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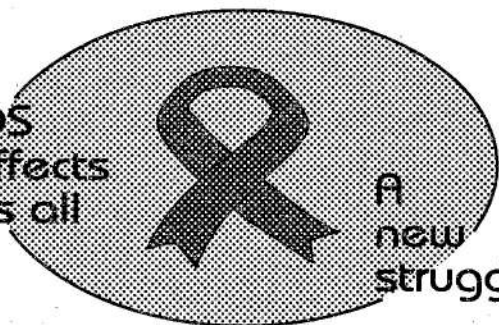
Vol. 418

PRETORIA, 14 APRIL 2000

No. 21088

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPUNE**

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DEPARTMENT OF HEALTH

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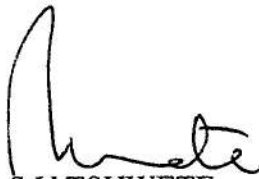
DEPARTMENT OF SAFETY AND SECURITY DEPARTEMENT VAN VEILIGHEID EN SEKURITEIT

No. R. 389

14 April 2000

REGULATIONS FOR THE SOUTH AFRICAN POLICE SERVICE

The Minister for Safety and Security has, under section 24(1) of the South African Police Service Act, 1995 (Act No. 68 of 1995), made the regulations in the Schedule.



S V TSHWETE,

Minister for Safety and Security.

SCHEDULE

SOUTH AFRICAN POLICE SERVICE EMPLOYMENT REGULATIONS

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CHAPTER I: INTRODUCTION

1. SHORT TITLE AND COMMENCEMENT

- (1) These regulations shall be called the South African Police Service Employment Regulations, 1999 (hereinafter referred to as these Regulations) and subject to subregulation (2) come into operation on 1 July 1999.
- (2) The regulations specified hereunder shall come into operation on the dates mentioned in respect thereof:
 - (a) Regulations 19(6) and 29(3) on 1 October 1999;
 - (b) Regulations 14, 17(c) and 40 on 1 January 2000; and
 - (c) Regulations 13(2)(b), 17(b) and 19(1) on a date to be determined by the Minister in the *Gazette*.

2. DEFINITIONS

In these Regulations, unless the context otherwise indicates, -

competence means the blend of knowledge, skills, behaviour and aptitude that a person can apply in the work environment and which are indicative of that person's ability to meet the requirements of a specific post;

CORE means CODE of remuneration, as defined in regulation 19(4) and (5);

employee means a member;

grade means the relative value of a particular job as reflected by the job weight, which is linked to a salary range in a salary scale used in the Service;

inherent requirements of a job means those competencies which have been proved to be required by an employee to carry out a job;

job means those basic duties, tasks, functions, competency requirements and responsibilities according to which one or more posts of the same grade are established;

job weight means a numerical value assigned to reflect selected characteristics of a job as measured by a job evaluation instrument;

level means salary range or grade;

Labour Relations Act means the Labour Relations Act, 1995 (Act No. 66 of 1995);

medium-term expenditure framework means the medium-term expenditure framework as published by the Minister of Finance;

persons historically disadvantaged means persons or categories of persons who have suffered unfair discrimination in the past;

representativeness means the extent to which the personnel in the Service broadly reflects the composition of the South African people, including its composition in terms of race, gender and disability;

salary range means a set of salaries that form part of a salary scale linked to a specific grade and, in a wider sense, a set of job weights;

salary scale means a range of salaries from a minimum to a maximum salary for the Service or an occupation in the Service, with specific amounts denoted as the beginning and end of salary ranges or as notches within salary ranges;

Safety and Security Sectoral Bargaining Council means the council established in accordance with Resolution No. 12 of 1998 by the Public Service Coordinating Bargaining Council; and

senior management means all employees who fill posts to which salary ranges 13 and higher have been linked and who have been designated by the National Commissioner as managers, or posts established for that purpose.

3. MATTERS OF MUTUAL INTEREST

The Labour Relations Act, 1995, and collective agreements shall regulate matters of mutual interest between employees and the Service as employer.

4. TRANSITIONAL ARRANGEMENTS

The Minister must issue directives on transitional arrangements for the implementation and application of these Regulations.

5. EXCEPTIONAL CASES

If circumstances develop which justify a deviation from the provisions and measures in these Regulations concerning the career incidents of employees, the Minister may make determinations, issue directives or approve that alternative provisions and measures be applied.

6. COMMUNICATION IN THE MEDIA

The National Commissioner must determine a policy on how employees shall communicate in the media.

CHAPTER II: DELEGATIONS, AUTHORISATIONS AND RESPONSIBILITIES

7. PRINCIPLES

To enable the National Commissioner to manage the Service efficiently and effectively, the Minister must provide her or him with appropriate powers and authority. The National Commissioner must similarly provide appropriate powers and authority to employees.

8. DELEGATIONS AND AUTHORISATIONS

- (1) If these Regulations confer a power or impose a duty upon the Minister or National Commissioner, she or he may in writing -
 - (a) delegate the power to an employee or authorise an employee to perform the duty; and
 - (b) set conditions for the exercise of the power or performance of the duty.
- (2) The Minister must record a delegation and authorisation in writing and may incorporate a delegation and/or authorisation to the National Commissioner into the employment contract of the National Commissioner, as contemplated in regulation 35(2)(a).
- (3) If the Minister or National Commissioner has delegated a power to an employee or authorised an employee to perform a duty in terms of subregulation (1), she or he may nonetheless exercise such power or perform such duty.

9. RESPONSIBILITIES

- (1) The Minister must uphold the principles and measures set out in these Regulations.
- (2) The Minister may not require or permit the National Commissioner or any other employee to engage in an activity or take a decision in breach of these Regulations.
- (3) The National Commissioner must ensure that employees comply with these Regulations, collective agreements and statutory obligations and deal immediately and effectively with any breach thereof.
- (4) The Minister and National Commissioner must each exercise her or his powers, perform her or his duties and carry out her or his obligations under these Regulations in accordance with the relevant Labour legislation and any relevant collective agreement.
- (5) The Minister or National Commissioner must ensure that prior Treasury authorisation exists for any decision that involves expenditure from revenue.

10. CONFLICT OF INTEREST IN EMPLOYMENT ACTS OR DECISIONS

- (1) If the Minister, National Commissioner or an employee encounters a conflict of interest in performing an act or making a decision that relates to the employment relationship, she or he must -
- (a) establish an independent panel consisting of at least two persons;
 - (b) act or decide in the matter only after considering the recommendation of the panel; and
 - (c) where she or he deviates from the recommendations of the panel, record the reasons for such deviation in writing.
- (2) The Minister, National Commissioner or employee may not accept or seek material recompense of any kind from an employee or a prospective employee in return for performing an act or making a decision relating to the employment relationship.

11. HANDLING OF OFFICIAL INFORMATION AND DOCUMENTS

An employee may only release official information to the public if she or he has the requisite authority.

CHAPTER III: PLANNING, WORK ORGANISATION AND REPORTING**12. PRINCIPLES**

The Minister and National Commissioner must, in order to provide services with the best value for money, set measurable objectives for the Service, optimally utilise the human and other resources of the Service and apply fair labour practices. Within available funds, each must, based on the service delivery objectives and mandates of the Service and the Government, plan to execute functions with an efficient and effective internal organisation and well developed human resources. To permit oversight by the public and legislatures, the Minister must publish an annual report giving key information on the Service.

13. STRATEGIC PLANNING

- (1) As the strategic plan for the Service, the Minister must establish a medium-term programme that includes a description of -
- (a) the core objectives of the Service, based on Constitutional, legislative and functional mandates and the service delivery improvement programme developed in accordance with regulation 14;
 - (b) the core and support activities necessary to achieve the core objectives, avoiding duplication of functions;
 - (c) the functions the Service will perform internally and those it will contract out;
 - (d) the goals or targets to be attained on the medium term;
 - (e) the programme for attaining those goals or targets; and

- (f) information systems to enable her or him to monitor fulfilment of the core objectives of the Service.
- (2) Based on the strategic plan of the Service, the National Commissioner must -
 - (a) determine the organisational structure of the Service in terms of its core and support functions;
 - (b) grade proposed new jobs according to the job evaluation system referred to in Chapter IV;
 - (c) define the posts necessary to perform the relevant functions, which shall constitute the fixed establishment of the Service, while remaining within the current budget and medium-term expenditure framework of the Service; and
 - (d) utilise the human resource plan contemplated in regulation 15 to meet the resulting human resource needs.
- (3) To implement the strategic plan the National Commissioner must -
 - (a) promote the efficient, economic and effective use of resources and improve the functioning of the Service; and
 - (b) to that end, apply such working methods as the re-allocation, simplification and/or co-ordination of work and the elimination of unnecessary functions.

14. SERVICE DELIVERY IMPROVEMENT PROGRAMME

The Minister must establish and sustain a service delivery improvement programme for the Service that must contain an exposition of -

- (a) the type of actual and potential customers of the Service and the main service provided to them;
- (b) the existing and future consultation arrangements with the actual and potential customers of the Service;
- (c) means of access by customers to the services of the Service, the barriers to increased access and the mechanisms or strategies to be utilised progressively to remove the barriers so that access to services is increased;
- (d) the existing and future service standards for the main services provided;
- (e) the existing and future arrangements on how information about the services of the Service are provided; and
- (f) the current and future complaints system or mechanisms.

15. HUMAN RESOURCE PLANNING

- (1) The National Commissioner must -
 - (a) assess the human resources required to perform the functions of the Service, in terms of the required -
 - (i) number of employees;
 - (ii) competencies of employees; and

- (iii) employment capacities (whether permanent or temporary) to which employees shall be appointed;
 - (b) assess the existing human resources by race, gender and disability as well as by occupational category, organisational component and grade in terms of -
 - (i) competencies;
 - (ii) training needs; and
 - (iii) employment capacities;
 - (c) plan within the available budgeted funds, including funds for the remaining period of the medium-term expenditure framework, to recruit, retain, deploy and develop human resources according to the requirements established under subregulation (1)(a), which plan must, as a minimum, include -
 - (i) realistic goals and measurable targets for achieving representativeness, taking into account subregulation (2); and
 - (ii) targets for the training of employees per occupational category and of specific employees, with specific plans to meet the training needs of persons historically disadvantaged; and
 - (d) address the position of employees affected by the abolition of unnecessary posts, with the retrenchment of employees only in accordance with the Labour Relations Act, 1995, and collective agreements, as the last resort.
- (2) The Minister must develop and implement an affirmative action programme, which must contain, as a minimum -
- (a) a policy statement that sets out the commitment of the Service to affirmative action and how that policy will be implemented;
 - (b) numeric and time-bound targets for achieving representativeness;
 - (c) the statistics on the appointment, training and promotion of persons historically disadvantaged within each grade of each occupational category, that must be provided annually; and
 - (d) a plan to redress numeric under-representativeness and to support the advancement of persons historically disadvantaged.
- (3) The Minister must make the outcome of planning referred to in subregulation (1) and the affirmative action programme referred to in subregulation (2) known within the Service.

16. INFORMATION RESOURCES PLANNING

The National Commissioner must establish-

- (a) an information plan for the Service that supports the planning process and objectives contemplated in regulation 13;
- (b) an information technology plan that supports the information plan; and
- (c) an operational plan that enables the implementation of the information technology plan and information management.

17. CREATION AND FILLING OF POSTS

Before creating a post for any newly defined job, or filling any vacancy, the National Commissioner must-

- (a) satisfy herself or himself that she or he requires the post to meet the objectives of the Service;
- (b) in the case of a newly defined job, evaluate the job in terms of the job evaluation system;
- (c) in the case of a vacant post linked to salary range 9 and higher, evaluate the job unless the specific job has been evaluated previously; and
- (d) ensure that sufficient budgeted funds, including funds for the remaining period of the medium-term expenditure framework, are available for filling the post.

18. ADDITIONAL EMPLOYMENT

The National Commissioner may, within the relevant budget, employ persons additional to the fixed establishment where -

- (a) the incumbent of a post is expected to be absent for such a period that her or his duties cannot be performed by other employees;
- (b) a temporary increase in work occurs; or
- (c) it is necessary for any other reason to temporarily increase the staff of the Service.

19. JOB DESCRIPTIONS, POST TITLES AND CORES

- (1) For each post or group of posts, the National Commissioner must establish a job description and post title that indicate, with appropriate emphasis on service delivery -
 - (a) the main objectives of the post or posts in question;
 - (b) the inherent requirements of the job; and
 - (c) the requirements for promotion or progression to the next salary range, in accordance with a relevant career path.
- (2) At least every three years the National Commissioner must review job descriptions and post titles and, where necessary, redefine them to ensure that they remain appropriate and accurate.
- (3) The National Commissioner must from time to time, in consultation with the Minister, determine occupational categories in the Service.
- (4) The Minister must issue a code of remuneration (CORE) for every occupational category and an occupational classification system to assist the National Commissioner in designing job and career paths linked to the salary scales.
- (5) For each salary range in a CORE, the Minister may provide advice on the -
 - (a) possible job content;

- (b) necessary and desirable competencies;
 - (c) indicators of competencies; and
 - (d) desirable characteristics for employment and promotion within the occupational category.
- (6) To assist in an analysis of public service employment, the National Commissioner must link all posts in the Service with a relevant CORE and an occupation from the occupational classification system.

CHAPTER IV: JOB EVALUATION

20. PRINCIPLES

To ensure that work of equal value is remunerated equally, the Service must increasingly use job evaluation -

- (a) to assist in achieving cost-effective work organisation; and
- (b) to determine appropriate remuneration.

21. RESPONSIBILITIES

- (1) The Minister must determine -

- (a) a job evaluation system or systems that must be utilized in the Service;
- (b) a range of job weights derived from the system or systems for each salary range in a salary scale; and
- (c) a job or category of jobs that the National Commissioner must evaluate.

- (2) The Minister may -

- (a) review the application of job evaluation in the Service;
- (b) issue directives on the application of the job evaluation system or systems;
- (c) evaluate any job; and
- (d) direct the National Commissioner to take measures to enhance the quality of the system, including the re-evaluation of jobs and the restructuring of the component responsible for job evaluation and/or further training of employees responsible for job evaluation in the Service.

- (3) The National Commissioner may evaluate or re-evaluate any job in the Service.

CHAPTER V: COMPENSATION FOR EMPLOYEES

22. PRINCIPLES

- (1) Remuneration in the Service must aim, within fiscal constraints, to support -

- (a) efficient and effective service delivery and provide appropriate incentives for employees; and
- (b) equal pay for work of equal value and other labour standards.

- (2) In determining the salary of an employee, the National Commissioner must take into account -
- (a) relevant collective agreements;
 - (b) available funds;
 - (c) the results of job evaluation, if available;
 - (d) the performance of the employee; and
 - (e) the need to recruit and retain personnel with appropriate competencies.

23. DETERMINATION OF SALARY SCALES AND ALLOWANCES

The Minister must determine a salary scale or scales and allowances for employees in the course of the relevant collective bargaining process.

24. GRADING AND REMUNERATION

- (1) The National Commissioner must determine the grade of a post to correspond with its job weight and set the commencing salary of an employee on the minimum notch of the salary range attached to the relevant grade, unless the salary proves inadequate under the criteria in subregulation (3).
- (2) If a job has a weight that applies to more than one salary range, the National Commissioner must determine which of the relevant salary ranges to use.
- (3) The National Commissioner may set the salary for a post or an employee above the minimum notch of the salary range indicated by the job weight -
 - (a) if she or he has evaluated the job, but cannot recruit or retain an employee with the necessary competencies at the salary indicated by the job weight; and
 - (b) she or he shall record the reasons why the salary indicated by the job weight was insufficient.
- (4) If the job weight demonstrates that a filled post is overgraded or undergraded, the National Commissioner must either effect changes to the work organisation or regrade the post according to the job weight and the relevant collective agreements as provided for in subregulations (5), (6) and (7).
- (5) The National Commissioner may increase the salary of a post to a higher salary range in order to accord with the job weight, if -
 - (a) the job weight as measured by the evaluation system indicates that the post was graded incorrectly; and
 - (b) the budget of the Service and the medium-term expenditure framework provide sufficient funds.
- (6) If the National Commissioner raises the salary of a post as provided under subregulation (5), she or he may continue to employ the incumbent employee in the higher-graded post without advertising the post if the incumbent -
 - (a) already performs the duties of the post;

- (b) has received a satisfactory rating in her or his most recent performance assessment; and
 - (c) starts employment at the minimum notch of the higher salary range.
- (7) If the National Commissioner determines that the salary range of an occupied post exceeds the range indicated by a job weight, she or he must -
 - (a) if possible -
 - (i) redesign the job to equate with the post grade; or
 - (ii) transfer the incumbent to another post on the same salary range; and
 - (b) abide by relevant legislation and collective agreements.
- (8) As far as possible, the National Commissioner must set the salary of a part-time, sessional or temporary employee proportional to the salary of an equally graded full-time employee.

