 Die mening van 'n ondersoekbeampte beoog in artikel 21(2) van die Wet moet skriftelik wees en vergesel gaan van gewaarmerkte afskrifte van stawende bewysstukke wat op die ondersoek betrekking het.
- K3.5
- (a) Indien 'n ondersoekbeampte om gegronde redes nie in staat is om die ondersoek voort te sit nie, kan die departementshoof hom of haar van sy of haar pligte onthef en 'n ander beampte ingevolge artikel 21(1) van die Wet aanstel om die ondersoek voort te sit.
  - (b) 'n Ondersoekbeampte wat aldus van sy of haar pligte onthef is, moet onverwyld alle boeke, dokumente en voorwerpe in sy of haar besit wat op die ondersoek betrekking het, aan die beampte wat in sy of haar plek aangestel is, oorhandig.

**Stappe na ondersoek deur ondersoekbeampte**

- K4.1 Indien 'n departementshoof na oorweging van die mening van die ondersoekbeampte bedoel in Regulasie K3.4 van oordeel is dat daar tydens 'n ondersoek nie voldoende gronde vir 'n aanklag van wangedrag teen 'n beampte gevind is nie, moet hy of sy die redes vir sy of haar besluit aanteken.
- K4.2 Indien 'n beampte in subregulasie 1 bedoel in sy of haar diens geskors is, moet hy of sy toegelaat word om onverwyld weer diens te aanvaar en moet sy of haar volle emolumente vir die tydperk van skorsing aan hom of haar betaal word.

K6.3 A person is not appointed as a presiding officer, unless he or she is appointed as a Magistrate in terms of the provisions of section 10 of the Magistrates Act, 1993.

K6.4 If a presiding officer is unable to preside at the hearing he or she shall in writing furnish reasons for his or her incapacity to the head of department, who, if he or she deems it expedient, may relieve him or her of his or her duties and shall appoint another officer, subject to Regulation K6.2 in his or her stead as presiding officer to proceed with the hearing.

#### **Hearing of charge of misconduct**

K7.1 The investigating officer shall after consultation with the presiding officer determine the date, time and place of the hearing, and shall not less than 10 working days before the date of the hearing notify the officer charged thereof.

K7.2 A notice contemplated in subregulation 1 shall also specify the following particulars:

- (a) the statutory provisions in terms of which the notice is issued;
- (b) the reasons for the notice;
- (c) the name and address of the person on whom the notice is served;
- (d) if applicable, the books, documents or objects required to be produced, and the person to whom, the date on which and the place where, such books, documents or objects are required to be produced;
- (e) that, if he or she is not personally present or is not represented as contemplated in section 23(4)(a) of the Act, the presiding officer may in his or her absence dispose of the hearing.

K7.3 In addition to the particulars mentioned in subregulation 2 a subpoena shall state that if the person on whom the subpoena is served is unable to be present at the time and place specified in the subpoena or to produce any book, document or object, such person shall submit to the presiding officer reasons in writing why it is not possible for him or her to be so present or so to produce the books, documents or objects.

K7.4 If the presiding officer is of the opinion -

- (a) that the person concerned did not furnish sufficient reasons, he or she shall notify such person accordingly; or
- (b) that the person did furnish sufficient reasons, he or she may postpone the date for such period as he or she may deem expedient.

K7.5 If a person commits an offence under section 23(3)(a), (c) or (d) of the Act, the presiding officer shall forthwith report the matter to the South African Police Service.

K7.6 The acquittal or the conviction of an officer by a court of law on a charge of a criminal offence shall not prevent a charge of misconduct being instituted in terms of the Act against the officer, notwithstanding the fact that the facts set out in the charge of misconduct if proved would constitute the offence set out in the criminal charge on which he or she was so acquitted or convicted or any other offence of which he or she could have been convicted at his or her hearing of the said criminal charge.



