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GOVERNMENT NOTICE

DEPARTMENT OF ARTS, CULTURE, SCIENCE AND TECHNOLOGY

No. R. 671

10 May 2002

PAN SOUTH AFRICAN LANGUAGE BOARD ACT, 1995 (ACT NO. 59 OF 1995)

REGULATIONS WITH REGARD TO THE TERMS AND CONDITIONS OF SERVICE FOR THE STAFF OF THE PAN SOUTH AFRICAN LANGUAGE BOARD

The Minister of Arts, Culture, Science and Technology, in consultation with the Minister of Finance, has, under section 10(7) of the Pan South African Language Board Act, 1995 (Act No. 59 of 1995), made the regulations in the Schedule. The regulations published by Government Notice No. R.880 of 10 July 1998 are hereby repealed.

SCHEDULE

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GENERAL PROVISIONS**Definitions**

1.(1) In these regulations any word or expression to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates –

"appropriate", with regard to any qualification or experience, means suitable as determined by the Board with due consideration of the job content of a specific post;

"calendar month" means a period extending from the first to the last day, both days inclusive, of any one of the 12 months of a year;

"headquarters" means the city, town or place where the principal duties of the chief executive officer or a member of staff have to be performed;

"chairperson" means the chairperson of the Board elected in terms of section 6 of the Act;

"month" means a period extending from a day in one month to a day preceding the day corresponding numerically to that day in the following month, both days inclusive;

"Public Service Regulations" means the Public Service Regulations, 2001, published in terms of the Public Service Act, 1994 (Proclamation No. 103 of 1994), by Government Notice No. R.1 of 5 January 2001;

"staff" or **"member of staff"** means the persons or a person appointed in terms of section 10(1)(a) of the Act and, except where it is clearly inappropriate, also the chief executive officer;

"supervisor" means a member of staff appointed by the chief executive officer to a position of authority over another member or other members of staff; and

"the Act" means the Pan South African Language Board Act, 1995 (Act No. 59 of 1995).

(2) The powers conferred and the duties assigned to the chief executive officer by or under these regulations may be exercised or carried out by a member of staff under the control, direction or supervision of the chief executive officer, in which case they shall be deemed to have been exercised or carried out by the chief executive officer.

APPOINTMENT OF STAFF

General requirements and procedures for appointment, advertising of posts and vacancies

2.(1) No person shall be appointed as a member of staff unless he or she is a South African citizen and meets the inherent requirements for appointment to the post concerned.

(2) The chief executive officer shall make appointments on merit and with due regard to the need to establish a staff composition representative of the South African people.

(3) The chief executive officer shall apply fair recruitment and selection practices in order to reach the objective contemplated in subregulation (2).

(4) The appointment of members of staff shall be based on the inherent requirements of the post.

- (5) Appropriate tertiary qualifications, prior learning experience and the ability to perform the job shall be taken into consideration.
- (6) The chief executive officer shall indicate statutory and registration requirements where appropriate.
- (7) The chief executive officer shall be responsible for the drawing up of job descriptions, indicating the main objectives of the posts and the inherent requirements of the job and linking the descriptions to the overall objectives of the organisation.
- (8) Job descriptions shall be reviewed at least once every five years to ensure that they remain appropriate and accurate.
- (9) Whenever a post becomes vacant, it shall be advertised in as many of the official languages as is practicable, in at least two daily newspapers in general circulation. The post of chief executive officer, posts of director and posts at an equivalent level shall be advertised nationally
- (10) An advertisement referred to in subregulation (9) shall, in respect of each post so advertised, indicate the designation, the closing date for applications, the applicable salary scale, the requirements for appointment, the name of a person who may be contacted for further information and a brief description of the job content.
- (11) The closing date for applications referred to in the advertisement required in terms of subregulation (9) shall be such that have at least 30 days after the date of publication of the advertisement to submit their applications.
- (12) The provisions of subregulations (9), (10) and (11) need not be complied with if a post becomes vacant and there is a member of staff who complies with the requirements for appointment to that post and is willing to be appointed to the post: Provided that the chief executive officer is willing to appoint that member of staff to the post concerned.
- (13) Whenever a post becomes vacant, any member of staff qualified to act in that post may, on written appointment by the chief executive officer, do so until a person has been appointed permanently to that post: Provided that –
- (a) such a member of staff shall be entitled to a pro rata allowance based on the difference between his or her salary notch and the minimum notch of the salary scale of the post concerned for the duration of the acting appointment;
 - (b) if the salary notch of such member of staff is equal to or higher than the minimum notch of the salary scale of the post concerned, or if the acting

appointment is for a period of less than one week, no such allowance shall be payable; and

- (c) if the salary scale of such member of staff is higher than that of the vacant post in which he or she is acting, the salary scale of the acting member shall not be lowered to that of the post concerned.

(14) If a post which is vacant has been advertised as contemplated in subregulation (9) and no suitable candidate who complies with the requirements for appointment to the post concerned can be found within a reasonable time, the chief executive officer may, in consultation with the chairperson, depart from the requirements for appointment to the post concerned.

Applications

3.(1) Application for a post shall be made on a form prescribed by and obtainable from the chief executive officer.

(2) An application referred to in subregulation (1) shall be accompanied by -

- (a) certified proof of the applicant's identity;
- (b) certified copies of his or her educational qualifications;
- (c) certified copies of his or her certificates of service;
- (d) testimonials, if available, from his or her previous employers; and
- (e) the names, addresses and telephone numbers of two close relatives or of two references.

OBLIGATIONS OF MEMBERS OF STAFF

General obligations

4.(1) In addition to any function referred to in the job description with regard to his or her specific post or lawfully entrusted to him or her in terms of the Act or these regulations -

- (a) every member of staff shall follow the lawful directives and orders given to him or her by the Board, the chief executive officer or his or her supervisor;
- (b) every supervisor shall be responsible for the effective management of the staff under his or her control;

- (c) every member of staff shall, in promoting the functions of the Board, utilise and maintain in a proper manner the assets forming part of the property of the Board in his or her lawful possession.
- (2) A member of staff shall not, without the permission of the Board, accept any gift, commission or reward in money or otherwise, offered to him or her for exercising his or her functions as a staff member.
- (3) A member of staff shall not, without the permission of the Board, perform or engage himself or herself to perform any remunerative work outside his or her employment in the service of the Board.
- (4) Every member of staff shall treat as confidential any matter that he or she deals with or any information that comes to his or her knowledge in the exercise, performance or carrying out of his or her functions, if such matter or information is declared confidential by the Board.
- (5) No member of staff is allowed to disclose to any person any information acquired by him or her in the exercise, performance or carrying out of his or her functions, except when required to do so by a court of law or any other law.
- (6) A member of staff shall not be personally liable in respect of anything done in good faith in the course of his or her official duty, and in accordance with the Act, the Constitution, these regulations and the directives of the Board.
- (7) The chief executive officer shall upon taking office, take an oath or make an affirmation in writing before a member of the Board who is a legal expert, or a commissioner of oaths, as follows:
- "I, _____ (full names), hereby declare under oath/solemnly affirm that I understand and shall honour the obligation of confidentiality imposed upon me by the Board and shall not act in contravention thereof".

Official office hours

5.(1) Subject to subregulations (2) and (3), the office hours of the staff shall be from 07:45 to 16:30 Mondays to Fridays, with a daily lunch interval of a maximum of 45 minutes.

(2) The chief executive officer may allow a member of staff to deviate from the prescribed office hours: Provided that such member of staff shall work a minimum of four hours per day and a minimum of 40 hours per week.

(3) Notwithstanding the provision of subregulation (1), the chief executive officer may require any member of staff to perform official duty, or to be present at his or her normal place of work or elsewhere in order to perform such duty, on any day of the week or at any time of the day or night.

(4) A member of staff shall not, without informing the chief executive officer, be absent from his or her place of work during the office hours referred to in subregulation (1) unless such a member of staff is so absent on official duty.

POWERS OF THE CHIEF EXECUTIVE OFFICER

Discretionary powers

6. In the event of any incidental matter not provided for in these regulations, the chief executive officer shall use his or her discretionary powers to deal with the matter.

SALARIES, ALLOWANCES AND BENEFITS

Salaries

7.(1) The categories of salaries and salary scales applicable to the chief executive officer and the various categories of members of staff shall be in accordance with Part V of Chapter 1 of the Public Service Regulations.

(2) Amendments to Part V of Chapter 1 of the Public Service Regulations are automatically applicable to the chief executive officer and members of staff.

(3) If the appointment of a specific individual necessitates a deviation from the normal salary range, the Board shall approve such a deviation and if the chief executive officer wishes to confer additional benefits on one or more members of staff, or to alter existing benefits, such action shall require the approval of the Board.