25. SALARY RANGE PROGRESSION

- (1) If the budget of the Service and the medium-term expenditure framework provide sufficient funds, the National Commissioner may establish opportunities for salary range progression in selected occupations.
- (2) An employee shall be eligible for salary range progression only if -
 - (a) her or his job description defines a career path that spans more than one salary range in the salary scale;
 - (b) she or he has the competencies required to perform the additional duties;
 - (c) the weight of his or her job increases to equate to a higher salary range in the salary scale; and
 - (d) she or he has received consistently satisfactory performance assessment ratings.
- (3) The National Commissioner may not provide an opportunity for salary range progression for an employee in the senior management.

26. OVERTIME

- (1) The Minister must determine rates of compensation for overtime through the collective bargaining process.
- (2) The National Commissioner may compensate an employee for overtime work if -
 - (a) the employee does not belong to the senior management except in those cases mentioned in subregulation (3);
 - (b) the Service has a written policy on overtime;

- (c) she or he has provided written authorisation in advance for the work; and
 - (d) except in exceptional circumstances, the monthly compensation for overtime constitutes less than 30 per cent of the monthly salary of the employee.
- (3) The National Commissioner may, in exceptional cases, compensate a member of the senior management for overtime if -
- (a) the compensation for overtime constitutes one per cent or less of the salary bill on the relevant salary level; and
 - (b) the Service has established clear and unambiguous procedures and criteria on overtime which have been consulted with the relevant personnel.
- (4) A member of the senior management may not authorise overtime for herself or himself.
- (5) After consultation with employee representatives, the National Commissioner must establish an overtime policy, which must determine -
- (a) categories of employees that are not entitled to receive compensation for overtime due to the nature of their work and responsibilities;
 - (b) the circumstances under which a commander may authorise overtime work for an individual employee;
 - (c) whether an employee shall receive payment or time off as compensation for authorised overtime;
 - (d) how much overtime an employee may work in a given period;
 - (e) how a commander should record authorisation for overtime; and
 - (f) other control measures, if necessary.

27. SERVICE BENEFITS, COMPENSATORY PRACTICES AND WORK FACILITY PRACTICES

- (1) The Minister must determine service benefits, compensatory practices, work facility practices and allowances for employees through the collective bargaining process.
- (2) The Minister may make a determination regarding the application of a service benefit, compensatory practice, work facility practice or allowance.
- (3) Subject to the terms of a relevant collective agreement, the National Commissioner may provide the cash equivalent of benefits received by permanent employees to employees on fixed-term contracts.

28. LEAVE

The National Commissioner must -

- (a) encourage an employee to fully utilise her or his vacation leave in the year earned;

- (b) record all leave taken by an employee accurately and in full; and
- (c) ensure that an employee does not abuse sick leave.

29. INFORMATION ON REMUNERATION

- (1) The Minister must, at least on an annual basis, issue and publish in the Service the salary scale or scales used in the Service.
- (2) In dealing with personnel matters and the remuneration of an individual employee, the National Commissioner must respect the right to privacy of the employee.
- (3) In the week before the salary pay day of an employee, the National Commissioner must provide her or him with the following information in writing :
 - (a) The name of the employee;
 - (b) The post title of the employee and the occupational category in terms of the CORE;
 - (c) The salary notch of the employee;
 - (d) Any other form of compensation that the Service pays directly to the employee on a monthly basis;
 - (e) The period for which payment is made;
 - (f) The amount and purpose of any deductions; and
 - (g) The actual amount paid to the employee.

CHAPTER VI: WORKING ENVIRONMENT

30. PRINCIPLES

Working hours of the Service and conditions must support effective and efficient service delivery while, as far as reasonably possible, taking into account the personal circumstances of employees including those of employees with disabilities.

31. WORKING HOURS

The National Commissioner must determine -

- (a) the work week and daily hours of work for employees; and
- (b) the opening and closing times of places of work under her or his control, taking into account -
 - (i) the needs of the public and the service delivery improvement programme of the Service; and
 - (ii) the needs and circumstances of employees, including family obligations and transport arrangements.

32. WORK OUTSIDE WORKING HOURS

The National Commissioner may, if she or he deems it in the interest of the Service, instruct any employee to perform the functions of the Service outside normal working hours, in order to -

- (a) prevent, combat and investigate crime;
- (b) maintain public order;
- (c) protect and secure the inhabitants of the Republic and their property;
- (d) uphold and enforce the law; and
- (e) preserve life, health and property.

33. HEALTH AND SAFETY

The National Commissioner must establish and maintain a safe and healthy work environment for employees of the Service.

CHAPTER VII: PROCEDURES FOR APPOINTMENT, PROMOTION AND TERMINATION OF SERVICE**34. PRINCIPLES**

Employment practices must ensure employment equity, fairness, efficiency and the achievement of a representative Service. Affirmative action must be used to speed up the creation of a representative and equitable Service and to give practical support to those who have been historically disadvantaged by unfair discrimination to enable them to fulfill their maximum potential. Employment practices must maximize flexibility, minimize administrative burdens on both employer and employee, and generally prevent waste and inefficiency. Having regard to section 6(1) of the Constitution and without derogating from the provisions of section 6(3)(a) of the Constitution, lack of fluency in an official language shall not be a consideration in making a recommendation on the suitability of a candidate for appointment or promotion, where such fluency is not an inherent requirement of the job for which such candidate has applied.

35. CONDITIONS FOR APPOINTMENT**(1) General**

The National Commissioner -

- (a) may appoint employees on a permanent, fixed-term or temporary basis either full-time or part-time;
- (b) may, where the employment is temporary, appoint an employee under a special contract, on a casual basis or on a sessional basis;
- (c) may not appoint any person under the age of 16 years;
- (d) must determine the health requirements of a post, only where it is an inherent requirement of the job;

- (e) may appoint a casual employee for a period not exceeding twelve months;
- (f) must require an employee to be subjected to a security clearance only where it is an inherent requirement of the job; and
- (g) must ensure that each employee is provided with a written contract of employment, including the terms and conditions of her or his service.

(2) Employment contract for the National Commissioner

- (a) The President must provide the National Commissioner with a written contract in the form as set out in Annexure II, which contract must include -
 - (i) the matters contemplated in section 12(4)(a) to (c) of the Public Service Act, 1994, including the management of conduct and finances, the elimination of inefficiency, and the promotion of representativeness as minimum performance criteria; and
 - (ii) the main delegations and authorisations necessary for the National Commissioner to manage the Service in terms of section 7(3)(b) of the Public Service Act, 1994, and a clause in terms of which delegations and authorisations may be added or removed from the contract.
- (b) The Minister must provide the Minister of Public Service and Administration with a copy of the contract concluded under subregulation (2)(a) as soon as possible after entering into such contract.

(3) Reappointment of former employees

The National Commissioner may not reappoint a former employee where -

- (a) the former employee left the Service earlier on the condition that she or he would not accept or seek reappointment;
- (b) the original grounds for termination of service militate against reappointment; or
- (c) the former employee left the Service due to ill health and cannot provide recent and conclusive proof of recovery.

(4) Acting in higher posts

- (a) The National Commissioner may only compensate an employee for acting in a higher vacant post in terms of a determination of the Minister made through the collective bargaining process.
- (b) The National Commissioner may also compensate an employee for acting in a post due to the actual incumbent of the post acting in a higher vacant post, provided that no more than two employees may simultaneously be compensated as a result of a single vacancy.
- (c) An employee may not act in a higher vacant post for an uninterrupted period exceeding twelve months.
- (d) For the purposes of subregulation (4)(c), any uninterrupted period that an employee has acted in a higher vacant post immediately before the coming into operation of these Regulations must be taken into account where the employee continues so acting on that date.

36. RECRUITMENT**(1) Determination of requirements for employment**

- (a) The National Commissioner must determine composite requirements for employment in any post on the basis of the inherent requirements of the job.
- (b) The National Commissioner must -
 - (i) record the inherent requirements of a job;
 - (ii) ensure that the requirements for employment do not discriminate against persons historically disadvantaged; and
 - (iii) comply with any statutory requirement for appointment of employees.

(2) Advertising

- (a) The National Commissioner must ensure that advertisements of vacancies aim to reach, as efficiently and effectively as possible, the entire pool of potential applicants, especially persons historically disadvantaged.
- (b) An advertisement for a post must include the requirements as determined in subregulation (1), the post title and core functions.
- (c) The National Commissioner must advertise any vacant post in the senior management nationally simultaneously inside and outside the Service.
- (d) The National Commissioner must advertise any vacant post other than those for the senior management, as a minimum, within the Service, but may also advertise such posts -
 - (i) within the rest of the Public Service;
 - (ii) outside the Public Service either nationally or locally; or
 - (iii) by other acceptable means of recruitment.
- (e) The National Commissioner may fill a vacant post without complying with the requirements of paragraphs (c) and (d) if -
 - (i) the Service can utilise supernumerary staff of equal grading to fill the post, or other staff of equal grading if the latter is in the interest of the Service;
 - (ii) the Service can absorb into the post an employee appointed or serving under an affirmative action or other similar acceleration programme, and if she or he meets the requirements of the post; or
 - (iii) the Service plans to fill the post as part of a programme of laterally rotating or transferring employees to enhance organisational effectiveness and the skills of employees.
- (f) The National Commissioner may utilise an appropriate agency to identify candidates for posts, as long as the advertising and selection procedures comply with this regulation and regulation 37.

37. SELECTION

- (1) The National Commissioner must appoint a selection committee to make recommendations on appointments to posts. The selection committee must comprise of at least three persons consisting of employees of a grading which is equal to or higher than the grading of the post to be filled and may include persons from outside the Service: Provided that -
 - (a) the chairperson of the selection committee, who is an employee, must be of a grading higher than the post to be filled; and
 - (b) in the event that the manager of the component within which the vacant post is located, is graded lower than the vacant post, such manager may be a member of the selection committee.
- (2) A selection committee must where possible, include adequate representation of persons historically disadvantaged.
- (3) Employees of a grading which is lower than the grading of the post to be filled, may provide a secretarial or advisory service during the selection process, but may not form part of the selection committee.
- (4) The selection committee must make a recommendation on the suitability of a candidate after considering only -
 - (a) information based on valid methods, criteria or instruments for selection that are free from any bias or discrimination;
 - (b) the training, skills and competence based on the inherent requirements of the job;
 - (c) the needs of the Service for developing human resources;
 - (d) the representativeness of the component where the post is located; and
 - (e) the affirmative action programme of the Service.
- (5) A selection committee must record the reasons for its decision in terms of the criteria set out in subregulation (4).
- (6) When the National Commissioner does not approve a recommendation of a selection committee, she or he must record the reason for her or his decision in writing.

38. PROMOTION

- (1) The National Commissioner may promote an employee to a vacant post in the fixed establishment of the Service if -
 - (a) such a vacancy is sufficiently funded, including funds for the remaining period of the medium-term expenditure framework; and
 - (b) the vacancy has been advertised and the candidate selected in accordance with regulations 36 and 37.
- (2) A promotion may not come into effect before the first day of the month following the date on which the National Commissioner approved it.
- (3) No employee has any right to a promotion until the promotion has been approved in writing by the National Commissioner.

39. AUTOMATIC RESIGNATION

An employee shall be deemed to have resigned from the Service with effect from the date on which her or his name appears on a list of representatives in any legislature published in a Gazette after an election in terms of a relevant Electoral Act, or is appointed as a permanent delegate to the National Council of Provinces.

40. EMPLOYEE RECORDS

The National Commissioner must keep a record of each employee with, as a minimum, the following particulars :-

- (a) Full names.
- (b) Date of birth.
- (c) Identity number.
- (d) Citizenship.
- (e) The status of the employee, as self-defined, for purposes of monitoring representativeness, according to race, gender and disability, with race defined as African, Coloured, Indian, White, or Other (specified).
- (f) Home address and telephone number.
- (g) Date of joining the Service.
- (h) Nature of employment.
- (i) Post title.
- (j) Occupation as defined by a CORE.
- (k) Current and previous ranks, with date of entry and authorisation for entering each rank.
- (l) Accreditation for training and skills.
- (m) Details of remuneration and performance awards.
- (n) Details of pension, medical assistance and other benefits.
- (o) Details of leave authorised for any purpose.
- (p) All other particulars required for determining benefits and remuneration, including particulars on marital status and dependants.

CHAPTER VIII: PERFORMANCE MANAGEMENT AND DEVELOPMENT**41. PRINCIPLES**

The Service must manage performance in a consultative, supportive and non-discriminatory manner in order to enhance organisational efficiency, effectiveness and accountability for the use of resources and the achievement of results. Performance management processes must link to broad and consistent plans for the development of personnel and align with the strategic goals of the Service. The primary orientation of performance management must be developmental but

must allow for effective response to consistent inadequate performance and for recognising outstanding performance. Performance management procedures must minimise the administrative burden on commanders while maintaining transparency and administrative justice.

42. SYSTEMS FOR PERFORMANCE MANAGEMENT AND DEVELOPMENT

- (1) The National Commissioner must, subject to Item 2 of Annexure I to these Regulations, determine a system for performance management and development for employees of the Service, other than employees in senior management, consistent with the principles in regulation 41 before 1 January 2001.
- (2) For each employee other than an employee in senior management, the National Commissioner must determine -
 - (a) the period in respect of which performance is to be assessed, the "performance cycle";
 - (b) an annual date for written assessment of performance; and
 - (c) a commander responsible for monitoring, supervising and assessing the performance of the employee.
- (3) The commander must -
 - (a) as far as possible, meet on a regular basis with the employee to discuss the basic objectives of her or his component and the role of the employee in the success or failure in achieving those objectives;
 - (b) before the performance cycle commences, or within one month after appointment or promotion to a post, explain the performance assessment procedure to the employee; and
 - (c) inform the employee of the criteria used for her or his performance assessment.
- (4) The commander must monitor the performance of the employee on a continuous basis and give the employee feedback on her or his performance -
 - (a) at least four times a year -
 - (i) orally, if the performance of the employee is satisfactory; and
 - (ii) in writing if the performance of the employee is unsatisfactory;
 - (b) at least twice in the six months preceding the annual formal assessment date of the employee; and
 - (c) in writing, on the annual performance assessment date, using the instrument referred to in regulation 43.

43. PERFORMANCE ASSESSMENT

- (1) The National Commissioner -
 - (a) may establish separate performance assessment instruments for different occupational categories or levels of work; but

- (b) must designate a single assessment instrument to assist in deciding on rewards, promotion and skills development of an employee.
- (2) Assessment must be based only on the information contained in the designated performance assessment instrument, but where an appeal is lodged against an assessment, the information furnished in connection with the appeal, must also be considered.
- (3) Before utilising a performance management and development system referred to in regulation 42(1), the National Commissioner must -
 - (a) pilot the system on a sufficient number of employees in every occupational category to enable reasonable validity; and
 - (b) consult with the employee organisations in the Service.

44. OUTCOME AND COMMUNICATION OF ASSESSMENT RESULTS

- (1) The commander of the employee must in writing inform the employee of the outcome of the assessment and, if the assessment is unsatisfactory, of the reasons for that assessment.
- (2) An employee who is not satisfied with the outcome of her or his assessment, may refuse to sign it.
- (3) The commander of the employee must clearly identify the appeals route for an employee who is not satisfied with the outcome of her or his assessment.
- (4) At any appeal against the outcome of her or his assessment, the employee may be assisted by a fellow employee or a representative of her or his trade union.
- (5) The National Commissioner may communicate the performance assessment results of an employee to a person not employed in the Service only if the employee gives her or his written consent.

45. MANAGING UNSATISFACTORY PERFORMANCE

In the case of unsatisfactory performance, the National Commissioner must-

- (a) provide systematic remedial or developmental support to assist the employee to improve her or his performance; or
- (b) if the performance is so unsatisfactory as to be poor and the desired improvement cannot be effected, consider steps to discharge the employee for unfitness or incapacity to carry out her or his duties.