**Aanklag van wangedrag**

- K5.1 'n Aanklag kragtens artikel 22(1) of (2) van die Wet moet –
- (a) die oortreding soos beskryf in artikel 20 van die Wet; en
  - (b) die gronde vir die aanklag,
- vermeld.
- K5.2 'n Aanklag word aan die beampte beteken deur dit aan hom of haar te oorhandig of aan te bied of dit per aangetekende pos te stuur na, of dit te laat by, sy of haar woonadres wat hy of sy laaste kragtens Regulasie A8.1 verstrek het.
- K5.3 Die tydperk wat in 'n aanseggings kragtens artikel 22(4) van die Wet vermeld word, moet 'n tydperk van minstens 10 werkdade vanaf die datum van ontvangs van die aanseggings wees.
- K5.4 Indien die aangeklaagde beampte nie in staat is om binne die tydperk in die aanseggings vermeld, die aanklag te erken of te ontken nie, kan hy of sy, met vermelding van sy of haar redes, skriftelik om uitstel aansoek doen by die departementshoof wat die tydperk met hoogstens 10 werkdade per keer kan verleng.
- K5.5 'n Departementshoof kan te eniger tyd voor of tydens die verhoor die aanklag terugtrek en moet die redes vir die terugtrekking aanteken.

**Aanstelling van voorsittende beampte**

- K6.1 Die aanstelling van 'n voorsittende beampte kragtens artikel 22(6) van die Wet moet skriftelik geskied.
- K6.2 'n Beampte word nie aldus as voorsittende beampte aangestel nie, tensy hy of sy in besit is van 'n erkende kwalifikasie in die regte wat die kursusse –
- (a) Bewysreg;
  - (b) Siviele Prosesreg;
  - (c) Strafprosesreg;
  - (d) Strafrege; en
  - (e) Uitleg van Wette,
- insluit, en met minstens 'n RWK 13.
- K6.3 'n Persoon word nie aldus as voorsittende beampte aangestel nie, tensy hy of sy ingevolge die bepalings van artikel 10 van die Wet op Landdroste, 1993 as Landdros aangestel is.
- K6.4 Indien 'n voorsittende beampte nie in staat is om by die verhoor voor te sit nie, moet hy of sy skriftelik redes vir sy of haar onvermoë aan die departementshoof verstrek, wat hom of haar, indien hy of sy dit wenslik ag, van sy of haar pligte kan onthef, en 'n ander beampte, behoudens regulasie K6.2, in sy of haar plek as voorsittende beampte aanstel om die verhoor voort te sit.

**Verhoor van aanklag van wangedrag**

- K7.1 Die ondersoekbeampte moet na oorleg met die voorsittende beampte die datum, tyd en plek van die verhoor bepaal en minstens 10 werkdade voor die datum van die verhoor die aangeklaagde beampte daarvan in kennis stel.

- K7.7 If the misconduct with which the officer is charged amounts to an offence of which he or she has been convicted by a court of law as contemplated in section 23(4)(c) of the Act, a certified copy of the record of the hearing and conviction by such court shall, after the officer charged has been identified as the person mentioned in the record, be admissible as evidence that he or she was convicted of the offence, unless the conviction has been set aside by a higher court.
- K7.8 If as a result of information disclosed during the hearing, the officer charged –
- (a) desires to reconsider his or her original plea;
  - (b) desires to call new witnesses; or
  - (c) requires time to further prepare his or her case,
- he or she may request the presiding officer to postpone the proceedings.
- K7.9 If the presiding officer deems it necessary he or she may postpone the proceedings for such period as he or she may determine.
- K7.10 (a) The officer charged may, furnishing reasons, request the presiding officer before or during the hearing to subpoena any person who, in his or her opinion, is able to furnish material information, or has in his or her possession, custody or under his or her control any book, document or object relating to the subject matter of the hearing, to appear before the presiding officer at the time and place specified in the subpoena or to hand over such book, document or object to the presiding officer.
- (b) The presiding officer shall in his or her discretion decide on any such request and shall record his or her reasons therefor.
- K7.11 The presiding officer shall see to it that a *verbatim* record of the hearing is kept.