(4) After a member of staff has completed one year of service, he or she shall qualify to receive an annual service bonus.

(5) The annual service bonus referred to in subregulation (4) shall be equal to one twelfth of the basic annual salary of the member of staff concerned in the anniversary month of his or her date of birth. If the member of staff has been in the service of the Board for less than one year when his or her service bonus is payable for the first time, he or she shall be paid a pro rata service bonus for that year, and thereafter he or she shall receive the full annual service bonus in the anniversary month of his or her date of birth.

(6) A person appointed as a member of staff after 30 November 2001 shall belong to a pension fund or a provident fund scheme registered in terms of the Pension Funds Act, 1956 (Act No. 24 of 1956), and administered by the Board.

(7) The chief executive officer is entitled to pension and retirement benefits calculated on the same basis as those of a head of department in the Public Service.

(8) Every member of staff shall receive an annual medical allowance if he or she has obtained membership of a medical aid scheme of his or her choice, which is registered in terms of an appropriate Act that governs the business of medical aid schemes.

(9) The chief executive officer shall, on a monthly basis, ensure that the employer contribution is paid directly to the medical aid scheme concerned and the employee contribution is deducted from a staff member's salary and paid over to that medical aid scheme.

(10) A retired member of staff shall receive the medical allowance determined by the Board from time to time: Provided that such a retired member continues to be a member of a medical aid scheme registered in terms of an appropriate Act that governs the business of medical aid schemes.

(11) A member of staff may receive an annual housing allowance on a mortgage loan registered in his or her name at a registered financial institution in accordance with the Public Service Regulations, and subject to a maximum allowance as determined for the Public Service.

(12) The chief executive officer shall, annually, consider progression to the second and third salary notches of any salary range and if a member of staff has rendered satisfactory service during the preceding year, a notch shall be granted in accordance with the salary scale concerned.

(13) The salary and allowances referred to in subregulations (4) to (12) shall be paid monthly on such dates and in such a manner as the chief executive officer may determine from time to time.

(14) When the necessity for overtime duty arises, each member of staff is expected to perform, of his or her own accord, unpaid overtime within reasonable limits.

(15) Overtime remuneration is payable to members of staff for additional duties which they perform in specific circumstances by order of the chief executive officer in excess of their official office hours.

(16) Overtime is remunerated at a rate calculated in accordance with the Public Service Regulations applicable to overtime work.

Subsistence allowance

8. If the chief executive officer or a member of staff is absent from his or her headquarters on official duty, he or she is entitled to compensation for the accommodation expenditure incurred on the same basis as that prescribed in the Public Service Regulations.

Official transport

9.(1) When a member of staff has to travel from one place to another for the purposes of official duty, excluding between his or her residence and place of work, the office of the Board shall provide or arrange the necessary transport.

(2) A motor vehicle that belongs to the State may be allocated to a member of staff for use on an official journey as contemplated in subregulation (1), subject to the same conditions as are applicable to officers in the Public Service or on such conditions as may be agreed upon between the chief executive officer and the Public Service department concerned.

(3) Any member of staff who incurs liability while using the vehicle allocated to him or her in terms of subregulation (1) or (2) shall be liable in the same circumstances as those set out in the applicable provisions of the Public Service Regulations.

(4) A member of staff who travels from one place to another on official duty may, with the consent of the chief executive officer, use his or her private motor vehicle, in which case he or she shall be entitled to be compensated in terms of the most recent applicable circular of the Department of Transport. The maximum compensation shall be determined by the chief executive officer.

Resettlement costs

10.(1) The following expenditure incurred by a newly appointed staff member may be paid to him or her:

(a) Reasonable actual travelling and subsistence expenditure as a result of –

- (i) a single visit by him or her and member of his or her household prior to his or her assumption of duty at his or her new headquarters, for a period not exceeding seven days; and

- (ii) the transfer of the member of staff and his or her household and effects to the new headquarters.
- (b) Reasonable actual expenditure incidental to the transfer, including –
 - (i) the storage of the personal possessions of the member of staff and his or her household for a period not exceeding two months;
 - (ii) the packing of the personal possessions and the eventual unpacking of same at his or her permanent accommodation, as well as insurance cover in respect of the packing, unpacking, transportation and storage: Provided that the said expenditure shall be incurred before the expiry of six months after the appointment or transfer; and
 - (iii) insurance cover of the personal possessions concerned.
- (c) Reasonable actual expenditure with regard to the interim renting of furnished accommodation for the chief executive officer or member of staff and his or her household at the headquarters for a period not exceeding 14 days in circumstances that prevent further stay in the normal place of residence. The staff member concerned may apply for an extension of this period subject to submission of reasonable proof of circumstances that prevent the immediate occupation of permanent accommodation: Provided that the prior written permission of the Board is required for such extension.
- (d) In the case of newly appointed member of staff who is not ordinarily resident in the Republic, expenditure with regard to customs duty, import tax or value-added tax and other levies or moneys with regard to the initial transport of private motor vehicles across international borders.
- (e) Costs, including the transfer costs involved in purchasing a dwelling, bond costs, costs in respect of the drafting of a deed or sale, value-added tax and inspection fees, but excluding estate agent commission payable in respect of the transaction: Provided that first-time home buyers shall not be compensated for these costs.
- (f) A non-recurrent amount, as determined from time to time in the Public Service Regulations, may be paid for each school-going child to defray expenditure on school books, uniforms, sport outfits and other necessities.
- (g) A non-recurrent amount may be paid to defray miscellaneous expenditure for which specific provision has not been made elsewhere in these regulations, on the following basis:

- (i) if furnished accommodation is occupied permanently, an amount equal to 25% of the staff member's basic monthly salary as at the date of resettlement;
- (ii) if unfurnished accommodation is occupied permanently –
 - (aa) in the case of an unmarried staff member, an amount equal to 50% of his or her basic monthly salary as at the date of resettlement. Provided that should such staff member's reasonable actual expenditure in respect of the registration of a motor vehicle or vehicles, number plates, installation of a telephone, connection of water and electricity supply, installation of domestic appliances, depreciation of personal possessions and replacement of curtains exceed the relevant amount, his or her reasonable actual expenditure in respect of the items referred to above shall be paid by the Board on condition that the amount so paid to him or her does not exceed an amount equal to his or her basic monthly pensionable salary on the date of resettlement; or
 - (bb) in the case of a member of staff with dependents, an amount equal to his or her basic monthly pensionable salary as at the date of resettlement; and
- (iii) if the amount referred to in subparagraph (i) or (ii) is less than an amount calculated according to the applicable percentage mentioned in those subparagraphs and based on a monthly pensionable salary equal to the minimum notch for the standard salary scale of a Senior Provisioning Administration Officer, the applicable amount calculated on the last-mentioned basis.

(h) The amount referred to in subparagraph (g)(i) or (ii) may not exceed an amount based on the basic monthly pensionable salary (fixed salary or maximum notch of the applicable salary scale) of a Director at the defined management level of the Public Service.

(2) A member of staff or members of his or her household who, within six months of vacation of office in terms of regulation 18, or members of his or her household who, within six months of his or her death, wishes/wish to relocate from his or her current place of residence to another place in the Republic, is entitled to non-recurrent compensation for the expenditure of travelling, transport, insurance and storage costs incurred on the same basis as set out in subregulation (1)(a)(ii), (b), (c), (d) and (e).

(3) If a member of staff who is on official duty away from his or her headquarters or who is stationed in a foreign country or his or her spouse accompanying him or her for official purposes, dies, the estate of the deceased is entitled to compensation for the expenditure that arose on account of the death at a place other than headquarters or a country other than South Africa, funeral costs excluded.

(4) The Board shall determine the conditions, guidelines, procedures and requirements in respect of the payment of the expenditure contemplated in this regulation.

ENTITLEMENT TO LEAVE

General provisions

11.(1) Leave shall be administered and calculated in accordance with the Public Service Regulations and the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997).

(2) Application for leave shall be made on the form obtainable from the chief executive officer.

CLOSING BETWEEN CHRISTMAS AND NEW YEAR

Closing of administrative offices

12.(1) The administrative offices of the Board annually close for business during the period between Christmas and New Year.

(2) The days on which the Board's offices are closed as contemplated in subregulation (1) will, for purposes of staff leave, be regarded as public holidays.

TRAINING OF MEMBERS OF STAFF AND BURSARIES FOR PART-TIME STUDIES

Bursaries and training

13.(1) The chief executive officer may grant a member of staff and the Board may grant the chief executive officer a bursary for part-time study or enrolment in a course presented at a training institution, company or organisation if the chief executive officer or the Board, as the case may be, considers such study or course appropriate to the functions of the Board.

(2) The amount of the bursary may not exceed the total registration and tuition fees plus ten per cent.