46. INCENTIVES FOR GOOD PERFORMANCE

- (1) If the budget of the Service and the medium-term expenditure framework provide adequate funds, the National Commissioner may establish a financial incentive scheme for employees of the Service or any category of those employees.
- (2) To establish a financial incentive scheme for the Service the National Commissioner must -
 - (a) in writing determine the nature, rules and control measures of the scheme in advance;

- (b) effectively communicate the nature and rules of the scheme to all employees; and
- (c) ensure that employees who implement the quality and quantity control measures of the scheme are not entrusted with the implementation of that scheme in relation to themselves.

47. SUGGESTIONS, IMPROVEMENTS AND INNOVATIONS

If an employee makes a suggestion, improvement or invention of exceptional value to the Service or the public service as a whole -

- (a) the State has the right of use of any such suggestion, improvement or invention; and
- (b) the National Commissioner may reward the employee through -
 - (i) any non-monetary reward;
 - (ii) a non-pensionable cash award not exceeding 20 percent of the pensionable annual salary of the employee or, with the approval of the Minister, a non-pensionable cash award in excess of 20 percent of the pensionable annual salary of the employee; or
 - (iii) such a non-monetary reward as well as a cash reward.

CHAPTER IX: TRAINING AND EDUCATION

48. PRINCIPLES

Employees must have ongoing and equitable access to training geared towards achieving an efficient, non-partisan and representative Service. Training must support work performance and career development. It must become increasingly driven by needs and link strategically to broader human resource management practices and programmes aimed at enhancing employment equity and representativeness.

49. INSTITUTIONAL ARRANGEMENTS

- (1) The National Commissioner must oversee or ensure the participation of the Service in any institution aimed at promoting training in the public service, subject to the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995).
- (2) Subject to the provisions of this Act, these Regulations and State Tender Board prescripts, training may be provided internally or externally.
- (3) A commander must provide training opportunities for employees under her or his command in accordance with the training plan of the Service.
- (4) The National Commissioner must ensure that funds are available for the training of employees at all levels.
- (5) An employee in the senior management must avail herself or himself to train employees in the Service or to present training.

50. TRAINING DIRECTED BY THE NATIONAL COMMISSIONER

- (1) The National Commissioner must, where appropriate, ensure that any institution responsible for training in the Service gains accreditation from the South African Qualifications Authority.
- (2) The Service or training institution offering any training directed by the National Commissioner must issue certificates upon the successful completion thereof.

51. OCCUPATIONAL SPECIFIC COMPETENCIES AND TRAINING

The National Commissioner must determine and prescribe the required competencies and training for occupational categories or specific employees in the Service.

52. TRAINING ASSISTANCE

- (1) If it will contribute to the performance of the work of the Service, the National Commissioner may grant any financial or other assistance for any study, training or research where -
 - (a) she or he has requested an employee to undertake such study, training or research; or
 - (b) the employee has requested such assistance.
- (2) The National Commissioner may grant any financial or other assistance for part-time or full-time activities at either local or international institutions. She or he may also grant assistance for studies and training through training interventions, such as short courses, congresses, symposia, seminars, conferences, workshops, lectures and study tours.
- (3) The National Commissioner may grant bursaries for higher education and training to both serving and prospective employees, but may allocate bursaries for general and further education and training only to serving employees: Provided that she or he may not require contractual service in recompense for assistance received where an employee receives assistance for general or further education and training.
- (4) The National Commissioner may defray any expenses associated with study, research or training, but need not cover the full expenses.
- (5) A serving employee must retain her or his salary, which shall count as part of the financial assistance from the Service, during any study, research or training.
- (6) Subject to Treasury Instructions, the National Commissioner may waive the whole or any part of study debts.
- (7) Where the National Commissioner provides a bursary for higher education to an employee or prospective employee -
 - (a) the bursary holder must enter into a contract with the Service in terms of which she or he -
 - (i) in the case of a bursary holder who undertakes full-time study, will redeem the bursary by serving the Service on the basis of one year for each year of study, or any part thereof; or

- (ii) in the case of a bursary holder who undertakes part-time study will redeem the bursary by serving the Service for at least one year after attaining the relevant qualification; and
 - (b) redemption of the contract period for the bursary holder who undertakes full-time study commences after she or he has met all the requirements for the attainment of the qualification concerned.
- (8) An employee who fails to complete the relevant qualification, redeems any obligation in terms of the contract either through service or repayment of the bursary amount plus interest at a rate determined by the Treasury.
- (9) The National Commissioner may require an employee who studies or trains for short periods to enter into a contract with the Service in terms of which she or he will serve the Service for a reasonable period of time as a precondition for providing assistance.
- (10) For the purpose of this regulation -
 - "further education and training"* means further education and training as defined in section 1 of the Further Education and Training Act, 1998 (Act No. 98 of 1998);
 - "general education"* means the compulsory school attendance phase as referred to in section 3 of the South African Schools Act, 1996 (Act No. 84 of 1996); and
 - "higher education"* means higher education as defined in section 1 of the Higher Education Act, 1997 (Act No. 101 of 1997).

CHAPTER X: LABOUR RELATIONS

53. PRINCIPLES

The Minister must, in accordance with the Labour Relations Act, 1995, manage negotiations, conclude collective agreements and resolve labour disputes. She or he shall not sign an agreement with fiscal implications unless she or he has an unambiguous mandate.

54. IMPLEMENTATION OF COLLECTIVE AGREEMENTS

If a collective agreement signed by an authorised representative of the State as employer applies to the Service, the Minister must implement and enforce it.

55. MANDATING AND MANAGEMENT OF NEGOTIATIONS

- (1) The Minister may enter into an agreement on a matter of mutual interest only if she or he -
 - (a) has responsibility for managing collective bargaining on behalf of the State as employer in that forum;
 - (b) has authority to deal with the matter concerned; and
 - (c) meets the fiscal requirements in regulation 56.

- (2) On matters specific to the Service, the Minister must manage bargaining in the Safety and Security Sectoral Bargaining Council.
- (3) The Minister must provide the Minister of Public Service and Administration with a copy of a collective agreement concluded in the Safety and Security Sectoral Bargaining Council.

56. MATTERS WITH FISCAL IMPLICATIONS

Subject to regulation 55 the Minister may enter into an agreement in the appropriate bargaining council on any matter that has fiscal implications only if -

- (a) she or he has a realistic calculation of the costs involved in both the current and subsequent fiscal years;
- (b) the agreement does not conflict with Treasury Instructions; and
- (c) she or he can defray the cost -
 - (i) from her or his departmental budget;
 - (ii) on the basis of a written commitment from Treasury to provide additional funds; or
 - (iii) from the budgets of other departments or agencies with their written agreement and Treasury approval.

ANNEXURE I**TRANSITIONAL ARRANGEMENTS**

1. Despite regulation 35, all vacancies advertised before the date of publication of these Regulations in respect of posts to be filled on or after that date, shall be filled in accordance with the provisions, prescripts and requirements applicable and in force before 1 July 1999.
2. Despite Chapter VIII of these Regulations and subject to any collective agreement, the system for personnel evaluation, merit assessment and personal profiles, including any merit awards and the award of higher salary notches, shall continue to apply until 31 December 2000, unless the Service is ready for implementation at an earlier date, in which case the performance management system can be implemented at any date between the date of the coming into operation of these Regulations and 31 December 2000.
3. Subject to any collective agreement, the official forms in use immediately before the date of the coming into operation of these Regulations in relation to public service matters and identified by the prefix "Z", shall continue in use in relation to those matters -
 - (a) in so far as their use is not inconsistent with the provisions of these Regulations or any collective agreement; and
 - (b) until a date to be determined by the Minister by notice in the Gazette. Such a determination may be made from time to time in respect of any one or more of those forms.

ANNEXURE II

**EMPLOYMENT CONTRACT
FOR THE
NATIONAL COMMISSIONER
OF THE
SOUTH AFRICAN POLICE SERVICE**

ENTERED INTO
by and between the

GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA
herein represented by

_____ (full name)
in her or his capacity as

PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA
(hereinafter referred to as the Employer)

AND

_____ (full name)
(hereinafter referred to as the Employee)

AND WHEREAS the parties have agreed to enter into a contract which will govern the terms and conditions of employment of the Employee by the Employer,

NOW THEREFORE the parties agree as follows:

1. Appointment

- 1.1 In terms of section 207 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) (hereinafter referred to as the Constitution), the Employer hereby appoints the Employee as National Commissioner of the South African Police Service and the Employee hereby accepts the appointment.
- 1.2 This Contract shall be in force for the period commencing on the _____ day of _____ and ending on the _____ day of _____ and is entered into in terms of section 7 of the South African Police Service Act, 1995 (Act No. 68 of 1995) (hereinafter referred to as the Act).

1.3 During the period of this Contract, the Employee shall -

- 1.3.1 serve the Employer as National Commissioner of the South African Police Service and Head of the Department of Safety and Security;
- 1.3.2 be responsible for the efficient management and administration of the South African Police Service (hereinafter referred to as the Service) as contemplated in section 207(2) of the Constitution, the Act and section 7(3)(b) read with section 7(4) of the Public Service Act, 1994 (Proclamation No. 103 of 1994); and
- 1.3.3 be responsible for exercising the powers and performing the functions specifically entrusted to the office of the National Commissioner of the South African Police Service and the Head of the Department of Safety and Security, as set out in the Constitution, the Act, the Public Service Act, 1994, the Exchequer Act, 1975, the Treasury Instructions, any other law, any regulations promulgated in terms of any law and other policy directives of the Government of the day.

2. Remuneration

- 2.1 The Employee shall be entitled to the remuneration as specified in Appendix A.
- 2.2 The salary and benefits will be payable in twelve (12) equal monthly instalments on the last day of each month and should the last day be a Saturday, Sunday or public holiday, on the preceding working day, unless otherwise provided for in Appendix A.
- 2.3 The general conditions of service and benefits as specified in Appendix A (except for item 2.1 of Appendix A), will be as stipulated and provided for in terms of the Act, the Public Service Act, 1994, any regulations in terms thereof and any applicable collective agreement reached in the Public Service Co-ordinating Bargaining Council (hereinafter referred to as the PSCBC). The parties to this Contract accept that the general conditions of service and benefits as set out in Appendix A, excluding item 2.1, may from time to time be amended by means of collective agreements concluded in the PSCBC or by determinations by the Minister in terms of the Act or by the Minister for the Public Service and Administration in terms of section 3(3)(c) or 12(2)(a) of the Public Service Act, 1994.
- 2.4 Subject to section 7(4)(b) of the Public Service Act, 1994, the Employee will also qualify for participation in other benefits and special privileges normally bestowed upon a Head of Department as set out in this Contract or other applicable prescripts.

- 2.5 When required to perform official duties away from her or his headquarters, the Employee shall travel at the expense of the Employer and shall be paid a subsistence allowance in accordance with the applicable legislation and prescripts.

3. Termination of employment

- 3.1 The term of office of the Employee may be terminated as provided for in the Act.
- 3.2 Pension and other payable benefits are directly linked to the specific section of the Act which is utilised, as regulated by the Government Employees Pension Law, 1996 (Proclamation No. 21 of 1996), the regulations promulgated thereunder as applicable to a Head of Department and any applicable collective agreement concluded in the PSCBC.
- 3.3 Subject to the provisions of the Act, either party may, after consultation and agreement with the other party, terminate this Contract before the expiry of its term or an extended term by giving to the other party three months' notice of termination, which notice shall be given in writing on or before the last day of a month and take effect on the first day of the succeeding month.
- 3.4 Should notice of termination be given as contemplated in clause 3.3, the Employer has the right to require the Employee to vacate the office occupied by her or him and to leave the premises of the Department on a day stipulated by the Employer before the expiry of the three months' notice period and not to present herself or himself for duty any time thereafter.
- 3.5 Should the Employer invoke the provisions of clause 3.4, the Employee will still be entitled to all such benefits as contained in the relevant prescripts and applicable collective agreement concluded in the PSCBC.

4. Renewal and extension of term of office

- 4.1 The Employer shall, in writing, inform the Employee at least two calendar months prior to the expiry of the term contemplated in clause 1 (above) whether she or he proposes to retain such an Employee in service for any extended period not exceeding 5 years (60 calendar months). If the Employee is so informed, she or he shall in writing inform the Employer, within one calendar month from the date of that communication, of her or his acceptance or not of such extended employment.
- 4.2 In the event that agreement is reached that the Employee shall enter into a further contract on termination or completion of this Contract, the continued service of the Employee will be recognised under the new contract so as to avoid any break of service and any accrued or *pro rata* entitlement will be carried forward into the new contract.

- 4.3 Should the Employer not renew the contract period beyond the initial period as stated in clause 1 (above), the Employee shall be entitled to the pension and other benefits directly linked to the specific section of the Act in terms of which her or his services are terminated.

5. Conduct

- 5.1 In the interest of the protection and maintenance of the confidentiality of trade secrets, technical - or business know-how, confidential information, business connections, customer connections and all other confidential information (hereinafter referred to as trade secrets) of the Department, the Employee undertakes to the Employer that -
- 5.1.1 she or he will not during or after the term of this Contract, either herself or himself utilize or cause to be utilized or directly or indirectly divulge or disclose to any third party any of the Employer's trade secrets (except as required by the terms and nature of the Employee's employment with the Employer);
 - 5.1.2 she or he will treat as confidential all confidential information which a third party has in terms of any agreement made available to the Employer and which has become known to the Employee in the course of her or his duties and not divulge to any other third party any information regarding such confidential information contrary to the terms of such agreement;
 - 5.1.3 any documents or records (including written instructions, notes or memoranda) relating to the trade secrets of the Employer which are created by the Employee or which come into the Employee's possession during the period of her or his employment with the Employer, are deemed to be the property of the Employer and will be surrendered to the Employer on demand, and in the event of the termination of the Employee's employment by the Employer, the Employee, will not retain any copies thereof or extracts therefrom; and
 - 5.1.4 she or he shall comply with the prescribed Code of Conduct.
- 5.2 The restraints imposed upon the Employee in terms of this clause are deemed to be, in respect of every part thereof, separate, severable and separately enforceable in the widest sense from the other parts thereof and the invalidity or unenforceability of any clause or any part thereof will in no way effect the validity or enforceability of another part of the clause or the Contract.

6. Additional terms and conditions

The Employer and the Employee hereby agree to the following additional terms and conditions as contemplated in section 12(4) of the Public Service Act, 1993 (delete if not applicable):

6.1 The Employee shall enter into an annual performance agreement with the Minister, linked to a specific financial year, which shall include as a minimum the following:

6.1.1 Salary increases will be based on the performance of the Employee. Performance will be assessed in accordance with her or his performance agreement and the extent to which the Employee complied therewith. In terms of an agreement reached in the PSCBC, salary increases for the Employee will be based on individual consultation. The Employee along with the Employer have the responsibility to consult annually regarding her or his salary increase and cash bonus within the restrictions of the budget based on the performance of the Employee. In consulting on the salary increase and cash bonus of the Employee, the guidelines forwarded by the Minister for the Public Service and Administration should always be borne in mind.

6.1.2 An annual performance agreement provided for in terms of clause 6.1 linked to a specific financial year, stating clear performance areas/criteria/deliverables of the Department and the Employee must be entered into for the duration of this Contract. As performance agreements are linked to financial years, it should be entered into and presented to the Employer at the latest on 30 June every year for the duration of this Contract. The Employee should enter into her or his first performance agreement not later than three months after assumption of duty. In terms of regulation 35(2)(a)(ii) the Employer shall record delegations and/or authorisations in the performance agreement.

6.1.3 The performance agreement shall be revised if, at any time during its term, the work or environment of the Department or the Service is so altered (whether as a result of Government or management decision or otherwise) that the contents of it are no longer appropriate.

6.1.4 This Contract is directly linked to the performance agreement referred to in clause 6.1. In the event that the Employee does not achieve the objectives/milestones of the Department as set out in the performance agreement, the Employee acknowledges that the Employer may deal with her or him, in accordance with the procedure contained in the applicable collective agreement reached in the PSCBC and the relevant labour legislation.

6.1.5 _____

6.2 Any other particular duties of the Employee:

7. General

7.1 Good faith

In the implementation of this Contract, the parties undertake to observe the utmost good faith and they warrant in their dealing with each other that they will neither do nor refrain from doing anything which might prejudice or detract from the rights, assets or interests of the other of them.