#### Proceedings after hearing

- K8.1 At the conclusion of the hearing the presiding officer shall in writing inform the head of department of his or her finding and recommendation and his or her reasons for such finding or recommendation.
- K8.2 If the officer charged is found not guilty by the presiding officer of the misconduct as charged, the head of department shall notify the officer within 10 working days of the finding of the presiding officer.
- K8.3 If the officer referred to in subregulation 2 has been suspended from his or her duty he or she shall forthwith be allowed to resume duty and shall be paid his full emoluments for the period of suspension.
- K8.4 The head of department shall record the reasons for his or her decision in terms of section 24(2)(a) of the Act.
- K8.5 (a) If an officer's grade is reduced in accordance with the provisions of section 24(2)(a)(iv) of the Act, he or she shall as soon as possible be allowed to resume duty in a post of the reduced grade and he or she shall for the period of suspension be paid the emoluments of that post.
- (b) If higher emoluments than the emoluments of the post referred to in subparagraph (a) has been paid to the officer during the period of his or her suspension in terms of Regulation K2.1, he or she shall not be obliged to repay the difference.

- K7.2 'n Kennisgewing in subregulasie 1 beoog, moet ook die volgende besonderhede vermeld:
- (a) Die statutêre bepalings ingevolge waarvan die kennisgewing uitgereik word;
  - (b) die rede vir die kennisgewing;
  - (c) die naam en adres van die persoon aan wie die kennisgewing beteken word;
  - (d) indien van toepassing, die boeke, dokumente of voorwerpe wat oorgelê moet word, en die persoon aan wie, die datum waarop, en die plek waar, dié boeke, dokumente of voorwerpe oorgelê moet word;
  - (e) dat, indien hy of sy nie persoonlik teenwoordig is nie of verteenwoordig word nie, soos in artikel 23(4)(a) van die Wet bedoel, die voorsittende beampte die verhoor in sy afwesigheid kan afhandel.
- K7.3 Benewens die besonderhede genoem in subregulasie 2, moet 'n dagvaarding vermeld dat indien die persoon aan wie die dagvaarding beteken word nie in staat is om op die tyd en plek in die dagvaarding vermeld, teenwoordig te wees nie, of om 'n boek, dokument of voorwerp oor te lê nie, die persoon skriftelik redes waarom hy of sy nie aldus teenwoordig kan wees nie of die boeke, dokumente of voorwerpe kan oorgelê nie, by die voorsittende beampte moet indien.
- K7.4 Indien die voorsittende beampte van oordeel is –
- (a) dat die betrokke persoon nie voldoende redes aangevoer het nie, moet hy of sy die persoon dienooreenkomstig in kennis stel; of
  - (b) dat die persoon voldoende redes aangevoer het, kan hy of sy die datum uitstel vir die tydperk wat hy dienstig ag.
- K7.5 Indien 'n persoon hom of haar aan 'n misdryf kragtens artikel 23(3)(a), (c) of (d) van die Wet skuldig maak, moet die voorsittende beampte die aangeleentheid onverwyld by die Suid-Afrikaanse Polisie diens aanmeld.
- K7.6 Die vryspreking of die skuldigbevinding van 'n beampte deur 'n geregshof op 'n aanklag van 'n kriminele misdryf, belet nie dat 'n aanklag van wangedrag ingevolge die Wet teen die beampte ingestel word nie, ondanks die feit dat die feite uiteengesit in die aanklag van wangedrag, as dit bewys sou word, die misdryf sou uitmaak wat uiteengesit is in die kriminele aanklag waarop hy of sy aldus vrygespreek of skuldig bevind is of 'n ander misdryf waaraan hy of sy by sy of haar verhoor op bedoelde kriminele aanklag skuldig bevind kon geword het.
- K7.7 Indien die wangedrag waarvan die beampte aangekla word op 'n misdryf neerkom waaraan hy of sy deur 'n geregshof skuldig bevind is soos in artikel 23(4)(c) van die Wet beoog, is 'n gesertifiseerde afskrif van die notule van die verhoor en skuldigbevinding deur daardie hof, nadat die aangeklaagde beampte geïdentifiseer is as die persoon wat in die notule genoem word, as bewys toelaatbaar dat hy of sy aan die misdryf skuldig bevind is, tensy die skuldigbevinding deur 'n hoër hof tersyde gestel is.
- K7.8 Indien die aangeklaagde beampte as gevolg van inligting wat tydens die verhoor openbaar word –
- (a) sy of haar aanvanklike pleit in heroerwering wil neem;
  - (b) nuwe getuies wil oproep; of