(3) The period for which the bursary may be granted may not exceed the minimum duration or minimum remaining duration of the course concerned.

(4) Before a bursary is granted to the chief executive officer or member of staff in accordance with subregulation (1), the chief executive officer or such member of staff shall conclude an agreement with the Board substantially in the form set out in the Annexure.

(5) The chief executive officer shall take such steps as he or she deems fit to ensure that the training of members of staff takes place on an efficient and cost-effective basis.

GRIEVANCES

Grievance procedures

14.(1) If a member of staff is aggrieved by unfair or unjustified treatment or unfair or unjustified interpretation and application of these regulations, he or she may bring such a grievance to the attention of his or her supervisor, who shall endeavour to resolve the matter and furnish the member of staff with a reply within three working days of receiving such grievance.

(2) If the member of staff is not satisfied with the reply referred to in subregulation (1), or if his or her supervisor fails to reply to the grievance within the period referred to in subregulation (1), such member of staff may, within three working days and in writing, bring his or her grievance to the attention of the chief executive officer, and the chief executive officer shall furnish the member of staff with a reply within five working days from the date of receipt of the grievance.

(3) If the member of staff is not satisfied with the reply referred to in subregulation (2) or if the chief executive officer fails to reply to the grievance within the period referred to in subregulation (2), such a member of staff may request the chief executive officer in writing to appoint an independent person to investigate the grievance and the chief executive officer shall within five working days appoint such a person and notify that member of staff accordingly.

(4) An independent investigator referred to in subregulation (3) shall investigate the grievance and notify the chief executive officer in writing of his or her finding and the chief executive officer shall make a decision based on that finding and notify the member of staff concerned without delay.

(5) If the member of staff is not satisfied with the decision taken in terms of subregulation (4), or the chief executive officer fails to take a decision within three weeks, the staff member concerned may appeal to the Board within three working days of receipt of such decision or expiry of such period, and the Board shall make a decision within 30 working days of receipt of the appeal and,

without delay, notify the chief executive officer and the member of staff concerned accordingly.

- (6) The decision referred to in subregulation (5) shall be final and binding.

DISCIPLINARY MEASURES

Misconduct

15.(1) A member of staff shall be guilty of misconduct if he or she –

- (a) is negligent or indolent in the execution of his or her duties;
- (b) commits a deed, performs an act or omits to perform a duty or an act which is to the prejudice of the administration, discipline or efficiency of the Board, or allows or condones it;
- (c) is absent from his or her office or duty without leave or valid cause;
- (d) does not comply with a provision of these regulations which imposes a duty on him or her or prohibits him or her from doing something;
- (e) publicly makes comments which prejudice the Board;
- (f) makes use of his or her position as member of staff to promote or to prejudice the interests of any political party, organisation, individual, community or body;
- (g) attempts to secure intervention from political or outside sources in relation to his or her position and conditions of service on the staff: Provided that membership of or participation in a trade union shall not constitute misconduct in terms of this paragraph;
- (h) conducts himself or herself in a disgraceful, improper or unbecoming manner, or while on duty is grossly discourteous to any person;
- (i) makes excessive use of intoxicants or stupefying drugs, is guilty of drunkenness on the job or brings the Board into disrepute;
- (j) becomes pecuniarily embarrassed, unless it is shown that his or her pecuniary embarrassment has not been occasioned by imprudence or other reprehensible cause and is not prejudicial to the faithful carrying out of his or her duties;
- (k) without first having obtained the permission of the chief executive officer, discloses information gained by or conveyed to him or her through his or

her employment with the Board, or uses such information for any purpose other than carrying out his or her duties, whether or not he or she discloses that information;

- (l) accepts, without permission of the chief executive officer, or demands in respect of the carrying out of or the failure to carry out his or her duties any commission, fee or pecuniary or other reward, not being the normal remuneration payable to him or her in respect of his or her duties, or fails to report to the chief executive officer such a commission, fee or reward;
- (m) misappropriates or makes improper use of any property belonging to the Board;
- (n) commits a criminal or statutory offence under South African law; or
- (o) makes a false or incorrect statement, knowing it to be false or incorrect, with a view to obtaining any privilege or advantage in relation to his or her official position or his or her duties, or to causing prejudice or injury to the Board or an outside party.

(2) If misconduct by a member of staff under this regulation is alleged, the allegation should be brought to the attention of the chief executive officer within five working days after the incident occurred, and the chief executive officer has the discretionary power to determine whether the matter should be investigated and the member of staff subjected to a disciplinary hearing.

Investigation

16.(1) The chief executive officer may appoint a person or persons to investigate any charge of misconduct against a member of staff and report their findings to the chief executive officer.

(2) The Board may appoint a person or persons to investigate any charge of misconduct against the chief executive officer and report their findings to the Board.

(3) The person or persons referred to in subregulations (1) and (2) may for the purposes of the said investigation obtain affidavits from any person, including the chief executive officer and the member of staff in respect of whom the investigation is being conducted.

(4) In the case of findings and recommendations having been made in an investigation in respect of a member of staff, the chief executive officer shall decide, after considering the recommendations and the facts of the matter, whether or not to subject the member of staff concerned to a disciplinary hearing.

(5) In the case of findings and recommendations having been made in an investigation in respect of the chief executive officer, the chairperson shall decide, after considering the recommendations and the facts of the matter and after having consulted with the Board, whether or not to subject the chief executive officer to a disciplinary hearing.

(6) If the chief executive officer decides to subject a member of staff to a disciplinary hearing, the chief executive officer may decide to preside at the hearing or to appoint a committee consisting of more than one person, one of whom shall preside at the hearing and one of whom shall present the evidence against the member of staff concerned.

(7) If the chairperson of the Board decides to subject the chief executive officer to a disciplinary hearing, the Board shall appoint a committee consisting of more than one person, one of whom shall preside at the hearing and one of whom shall present the evidence against the chief executive officer.

(8) The presiding officer at a disciplinary hearing must have the necessary knowledge, skills and experience to preside at such a hearing.

(9) In the case of a disciplinary hearing, the chief executive officer or member of staff concerned, as the case may be, shall, at least 14 days before the date on which the hearing is due to be held, be furnished with a written notice indicating the date, time and place of the hearing and containing the complete charge sheet, and at such hearing he or she –

- (a) shall be entitled to be represented by a trade union representative or a fellow employee of his or her own choice;
- (b) may cross-examine witnesses against him or her, state his or her case and present evidence in this regard; and
- (c) may, if he or she is found guilty, present evidence in mitigation.

(10) If the committee referred to in subregulation (6) or (7) finds that the member of staff concerned or the chief executive officer, as the case may be, is guilty of misconduct, the presiding officer may, according to the nature and severity of the misconduct and after consideration of other relevant information, including any mitigating evidence referred to in subregulation (9)(d), recommend to the Board that the Board –

- (a) cautions or reprimands the member of staff concerned or the chief executive officer;
- (b) issues a written warning to the member of staff concerned or the chief executive officer;

- (c) issues a final written warning to the member of staff concerned or the chief executive officer;
 - (d) suspends the member of staff concerned or the chief executive officer without pay; or
 - (e) dismisses the member of staff concerned or the chief executive officer from the Board's service.
- (11) If the member of staff concerned feels aggrieved by the finding of the committee referred to in subregulation (6), he or she may, within three working days, appeal to the chief executive officer, who shall make a decision within five working days and after considering the minutes of the disciplinary hearing and such other information as he or she deems necessary, and inform the member of staff concerned accordingly.
- (12) If the chief executive officer feels aggrieved by the finding of the committee referred to in subregulation (7), he or she may, within three working days, appeal to the Board, who shall, at its next meeting, make a decision after having considered the minutes of the disciplinary hearing and such other information as it deems necessary, and, within 14 days, inform the chief executive officer accordingly.
- (13) If the member of staff concerned feels aggrieved by the decision referred to in subregulation (11), he or she may, within three working days, appeal to the Board, who shall, at its next meeting, make a decision after considering the minutes of the disciplinary hearings and such other relevant information as it deems necessary, and, within 14 days, inform the chief executive officer and the member of staff concerned accordingly.
- (14) If the chief executive officer feels aggrieved by the finding referred to in subregulation (12), he or she may, within three working days, appeal to the Minister, who shall, within a reasonable time, make a decision after having considered the minutes of the disciplinary hearing and such other information as he or she deems necessary and inform the Board accordingly.
- (15) The decision referred to in subregulation (13) or (14) shall be binding on the member of staff concerned or the chief executive officer, as the case may be.