7.2 Applicability of the Act and the Public Service Act

Any matters arising from this Contract, which are not specifically provided for herein, shall be dealt with in accordance with the provisions of the Act, the Public Service Act, 1994, regulations issued under these Acts, applicable collective agreements and other relevant legislation.

7.3 Variation

7.3.1 This Contract constitutes the whole of the agreement between the parties to this Contract relating to the subject matter of this Contract, and save as otherwise provided, no amendment, alteration, addition or variation of any term of this Contract will be of any force or effect unless reduced to writing and signed by the parties to this Contract.

7.3.2 The parties agree that there are no other conditions, warranties or representations, whether oral or in writing and whether express or implied or otherwise, save those contained in this Contract, the Act, the Public Service Act, 1994, regulations issued under these Acts, collective agreements and other relevant legislation (e.g. Government Employees Pension Law 1996).

7.4 Waiver

No waiver of any of the terms and conditions of this Contract will be binding for any purpose unless reduced to writing and signed by the parties to this Contract, and any such waiver will be effective only in the specific instance and for the purpose given. No failure or delay on the part of either party in exercising any right, power or privilege preclude any other or further exercise thereof or the exercise of any other right, power or privilege by that party.

8. Addresses

8.1 Each party choose as her or his physical and postal addresses for the purpose of legal proceedings and for the purpose of giving or sending any notice provided for or necessary in terms of this Contract, the following addresses -

	Employer	Employee
Physical address:	_____	_____
	_____	_____

Postal address: _____

Provided that a party report any change to her or his address to any other physical address or postal address by written notice to the other party to that effect. Such change of address will be effective seven days after receipt of notice of the change of address.

8.2 All notices to be given in terms of this Contract will -

8.2.1 be given in writing;

8.2.2 be delivered or sent by prepaid registered post;

8.2.3 if delivered, be presumed to have been received on the date of delivery;
and

8.2.4 if sent by prepaid registered post, be presumed to have been received within three business days of posting unless the contrary is proved.

SIGNED by the Employer at _____ on the ____ day of _____

AS WITNESSES:

EMPLOYER

1. _____

2. _____

SIGNED by the Employee at _____ on the ____ day of _____

AS WITNESSES:

EMPLOYEE

1. _____

2. _____

Appendix A**TERMS AND CONDITIONS OF EMPLOYMENT****1. POSITION**

National Commissioner of the South African Police Service.

2. REMUNERATION**2.1 Salary Notch**

R _____ per annum (payable in twelve (12) equal monthly instalments).

2.2 Service Bonus

Thirteenth salary cheque with a 7% deduction for the Government Employees Pension Fund*.

3. SERVICE BENEFITS**3.1 Pension**

Membership of Government Employees Pension Fund - member's contribution is 7,5% of basic salary*.

3.2 Medical Aid

Membership of Polmed.

3.3 Leave

Vacation leave is 30 days per annum which accrues at 2½ days per month for the first 10 years and thereafter 36 days per annum which accrues at 3 days per month.*

3.4 Sick Leave

120 days in a fixed cycle of three years.*

3.5 Housing Allowance

A home owner's allowance.*

3.6 Motor Car Financing Scheme

A monthly basic loan redemption allowance and supplementary allowance to compensate for running costs are payable at the rates determined by the Minister for the Public Service and Administration.

4. OTHER

- * The service bonus and all other benefits are subject to all the requirements as provided for in relevant prescripts and collective agreements.**

REGULASIES VIR DIE SUID-AFRIKAANSE POLISIEDIENS

Die Minister vir Veiligheid en Sekuriteit het, kragtens artikel 24(1) van die Wet op die Suid-Afrikaanse Polisie, 1995 (Wet No. 68 van 1995), die regulasies in die Bylae gemaak.

S. V. TSHWETE,

Minister vir Veiligheid en Sekuriteit.

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AANHANGSEL I: OORGANGSMAATREËLS

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BYLAE A: BEDINGE EN VOORWAARDES VAN INDIENSNEMING

HOOFSTUK I: INLEIDING

1. KORT TITEL EN INWERKINGTREDING

- (1) Hierdie regulasies sal bekend staan as die Suid-Afrikaanse Polisie diensregulasies, 1999 (hierna na verwys as hierdie Regulasies) en tree, behoudens subregulasie (2), in werking op 1 Julie 1999.
- (2) Die regulasies hieronder gespesifiseer, sal in werking tree op die datums ten opsigte daarvan vermeld:
 - (a) Regulasies 19(6) en 29(3) op 1 Oktober 1999;
 - (b) Regulasies 14, 17(c) en 40 op 1 Januarie 2000; en
 - (c) Regulasies 13(2)(b), 17(b) en 19(1) op 'n datum deur die Minister in die *Staatskoerant* bepaal.

2. WOORDOMSKRYWINGS

In hierdie Regulasies, tensy uit die samehang anders blyk, beteken -

bekwaamheid die mengsel van kennis, vaardighede, gedrag en aanleg wat 'n persoon in die werksomgewing kan toepas en wat dui op 'n persoon se vermoë om aan die vereistes van 'n bepaalde pos te voldoen;

graad die relatiewe waarde van 'n spesifieke pos soos weerspieël in die taakwaarde wat gekoppel is aan 'n salarisreeks in 'n salarisskaal wat in die Diens gebruik word;

histories agtergeblewe persone persone of kategorieë persone wat in die verlede onbillike diskriminasie verduur het;

inherente vereistes van 'n pos daardie bekwaamhede wat bewys is bekwaamhede te wees wat deur 'n werknemer benodig word om die werksaamhede verbonde aan 'n pos te verrig;

KOVE kode van vergoeding, soos omskryf in regulasies 19(4) en (5);

medium termyn uitgaweraamwerk die medium termyn uitgaweraamwerk wat deur die Minister van Finansies gepubliseer is;

salarisreeks 'n stel salarisse wat deel vorm van 'n salarisskaal gekoppel aan 'n spesifieke graad en, in 'n wyer sin, 'n stel taakwaardes;

salarisskaal 'n reeks salarisse van 'n minimum tot 'n maksimum salaris vir die Diens of 'n beroep in die Diens, met spesifieke bedrae aangegee as die begin en einde van salarisreekse of as kerwe binne salarisreekse;

Sektorale Onderhandelingsraad vir Veligheid en Sekuriteit die raad wat ooreenkomstig Resolusie No. 12 van 1998 deur die Staatsdienskoördineringsonderhandelingsraad geskep is;

senior bestuur alle werknemers wat poste beklee waaraan salarisreekse 13 en hoër gekoppel is en wat deur die Nasionale Kommissaris as bestuurders aangewys is, of poste wat vir daardie doel geskep is;

taak die basiese pligte, werksaamhede, funksies, bekwaamheidsvereistes en verantwoordelikhede waarvolgens een of meer poste van dieselfde graad ingestel is;

taakwaarde 'n numeriese waarde wat bepaal is deur 'n taakevalueringsinstrument om selektiewe eienskappe van 'n pos te weerspieël;

verteenwoordigendheid die mate waartoe die personeel in die Diens breedweg die samestelling van die Suid-Afrikaanse publiek, insluitende samestelling in terme van ras, geslag en gestremdheid, weerspieël;

vlak salarisreeks of graad;

werknemer 'n lid; en

Wet op Arbeidsverhoudinge, 1995 die Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995).

3. SAKE VAN ONDERLINGE BELANG

Die Wet op Arbeidsverhoudinge, 1995 en kollektiewe ooreenkomste sal sake van onderlinge belang tussen werknemers en die Diens as werkgever reguleer.

4. OORGANGSBEPALINGS

Die Minister moet voorskrifte rakende oorgangsbepalings vir die implementering en toepassing van hierdie Regulasies uitreik.

5. BUITENGEWONE GEVALLE

Indien omstandighede ontstaan wat 'n afwyking van die bepalinge en maatreëls in hierdie Regulasies rakende loopbaanaangeleenthede van werknemers regverdig, kan die Minister bepalinge maak, voorskrifte uitreik of goedkeur dat alternatiewe bepalinge en maatreëls toegepas word.

6. KOMMUNIKASIE IN DIE MEDIA

Die Nasionale Kommissaris moet 'n beleid bepaal oor hoe werknemers in die Diens in die media moet kommunikeer.

HOOFSTUK II: DELEGASIES, MAGTIGINGS EN VERANTWOORDELIKHEDE**7. BEGINSELS**

Om die Nasionale Kommissaris in staat te stel om die Diens doeltreffend en effektief te bestuur, moet die Minister aan haar of hom toepaslike bevoegdheid en gesag verleen. Die Nasionale Kommissaris moet eweneens toepaslike bevoegdheid en gesag aan werknemers verleen.

8. DELEGASIES EN MAGTIGINGS

- (1) Indien hierdie Regulasies aan die Minister of Nasionale Kommissaris 'n bevoegdheid verleen of 'n plig oplê, kan sy of hy skriftelik -
 - (a) die bevoegdheid aan 'n werknemer deleger of 'n werknemer magtig om die plig uit te voer; en
 - (b) voorwaardes stel vir die uitoefening van die bevoegdheid of uitvoering van die plig.
- (2) Die Minister moet 'n delegasie en magtiging skriftelik aanteken en kan 'n delegasie en/of magtiging aan die Nasionale Kommissaris in die dienskontrak van die Nasionale Kommissaris, soos beoog in regulasie 35(2)(a), insluit.
- (3) Indien die Minister of Nasionale Kommissaris kragtens subregulasie (1) 'n bevoegdheid aan 'n werknemer gedelegeer of 'n werknemer gemagtig het om 'n plig uit te voer, kan sy of hy steeds sodanige bevoegdheid uitoefen of sodanige plig uitvoer.

9. VERANTWOORDELIKHEDE

- (1) Die Minister moet die beginsels en maatstawwe, soos in hierdie Regulasies uiteengesit, handhaaf.
- (2) Die Minister mag nie van die Nasionale Kommissaris of enige ander werknemer vereis of haar of hom toelaat om betrokke te raak in 'n aktiwiteit of 'n besluit te neem wat strydig is met hierdie Regulasies nie.

- (3) Die Nasionale Kommissaris moet verseker dat werknemers hierdie Regulasies, kollektiewe ooreenkomste en statutêre verpligtinge nakom en enige verbreking daarvan onmiddellik en effektief hanteer.
- (4) Die Minister en Nasionale Kommissaris moet ingevolge hierdie Regulasies, elkeen haar of sy bevoegdhede uitoefen en verpligtinge uitvoer ooreenkomstig relevante Arbeidswetgewing en enige relevante kollektiewe ooreenkoms.
- (5) Die Minister of Nasionale Kommissaris moet verseker dat voorafgaande Tesourie-magtiging bestaan vir enige besluit waarby uitgawes uit die inkomste rekening betrokke is.

10. BOTSING VAN BELANGE BY INDIENSNEMINGSHANDELINGE OF BESLUITE

- (1) Indien die Minister, Nasionale Kommissaris of 'n werknemer 'n botsing van belange in die uitvoering van 'n handeling of die neem van 'n besluit wat betrekking het op die diensverhouding, ondervind, moet sy of hy -
 - (a) 'n onafhanklike paneel bestaande uit minstens twee persone saamstel;
 - (b) in die aangeleentheid optree of besluit slegs nadat die aanbevelings van die paneel oorweeg is; en
 - (c) waar sy of hy van die aanbevelings van die paneel afwyk, skriftelik die redes vir sodanige afwyking aanteken.
- (2) Die Minister, Nasionale Kommissaris of 'n werknemer mag nie 'n beloning van enige aard van 'n werknemer of 'n voornemende werknemer aanvaar of versoek in ruil vir die uitvoering van 'n handeling of die neem van 'n besluit met betrekking tot die diensverhouding nie.

11. HANTERING VAN AMPTELIKE INLIGTING EN DOKUMENTASIE

'n Werknemer mag slegs amptelike inligting aan die publiek vrystel, indien sy of hy die vereiste magtiging het.

HOOFSTUK III: BEPLANNING, WERKORGANISASIE EN RAPPORTERING

12. BEGINSELS

Die Minister en Nasionale Kommissaris moet, ten einde dienste teen die beste waarde vir geld te verskaf, meetbare doelwitte vir die Diens daarstel, menslike en ander hulpbronne optimaal benut en billike arbeidspraktyke toepas. Elkeen moet, binne beskikbare fondse en gebaseer op die dienslewingsdoelwitte en mandate van die Diens en die Regering, beplan om funksies met 'n doeltreffende en effektiewe interne organisasie en goed ontwikkelde menslike hulpbronne uit te voer. Die Minister moet jaarliks 'n verslag bevattende kerninligting oor die Diens publiseer om toesig deur die publiek en wetgewers toe te laat.

13. STRATEGIESE BEPLANNING

- (1) As die strategiese plan vir die Diens, moet die Minister 'n medium termyn program instel wat 'n beskrywing insluit van -
- (a) die kerndoelwitte van die Diens, gebaseer op Grondwetlike, wetgewende en funksionele mandate en die diensleweringverbeteringsprogram wat ooreenkomstig regulasie 14 ontwikkel is;
 - (b) die kern en ondersteuningsaktiwiteite wat noodsaaklik is om die kerndoelwitte te bereik, met vermyding van duplisering van funksies;
 - (c) die funksies wat die Diens intern sal verrig en dié wat dit sal uitkontraakteer;
 - (d) die doelwitte en teikens om op die medium termyn bereik te word;
 - (e) die program om daardie doelwitte en teikens te bereik; en
 - (f) inligtingstelsels om haar of hom in staat te stel om die voldoening aan die kerndoelwitte van die Diens, te monitor.
- (2) Gebaseer op die strategiese plan van die Diens, moet die Nasionale Kommissaris -
- (a) die organisatoriese struktuur van die Diens volgens sy kernfunksies en ondersteuningsaktiwiteite bepaal;
 - (b) voorgestelde nuwe take ooreenkomstig die taakevaluering sisteem, waarna in Hoofstuk IV verwys word, gradeer;
 - (c) binne die bestaande begroting en medium termyn uitgaweraamwerk van die Diens, die poste definieer wat noodsaaklik is om die relevante funksies te verrig en wat die vaste diensstaat van die Diens daar sal stel; en
 - (d) die menslike hulpbronplan soos beoog in regulasie 15 gebruik om aan die gevolglike menslike hulpbronbehoefte te voldoen.
- (3) Om die strategiese plan te implementeer, moet die Nasionale Kommissaris -
- (a) doeltreffende, ekonomiese en effektiewe gebruik van hulpbronne bevorder en die funksionering van die Diens verbeter; en
 - (b) vir daardie doel sodanige werksmetodes soos die hertoewysing, vereenvoudiging en koördinering van werk en die uitskakeling van onnodige funksies, toepas.

14. DIENSLEWERINGVERBETERINGSPROGRAMME

Die Minister moet 'n diensleweringverbeteringsprogram vir die Diens instel en in stand hou wat 'n uiteensetting moet bevat van -

- (a) die tipe werklike en potensiële kliënte van die Diens en die hoofdiens wat aan hulle voorsien word;
- (b) die bestaande en toekomstige reëlins vir konsultasie met die werklike en potensiële kliënte van die Diens;
- (c) hoe kliënte toegang tot die dienste wat die Diens lewer, verkry, die struikelblokke tot verhoogde toegang en die meganismes of strategieë wat gebruik moet word om die struikelblokke uit die weg te ruim, sodat toegang tot dienste verhoog kan word;

- (d) die bestaande en toekomstige standarde van diens vir die hoofdienste wat voorsien word;
- (e) die bestaande en toekomstige reëlins oor hoe inligting oor die dienste van die Diens verskaf word; en
- (f) die bestaande en toekomstige klagtesisteen of meganismes.