K8.6 A period of 12 calendar months contemplated in section 24(2)(a)(vi) of the Act shall commence as from the date on which the head of department notified the officer charged of his or her decision to act in accordance with the said section.

K8.7 A notice to an officer in accordance with section 24(3) of the Act shall be handed over to the officer or sent by registered post to him or her at his or her residential address last furnished by him under Regulation A8.1, and shall also contain the following particulars:

(a) The reasons for the finding or the presiding officer;

(b) the reasons for the decision of the head of department under section 24(2)(a) of the Act.

K8.8 When a head of department has on the termination of the 12 calendar months contemplated in section 24(2)(a)(vi) of the Act taken a decision under subparagraph (i) to (v) of the said section 24(2)(a) of the Act the provisions of subregulation 7(b) shall *mutatis mutandis* apply.

K8.9 Except where the head of department decides to act under section 24(2)(a)(v) of the Act, the provisions of subregulation 3 shall *mutatis mutandis* apply.

#### **Appeal against decision of presiding officer or head of department**

K9.1 If an officer charged appeals in terms of section 26(1) of the Act, he or she shall within 21 days after being notified in terms of section 24(3) of the Act of his or her conviction obtain a copy of the record of the hearing at the staff office concerned.

K9.2 A notice of appeal contemplated in section 26(1) of the Act shall be in writing and accompanied by the reasons for the appeal.

K9.3 The Commission shall after receipt of a notice of appeal referred to in subregulation 2 request the head of department to furnish it with the record of the hearing and the particulars mentioned in Regulation K8.7(a) and (b).

K9.4 If the Commission requires further particulars with regard to -

(a) the finding of the presiding officer; or

(b) the decision of the head of department under section 24(2)(a) of the Act,

the Commission may require the presiding officer or the head of department to furnish it with such information within 10 working days after he or she has received the request.

K9.5 The Commission shall furnish the appellant with further particulars referred to in subregulation 4 after receipt thereof by it.

K9.6 The appellant shall within 10 working days after receipt of the said further particulars submit to the Commission any reply which he or she desires to make thereon.

K9.7 The Commission's direction under section 26(3) of the Act shall be communicated in writing to the head of department concerned, who shall within 5 working days after receipt thereof inform the appellant thereof.

K9.8 Except where the Commission directs -

(a) that the appeal be dismissed; or



(c) tyd nodig het om sy of haar saak verder voor te berei,

kan hy of sy die voorsittende beampte versoek om die verrigtinge uit te stel.

K7.9 Die voorsittende beampte kan indien hy of sy dit nodig ag die verrigtinge uitstel vir dié tydperk wat hy of sy bepaal.

K7.10 (a) Die aangeklaagde beampte kan, met verstrekking van redes, voor of tydens die verhoor, die voorsittende beampte versoek om enige persoon wat na sy of haar mening in staat is om inligting van wesenlike belang te verstrek, of 'n boek, dokument of voorwerp in sy of haar besit, bewaring of onder sy of haar beheer het, wat betrekking op die onderwerp van die verhoor het, te dagvaar om op die tyd en plek in die dagvaarding vermeld, voor die voorsittende beampte te verskyn of sodanige boek, dokument of voorwerp aan die voorsittende beampte oor te lê.