Suspension from duty

17. Subject to section 33 of the Constitution and the provisions of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) –

- (a) the chief executive officer may, at any time before, while or after a member of staff is or has been charged with misconduct, suspend the member of staff from duty until an investigation or disciplinary hearing with regard to that charge, as contemplated in regulation 16, has been completed;
- (b) the chairperson may, at any time before, while or after the chief executive officer is or has been charged with misconduct, suspend him or her from duty until an investigation or disciplinary hearing with regard to that charge, as contemplated in regulation 16, has been completed.

SERVICE PERIOD

Termination of service

18.(1) The service of the chief executive officer or a member of staff with the Board shall be terminated by –

- (a) his or her death;
 - (b) written notice of resignation of –
 - (i) one month in the case of a permanent staff member;
 - (ii) two weeks, or such shorter notice as the chief executive officer may determine in a particular case, in the case of a member of staff who is on probation; and
 - (iii) three months in the case of the chief executive officer;
 - (c) medical unfitness to perform his or her duties properly;
 - (d) discharge on the basis of gross misconduct;
 - (e) his or her absence from his or her place of work for a continuous period of more than 21 days without notifying the chief executive officer, in the case of a member of staff, and the chairperson, in the case of the chief executive officer; or
 - (f) lack of suitability for his or her duties or incapability of carrying them out efficiently.
- (2) If it is necessary for the chief executive officer to abolish the post of a member of staff as a result of the reorganisation or rationalisation of the Board's functions, the chief executive officer shall –
- (a) take all reasonable steps to avoid the discharge of the member of staff or to limit the abolishment of posts to the minimum; and

(b) give at least three calendar months' written notice to the member of staff that his or her post will be abolished, stating the reasons for this and the steps taken to prevent it.

(3) The chief executive officer may, at the request of a member of staff and subject to a recommendation of the Board, notwithstanding the absence of any reason for discharge in terms of subregulation (2), allow that member of staff to retire, if in the opinion of the chief executive officer sufficient grounds for retirement exist, and the retirement will be to the advantage of the Board.

(4) The post of a member of staff shall be declared redundant under the following circumstances:

(a) abolition of posts by the Board for operational reasons; or

(b) readjustment of the organisational structure as necessitated by circumstances.

(5) When a member of staff is ultimately discharged in accordance with this regulation, he or she is entitled to the benefits and concessions provided for in the Public Service Regulations.

Probation period

19.(1) The probation period for service with the Board may vary from position to position, but shall not be less than three months or more than six months.

(2) A member of staff who is employed for a period not exceeding one year, shall not serve a probation period.

(3) During the term of probation, the chief executive officer shall conduct a monthly review of the work progress of the member of staff concerned.

(4) The monthly review shall form the basis for deciding whether the appointment of the member of staff will be confirmed, extended or terminated.

(5) If necessary, the member of staff on probation shall receive training, counselling or other assistance to meet the requirements for the appointment to be confirmed.

(6) It is the duty of the chief executive officer to provide the member of staff with the basic information that he or she needs in order to be able to function in the organisation.

(7) A member of staff who is on probation shall receive a written confirmation of appointment at the end of the probationary period if he or she has been found suitable for the relevant post.

SHORT TITLE

Short title and commencement

20. These regulations shall be called the Regulations with regard to the Terms and Conditions of Service for the Staff of the Pan South African Language Board, 2002, and shall come into operation on the date of publication.

No. R. 671

10 Mei 2002

**WET OP DIE PAN- SUID-AFRIKAANSE TAALRAAD, 1995
(WET NO. 59 VAN 1995)****REGULASIES IN VERBAND MET DIE DIENSBEDINGE EN -
VOORWAARDES VAN DIE PERSONEEL VAN DIE PAN- SUID-
AFRIKAANSE TAALRAAD**

Die Minister van Kuns, Kultuur, Wetenskap en Tegnologie, in oorleg met die Minister van Finansies, het kragtens artikel 10(7) van die Wet op die Pan-Suid-Afrikaanse Taalraad, 1995 (Wet No. 59 van 1995), die regulasies in die Bylae uitgevaardig. Die regulasies gepubliseer by Goewermentskennisgewing No. R.880 van 10 Julie 1998 word hierby herroep.

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ALGEMENE BEPALINGS

Woordomskrywing

1.(1) In hierdie regulasies het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis en, tensy uit die samehang anders blyk, beteken –

"die Wet" die Wet op die Pan- Suid-Afrikaanse Taalraad, 1995 (Wet No. 59 van 1995);

"gepas", met betrekking tot enige kwalifikasie of ondervinding, geskik soos bepaal deur die Raad met behoorlike inagneming van die werkinhoud van 'n bepaalde pos;

"hoofkwartier" die stad, dorp of plek waar die belangrikste pligte van die hoof- uitvoerende beampte of 'n personeellid verrig moet word;

"kalendermaand" 'n tydperk wat strek van die eerste dag tot en met die laaste dag van engeen van die 12 maande van 'n jaar;

"**maand**" 'n tydperk wat strek van enige dag in 'n maand tot en met 'n dag wat die dag wat numeries met daardie dag ooreenstem, in die daaropvolgende maand voorafgaan;

"**personeel**" of "**personeellede**" 'n persoon of die persone aangestel ingevolge artikel 10(1)(a) van die Wet en, behalwe waar dit klaarblyklik onvanpas is, sluit dit die hoof- uitvoerende beampte in;

"**Staatsdiensregulasies**" die "Public Service Regulations, 2001", gepubliseer ingevolge die Staatsdienswet, 1994 (Proklamasie 103 van 1994), by Goewermentskennisgewing R.1 van 5 Januarie 2001;

"**toesighouer**" 'n personeellid deur die hoof- uitvoerende beampte in 'n gesagsposisie oor 'n ander personeellid of ander personeellede aangestel; en

"**voorsitter**" die voorsitter van die Raad gekies ingevolge artikel 6 van die Wet.

(2) Die bevoegdhede verleen en die pligte opgedra aan die hoof- uitvoerende beampte by of kragtens hierdie regulasies mag uitgeoefen of uitgevoer word deur 'n personeellid onder beheer en toesig en in opdrag van die hoof- uitvoerende beampte, in welke geval dit geag word uitgeoefen of uitgevoer te wees deur die hoof- uitvoerende beampte.

AANSTELLING VAN PERSONEEL

Algemene vereistes en prosedure vir aanstelling

2.(1) Niemand word as 'n personeellid aangestel nie, tensy hy of sy 'n Suid-Afrikaanse burger is en aan die inherente vereistes vir aanstelling in die betrokke pos voldoen.

(2) Die hoof- uitvoerende beampte doen aanstellings op verdienste en met behoorlike inagneming daarvan dat dit nodig is om 'n personeelsamestelling te bewerkstellig wat verteenwoordigend van die Suid-Afrikaanse nasie is.

(3) Die hoof- uitvoerende beampte moet billike werwings- en seleksiepraktyke toepas ten einde die oogmerk beoog in subregulasie (2) te bereik.

(4) Die aanstelling van personeellede moet berus op die inherente vereistes van die pos.

(5) Gepaste tersiêre kwalifikasies, vroeëre leerervaring en die vermoë om die taak te verrig moet in ag geneem word.

(6) Die hoof- uitvoerende beampte moet, waar gepas, die statutêre en registrasievereistes aandui.

- (7) Die hoof- uitvoerende beampte is daarvoor verantwoordelik om posbeskrywings op te stel wat die hoofogmerke van die poste en die inherente vereistes van die werk aandui en die verband lê tussen die beskrywings en die oorkoepelende oogmerke van die organisasie.
- (8) Posbeskrywings moet minstens een maal elke vyf jaar hersien word om te verseker dat hulle gepas en akkuraat bly.
- (9) Wanneer 'n pos ook al vakant word, moet dit geadverteer word in so veel van die amptelike tale as wat uitvoerbaar is, in minstens twee dagblaaie wat algemeen versprei word. Die pos van hoof- uitvoerende beampte, poste van direkteur en poste op ekwivalente vlak moet nasionaal geadverteer word.
- (10) 'n Advertensie beoog in subregulasie (9) moet, ten opsigte van elke pos aldus geadverteer, die posbenaming, die sluitingsdatum vir aansoeke, die toepaslike salarisskaal, die aanstellingsvereistes, die naam van iemand wat nadere besonderhede kan verstrek, en 'n bondige beskrywing van die werkinhoud vermeld.
- (11) Die sluitingsdatum vir aansoeke vermeld in 'n advertensie beoog in subregulasie (9) moet sodanig wees dat aansoekers minstens 30 dae ná die publikasiedatum van die advertensie het om hulle aansoeke in te dien.
- (12) Die bepalings van subregulasies (9), (10) en (11) hoef nie nagekom te word nie indien 'n pos vakant raak en daar 'n personeellid is wat aan die aanstellingsvereistes van daardie pos voldoen en gewillig is om in die pos aangestel te word: Met dien verstande dat die hoof- uitvoerende beampte gewillig is om daardie personeellid in die betrokke pos aan te stel.
- (13) Wanneer 'n pos ook al vakant raak, kan enige personeellid wat gekwalifiseer is om in die pos waar te neem, ná skriftelike aanstelling deur die hoof- uitvoerende beampte in daardie pos waarneem totdat iemand permanent in die pos aangestel is: Met dien verstande dat –
- (a) sodanige personeellid vir die duur van sy of haar waarnemende aanstelling geregtig is op 'n *pro rata*-toelae gebaseer op die verskil tussen sy of haar salariskerf en die laagste kerf van die salarisskaal van die pos waarin hy of sy waarneem;
 - (b) indien sodanige personeellid se salariskerf gelyk is aan of laer is as die laagste kerf van die salarisskaal van die pos waarin hy of sy waarneem, of indien die waarnemende aanstelling vir 'n tydperk van minder as een week geld, geen sodanige toelae betaalbaar is nie; en
 - (c) indien sodanige personeellid se salarisskaal hoër is as dié van die pos waarin hy of sy waarneem, die salarisskaal van die waarnemende personeellid nie verlaag word nie.
- (14) Indien 'n vakante pos geadverteer word soos beoog in subregulasie (9) en geen geskikte kandidaat wat aan die aanstellingsvereistes voldoen,