15. MENSLIKE HULPBRONBEPLANNING

(1) Die Nasionale Kommissaris moet -

- (a) die menslike hulpbronne wat nodig is om die funksies van die Diens te verrig, evalueer met verwysing na die vereiste -
 - (i) getal werknemers;
 - (ii) bekwaamhede van werknemers; en
 - (iii) diensverhoudings (hetsy permanent of tydelik) waarin werknemers aangestel sal word;
- (b) bestaande menslike hulpbronne evalueer volgens ras, geslag en gestremdheid, asook volgens beroepskategorie, organisatoriese komponent en graad met verwysing na -
 - (i) bekwaamhede;
 - (ii) opleidingsbehoefte; en
 - (iii) diensverhoudings;
- (c) binne die beskikbare begrote fondse, insluitend fondse vir die oorblywende periode van die medium termyn uitgaweraamwerk, beplan om menslike hulpbronne te werf, te behou, te ontplooi en te ontwikkel ooreenkomstig die vereistes bepaal ingevolge subregulasie (1)(a), welke beplanning as 'n minimum, die volgende moet insluit -
 - (i) realistiese doelwitte en meetbare teikens vir die bereiking van verteenwoordigendheid, inaggenome subregulasie (2); en
 - (ii) teikens vir opleiding van werknemers per beroepskategorie en van spesifieke werknemers, met spesifieke planne om aan die opleidingsbehoefte van histories agtergeblewe persone te voldoen; en
- (d) die posisie van werknemers wat deur die afskaffing van onnodige poste geraak word, aanspreek, met die aflegging van werknemers, slegs ooreenkomstig die Wet op Arbeidsverhoudinge, 1995 en kollektiewe ooreenkomste, as die laaste uitweg.

(2) Die Minister moet 'n regstellende aksie program ontwikkel en implementeer wat as 'n minimum die volgende moet bevat -

- (a) 'n beleidsverklaring wat die verbintenis van die Diens tot regstellende aksie uiteensit en hoe daardie beleid implementeer sal word;

- (b) numeriese en tydgebonde teikens vir die bereiking van verteenwoordigheid;
 - (c) die statistieke oor die aanstelling, opleiding en bevordering van histories agtergeblewe persone binne elke graad van elke beroepskategorie wat jaarliks voorsien moet word; en
 - (d) 'n plan om die numeriese onderverteenvoortoonbaarheid aan te spreek en die vooruitgang van histories agtergeblewe persone te ondersteun.
- (3) Die Minister moet die uitslag van die beplanning waarna in subregulasie (1) verwys word en die regstellende aksie program waarna in subregulasie (2) verwys word, binne die Diens bekend maak.

16. INLIGTINGSHULPBRONBEPLANNING

Die Nasionale Kommissaris moet -

- (a) 'n inligtingsplan vir die Diens daarstel wat die beplanningsproses en doelwitte, soos bedoel in regulasie 13, ondersteun;
- (b) 'n inligtingstegnologieplan daarstel wat die inligtingsplan ondersteun; en
- (c) 'n operasionele plan daarstel om die implementering van die inligtingstegnologieplan en inligtingsbestuur moontlik te maak.

17. SKEPPING EN VULLING VAN POSTE

Voor die skepping van 'n pos vir enige nuut gedefinieerde taak, of vulling van enige vakature, moet die Nasionale Kommissaris -

- (a) haarself of homself tevrede stel dat sy of hy die pos benodig om die doelwitte van die Diens te bereik;
- (b) in die geval van 'n nuut gedefinieerde taak, die taak in terme van die taakevalueringstelsel evalueer;
- (c) in die geval van 'n vakante pos gekoppel aan salarisreeks 9 en hoër, die taak evalueer, tensy die spesifieke taak voorheen geëvalueer is; en
- (d) verseker dat voldoende begrote fondse, insluitende fondse vir die oorblywende periode van die medium termyn uitgaweraamwerk, beskikbaar is om die pos te vul.

18. BYKOMENDE INDIENSNEMING

Die Nasionale Kommissaris kan, binne die relevante begroting, persone addisioneel tot die vaste diensstaat in diens neem, waar -

- (a) die posbekleër van 'n pos na verwagting vir sodanige tydperk afwesig gaan wees dat haar of sy pligte nie deur ander werknemers verrig kan word nie;
- (b) 'n tydelike toename in werk plaasvind; of
- (c) dit vir enige ander rede noodsaaklik is om tydelik die personeel van die Diens te vermeerder.

19. TAAKOMSKRYWINGS, POSTITELS EN KODE VAN VERGOEDING

- (1) Vir elke pos of groep poste, moet die Nasionale Kommissaris 'n taakomskrywing en postitel bepaal wat met toepaslike klem op dienslewering dui op -
 - (a) die hoofdoelwitte van die pos of poste wat ter sprake is;
 - (b) die inherente vereistes van die pos; en
 - (c) die vereistes vir bevordering of vordering tot die volgende salarisreeks, ooreenkomstig 'n relevante loopbaan.
- (2) Die Nasionale Kommissaris moet minstens elke drie jaar taakomskrywings en postitels hersien en, waar nodig, heromskryf om te verseker dat dit toepaslik en akkuraat bly.
- (3) Die Nasionale Kommissaris moet van tyd tot tyd, in oorleg met die Minister, beroepskategorieë vir die Diens bepaal.
- (4) Die Minister moet 'n kode van vergoeding (KOVE) vir elke beroepskategorie en 'n beroepsklassifikasie sisteem uitreik om die Nasionale Kommissaris behulpsaam te wees in die ontwerp van take en loopbane gekoppel aan die salarisskaal.
- (5) Vir elke salarisreeks in 'n KOVE, kan die Minister advies verskaf oor die -
 - (a) moontlike taakinhoud;
 - (b) noodsaaklike en gewenste bekwaamhede;
 - (c) aanwysers van bekwaamhede; en
 - (d) gewenste karaktereienskappe vir indiensneming en bevordering binne die beroepskategorie.
- (6) Om in 'n ontleding van indiensneming in die staatsdiens behulpsaam te wees, moet die Nasionale Kommissaris alle poste in die Diens met 'n relevante KOVE en 'n beroep in die beroepsklassifikasie sisteem koppel.

HOOFSTUK IV: TAAKEVALUERING**20. BEGINSELS**

Om te verseker dat gelyke betaling vir werk van gelyke waarde gemaak word, moet die Diens toenemend gebruik maak van taakevaluering om -

- (a) behulpsaam te wees om 'n koste-effektiewe werkorganisasie te bereik; en
- (b) gepaste vergoeding te bepaal.

21. VERANTWOORDELIKHEDE

- (1) Die Minister moet die volgende bepaal:
 - (a) 'n taakevalueringssisteem of sisteme wat binne die Diens gebruik moet word;
 - (b) 'n reeks van taakwaardes ontleen van die sisteem of sisteme vir elke salarisreeks in 'n salarisskaal; en

- (c) 'n taak of kategorie van take wat die Nasionale Kommissaris moet evalueer.
- (2) Die Minister kan -
 - (a) die toepassing van taakevaluering in die Diens hersien;
 - (b) voorskrifte uitreik oor die toepassing van die taakevalueringsisteem of sisteme;
 - (c) enige taak evalueer; en
 - (d) die Nasionale Kommissaris gelas om maatreëls te neem om die kwaliteit van die sisteem te verbeter, insluitend die herevaluering van poste, die herstrukturering /van die komponent verantwoordelik vir taakevaluering en/of verdere opleiding van werknemers verantwoordelik vir taakevaluering in die Diens.
- (3) Die Nasionale Kommissaris kan enige taak in die Diens evalueer of herevalueer.

HOOFSTUK V: VERGOEDING VAN WERKNEMERS

22. BEGINSELS

- (1) Vergoeding in die Diens moet daarop gerig wees om, binne finansiële beperkings, die volgende te ondersteun:-
 - (a) doeltreffende en effektiewe dienslewering en die verskaffing van toepaslike aansporings vir werknemers; en
 - (b) gelyke betaling vir werk van gelyke waarde en ander arbeidstandaarde.
- (2) In die vasstelling van 'n werknemer se salaris, moet die Nasionale Kommissaris die volgende in ag neem:-
 - (a) relevante kollektiewe ooreenkomste;
 - (b) beskikbare fondse;
 - (c) die uitslae van taakevaluering, indien beskikbaar;
 - (d) die prestasie van die werknemer; en
 - (e) die noodsaaklikheid om personeel met toepaslike bevoegdhede te werf en te behou.

23. BEPALING VAN SALARISSKALE EN TOELAES

Die Minister moet die salarisskaal of skale en toelaes vir werknemers in die loop van die relevante kollektiewe bedingingsproses bepaal.

24. GRADERING EN VERGOEDING

- (1) Die Nasionale Kommissaris moet die graad van 'n pos bepaal om ooreen te stem met die taakwaarde en moet die aanvangsalaris van 'n werknemer op die minimum kerf van die salarisreeks van toepassing op die relevante graad vasstel, tensy die salaris onvoldoende is volgens die kriteria in subregulasie (3).

- (2) Indien 'n taak 'n waarde het waarop meer as een salarisreeks van toepassing is, moet die Nasionale Kommissaris bepaal welke van die relevante salarisreekse gebruik moet word.
- (3) Die Nasionale Kommissaris kan die salaris van 'n pos of 'n werknemer bo die minimum kerf van 'n salarisreeks aangedui deur die taakwaarde, vasstel indien -
 - (a) sy of hy 'n pos geëvalueer het, maar nie 'n werknemer met die nodige bekwaamheid kan werf of behou op die salaris aangedui deur die taakwaarde nie; en
 - (b) sy of hy die redes notuleer waarom die salaris, soos aangedui deur die taakwaarde, onvoldoende is.
- (4) Indien die taakwaarde aandui dat 'n gevulde pos oorgradeer of ondergradeer is, moet die Nasionale Kommissaris òf veranderings aan die werkorganisasie aanbring òf die pos hergradeer ooreenkomstig die taakwaarde en die relevante kollektiewe ooreenkomste waarvoor in subregulasies (5), (6) en (7) voorsiening gemaak word.
- (5) Die Nasionale Kommissaris kan die salaris van 'n pos na 'n hoër salarisreeks verhoog ten einde ooreen te stem met die taakwaarde, indien -
 - (a) die taakwaarde soos gemeet deur die evaluasie sisteem aandui dat die pos foutief gradeer was; en
 - (b) die begroting van die Diens en die medium termyn uitgaweraamwerk voldoende fondse voorsien.
- (6) Indien die Nasionale Kommissaris die salaris van 'n pos verhoog, soos waarvoor in subregulasie (5) voorsiening gemaak is, kan sy of hy voortgaan om die posbekteër in die hoër gegradeerde pos in diens te hou sonder om die pos te adverteer, indien die posbekteër -
 - (a) alreeds die pligte van die pos verrig;
 - (b) 'n bevredigende gradering in haar of sy mees onlangse prestasie-evaluering ontvang het; en
 - (c) diens begin op die minimum kerf van die hoër salarisreeks.
- (7) Indien die Nasionale Kommissaris bepaal dat die salarisreeks van 'n gevulde pos die reeks deur die taakwaarde aangedui, oorskry, moet sy of hy -
 - (a) indien moontlik -
 - (i) die taak aanpas om gelykstaande aan die posgraad te wees; of
 - (ii) die posbekteër oorplaas na 'n ander pos op dieselfde salarisreeks; en
 - (b) hou by relevante wetgewing en kollektiewe ooreenkomste.
- (8) Die Nasionale Kommissaris moet, so ver moontlik, die salaris van 'n deeltydse -, sessie- of tydelike werknemer, proporsioneel tot die salaris van 'n gelykgegradeerde voltydse werknemer, bepaal.

25. SALARISREEKSVORDERING

- (1) Indien die begroting van die Diens en die medium termyn uitgaweraamwerk voldoende fondse verskaf, kan die Nasionale Kommissaris geleentheid skep vir salarisreeksvordering in geselekteerde beroepe.
- (2) 'n Werknemer sal alleenlik in aanmerking kom vir salarisreeksvordering indien -
 - (a) haar of sy taakomskrywing 'n loopbaan definieer wat strek oor meer as een salarisreeks in die salarisskaal;
 - (b) sy of hy oor die vereiste bekwaamhede beskik om die addisionele werksaamhede te verrig;
 - (c) die waarde van haar of sy taak verhoog om gelykstaande te wees aan 'n hoër salarisreeks in die salarisskaal; en
 - (d) sy of hy 'n konsekwente bevredigende prestasie-evaluering gradering ontvang het.
- (3) Die Nasionale Kommissaris mag nie vir 'n geleentheid vir salarisreeksvordering vir 'n werknemer in die senior bestuur, voorsiening maak nie.

26. OORTYD

- (1) Die Minister moet die tariewe van vergoeding vir oortyd deur die kollektiewe bedingingsproses bepaal.
- (2) Die Nasionale Kommissaris kan 'n werknemer vir oortydwerk vergoed, indien -
 - (a) die werknemer nie aan die senior bestuur behoort nie, behalwe in daardie gevalle genoem in subregulasie (3);
 - (b) die Diens 'n geskrewe oortydbeleid het;
 - (c) sy of hy vooraf skriftelike magtiging vir die werk verleen het; en
 - (d) behalwe in uitsonderlike omstandighede, die maandelikse vergoeding vir oortyd minder as 30 persent van die maandelikse salaris van die werknemer, uitmaak.
- (3) Die Nasionale Kommissaris kan in buitengewone gevalle 'n lid van die senior bestuur vir oortyd vergoed, indien -
 - (a) die vergoeding vir oortyd een persent of minder van die salarisrekening op die relevante salarisvlak uitmaak; en
 - (b) die Diens 'n duidelike en ondubbelsinnige prosedure en kriteria vir oortyd daargestel het wat met die betrokke personeel gekonsulteer is.
- (4) 'n Lid van die senior bestuur mag nie oortyd vir haarself of homself magtig nie.
- (5) Na oorlegpleging met werknemerverteenwoordigers, moet die Nasionale Kommissaris 'n oortydbeleid instel, wat die volgende moet bepaal :-
 - (a) kategorieë van werknemers wat, vanweë die aard van hulle werk en verantwoordelikhede, nie geregtig is om vergoeding vir oortyd te ontvang nie;
 - (b) die omstandighede waaronder 'n bevelvoerder vir 'n individuele werknemer oortydwerk kan magtig;

- (c) of 'n werknemer betaling of tyd vry as vergoeding vir gemagtigde oortyd sal ontvang;
- (d) hoeveel oortyd 'n werknemer binne 'n gegewe tydperk mag verrig;
- (e) hoe 'n bevelvoerder magtigings vir oortyd moet aanteken; en
- (f) ander beheermaatreëls, indien nodig.

27. DIENSVORDELE, VERGOEDINGSPRAKTYKE EN DIENSVORDEEL-PRAKTYKE

- (1) Die Minister moet diensvoordele, vergoedingspraktyke, diensvoordeelpraktyke en toelaes vir werknemers deur die kollektiewe bedingingsproses bepaal.
- (2) Die Minister kan 'n vasstelling ten opsigte van die toepassing van 'n diensvoordeel, vergoedingspraktyk, diensvoordeelpraktyk of toelaag maak.
- (3) Behoudens die bepalings van 'n relevante kollektiewe ooreenkoms, kan die Nasionale Kommissaris die kontant ekwivalent van voordele wat deur permanente werknemers ontvang word, aan werknemers op vastetermyn kontrakte voorsien.

28. VERLOF

Die Nasionale Kommissaris moet -

- (a) 'n werknemer aanmoedig om haar of sy vakansieverlof wat gedurende die jaar verdien word, ten volle te gebruik;
- (b) alle verlof wat deur 'n werknemer geneem is akkuraat en volledig aanteken; en
- (c) verseker dat 'n werknemer nie siekteverlof misbruik nie.

29. INLIGTING OOR VERGOEDING

- (1) Die Minister moet, minstens een maal per jaar, die salarisskaal of skale wat in die Diens gebruik word, uitreik en binne die Diens publiseer.
- (2) In die hantering van personeelaangeleenthede en die vergoeding van 'n individuele werknemer, moet die Nasionale Kommissaris 'n werknemer se reg op privaatheid respekteer.
- (3) In die week voor 'n werknemer se salaris betaaldag, moet die Nasionale Kommissaris, haar of hom skriftelik van die volgende inligting voorsien -
 - (a) die werknemer se naam;
 - (b) die werknemer se postitel en beroepskategorie ingevolge die KOVE;
 - (c) die werknemer se salariskerf;
 - (d) enige ander vorm van vergoeding wat die Diens direk aan die werknemer op 'n maandelikse basis betaal;
 - (e) die periode waarvoor betaling geskied;
 - (f) die bedrag en die doel van enige aftrekkings; en
 - (g) die werklike bedrag wat aan die werknemer betaal word.

HOOFSTUK VI: WERKSOMGEWING

30. BEGINSELS

Die werksure en voorwaardes van die Diens moet effektiewe en doeltreffende dienslewering ondersteun, terwyl dit so ver as redelikerwys moontlik die persoonlike omstandighede van werknemers, insluitende dié van gestremde werknemers, in ag neem.