(b) Die voorsittende beampte beslis na goeë dunde oor sodanige versoek en moet sy of haar redes daarvoor aanteken.

K7.11 Die voorsittende beampte moet toesien dat 'n verbatim-notule van die verhoor gehou word.

#### Verrigtinge na verhoor

K8.1 Na afloop van die verhoor moet die voorsittende beampte die departementshoof skriftelik van sy of haar bevinding en aanbeveling, en sy of haar redes vir sodanige bevinding of aanbeveling, meedeel.

K8.2 Indien die aangeklaagde beampte deur die voorsittende beampte aan die wangedrag soos aangekla onskuldig bevind word, stel die departementshoof die beampte binne 10 werkdade van die bevinding van die voorsittende beampte in kennis.

K8.3 Indien 'n beampte bedoel in subregulasie 2 in sy of haar diens geskors is, moet hy of sy toegelaat word om onverwyld weer diens te aanvaar en moet sy of haar volle emolumente vir die tydperk van skorsing aan hom of haar betaal word.

K8.4 Die departementshoof moet die redes vir sy of haar besluit ingevolge artikel 24(2)(a) van die Wet aanteken.

K8.5 (a) Indien 'n beampte se graad ooreenkomstig die bepalings van artikel 24(2)(a)(iv) van die Wet verlaag word, moet hy of sy so gou doenlik toegelaat word om diens in 'n pos van die verlaagde graad te aanvaar en moet aan hom of haar vir die tydperk van skorsing die emolumente van daardie pos betaal word.

(b) Indien hoër emolumente as die emolumente van die pos in subparagraaf (a) bedoel aan die beampte gedurende die tydperk van die sy of haar skorsing ingevolge Regulasie K2.1 betaal is, is hy of sy nie verplig om die verskil terug te betaal nie.

K8.6 'n Tydperk van 12 kalendermaande beoog in artikel 24(2)(a)(vi) van die Wet neem 'n aanvang met ingang van die datum waarop die departementshoof die aangeklaagde beampte van sy of haar besluit om ooreenkomstig genoemde artikel op te tree, in kennis gestel het.

K8.7 'n Kennisgewing aan 'n beampte ooreenkomstig artikel 24(3) van die Wet moet aan die beampte oorhandig word of per aangetekende pos na sy of haar woonadres wat hy of sy laaste kragtens Regulasie A8.1 verstrek het, gestuur word en moet ook die volgende besonderhede bevat:

(a) Die redes vir die voorsittende beampte se bevinding;



(b) that steps contemplated in section 24(2)(a)(v) of the Act be taken,

the provisions of Regulation K8.3 shall *mutatis mutandis* apply.

K9.9 In the case where an officer, a head of department or a presiding officer is unable to act within the periods determined by this regulation, the Commission, or an officer authorised thereto by it, may at will extend the period in question.

#### Misconduct of heads of department

K10 Subject to the provisions of section 27(2) of the Act the provisions of Regulation K1 to K9 shall *mutatis mutandis* apply to proceedings following upon an investigation and direction referred to in the said subsection, and for such purpose any reference in the said regulations -

- (a) to the head of department shall be construed as a reference to the relevant executing authority; and
- (b) to the presiding officer shall be construed as a reference to the person appointed in terms of section 27(1) of the Act."

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(b) die redes vir die departementshoof se besluit kragtens artikel 24(2)(a) van die Wet.

K8.8 Wanneer 'n departementshoof na afloop van die 12 kalendermaande beoog in artikel 24(2)(a)(vi) van die Wet 'n besluit kragtens subparagrafe (i) tot (v) van genoemde artikel 24(2)(a) van die Wet geneem het, is die bepalings van subregulasie 7(b) *mutatis mutandis* van toepassing.

K8.9 Behalwe waar die departementshoof besluit om kragtens artikel 24(2)(a)(v) van die Wet op te tree, is die bepalings van subregulasie 3 *mutatis mutandis* van toepassing.