binne redelike tyd gevind kan word nie, kan die hoof- uitvoerende beampte, in oorleg met die voorsitter, afwyk van die aanstellingsvereistes van die betrokke pos.

Aansoeke

3.(1) Aansoek om 'n pos moet gedoen word op 'n vorm voorgeskryf deur en verkrygbaar by die hoof- uitvoerende beampte.

(2) 'n Aansoek beoog in subregulasie (1) moet vergesel gaan van –

- (a) 'n gewaarmerkte bewys van die applikant se identiteit;
- (b) gewaarmerkte afskrifte van die aansoeker se opvoedkundige kwalifikasies;
- (c) gewaarmerkte afskrifte van die aansoeker se dienssertifikate;
- (d) getuigskrifte, indien beskikbaar, van die aansoeker se vorige werkgewers; en
- (e) die name, adresse en telefoonnommers van twee naby familieleden of van twee referente.

VERPLIGTINGE VAN PERSONEELLEDE

Algemene verpligtinge

4.(1) Benewens enige werksaamheid wat in die posbeskrywing van sy of haar bepaalde pos vermeld word of wat regmatig aan hom of haar opgedra word kragtens die Wet of hierdie regulasies –

- (a) moet elke personeellid die regmatige opdragte en bevele uitvoer wat die Raad, die hoof- uitvoerende beampte of sy of haar toesighouer aan hom of haar gee;
 - (b) is elke toesighouer verantwoordelik vir die doeltreffende bestuur van die personeel onder sy of haar beheer; en
 - (c) moet elke personeellid, in die bevordering van die werksaamhede van die Raad, die bates wat deel uitmaak van die eiendom van die Raad en wat in sy of haar regmatige besit is, op behoorlike wyse benut en in stand hou.
- (2) 'n Personeellid mag nie sonder die toestemming van die Raad enige geskenk, kommissie of beloning, in geld of in goed, ontvang wat hom of haar aangebied word vir die verrigting van sy of haar werksaamhede as personeellid nie.

- (3) 'n Personeellid mag nie sonder die toestemming van die Raad enige besoldigde werk benewens sy of haar werk in diens van die Raad verrig of hom of haar verbind om dit te verrig nie.
- (4) Elke personeellid moet enige aangeleentheid wat hy of sy hanteer of enige inligting wat onder sy of haar aandag kom in die uitoefening, uitvoering of verrigting van sy of haar werksaamhede, as vertroulik behandel indien die Raad dit vertroulik verklaar.
- (5) Geen personeellid mag aan enige persoon enige inligting bekend maak wat hy of sy in die uitoefening, uitvoering of verrigting van sy of haar werksaamhede bekom nie, tensy hy of sy deur 'n geregshof of 'n ander wetsbepaling verplig word om dit te doen.
- (6) 'n Personeellid is nie persoonlik aanspreeklik ten opsigte van enigiets wat hy of sy te goeder trou in die loop van sy of haar amptelike diens of ooreenkomstig die Wet, die Grondwet, hierdie regulasies of die opdragte van die Raad doen nie.
- (7) Die hoof- uitvoerende beampte moet by ampsaanvaarding skriftelik 'n eed of plegtige verklaring aflê voor 'n lid van die Raad wat 'n regs kundige is, of 'n kommissaris van ede, soos volg:
- "Ek, (volle name), verklaar hierby onder eed/plegtig dat ek die verpligting van vertroulikheid my deur die Raad opgelê, begryp en sal nakom en dat ek nie in stryd daarmee sal handel nie."

Amptelike kantoorure

- 5.(1) Behoudens subregulasies (2) en (3) is die kantoorure van die personeel van 07:45 tot 16:30 Maandae tot Vrydae, met 'n daaglikse middagete-pouse van hoogstens 45 minute.
- (2) Die hoof- uitvoerende beampte mag 'n personeellid toelaat om van die voorgeskrewe kantoorure af te wyk: Met dien verstande dat sodanige personeellid 'n minimum van vier uur per dag en 'n minimum van 40 uur per week werk.
- (3) Ondanks die bepalings van subregulasie (1) kan die hoof- uitvoerende beampte van enige personeellid vereis om op enige dag van die week of enige tyd van die dag of nag amptelike diens te verrig of by sy of haar gewone werkplek of elders aanwesig te wees om sodanige diens te verrig.
- (4) 'n Personeellid mag nie sonder om die hoof- uitvoerende beampte daarvan te verwittig, gedurende die kantoorure genoem in subregulasie (1) van sy of haar werkplek afwesig wees nie, tensy sodanige personeellid op amptelike diens aldus afwesig is.

BEVOEGDHEDE VAN HOOF- UITVOERENDE BEAMPTTE

Diskresionêre bevoegdhede

6. In die geval van enige toevallige aangeleentheid waarvoor nie in hierdie regulasies voorsiening gemaak word nie, moet die hoof- uitvoerende beampte sy of haar diskresionêre bevoegdhede gebruik om die aangeleentheid te hanteer.

SALARISSE, TOELAES EN VOORDELE**Salarisse**

7.(1) Die verskillende kategorieë salarisse en salarisskale van toepassing op die hoof- uitvoerende beampte en die onderskeie kategorieë personeellede is in ooreenstemming met Deel V van Hoofstuk 1 van die Staatsdiensregulasies.

(2) Wysigings aan Deel V van Hoofstuk 1 van die Staatsdiensregulasies is outomaties van toepassing op die hoof- uitvoerende beampte en personeellede.

(3) Indien die aanstelling van 'n bepaalde individu 'n afwyking van die gewone salarisband nodig maak, moet die Raad sodanige afwyking goedkeur, en as die hoof- uitvoerende beampte bykomende voordele aan een of meer personeellede wil toestaan of bestaande voordele wil wysig, moet die goedkeuring van die Raad daarvoor verkry word.

(4) Nadat 'n personeellid een jaar diens voltooi het, kwalifiseer hy of sy vir 'n jaarlikse diensbonus.

(5) Die jaarlikse diensbonus bedoel in subregulasie (4) is gelyk aan een twaalfde van die betrokke personeellid se basiese jaarlikse salaris in die maand waarin sy of haar verjaardag val. Indien die personeellid vir minder as een jaar in diens van die Raad is wanneer sy of haar diensbonus vir die eerste maal betaalbaar is, word 'n *pro rata*-diensbonus vir daardie jaar aan hom of haar betaal, en daarna ontvang hy of sy die volle jaarlikse diensbonus in die maand waarin sy of haar verjaardag val.

(6) Iemand wat ná 30 November 2001 as personeellid aangestel is, moet tot 'n pensioenfonds of 'n voorsorgfondsskema behoort wat kragtens die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956), geregistreer is en deur die Raad geadministreer word.

(7) Die hoof- uitvoerende beampte is geregtig op pensioen- en aftreevoordele wat bereken word op dieselfde basis as dié van 'n departementshoof in die Staatsdiens.

(8) Elke personeellid ontvang 'n jaarlikse mediese toelae indien hy of sy lid is van 'n mediese skema van sy of haar keuse wat geregistreer is kragtens 'n gepaste Wet wat die sake van mediese skemas reël.

(9) Die hoof- uitvoerende beampte moet maandeliks toesien dat die werkgewerbydrae regstreeks aan die betrokke mediese skema oorbetal word.

en dat die werknemerbydrae van die personeellid se salaris afgetrek en aan die mediese skema oorbetal word.