31. WERKSURE

Die Nasionale Kommissaris moet -

- (a) die werkswaek en daaglike werksure vir werknemers; en
- (b) die aanvang en sluitingstye van werksplekke onder haar of sy beheer, bepaal, met in agneming van -
 - (i) die behoeftes van die publiek, en die diensleweringverbeteringsprogram van die Diens; en
 - (ii) die behoeftes en omstandighede van werknemers, met inbegrip van verpligtinge teenoor hul gesinne en vervoerreëlins.

32. WERK BUIE WERKSURE

Die Nasionale Kommissaris kan indien sy of hy dit in belang van die Diens ag, enige werknemer opdrag gee om die funksies van die Diens buite gewone werksure te verrig ten einde -

- (a) misdaad te voorkom, te bestry en te ondersoek;
- (b) openbare orde te handhaaf;
- (c) die inwoners van die Republiek en hul eiendom te beskerm en te beveilig;
- (d) die reg te handhaaf en toe te pas; en
- (e) lewens, gesondheid en eiendom te bewaar.

33. GESONDHEID EN VEILIGHEID

Die Nasionale Kommissaris moet 'n gesonde en veilige werksomgewing vir werknemers van die Diens tot stand bring en onderhou.

HOOFSTUK VII: PROSEDURES VIR AANSTELLING, BEVORDERING EN DIENS-BEËINDIGING

34. BEGINSELS

Arbeidspraktyke moet gelyke indienseneming, billikheid, doeltreffendheid en die daarstelling van 'n verteenwoordigende Diens verseker. Regstellende aksie moet gebruik word om die daarstelling van 'n verteenwoordigende en nie-diskriminerende Diens te

bespoedig en om praktiese ondersteuning te gee aan histories agtergeblewe persone om hulle in staat te stel om hul maksimum potensiaal te bereik. Arbeidspraktyke moet buigsaamheid vergroot, administratiewe laste op beide die werkgewer en die werknemer verminder en, in die algemeen, vermorsing en ondoeltreffendheid voorkom. Met inagneming van artikel 6(1) van die Grondwet en sonder om afbreuk te doen aan artikel 6(3)(a) van die Grondwet, kan 'n gebrek aan vlotheid in 'n amptelike taal nie 'n oorweging wees by die maak van 'n aanbeveling oor die geskiktheid van 'n kandidaat vir aanstelling in of bevordering tot 'n pos nie, tensy dit 'n inherente vereiste van die pos is waarvoor sodanige kandidaat aansoek gedoen het.

35. VOORWAARDES VIR AANSTELLING

(1) Algemeen

Die Nasionale Kommissaris -

- (a) kan werknemers op 'n permanente, vir 'n vaste termyn of op 'n tydelike basis hetsy voltyds of deelyds aanstel;
- (b) kan, waar die indiensneming tydelik is, 'n werknemer op 'n spesiale kontrak, 'n geleentheidsbasis of op 'n sessie basis, aanstel;
- (c) mag nie 'n persoon onder die ouderdom van 16 jaar aanstel nie;
- (d) moet die gesondheidsvereistes van 'n pos vasstel slegs waar dit 'n inherente vereiste van die pos is;
- (e) mag 'n geleentheidswerknemer vir 'n tydperk wat nie twaalf maande oorskry nie, aanstel;
- (f) moet van 'n werknemer vereis om onderwerp te word aan sekerheidsklaring, slegs waar dit 'n inherente vereiste van die pos is; en
- (g) moet verseker dat elke werknemer van 'n skriftelike dienskontrak, wat die bepalinge en voorwaardes van haar of sy diens insluit, voorsien word.

(2) Dienskontrak vir die Nasionale Kommissaris

- (a) Die President moet die Nasionale Kommissaris van 'n skriftelike kontrak in die vorm soos vervat in Aanhangsel II, voorsien, welke kontrak die volgende moet insluit -
 - (i) die aangeleenthede beoog in artikel 12(4)(a) tot (c) van die Staatsdienswet, 1994 insluitend die bestuur van gedrag en finansies, die uitskakeling van oneffektiwiteit en die bevordering van verteenwoordigendheid as minimum prestasie kriteria; en
 - (ii) die vernaamste delegasies en magtigings wat nodig is vir die Nasionale Kommissaris om die Diens in terme van artikel 7(3)(b) van die Staatsdienswet, 1994 te bestuur en 'n klousule waarvolgens delegasies en magtigings tot die kontrak bygevoeg of daaruit verwyder kan word.
- (b) Die Minister moet die Minister van Staatsdiens en Administrasie, so gou as moontlik nadat die skriftelike kontrak ingevolge subregulasie (2)(a) gesluit is, van 'n afskrif van sodanige kontrak voorsien.

(3) **Heraanstelling van voormalige werknemers**

Die Nasionale Kommissaris mag nie 'n voormalige werknemer heraanstel waar -

- (a) die voormalige werknemer die Diens verlaat het op die voorwaarde dat sy of hy nie heraanstelling sou aanvaar of versoek nie;
- (b) die oorspronklike gronde vir beëindiging van diens strydig is met heraanstelling; of
- (c) die voormalige werknemer die Diens verlaat het weens swak gesondheid en nie onlangse en afdoende bewys van herstel kan verskaf nie.

(4) **Waarneem in hoër poste**

- (a) Die Nasionale Kommissaris kan 'n werknemer alleenlik vergoed vir die waarneem in 'n hoër vakante pos kragtens 'n vasstelling wat deur die Minister deur die kollektiewe bedingingsproses gemaak is.
- (b) Die Nasionale Kommissaris mag 'n werknemer ook vergoed wat in 'n pos waarneem as gevolg van die feit dat die werklike posbeker in 'n hoër vakante pos waarneem: Met dien verstande dat daar nie meer as twee werknemers gelyktydig vergoed mag word as gevolg van 'n enkele vakante pos nie.
- (c) 'n Werknemer mag nie vir 'n ononderbroke tydperk wat twaalf maande oorskry in 'n hoër vakante pos waarneem nie.
- (d) Vir doeleindes van subregulasie (4)(c) moet enige ononderbroke tydperk wat 'n werknemer in 'n hoër vakante pos onmiddellik voor die inwerkingtreding van hierdie Regulasies waargeneem het, in aanmerking geneem word, waar die werknemer voortgaan om op daardie datum so waar te neem.

36. WERWING

(1) **Vasstelling van vereistes vir indiensneming**

- (a) Die Nasionale Kommissaris moet die saamgestelde vereistes vir indiensneming in enige pos op die basis van die inherente vereistes van die pos bepaal.
- (b) Die Nasionale Kommissaris moet -
 - (i) die inherente vereistes van 'n pos aanteken;
 - (ii) verseker dat die vereistes vir indiensneming nie teen historiese agtergeblewe persone diskrimineer nie; en
 - (iii) voldoen aan enige statutêre vereistes vir aanstelling van werknemers.

(2) **Advertering**

- (a) Die Nasionale Kommissaris moet verseker dat advertering van vakante poste daarop gerig is om, so doeltreffend en effektief moontlik, die hele spektrum van moontlike applikante, veral historiese agtergeblewe persone, te bereik.
- (b) 'n Advertensie vir 'n pos moet die vereistes vasgestel in subregulasie (1), die pos-titel en die kernfunksies, insluit.
- (c) Die Nasionale Kommissaris moet enige vakante pos in die senior bestuur nasionaal, gelyktydig binne en buite die Diens adverteer.

- (d) Die Nasionale Kommissaris moet enige vakante pos anders as daardie vir die senior bestuur, as 'n minimum, binne die Diens adverteer, maar mag ook sulke poste adverteer -
 - (i) binne die res van die Staatsdiens;
 - (ii) buite die Staatsdiens hetsy nasionaal of plaaslik; of
 - (iii) deur ander aanvaarbare metodes van werwing.
- (e) Die Nasionale Kommissaris mag 'n vakante pos vul sonder om aan die vereistes vervat in paragrawe (c) en (d) te voldoen indien -
 - (i) die Diens oortollige amptenare van gelyke gradering kan gebruik om die pos te vul of ander amptenare van gelyke gradering indien laasgenoemde in belang van die Diens is;
 - (ii) die Diens 'n werknemer, wat aangestel is of dien ingevolge die regstellende aksie of ander soortgelyke versnelde program, in die pos kan absorbeer, en indien sy of hy aan die vereistes van die pos voldoen; of
 - (iii) die Diens beplan om die pos as deel van 'n program van laterale rotasie of verplasing van werknemers te vul om organisatoriese effektiwiteit en die vaardighede van werknemers te bevorder.
- (f) Die Nasionale Kommissaris kan van 'n geskikte agentskap gebruik maak om kandidate vir die poste te identifiseer, solank as wat die advertering en keuring prosedures aan hierdie regulasie en regulasie 37 voldoen.

37. KEURING

- (1) Die Nasionale Kommissaris moet 'n keuringskomitee aanstel om aanbevelings oor aanstellings in poste te maak. Die keuringskomitee moet uit ten minste drie persone bestaan, saamgestel uit werknemers op 'n gradering wat gelyk of hoër is as die gradering van die pos wat gevul moet word en kan persone van buite die Diens insluit. Met dien verstande dat -
 - (a) die voorsitter van die keuringskomitee, wat 'n werknemer is, op 'n hoër gradering moet wees as die pos wat gevul moet word; en
 - (b) in die geval waar die bestuurder van die komponent waarbinne die vakante pos is, op 'n laer gradering as die vakante pos is, sodanige bestuurder 'n lid van die keuringskomitee kan vorm.
- (2) 'n Keuringskomitee moet, waar moontlik, voldoende verteenwoordiging van histories agtergeblewe persone insluit.
- (3) Werknemers met 'n gradering wat laer is as die pos wat gevul staan te word, kan 'n sekretariële of adviserende diens gedurende die keuringsproses lewer, maar vorm nie deel van die keuringskomitee nie.
- (4) Die keuringingskomitee moet aanbevelings maak oor die geskiktheid van 'n kandidaat na oorweging slegs van -
 - (a) inligting gebaseer op geldige metodes, kriteria of instrumente vir keuring wat vry is van enige vooroordeel of diskriminasie;
 - (b) die opleiding, vaardighede en bekwaamheid gebaseer op die inherente vereistes van die pos;

- (c) die behoeftes van die Diens vir die ontwikkeling van menslike hulpbronne;
 - (d) die verteenwoordigendheid van die komponent waarin die pos geleë is; en
 - (e) die regstellende aksie program van die Diens.
- (5) 'n Keuringingskomitee moet die redes vir hul besluit op grond van die kriteria in subregulasie (4) vervat, notuleer.
- (6) Wanneer die Nasionale Kommissaris nie 'n aanbeveling van 'n keuringskomitee goedkeur nie, moet sy of hy die redes vir haar of sy besluit skriftelik notuleer.

38. BEVORDERING

- (1) Die Nasionale Kommissaris kan 'n werknemer tot 'n vakante pos in die vaste diensstaat van die Diens bevorder, indien -
- (a) sodanige vakante pos voldoende befonds is, insluitende fondse vir die oorblywende tydperk van die medium termyn uitgaweraamwerk; en
 - (b) die vakante pos geadverteer is en die kandidate gekeur is in ooreenstemming met regulasies 36 en 37.
- (2) 'n Bevordering mag nie voor die eerste dag van die maand wat volg op die datum waarop die Nasionale Kommissaris dit goedgekeur het, in werking tree nie.
- (3) Geen werknemer het enige reg op bevordering totdat die bevordering skriftelik deur die Nasionale Kommissaris goedgekeur is nie.

39. OUTOMATIESE BEDANKING

'n Werknemer sal geag word uit die Diens te bedank het met ingang vanaf die datum waarop haar of sy naam op 'n lys van verteenwoordigers van enige wetgewer verskyn het, wat in die Staatskoerant na 'n verkiesing kragtens 'n relevante Kieswet gepubliseer is of aangestel is as 'n permanente afgevaardigde op die Nasionale Raad van Provinsies.

40. WERKNEMER REKORDS

Die Nasionale Kommissaris moet van elke werknemer 'n rekord hou met, as 'n minimum, die volgende besonderhede :

- (a) Volle name.
- (b) Geboortedatum.
- (c) Identiteitsnommer.
- (d) Burgerskap.
- (e) Die status van die werknemer, soos self gedefinieer, vir doeleindes van die monitering van verteenwoordigendheid, volgens ras, geslag en gestremdheid, met ras omskryf as Afrikaan, Kleurling, Indiër, Wit, of Ander (gespesifiseer).
- (f) Huisadres en telefoonnommer.
- (g) Datum van indienstreding in die Diens.
- (h) Aard van indiensneming.

- (i) Postitel.
- (j) Beroep, soos gedefinieer deur 'n KOVE.
- (k) Huidige en vorige range, met datum van toetrede en magtiging vir toetrede tot elke rang.
- (l) Akkreditering vir opleiding en vaardighede.
- (m) Besonderhede van vergoeding en prestasietoekennings.
- (n) Besonderhede van pensioen, mediese bystand en ander voordele.
- (o) Besonderhede van verlof gemagtig vir enige doel.
- (p) Alle ander besonderhede verlang vir die bepaling van voordele en vergoeding, insluitende besonderhede van huwelikstatus en afhanklikes.

HOOFSTUK VIII: PRESTASIEBESTUUR EN ONTWIKKELING

41. BEGINSELS

Die Diens moet prestasie op 'n deelnemende, ondersteunende en nie-diskriminerende wyse bestuur ten einde organisatoriese effektiwiteit, doeltreffendheid en aanspreeklikheid vir die gebruik van hulpbronne en die bereiking van resultate, te bevorder. Prestasiebestuursprosesse moet met breë en konsekwente planne vir die ontwikkeling van personeel skakel en moet gerig wees op die strategiese doelwitte van die Diens. Die primêre oriëntering van prestasiebestuur moet ontwikkelingsgerig wees, maar moet toelaat vir effektiewe optrede teen konsekwente onvoldoende prestasie en vir erkenning vir uitstaande prestasiebestuursprosesse en moet die administratiewe las op bevelvoerders verminder terwyl deursigtigheid en administratiewe geregtigheid behoue bly.

42. STELSEL VIR PRESTASIEBESTUUR EN ONTWIKKELING

- (1) Die Nasionale Kommissaris moet behoudens Item 2 van Aanhangsel I tot hierdie Regulasies 'n sisteem vir prestasiebestuur en ontwikkeling vir werknemers van die Diens anders as werknemers van senior bestuur, voor 1 Januarie 2001 bepaal wat ooreenstem met die beginsels in regulasie 41.
- (2) Die Nasionale Kommissaris moet vir elke werknemer anders as 'n werknemer in die senior bestuur die volgende bepaal -
 - (a) die tydperk ten opsigte waarvan prestasie geëvalueer gaan word, die "prestasi siklus";
 - (b) 'n jaarlikse datum vir evaluering van prestasie; en
 - (c) 'n bevelvoerder verantwoordelik vir monitering, toesighouding en evaluering van die prestasie van die werknemer.
- (3) Die bevelvoerder moet -
 - (a) sover moontlik, op 'n gereelde grondslag met die werknemer byeenkom om haar of sy komponent se algemene doelstellings en die rol van die werknemer in die sukses of mislukking om daardie doelstellings te bereik, te bespreek;

- (b) voordat die prestasie siklus begin, of binne een maand na aanstelling of bevordering in 'n pos, die prestasie-evalueringsprosedure aan die werknemer verduidelik; en
 - (c) die werknemer inlig oor die kriteria wat vir haar of sy prestasie-evaluering, gebruik word.
- (4) Die bevelvoerder verantwoordelik vir die prestasiebestuur ten opsigte van 'n werknemer, moet die prestasie van die werknemer op 'n deurlopende basis monitor en aan die werknemer terugvoering gee oor haar of sy prestasie -
- (a) ten minste vier keer per jaar -
 - (i) mondelings indien die prestasie van die werknemer bevredigend is; en
 - (ii) skriftelik indien die prestasie van die werknemer onbevredigend is,
 - (b) ten minste twee keer in die ses maande wat die jaarlikse formele evalueringsdatum van die werknemer voorafgaan; en
 - (c) skriftelik, op die jaarlikse prestasie-evalueringsdatum, deur van die instrument waarna in regulasie 43 verwys word, gebruik te maak.