#### Appel teen beslissing van voorsittende beampte of departementshoof

K9.1 Indien 'n aangeklaagde beampte ingevolge artikel 26(1) van die Wet appelleer, moet hy of sy binne 21 dae nadat hy of sy ingevolge artikel 24(3) van die Wet van sy of haar skuldigbevinding in kennis gestel is, 'n afskrif van die notule van die verhoor by die betrokke personeelkantoor bekom.

K9.2 'n Kennisgewing van appel beoog in artikel 26(1) van die Wet moet skriftelik wees en vergesel gaan van die gronde vir die appel.

K9.3 Die Kommissie moet na ontvangs van 'n kennisgewing van appel bedoel in subregulasie 2, die departementshoof versoek om die notule van die verhoor en besonderhede genoem in Regulasie K8.7(a) en (b) aan hom of haar te verskaf.

K9.4 Indien die Kommissie verdere besonderhede verlang met betrekking tot –

(a) die bevinding van die voorsittende beampte; of

(b) die besluit van die departementshoof kragtens artikel 24(2)(a) van die Wet,

kan die Kommissie die voorsittende beampte of departementshoof versoek om sodanige besonderhede binne 10 werkdade nadat hy of sy die versoek ontvang het, aan hom te verstrek.

K9.5 Die Kommissie moet verdere besonderhede bedoel in subregulasie 4, nadat dit ontvang is, aan die appellant verstrek.

K9.6 Die appellant moet binne 10 werkdade na ontvangs van bedoelde verdere besonderhede enige repliek wat hy of sy daarop wil lewer, aan die Kommissie oorhandig.

K9.7 Die Kommissie se lasgewing kragtens artikel 26(3) van die Wet moet skriftelik aan die betrokke departementshoof meegedeel word wat dit binne 5 werkdade na ontvangs skriftelik aan die appellant moet meedeel.

K9.8 Behalwe waar die Kommissie gelas –

(a) dat die appel van die hand gewys word; of

(b) dat stappe beoog in artikel 24(2)(a)(v) van die Wet gedoen word,

is die bepalings van Regulasie K8.3 *mutatis mutandis* van toepassing.

K9.9 In die geval waar 'n beampte, 'n departementshoof of die voorsittende beampte nie in staat is om binne die tydperke wat kragtens hierdie Regulasie bepaal word op te tree nie, kan die Kommissie of 'n beampte deur hom daartoe gemagtig, die betrokke tydperk na goeddunke verleng.

**Wangedrag van departementshoofde**

- K10 Behoudens die bepalings van artikel 27(2) van die Wet is die bepalings van die Regulasies K1 tot K9 *mutatis mutandis* van toepassing op verrigtinge wat volg op 'n ondersoek en 'n lasgewing in genoemde subartikel bedoel, en vir dié doel word 'n verwysing in genoemde regulasies –
- (a) na die departementshoof, uitgelê as 'n verwysing na die betrokke uitvoeringsgesag; en
  - (b) na die voorsittende beampte, uitgelê as 'n verwysing na die persoon wat ingevolge artikel 27(1) van die Wet aangestel is."

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| INHOUD                                      |                                       |                | CONTENTS                                       |                                             |                |
|---------------------------------------------|---------------------------------------|----------------|------------------------------------------------|---------------------------------------------|----------------|
| No.                                         | Bladsy<br>No.                         | Koerant<br>No. | No.                                            | Page<br>No.                                 | Gazette<br>No. |
| <b>GOEWERMENTSKENNISGEWING</b>              |                                       |                | <b>GOVERNMENT NOTICE</b>                       |                                             |                |
| <b>Kantoor van die Staatsdienskommissie</b> |                                       |                | <b>Office of the Public Service Commission</b> |                                             |                |
| <i>Goewermentskennisgewing</i>              |                                       |                | <i>Government Notice</i>                       |                                             |                |
| R. 1091                                     | Staatsdienswet, 1994: Regulasies..... | 1 15804        | R. 1091                                        | Public Service Act, 1994: Regulations ..... | 1 15804        |