(10) 'n Afgetrede personeellid ontvang die mediese toelae wat die Raad van tyd tot tyd bepaal: Met dien verstande dat so 'n afgetrede personeellid lid van 'n mediese skema bly wat geregistreer is kragtens 'n gepaste Wet wat die sake van mediese skemas reël.

(11) 'n Personeellid kan op 'n verbandlening wat by 'n geregistreerde finansiële instelling op sy of haar naam geregistreer is, 'n jaarlikse behuisingstoelae ontvang ooreenkomstig die Staatsdiensregulasies en onderworpe aan die maksimum wat vir die Staatsdiens vasgestel word.

(12) Die hoof- uitvoerende beampte moet jaarliks vordering na die tweede en derde salariskerf van enige salarisband oorweeg en indien 'n personeellid gedurende die voorafgaande jaar bevredigende diens gelewer het, word 'n kerf toegestaan ooreenkomstig die betrokke salarisskaal.

(13) Die salaris en toelaes beoog in subregulasies (4) tot (12) word maandeliks betaal op sodanige datums en op sodanige wyse as wat die hoof- uitvoerende beampte van tyd tot tyd bepaal.

(14) Wanneer dit nodig word om oortyddiens te verrig, word daar van elke personeellid verwag om uit eie beweging binne redelike perke onbetaalde oortyddiens te lewer.

(15) Oortydbesoldiging is aan personeellede betaalbaar vir bykomstige pligte wat hulle in bepaalde omstandighede in opdrag van die hoof- uitvoerende beampte verrig en wat hulle gewone amptelike kantoorure te bowe gaan.

(16) Oortyd word besoldig teen 'n koers bereken ooreenkomstig die Staatsdiensregulasies wat op oortyd betrekking het.

Verblyftoelae

8. Indien die hoof- uitvoerende beampte of 'n personeellid op amptelike diens van sy of haar hoofkwartier afwesig is, is hy of sy geregtig op vergoeding van die uitgawes aangegaan vir akkommodasie op dieselfde grondslag as dié voorgeskryf in die Staatsdiensregulasies.

Amptelike vervoer

9.(1) Wanneer 'n personeellid vir doeleindes van amptelike diens van een plek na 'n ander moet reis, behalwe tussen sy of haar woning en werkplek, moet die kantoor van die Raad die nodige vervoer verskaf of reël.

(2) 'n Motorvoertuig wat aan die Staat behoort, kan aan 'n personeellid toegewys word vir gebruik op 'n amptelike reis soos beoog in subregulasie (1) op dieselfde voorwaardes as wat geld vir 'n beampte in die Staatsdiens of op

sodanige voorwaardes as waarop die hoof- uitvoerende beampte en die betrokke Staatsdepartement ooreenkom.

(3) 'n Personeellid wat aanspreeklikheid oploop terwyl hy of sy 'n motorvoertuig gebruik wat aan hom of haar toegewys is soos beoog in subregulasie (1) of (2), is in dieselfde omstandighede aanspreeklik as dié uiteengesit in die toepaslike bepalings van die Staatsdiensregulasies.

(4) 'n Personeellid wat op amptelike diens van een plek na 'n ander reis, mag, met die toestemming van die hoof- uitvoerende beampte, sy of haar private motorvoertuig gebruik, in welke geval hy of sy geregtig is op vergoeding ooreenkomstig die jongste toepaslike omsendskrywe van die Departement van Vervoer. Die maksimum vergoeding word deur die hoof- uitvoerende beampte bepaal.

Verhuisingskoste

10.(1) Die volgende uitgawes wat 'n nuut aangestelde personeellid aangaan, kan aan hom of haar terugbetaal word:

- (a) Redelike werklike reis- en verblyfuitgawes as gevolg van –
 - (i) 'n enkele besoek deur hom of haar en 'n lid van sy of haar huishouding voor sy of haar diensaanvaarding by sy of haar nuwe hoofkwartier, vir 'n tydperk van hoogstens sewe dae; en
 - (ii) die verhuising van die personeellid en sy of haar huishouding na die nuwe hoofkwartier.
- (b) Redelike werklike uitgawes wat met die verhuising in verband staan, met inbegrip van –
 - (i) die berging van die persoonlike besittings van die personeellid en sy of haar huishouding, vir 'n tydperk van hoogstens twee maande;
 - (ii) die pak van die persoonlike besittings en die uiteindelijke uitpak daarvan by sy of haar permanente akkommodasie, asook versekeringsdekking ten opsigte van die pak, uitpak, vervoer en berging daarvan: Met dien verstande dat sodanige uitgawes aangegaan word voor die verstryking van ses maande ná die aanstelling of verhuising; en
 - (iii) versekeringsdekking van die betrokke persoonlike besittings.
- (c) Redelike werklike uitgawes met betrekking tot die tussentydse huur van gemeubileerde verblyf vir die hoof- uitvoerende beampte of personeellid en sy of haar huishouding by die hoofkwartier vir 'n tydperk van hoogstens 14 dae in omstandighede wat verdere verblyf in die gewone woonplek verhinder. Die betrokke personeellid kan aansoek doen om 'n verlenging van hierdie tydperk, onderworpe aan voorlegging van redelike bewys van die omstandighede wat onmiddellike okkupasie van permanente akkommodasie verhinder: Met dien verstande dat die vooraf verkreeë toestemming van die Raad vir sodanige verlenging vereis word.

(d) In die geval van 'n nuut aangestelde personeellid wat nie gewoonlik in die Republiek woonagtig is nie, uitgawes met betrekking tot doeaneregte, invoerbelasting of belasting op toegevoegde waarde en ander heffings of gelde met betrekking tot die aanvanklike vervoer van private motorvoertuie oor internasionale grense.

(e) Koste, met inbegrip van die transportkoste betrokke by die koop van 'n woning, verbandkoste, die koste van die opstel van 'n koopakte, belasting op toegevoegde waarde en inspeksiegelde, maar nie eiendomsagentkommissie ten opsigte van die transaksie nie. Met dien verstande dat eerstehuiskoopers nie vir hierdie kostes vergoed word nie.

(f) 'n Eenmalige bedrag soos van tyd tot tyd in die Staatsdiensregulasies bepaal, kan betaal word vir elke skoolgaande kind ter bestryding van uitgawes aan skoolboeke, -uniforms en -sportuitrusting en ander skoolbenodigdhede.

(g) 'n Eenmalige bedrag kan betaal word ter bestryding van diverse uitgawes waarvoor daar nie elders in hierdie regulasies spesifiek voorsiening gemaak word nie, op die volgende grondslag:

(i) Indien gemeubileerde akkommodasie permanent bewoon word, 'n bedrag gelykstaande met 25% van die personeellid se basiese maandelikse salaris soos op die datum van hervestiging;

(ii) indien ongemeubileerde akkommodasie permanent bewoon word –

(aa) in die geval van 'n ongetroude personeellid, 'n bedrag gelykstaande met 50% van die personeellid se basiese maandelikse salaris soos op die datum van hervestiging. Met dien verstande dat indien sodanige personeellid se redelike werklike uitgawes ten opsigte van die registrasie van 'n motorvoertuig of motorvoertuie, nommerplate, die installering van 'n telefoon, aansluiting van water en elektrisiteit, die installering van huishoudelike toestelle, depresiasie van persoonlike besittings en die vervanging van gordyne die betrokke bedrag te bowe gaan, sy of haar redelike werklike uitgawes ten opsigte van bogenoemde items deur die Raad betaal word, op voorwaarde dat die bedrag aldus aan hom of haar betaal, nie 'n bedrag te bowe gaan wat gelykstaan met sy of haar basiese maandelikse pensioendraende salaris op die datum van hervestiging nie; of

(bb) in die geval van 'n personeellid met afhanklikes, 'n bedrag gelykstaande met sy of haar basiese maandelikse pensioendraende salaris soos op die datum van hervestiging; en

(iii) indien die bedrag beoog in subparagraaf (i) of (ii) minder is as 'n bedrag bereken volgens die toepaslike persentasie vermeld in daardie subparagraawe en gebaseer op 'n maandelikse pensioendraende salaris gelykstaande met die minimumkerf van die standaardsalarisskaal van 'n Senior

Voorsieningsadministrasiebeampte, die toepaslike bedrag bereken op laasgenoemde grondslag.

(h) Die bedrag beoog in subparagraaf (g)(i) of (ii) mag nie 'n bedrag oorskry wat gebaseer is op die basiese maandelikse pensioendraende salaris (vaste salaris of maksimumkerf van die toepaslike salarisskaal) van 'n Direkteur op die omskrewe bestuursvlak van die Staatsdiens nie.