43. PRESTASIE EVALUERING

- (1) Die Nasionale Kommissaris -
- (a) kan aparte prestasie-evalueringsinstrumente vir verskillende beroepskategorieë of werksvlakke, instel; maar
 - (b) moet 'n enkele evalueringsinstrument aanwys om in die besluitneming oor belonings, bevorderings en vaardigheidsontwikkeling van 'n werknemer, behulpzaam te wees.
- (2) Evaluering moet gebaseer word alleen op die inligting vervat in die aangewese prestasie-evalueringsinstrument, maar waar 'n appèl teen 'n evaluering aangeteken word, moet die inligting wat in verband met die appèl verskaf word, ook oorweeg word.
- (3) Voor gebruikmaking van 'n sisteem vir prestasiebestuur en ontwikkeling waarna in regulasie 42(1) verwys word, moet die Nasionale Kommissaris -
- (a) die sisteem op 'n voldoende getal werknemers in elke beroepskategorie toets om voldoende en redelike geldigheid te verseker; en
 - (b) met die werknemerorganisasies in die Diens konsulteer.

44. UITSLAG EN KOMMUNIKASIE VAN EVALUERINGSRESULTATE

- (1) Die bevelvoerder van die werknemer moet die werknemer skriftelik in kennis stel van die uitslag van die evaluering, en indien die evaluering onbevredigend is, van die redes vir daardie evaluering.
- (2) 'n Werknemer wat nie tevrede is met die uitslag van haar of sy evaluering nie, kan weier om dit te teken.
- (3) Die bevelvoerder van die werknemer moet die appèlroete duidelik aan 'n werknemer wat nie met haar of sy evaluering tevrede is nie, uitwys.

- (4) By enige appèl teen die uitslag van haar of sy evaluëring, kan die werknemer deur 'n mede-werknemer of 'n verteenwoordiger van haar of sy vakbond bygestaan word.
- (5) Slegs indien die werknemer haar of sy skriftelike toestemming verleen, kan die Nasionale Kommissaris die prestasie-evalueringsresultate van 'n werknemer aan 'n persoon wat nie in diens van die Diens is nie, bekend maak.

45. BESTUUR VAN ONBEVREDIGENDE PRESTASIE

In die geval van onbevredigende prestasie, moet die Nasionale Kommissaris -

- (a) sistematiese remediërende of ontwikkelingsondersteuning voorsien om die werknemer te help om haar of sy prestasie te verbeter; of
- (b) indien die prestasie so onbevredigend is dat dit swak is en die verlangde verbetering nie bewerkstellig kan word nie, stappe oorweeg om die werknemer af te dank weens ongeskiktheid of onbekwaamheid om haar of sy pligte uit te voer.

46. AANSPORING TOT GOEIE PRESTASIE

- (1) Indien daar voldoende fondse in die begroting van die Diens en die medium-termyn uitgaweraamwerk is, kan die Nasionale Kommissaris 'n finansiële aansporingskema vir werknemers van die Diens of vir 'n kategorie van daardie werknemers, instel.
- (2) Om 'n finansiële aansporingskema vir die Diens in te stel, moet die Nasionale Kommissaris -
 - (a) die aard, reëls en beheermaatreëls van die skema vooraf skriftelik bepaal;
 - (b) die aard en reëls van die skema effektief aan alle werknemers kommunikeer; en
 - (c) verseker dat werknemers wat die kwaliteits- en kwantiteitskontrolemaatreëls van die skema implementeer nie toevertrou word met die implementering van daardie skema ten opsigte van hulleself nie.

47. VOORSTELLE, VERBETERINGS EN UITVINDINGS

Indien 'n werknemer 'n voorstel, verbetering of uitvinding van buitengewone waarde vir die Diens of die Staatsdiens as 'n geheel, maak -

- (a) het die Staat die reg van gebruik van enige sodanige voorstel, verbetering of uitvinding; en
- (b) kan die Nasionale Kommissaris die werknemer beloon deur -
 - (i) enige nie-finansiële beloning;
 - (ii) 'n nie-pensioendraende kontant toekenning wat nie 20 persent van die jaarlikse pensioendraende salaris van die werknemer oorskry nie, of, met die goedkeuring van die Minister, 'n nie-pensioendraende kontant beloning wat meer is as 20 persent van die jaarlikse pensioendraende salaris van die werknemer; of
 - (iii) sodanige nie-finansiële beloning asook 'n kontant toekenning.

HOOFSTUK IX: OPLEIDING EN ONTWIKKELING

48. BEGINSELS

Werknemers moet deurlopende en redelike toegang hê tot opleiding wat daarop gerig is om 'n doeltreffende, onpartydige en verteenwoordigende Diens te bereik. Opleiding moet werksprestasie en loopbaanontwikkeling ondersteun. Dit moet toenemend deur behoeftes gedryf word en strategies inskakel by die breër menslike hulpbronsbestuursgebruike en programme gerig op die verhoging van gelyke indiensnemings en verteenwoordigendheid.

49. INSTELLINGSMAATREËLS

- (1) Die Nasionale Kommissaris moet toesig hou oor en die deelname van die Diens aan enige instelling, gemik op die bevordering van opleiding in die Staatsdiens, verseker, onderhewig aan die Wet op die Suid-Afrikaanse Kwalifikasie-Owerheid, 1995 (Wet No. 58 van 1995).
- (2) Ondanks die bepalings van hierdie Wet, hierdie Regulasies en Staatstenderraad voorskrifte, kan opleiding intern of ekstern voorsien word.
- (3) 'n Bevelvoerder moet opleidingsgeleenthede vir werknemers onder haar of sy toesig en beheer in ooreenstemming met die opleidingsplan van die Diens, voorsien.
- (4) Die Nasionale Kommissaris moet verseker dat fondse beskikbaar is vir die opleiding van werknemers op alle vlakke.
- (5) 'n Werknemer in die senior bestuur moet haarself of homself beskikbaar stel om werknemers in die Diens op te lei of opleiding aan te bied.

50. OPLEIDING DEUR DIE NASIONALE KOMMISSARIS GELAS

- (1) Die Nasionale Kommissaris moet, waar toepaslik, verseker dat enige instelling verantwoordelik vir opleiding in die Diens, akkreditering van die Suid-Afrikaanse Kwalifikasie-Owerheid verkry.
- (2) Die Diens of opleidingsinstelling wat enige opleiding deur die Nasionale Kommissaris gelas, aanbied, moet na die suksesvolle voltooiing daarvan sertifikate uitreik.

51. BEROEPSPESIFISEERDE BEKWAAMHEDE EN OPLEIDING

Die Nasionale Kommissaris moet die vereiste bekwaamhede en opleiding vir beroepskategorieë of spesifieke werknemers in die Diens, bepaal en voorskryf.

52. OPLEIDINGSHULP

- (1) Indien dit tot die uitvoering van die werk van die Diens sal bydra, kan die Nasionale Kommissaris enige finansiële of ander hulp vir enige studie, opleiding of navorsing verleen waar -
 - (a) sy of hy 'n werknemer versoek het om enige studie, opleiding of navorsing te onderneem; of

- (b) die werknemer sodanige hulp versoek het.
- (2) Die Nasionale Kommissaris kan enige finansiële of ander hulp vir deeltydse of voltijdse aktiwiteite by hetsy plaaslike of internasionale instellings, verleen. Sy of hy kan ook hulp vir studies en opleiding deur opleidingsingrypings, soos byvoorbeeld kort kursusse, kongresse, simposiums, seminare, konferensies, werksinkels, lesings en studietoere verleen.
- (3) Die Nasionale Kommissaris kan beurse vir hoër onderwys en opleiding aan beide dienende en voornemende werknemers verleen, maar kan beurse vir algemene en verdere onderwys en opleiding slegs aan dienende werknemers verleen: Met dien verstande dat sy of hy nie kontraktuele diens as teenprestasie kan vereis waar 'n werknemer hulp vir algemene of verdere onderwys en opleiding ontvang nie.
- (4) Die Nasionale Kommissaris kan enige uitgawes wat verband hou met studies, navorsing of opleiding betaal, maar hoef nie die volle uitgawes te dek nie.
- (5) 'n Dienende werknemer moet haar of sy salaris behou, wat as deel van die finansiële hulp vanaf die Diens gedurende enige studie, navorsing of opleiding sal geld.
- (6) Onderhewig aan Tesourie Instruksies, kan die Nasionale Kommissaris die totale of enige deel van studieskuld kwytsteld.
- (7) Waar die Nasionale Kommissaris 'n beurs vir hoër onderwys en opleiding aan 'n werknemer of voornemende werknemer verleen -
- (a) moet die beurshouer 'n kontrak met die Diens aangaan ingevolge waarvan sy of hy -
- (i) in die geval van 'n beurshouer wat voltijdse studie onderneem, die beurs sal aflos deur in die Diens te dien op die basis van een jaar vir elke jaar van studie, of enige deel daarvan; of
- (ii) in die geval van 'n beurshouer wat deeltijdse studie onderneem, die beurs sal aflos deur in die Diens te dien vir ten minste een jaar na verkryging van die relevante kwalifikasie; en
- (b) aflossing van die kontrakperiode vir die beurshouer wat voltijdse studie onderneem, neem in aanvang nadat sy of hy aan al die vereistes vir die verkryging van die betrokke kwalifikasie voldoen.
- (8) 'n Werknemer wat nie die relevante kwalifikasie voltooi nie, los enige verpligting uit hoofde van die kontrak af óf deur dienslewering óf terugbetaling van die beursbedrag plus rente.
- (9) Die Nasionale Kommissaris kan van enige werknemer wat vir kort tydperke studeer of opleiding ondergaan, vereis om met die Diens 'n kontrak aan te gaan op grond waarvan sy of hy die Diens vir 'n redelike tydperk sal dien as 'n voorwaarde vir hulpverlening.
- (10) Vir doeleindes van hierdie regulasie beteken -
- “(algemene opleiding)” die verpligte skoolbywoning fase waarna in artikel 3 van die Suid-Afrikaanse Skolewet, 1996 (Wet No. 84 van 1996) verwys word;
- “(hoër onderwys)” hoër onderwys soos omskryf in artikel 1 van die Wet op Hoër Onderwys, 1997 (Wet No. 101 van 1997); en
- “(verdere onderwys en opleiding)” enige verdere onderwys en opleiding soos omskryf in artikel 1 van die Wet op Verdere Onderwys en Opleiding, 1998 (Wet No. 98 van 1998).

HOOFSTUK X: ARBEIDSVERHOUDINGE

53. BEGINSELS

Die Minister moet ooreenkomstig die Wet op Arbeidsverhoudinge, 1995 onderhandelings bestuur, kollektiewe ooreenkomste sluit en arbeidsgeskille oplos. Sy of hy mag nie 'n ooreenkoms met finansiële implikasies onderteken tensy sy of hy 'n ondubbelsinnige mandaat daarvoor het nie.

54. IMPLEMENTERING VAN KOLLEKTIEWE OOREENKOMSTE

Indien 'n kollektiewe ooreenkoms geteken deur 'n gemagtigde verteenwoordiger van die Staat as werkgewer op die Diens van toepassing is, moet die Minister dit implementeer en toepas.

55. MAGTIGING EN BESTUUR VAN ONDERHANDELINGS

- (1) Die Minister kan oor 'n aangeleentheid van onderlinge belang 'n ooreenkoms sluit slegs indien sy of hy -
 - (a) verantwoordelikheid het vir bestuur van kollektiewe onderhandeling namens die Staat as werkgewer in daardie forum;
 - (b) bevoegdheid het om die betrokke aangeleentheid te hanteer; en
 - (c) voldoen aan die finansiële vereistes in regulasie 56.
- (2) Oor aangeleenthede wat spesifiek op die Diens betrekking het, moet die Minister onderhandelings in die Sektorale Onderhandelingsraad vir Veiligheid en Sekuriteit bestuur.
- (3) Die Minister moet die Minister van Staatsdiens en Administrasie van 'n afskrif voorsien van 'n kollektiewe ooreenkoms wat in die Sektorale Onderhandelingsraad vir Veiligheid en Sekuriteit gesluit is.

56. AANGELEENTHEDE MET FINANSIËLE IMPLIKASIES

Behoudens regulasie 55 kan die Minister 'n ooreenkoms in die toepaslike onderhandelingsraad oor enige aangeleentheid wat finansiële implikasies het, sluit, slegs indien -

- (a) sy of hy 'n realistiese berekening van die koste betrokke in beide die huidige en daaropvolgende finansiële jare het;
- (b) die ooreenkoms nie strydig met Tesourie Instruksies is nie; en
- (c) sy of hy die koste kan verhaal -
 - (i) van haar of sy departementele begroting;
 - (ii) op 'n basis van 'n skriftelike onderneming van Tesourie om addisionele fondse te voorsien; of
 - (iii) van die begrotings van ander departemente of agentskappe met hulle skriftelike instemming en Tesourie goedkeuring.

AANHANGSEL I

OORGANGSMAATREËLS

1. Nieteenstaande regulasie 35, moet alle vakante poste, geadverteer voor die datum van publikasie van hierdie Regulasies ten opsigte van poste wat op of na daardie datum gevul moet word, in ooreenstemming met die bepalings, voorskrifte en vereistes van toepassing en van krag voor 1 Julie 1999, gevul word.
2. Nieteenstaande Hoofstuk VIII van hierdie Regulasies en ondanks enige kollektiewe ooreenkoms, moet die sisteem vir personeeëvaluering, meriete beoordeling en persoonlike profiele, insluitend enige meriete toekennings en die toekenning van hoër salarisskale, voortgaan om van toepassing te wees tot 31 Desember 2000, tensy die Diens gereed is vir implementering op 'n vroeër datum, in welke geval die prestasie-evalueringsisteem op enige datum tussen die datum van inwerkingtreding van hierdie Regulasies en 31 Desember 2000 geïmplimenteer kan word.
3. Ondanks enige kollektiewe ooreenkoms, moet die amptelike vorms in gebruik onmiddellik voor die datum van inwerkingtreding van hierdie Regulasies met betrekking tot staatsdiensaangeleenthede en geïdentifiseer is met die voorvoegsel "Z" voortgaan om gebruik te word met betrekking tot daardie aangeleenthede -
 - (a) in soverre hulle gebruik nie teenstrydig met die bepalings van hierdie Regulasies of enige kollektiewe ooreenkoms is nie; en
 - (b) tot 'n datum deur die Minister by kennisgewing in die Staatskoerant bepaal. Sodanige bepaling kan van tyd tot tyd gemaak word ten opsigte van enige een of meer van daardie vorms.

AANHANGSEL II

DIENSKONTRAK
VIR DIE
NASIONALE KOMMISSARIS
VAN DIE
SUID-AFRIKAANSE POLISIEDIENS

AANGEGAAN
deur en tussen die
REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA
hierin verteenwoordig deur

_____ (volle name)
in sy of haar hoedanigheid as
PRESIDENT VAN DIE REPUBLIEK VAN SUID-AFRIKA
(hierna na verwys as die Werkgewer)

EN

_____ (volle name)
(hierna na verwys as die Werknemer)

EN AANGESIEN die partye ooreengekom het om 'n kontrak te sluit wat die diensvoorwaardes reguleer waarop die Werknemer deur die Werkgewer in diens geneem word,

NOU DERHALWE kom die partye soos volg ooreen:

1. Aanstelling

- 1.1 Ingevolge artikel 207 van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996) (hierna na verwys as die Grondwet), stel die Werkgewer hiermee die Werknemer aan as Nasionale Kommissaris van die Suid-Afrikaanse Polisiediens en die Werknemer aanvaar hiermee die aanstelling.
- 1.2 Hierdie Kontrak sal geldig wees vir die tydperk beginnende op die _____ dag van _____ en eindig op die _____ dag van _____ en word gesluit kragtens artikel 7 van die Wet op die Suid-Afrikaanse Polisiediens, 1995 (Wet No 68 van 1995) (hierna na verwys as die Wet).

1.3 Gedurende die tydperk van hierdie Kontrak, sal die Werknemer -

- 1.3.1 die Werkgewer dien as Nasionale Kommissaris van die Suid-Afrikaanse Polisie diens en Hoof van die Departement van Veiligheid en Sekuriteit;
- 1.3.2 verantwoordelik wees vir die effektiewe bestuur en administrasie van die Suid-Afrikaanse Polisie diens (hierna na verwys as die Diens) soos bedoel in artikel 207(2) van die Grondwet, die Wet en artikel 7(3)(b) gelees met 7(4) van die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994); en
- 1.3.3 verantwoordelik wees vir die uitoefening van die bevoegdhede en die verrigting van die funksies spesifiek toevertrou aan die kantoor van die Nasionale Kommissaris van die Suid-Afrikaanse Polisie diens en die Hoof van die Departement van Veiligheid en Sekuriteit, soos uiteengesit in die Grondwet, die Wet, die Staatsdienswet, 1994, die Skatkiswet, 1975, die Tesourie-Instruksies, enige ander wet, enige regulasies afgekondig kragtens enige wet en ander beleidsvoorskrifte van die Regering van die dag.

2. Vergoeding

- 2.1 Die Werknemer sal geregtig wees op die vergoeding soos gespesifiseer in Bylae A.
- 2.2 Die salaris en voordele is betaalbaar in twaalf (12) gelyke maandelikse betalings op die laaste dag van elke maand en sou die laaste dag 'n Saterdag, Sondag of openbare vakansiedag wees, op die voorafgaande werksdag, tensy anders voor voorsiening gemaak in Bylae A.
- 2.3 Die algemene diensvoorwaardes en voordele soos gespesifiseer in Bylae A (behalwe vir item 2.1 van Bylae A), is soos uiteengesit en voorsiening gemaak kragtens die Wet, die Staatsdienswet, 1994, enige regulasies daarkragtens en enige toepaslike kollektiewe ooreenkoms bereik in die Staatsdiens Koördinerende Onderhandelingsraad (hierna na verwys as die SDKOR). Die partye tot hierdie Kontrak aanvaar dat die algemene diensvoorwaardes en voordele soos uiteengesit in Bylae A (uitgesluit item 2.1), van tyd tot tyd by wyse van kollektiewe ooreenkomste in die SDKOR of deur vasstellings deur die Minister kragtens die Wet of deur die Minister vir die Staatsdiens en Administrasie kragtens artikel 3(3)(c) of 12(2)(a) van die Staatsdienswet, 1994, gewysig kan word.
- 2.4 Behoudens artikel 7(4)(b) van die Staatsdienswet, 1994, kwalifiseer die Werknemer ook vir deelname in ander voordele en spesiale voorregte wat normaalweg aan 'n Departementshoof verleen word soos uiteengesit in hierdie Kontrak of ander toepaslike voorskrifte.

- 2.5 Wanneer van haar of hom vereis word om amptelike pligte weg van haar of sy hoofkantoor te verrig, sal die Werknemer op die koste van die Werkgewer reis en sal 'n verblyf toelaag in ooreenstemming met die toepaslike wetgewing en voorskrifte betaal word.

3. Diensbeëindiging

- 3.1 Die dienstydperk van die Werknemer kan beëindig word soos voorsien in die Wet.
- 3.2 Pensioen en ander betaalde voordele is direk gekoppel aan die spesifieke artikel van die Wet wat gebruik word, soos gereguleer deur die Regeringswerknemers Pensioenwet, 1996 (Proklomasie No. 21 van 1996), die regulasies daaronder afgekondig soos van toepassing op 'n Departementshoof en enige toepaslike kollektiewe ooreenkoms in die SDKOR gesluit.
- 3.3 Behoudens die bepalings van die Wet, kan enige party, na oorlegpleging en ooreenkoms met die ander party, hierdie Kontrak voor die verstryking van die tydperk of 'n verlengde tydperk beëindig, deur aan die ander party drie maande kennis van beëindiging te gee, welke kennisgewing skriftelik voor of op die laaste dag van 'n maand gegee moet word en van krag sal wees vanaf die eerste dag van die daaropvolgende maand.
- 3.4 Sou die kennisgewing van beëindiging gegee word soos bedoel in klousule 3.3 het die Werkgewer die reg om van die Werknemer te eis om die kantoor wat deur haar of hom geokkupeer word te ontruim en om die perseel van die Department op 'n dag deur die Werkgewer bepaal te verlaat, voor die verstryking van die drie maande kennis tydperk en om haarself of homself nie vir enige tyd daarna vir diens aan te meld nie.
- 3.5 Sou die Werkgewer haar of hom op die bepalings van klousule 3.4 beroep, is die Werknemer steeds geregtig op alle sodanige voordele soos vervat in die relevante voorskrifte en toepaslike kollektiewe ooreenkoms gesluit in die SDKOR.

4. Hernuwing en verlening van dienstermyn

- 4.1 Die Werkgewer moet die Werknemer ten minste twee kalender maande voor die verstryking van die tydperk bedoel in klousule 1 (hierbo), skriftelik in kennis stel of sy of hy van voorneme is om die Werknemer vir enige verlengde tydperk wat nie 5 jaar (60 kalender maande), oorskry nie, in diens te hou, of nie. Indien die Werknemer sodanig ingelig is, moet sy of hy die Werkgewer binne een kalender maand vanaf die datum van daardie kommunikasie, skriftelik in kennis stel van haar of sy aanvaarding of nie van sodanige verlengde indiensneming.
- 4.2 In die geval waar ooreenkoms bereik is dat die Werknemer 'n verdere ooreenkoms sal sluit by beëindiging of voltooiing van hierdie Kontrak sal die voortgesette diens van die Werknemer erken word kragtens die nuwe ooreenkoms om sodoende enige onderbreking van diens te vermy en enige opgelope of *pro rata* reg op 'n voordeel sal oorgedra word na die nuwe kontrak.

- 4.3 Sou die Werkgewer nie die kontraktydperk langer as die oorspronklike tydperk soos vermeld in klousule 1 (hierbo) hernieu nie, sal die Werknemer geregtig wees op die pensioen en ander voordele wat direk gekoppel is aan die spesifieke artikel van die Wet waarkragtens haar of sy dienste beëindig word.

5. Gedrag

- 5.1 In die belang van die beskerming en die handhawing van die vertroulikheid van handelsgeheime, tegniese -of besigheidskundigheid, vertroulike inligting, besigheidsverbintenisse, kliënteverbintenisse en alle ander vertroulike inligting (hierna na verwys as handelsgeheime) van die Departement, onderneem die Werknemer teenoor die Werkgewer dat -
- 5.1.1 sy of hy nie gedurende of na die tydperk van hierdie Kontrak, hetsy direk of indirek self gebruik sal maak of sal veroorsaak dat gebruik gemaak word van enige van die handelsgeheime van die Werkgewer of dit aan enige derde party te onthul of openbaar te maak nie (behalwe soos vereis deur die voorwaardes en aard van die Werknemer se diens met die Werkgewer);
- 5.1.2 sy of hy alle vertroulike inligting wat 'n derde party kragtens enige ooreenkoms aan die Werkgewer beskikbaar gestel het en wat aan die Werknemer bekend geraak het in die loop van haar of sy pligte as vertroulik te hanteer en nie aan enige ander derde party enige inligting betreffende sodanige vertroulike inligting teenstrydig met die voorwaardes van sodanige ooreenkoms te openbaar nie;
- 5.1.3 enige dokumente of rekords (insluitende geskrewe instruksies, notas of memorandums) betreffende die handelsgeheime van die Werkgewer wat deur die Werknemer geskep is of wat in die Werknemer se besit gekom het gedurende haar of sy diensydperk met die Werkgewer, geag word die eiendom van die Werkgewer te wees en aan die Werkgewer oorhandig moet word op versoek, en in elk geval by beëindiging van die Werknemer se diens by die Werkgewer en die Werknemer sal nie enige kopieë daarvan of uittreksels daaruit behou nie; en
- 5.1.4 sy of hy sal voldoen aan die voorgeskrewe Gedragskode.
- 5.2 Die beperkings op die Werknemer geplaas kragtens hierdie klousule word geag om ten opsigte van elke gedeelte daarvan, afsonderlik, skeidbaar en afsonderlik afdwingbaar in die wydste sin van die ander gedeeltes daarvan te wees en die ongeldigheid of onafdwingbaarheid van enige klousule of enige gedeelte daarvan sal op geen wyse die geldigheid of afdwingbaarheid van 'n ander gedeelte van die klousule of die Kontrak affekteer nie.

6. Addisionele bedinge en voorwaardes

Die Werkgewer en Werknemer kom hierby tot die volgende addisionele bedinge en voorwaardes soos bedoel in artikel 12(4) van die Staatsdienswet, 1993, ooreen. (Skrap indien nie van toepassing nie):

- 6.1 Die Werknemer moet 'n jaarlikse prestasie ooreenkoms met die Minister sluit, gekoppel aan 'n spesifieke finansiële jaar, wat as 'n minimum die volgende moet insluit:
 - 6.1.1 Salarisverhogings sal baseer word op die prestasie van die Werknemer. Prestasie sal geëvalueer word volgens haar of sy prestasie ooreenkoms en die mate waarin die Werknemer daaraan voldoen. Kragtens 'n ooreenkoms bereik in die SDKOR, sal salarisverhogings vir die Werknemer gebaseer word op individuele konsultasie. Die Werknemer saam met die Werkgewer is verantwoordelik om jaarliks rakende haar of sy salarisverhoging en kontant bonus binne die beperkings van die begroting, gebaseer op die prestasie van die Werknemer, te konsulteer. By konsultasie oor die salarisverhoging en kontant bonus van die Werknemer, moet die riglyne voorsien deur die Minister vir die Staatsdiens en Administrasie altyd in gedagte gehou word.
 - 6.1.2 'n Jaarlikse prestasie ooreenkoms waarvoor in klousule 6.1 voorsiening gemaak word, gekoppel aan 'n spesifieke finansiële jaar, waarin duidelike prestasie areas/kriteria/aflerbares van die Departement en van die Werknemer uiteengesit word, moet vir die duur van hierdie Kontrak gesluit word. Aangesien prestasie ooreenkomste aan finansiële jare gekoppel word, moet dit gesluit word en aan die Werkgewer voorgelê word op die laaste teen 30 Junie van elke jaar vir die duur van hierdie Kontrak. Die Werknemer moet haar of sy eerste prestasie ooreenkoms nie later as drie maande na aanvaarding van haar of sy pos sluit. Kragtens regulasie 35(2)(a)(ii) moet die Werkgewer alle delegasies en/of magtigings in die prestasie ooreenkoms insluit.
 - 6.1.3 Die prestasie ooreenkoms sal hersien word, indien gedurende enige tydperk van die termyn, die werk of omgewing van die Departement of die Diens so verander (hetsy as gevolg van Regerings- of Bestuursbesluite of andersins) dat die inhoud daarvan nie langer van toepassing is nie.
 - 6.1.4 Hierdie Kontrak is direk gekoppel aan die prestasie ooreenkoms waarna in klousule 6.1 verwys word. In die geval waar die Werknemer nie die mikpunte of doelstellings soos uiteengesit in die prestasie ooreenkoms bereik nie, erken die Werknemer dat die Werkgewer met haar of hom in ooreenstemming met die prosedure vervat in enige toepaslike kollektiewe ooreenkoms in die SDKOR gesluit en relevante arbeidswetgewing kan handel.

6.1.5

6.2 Enige ander spesifieke pligte van die Werknemer:

7. Algemeen

7.1 Goeie trou

By die implementering van hierdie Kontrak, onderneem die partye tot die nakoming van die uiterste goeie trou en waarborg dat in hul onderhandeling met mekaar hulle nie iets sal doen of hulle daarvan sal weerhou om iets te doen wat tot die nadeel van die ander party sal strek of afbreuk sal doen aan die regte, bates of belange van die ander nie.

7.2 Toepassing van die Wet en die Staatsdienswet

Enige aangeleenthede wat uit hierdie Kontrak voortspuit, waarvoor daar nie spesifiek hierin voorsiening gemaak is nie, sal hanteer word ooreenkomstig die bepalings van die Wet, die Staatsdienswet, 1994, regulasies uitgevaardig kragtens hierdie Wette, toepaslike kollektiewe ooreenkomste en ander relevante wetgewing.

7.3 Wysiging

7.3.1 Hierdie Kontrak vorm die hele ooreenkoms tussen die partye tot hierdie Kontrak betreffende die onderwerp van hierdie Kontrak, en tensy andersins voorsien, sal geen wysiging, verandering, byvoeging van enige bepaling van hierdie Kontrak van enige krag of effek wees nie tensy op skrif gestel en onderteken deur die partye tot hierdie Kontrak.

7.3.2 Die partye kom ooreen dat daar geen ander voorwaardes, waarborge of voorstellings, hetsy mondelings of skriftelik en hetsy uitdruklik of stilswyend of andersins, behalwe daardie wat in hierdie Kontrak, die Wet, die Staatsdienswet, 1994, regulasies uitgereik kragtens hierdie Wette, kollektiewe ooreenkomste en ander relevante wetgewing (d.i. Regeringswerknemers Pensioenwet 1996), is nie.

7.4 Afstanddoening

Geen afstanddoening van enige van die bedinge en voorwaardes van hierdie Kontrak sal vir enige doel bindend wees nie tensy op skrif gestel en onderteken deur die partye tot hierdie Kontrak en enige sodanige afstanddoening sal slegs toepassing vind in die spesifieke omstandigheid en ten opsigte van die doel waarvoor verleen. Geen versuim of uitstel aan die kant van enige party in die uitoefening van enige reg, bevoegdheid of voorreg sluit enige ander of verdere uitoefening daarvan of die uitoefening van enige ander reg, bevoegdheid of voorreg deur daardie party, uit nie.

8. Adresse

8.1 Elke party kies as sy of haar fisiese en posadres vir die doeleindes van regsprosesse en vir die doeleindes van die gee en stuur van enige kennisgewing waarvoor voorsiening gemaak of wat noodsaaklik is kragtens hierdie Kontrak, die volgende adresse:

	Werkgewer	Werknemer
Fisiese adres:	_____	_____
	_____	_____
Posadres:	_____	_____
	_____	_____

Met dien verstande dat 'n party enige verandering aan haar of sy adres na 'n ander fisiese adres of posadres deur middel van 'n skriftelike kennisgewing aan die ander party gerig, rapporteer. Sodanige verandering van adres sal van krag wees sewe dae na ontvangs van die kennisgewing van verandering van adres.

8.2 Alle kennisgewings wat kragtens hierdie Kontrak gegee moet word moet -

8.2.1 skriftelik gegee word;

8.2.2 afgelewer word of gestuur word deur voorafbetaalde geregistreerde pos;

8.2.3 indien afgelewer, word geag dat dit ontvang is op die datum van aflewering; en

8.2.4 indien gestuur deur voorafbetaalde geregistreerde pos, word geag dat dit ontvang is binne drie werksdae vandat dit gepos is tensy die teendeel bewys word.

GETEKEN deur die Werkgewer te _____ op die ____ dag van _____

AS GETUIES:

WERKGEWER

1. _____

2. _____

GETEKEN deur die Werknemer te _____ op die ____ dag van _____

AS GETUIES:

WERKNEMER

1. _____

2. _____

BEDINGE EN VOORWAARDES VAN INDIENSNEMING**1. POSISIE**

Nasionale Kommissaris van die Suid-Afrikaanse Polisiediens.

2. VERGOEDING**2.1 Salariskerf**

R_____ per jaar (betaalbaar in twaalf (12) gelyke maandelikse betalings).

2.2 Diensbonus

Dertiende salaristjek met 'n 7% aftrekking vir die Regeringswerknemer Pensioenfonds*.

3. DIENSVOORDELE**3.1 Pensioen**

Lidmaatskap van die Regeringswerknemer Pensioenfonds - lid se bydrae is 7,5% van basiese salaris*.

3.2 Mediese Fonds

Lidmaatskap van Polmed.

3.3 Verlof

Vakansieverlof is 30 dae per jaar wat toeneem teen 2½ dae per maand vir die eerste 10 jaar en daarna 36 dae per jaar wat toeneem teen 3 dae per maand.*

3.4 Siekverlof

120 Dae in 'n vaste siklus van drie jaar.*

3.5 Behuisingstoelaag

‘n Huiseienaarstoelaag.*

3.6 Motorvoertuig Finansiering Skema

‘n Maandelikse basiese leningsafbetalings toelaag en ‘n aanvullende toelaag om te vergoed vir onderhoudskoste is betaalbaar volgens die tariewe soos bepaal deur die Minister vir die Staatsdiens en Administrasie.

4. ANDER

- * Die diensbonus en alle ander voordele is onderworpe aan al die vereistes soos voorsiening gemaak in die relevante voorskrifte en kollektiewe ooreenkomste.
-



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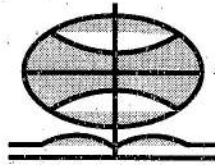
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