(2) 'n Personeellid en lede van sy of haar huishouding wat binne ses maande ná amptontruiming kragtens regulasie 18, of lede van sy of haar huishouding wat binne ses maande ná sy of haar dood, van hulle huidige woonplek wil verhuis na 'n ander plek in die Republiek, is geregtig op eenmalige vergoeding vir reis-, vervoer-, versekerings- en bergkoste aangegaan, op dieselfde grondslag as dié uiteengesit in subregulasie (1)(a)(ii), (b), (c), (d) en (e).

(3) Indien 'n personeellid wat op amptelike diens weg van sy of haar hoofkwartier is of wat in die buiteland gestasioneer is, of sy of haar gade wat hom of haar vir amptelike doeleindes vergesel, te sterwe kom, is die boedel van die oorledene geregtig op vergoeding vir uitgawes wat aangegaan is as gevolg van sy of haar dood op 'n ander plek as by die personeellid se hoofkwartier of in 'n ander land as Suid-Afrika, met uitsondering van begrafniskoste.

(4) Die Raad bepaal die voorwaardes, riglyne, prosedures en vereistes ten opsigte van die betaling van uitgawes soos in hierdie regulasie beoog.

GEREGTIGDHEID OP VERLOF

Algemene bepalinge

11.(1) Verlof word geadministreer en bereken ooreenkomstig die Staatsdiensregulasies en die Wet op Basiese Diensvoorwaardes, 1997 (Wet No. 75 van 1997).

(2) Aansoek om verlof moet gedoen word op die vorm wat by die hoofuitvoerende beampte verkrygbaar is.

SLUITING TUSSEN KERSFEES EN NUWEJAAR

Sluiting van administratiewe kantore

12.(1) Die administratiewe kantore van die Raad sluit jaarliks vir die tydperk tussen Kersfees en Nuwejaar.

(2) Die dae waarop die Raad se kantore gesluit is soos in subregulasie (1) bedoel, word vir doeleindes van personeelverlof geag openbare vakansiedae te wees.

OPLEIDING VAN PERSONEELLEDE EN BEURSE VIR DEELTYDSE STUDIE

Beurse en opleiding

- 13.(1) Die hoof- uitvoerende beampte kan aan 'n personeellid en die Raad kan aan die hoof- uitvoerende beampte 'n beurs toestaan vir deeltydse studie of inskrywing vir 'n kursus aan 'n opleidingsinstelling, -maatskappy of - organisasie indien die hoof- uitvoerende beampte of die Raad, na gelang van die geval, sodanige studie of kursus gepas ag vir die werksaamhede van die Raad.
- (2) Die bedrag van die beurs mag nie die totale registrasie- en onderriggelde plus tien persent te bowe gaan nie.
- (3) Die tydperk waarvoor die beurs toegestaan mag word, mag nie die minimum duur of minimum oorblywende duur van die betrokke kursus te bowe gaan nie.
- (4) Voordat 'n beurs aan die hoof- uitvoerende beampte of personeellid toegestaan word soos in subregulasie (1) bedoel, moet die hoof- uitvoerende beampte of personeellid 'n ooreenkoms met die Raad aangaan wat wesenlik in die vorm van die Aanhangsel is.
- (5) Die hoof- uitvoerende beampte moet sodanige stappe doen as wat hy of sy gepas ag om te verseker dat die opleiding van personeellede op 'n doeltreffende en kostedoeltreffende wyse geskied.

GRIEWE

Grieweprosedure

- 14.(1) Indien 'n personeellid gegrief voel deur onbillike of ongeregverdigde behandeling of onbillike of ongeregverdigde vertolking of toepassing van hierdie regulasies, kan hy of sy sodanige grief onder die aandag van sy of haar toesighouer bring, wat moet poog om die aangeleentheid op te los en binne drie werkdade na ontvangs van die grief daarop moet antwoord.
- (2) Indien die personeellid nie tevrede is met die antwoord bedoel in subregulasie (1) nie, of as sy of haar toesighouer versuim om binne die tydperk bedoel in subregulasie (1) te antwoord op die grief, kan die personeellid sy of haar grief binne drie werkdade skriftelik onder die aandag van die hoof- uitvoerende beampte bring, en die hoof- uitvoerende beampte moet binne vyf werkdade na die datum van ontvangs van die grief daarop antwoord.
- (3) Indien die personeellid nie tevrede is met die antwoord bedoel in subregulasie (2) nie, of as die hoof- uitvoerende beampte versuim om binne die tydperk bedoel in subregulasie (2) te antwoord op die grief, kan die personeellid die hoof- uitvoerende beampte skriftelik versoek om 'n onafhanklike persoon aan te stel om die grief te ondersoek, en die hoof-

uitvoerende beampte moet binne vyf werkdade so 'n persoon aanstel en die betrokke personeellid dienooreenkomstig in kennis stel.

(4) 'n Onafhanklike ondersoeker beoog in subregulasie (3) moet die grief ondersoek en die hoof- uitvoerende beampte skriftelik in kennis stel van sy of haar bevinding en die hoof- uitvoerende beampte moet 'n beslissing neem op grond van daardie bevinding en die betrokke personeellid sonder versuim in kennis stel.

(5) As die personeellid nie tevrede is met die beslissing wat ingevolge subregulasie (4) geneem is nie, of die hoof- uitvoerende beampte versuim om binne drie weke 'n beslissing te neem, kan die betrokke personeellid binne drie werkdade na ontvangs van die beslissing of verstryking van sodanige tydperk na die Raad appelleer, en die Raad moet binne 30 werkdade na ontvangs van die appèl 'n beslissing neem en sonder versuim die hoof- uitvoerende beampte en die betrokke personeellid dienooreenkomstig in kennis stel.

(6) Die beslissing beoog in subregulasie (5) is finaal en bindend.

TUGMAATREËLS

Wangedrag

15.(1) 'n Personeellid is aan wangedrag skuldig indien hy of sy –

- (a) nalatig of traag is in die uitvoering van sy of haar pligte;
- (b) 'n daad verrig, 'n handeling uitvoer of nalaat om 'n plig of 'n handeling uit te voer wat die administrasie, dissipline of doeltreffendheid van die Raad tot nadeel strek, of dit toelaat of kondoneer;
- (c) van sy of haar kantoor of diens afwesig is sonder verlof of 'n geldige rede;
- (d) nie 'n bepaling van hierdie regulasies nakom wat hom of haar 'n plig opleë of hom of haar verbied om iets te doen nie;
- (e) in die openbaar opmerkings maak wat die Raad benadeel;
- (f) van sy of haar posisie as personeellid gebruik maak om die belange van enige politieke party, organisasie, individu, gemeenskap of liggaam te bevorder of te benadeel;
- (g) poog om die tussenkoms te verseker van politieke of eksterne bronne met betrekking tot sy of haar pos op die personeel en diensvoorwaardes: Met dien verstande dat lidmaatskap van of deelname aan 'n vakbond nie wangedrag ingevolge hierdie paragraaf uitmaak nie;

- (h) hom of haar op 'n skandelige, onbehoorlike of onbetaamlike wyse gedra, of hom of haar aan growwe onhoflikheid teenoor enigiemand skuldig maak terwyl hy of sy aan diens is;
 - (i) oormatig sterk drank of bedwelvende middels gebruik, hom of haar skuldig maak aan dronkenskap aan diens of die Raad 'n slegte naam gee;
 - (j) in geldelike verleentheid kom, tensy daar bewys word dat die geldelike verleentheid nie meegebring is deur onbesonnenheid of 'n ander laakbare oorsaak nie en nie die getroue uitvoering van sy of haar pligte benadeel nie;
 - (k) sonder die vooraf verkreeë toestemming van die hoof- uitvoerende beamppte inligting bekendmaak wat deur hom of haar bekom of aan hom of haar oorgedra is in die loop van sy of haar diens by die Raad, of sodanige inligting gebruik vir enige ander doel as die uitvoering van sy of haar pligte, hetsy hy of sy daardie inligting bekendmaak al dan nie;
 - (l) sonder die vooraf verkreeë toestemming van die hoof- uitvoerende beamppte enige kommissie, gelde of geldelike of ander beloning aanvaar of eis ten opsigte van die verrigting van sy of haar pligte of die versuim om sy of haar pligte uit te voer, met uitsondering van die gewone besoldiging aan hom of haar betaalbaar ten opsigte van sy of haar pligte, of indien hy of sy versuim om enige sodanige kommissie, gelde of beloning by die hoof- uitvoerende beamppte aan te meld;
 - (m) enige eiendom wat aan die Raad behoort, wanaanwend of op onbehoorlike wyse gebruik;
 - (n) 'n strafregtelike of statutêre misdryf ingevolge die Suid-Afrikaanse reg begaan; of
 - (o) 'n onwaar of onjuiste verklaring aflê, wetende dat dit onwaar of onjuis is, ten einde enige voorreg of voordeel te bekom ten opsigte van sy of haar amptelike betrekking of sy of haar pligte, of ten einde die Raad of 'n eksterne party te benadeel of skade te berokken.
- (2) Indien beweer word dat 'n personeellid hom of haar ingevolge hierdie regulasie wangedra het, moet die bewering binne vyf werkdade nadat die voorval plaasgevind het, onder die aandag van die hoof- uitvoerende beamppte gebring word, en die hoof- uitvoerende beamppte het die diskresionêre bevoegdheid om te bepaal of die aangeleentheid ondersoek en die personeellid aan 'n tugverhoor onderwerp moet word.

Onderzoek

16.(1) Die hoof- uitvoerende beampte kan 'n persoon of persone aanstel om enige klag van wangedrag teen 'n personeellid te ondersoek en oor hulle bevindings aan die hoof- uitvoerende beampte verslag te doen.

(2) Die Raad kan 'n persoon of persone aanstel om enige klag van wangedrag teen die hoof- uitvoerende beampte te ondersoek en oor hulle bevindings aan die Raad verslag te doen.

(3) Die persoon of persone bedoel in subregulasies (1) en (2) kan vir doeleindes van die bedoelde ondersoeke beëdigde verklarings afneem van enige persoon, met inbegrip van die hoof- uitvoerende beampte en die personeellid ten opsigte van wie die ondersoek gedoen word.

(4) Indien bevindings en aanbevelings in 'n ondersoek teen 'n personeellid gemaak word, moet die hoof- uitvoerende beampte, ná oorweging van die aanbevelings en die feite van die saak, besluit of die betrokke personeellid aan 'n tugverhoor onderwerp moet word al dan nie.

(5) Indien bevindings en aanbevelings in 'n ondersoek teen die hoof- uitvoerende beampte gemaak word, moet voorsitter, ná oorweging van die aanbevelings en die feite van die saak en ná oorleg met die Raad, besluit of die hoof- uitvoerende beampte aan 'n tugverhoor onderwerp moet word al dan nie.

(6) Indien die hoof- uitvoerende beampte besluit om die personeellid aan 'n tugverhoor te onderwerp, kan die hoof- uitvoerende beampte besluit om op die tugverhoor voor te sit of om 'n komitee van meer as een persoon aan te stel, van wie een moet voorsit en een die getuienis teen die personeellid moet aanbied.

(7) Indien die voorsitter besluit om die hoof- uitvoerende beampte aan 'n tugverhoor te onderwerp, moet die Raad 'n komitee van meer as een persoon aanstel, van wie een by die tugverhoor moet voorsit en een die getuienis teen die hoof- uitvoerende beampte moet aanbied.

(8) Die voorsitter by 'n tugverhoor moet oor die nodige kennis, vaardighede en ondervinding beskik om op so 'n verhoor voor te sit.

(9) In die geval van 'n tugverhoor moet die hoof- uitvoerende beampte of die betrokke personeellid, na gelang van die geval, minstens 14 dae voor die datum waarop die verhoor gehou gaan word, voorsien word van 'n skriftelike kennisgewing wat die datum, tyd en plek van die verhoor verstrek en die volledige klagstaat moet bevat, en by sodanige verhoor –

(a) is hy of sy daarop geregtig om deur 'n vakbondverteenwoordiger of 'n medewerknemer van sy of haar eie keuse verteenwoordig te word;

(b) kan hy of sy getuies teen hom of haar kruisvra, sy of haar saak stel en getuienis in daardie verband aanbied; en

(c) mag hy of sy, indien hy of sy skuldig bevind word, getuienis ter versagting aanbied.

(10) Indien die komitee in subregulasie (6) of (7) beoog, bevind dat die betrokke personeellid of die hoof- uitvoerende beampte, na gelang van die geval, aan wangedrag skuldig is, kan die voorsitter van daardie komitee, na gelang van die aard en ernstigheid van die wangedrag en na oorweging van ander toepaslike inligting, met inbegrip van enige versagterende getuienis bedoel in subregulasie (9)(d), by die Raad aanbeveel dat die Raad die betrokke personeellid of die hoof- uitvoerende beampte –

- (a) waarsku of berispe;
- (b) 'n skriftelike waarskuwing gee;
- (c) 'n finale skriftelike waarskuwing gee;
- (d) skors sonder besoldiging; of
- (e) uit die diens van die Raad ontslaan.

(11) Indien die personeellid gegrief voel deur die bevinding van die komitee beoog in subregulasie (6), kan hy of sy, binne drie werkdade, na die hoof- uitvoerende beampte appelleer, wat binne vyf werkdade en ná oorweging van die notule van die tugverhoor en sodanige ander inligting as wat hy of sy nodig ag, 'n beslissing moet neem en die betrokke personeellid dienoreenkomstig in kennis moet stel.

(12) Indien die hoof- uitvoerende beampte gegrief voel deur die bevinding van die komitee beoog in subregulasie (7) kan hy of sy, binne drie werksdade, na die Raad appelleer, wat op sy eersvolgende vergadering en ná oorweging van die notule van die tugverhoor en sodanige ander inligting as wat hy nodig ag, 'n beslissing moet neem en die hoof- uitvoerende beampte binne 14 dae dienoreenkomstig in kennis moet stel.

(13) Indien die betrokke personeellid gegrief voel deur die bevinding beoog in subregulasie (11) kan hy of sy, binne drie werkdade, na die Raad appelleer, wat op sy eersvolgende vergadering en ná oorweging van die notule van die tugverhoor en sodanige ander inligting as wat hy nodig ag, 'n beslissing moet neem en die hoof- uitvoerende beampte en die betrokke personeellid binne 14 dae daarna van sy beslissing in kennis moet stel.

(14) Indien die hoof- uitvoerende beampte gegrief voel deur die bevinding beoog in subregulasie (12) kan hy of sy, binne drie werkdade, na die Minister appelleer, wat ná oorweging van die notule van die tugverhoor en sodanige ander inligting as wat hy nodig ag, binne redelike tyd 'n beslissing moet neem en die Raad dienoreenkomstig in kennis moet stel.

(15) Die beslissing bedoel in subregulasie (13) of (14) is bindend op die betrokke personeellid of die hoof- uitvoerende beampte, na gelang van die geval.

Skorsing

17. Behoudens artikel 33 van die Grondwet en die bepalings van die "Promotion of Administrative Justice Act, 2000" (Wet No. 3 van 2000) –

- (a) kan die hoof- uitvoerende beampte te eniger tyd voordat, terwyl of nadat 'n personeellid van wangedrag aangekla word of is, die personeellid in sy of haar amp skors totdat 'n ondersoek of tugverhoor met betrekking tot sodanige aanklag, soos beoog in regulasie 16, afgehandel is;
- (b) kan die voorsitter te eniger tyd voordat, terwyl of nadat die hoof- uitvoerende beampte van wangedrag aangekla word of is, die personeellid in sy of haar amp skors totdat 'n ondersoek of tugverhoor met betrekking tot sodanige aanklag, soos beoog in regulasie 16, afgehandel is.

DIENSTYDPERK

Diensbeëindiging

18.(1) Die diens van die hoof- uitvoerende beampte of 'n personeelid by die Raad word beëindig deur –

- (a) sy of haar afsterwe;
- (b) skriftelike kennisgewing van bedanking van –
 - (i) een maand in die geval van 'n permanente personeellid;
 - (ii) twee weke, of sodanige korter tydperk as wat die hoof- uitvoerende beampte in 'n bepaalde geval bepaal, in die geval van 'n personeellid wat op proef is; en
 - (iii) drie maande in die geval van die hoof- uitvoerende beampte;
- (c) mediese ongeskiktheid om sy of haar pligte na behore te verrig;
- (d) ontslag op grond van ernstige wangedrag;
- (e) sy of haar afwesigheid van sy of haar werkplek vir 'n aaneenlopende tydperk van meer as 21 dae sonder dat hy of sy die hoof- uitvoerende beampte, in die geval van 'n personeellid, of die voorsitter, in die geval van die hoof- uitvoerende beampte, in kennis gestel het; of
- (f) 'n gebrek aan geskiktheid vir sy of haar pligte of 'n onvermoë om dit doeltreffend te verrig.

- (2) Indien dit vir die hoof- uitvoerende beampte nodig word om 'n personeellid se pos af te skaf as gevolg van die reorganisasie of rasionalisasie van die Raad se werksaamhede, moet die hoof- uitvoerende beampte –
- (a) alle redelike stappe doen om die ontslag van die personeellid te vermy of om die afskaffing van poste tot die minimum te beperk; en
 - (b) minstens drie kalendermaande skriftelike kennis aan die personeellid gee dat sy of haar pos afgeskaf gaan word, met vermelding van die redes daarvoor en van die stappe wat gedoen is om dit te vermy.
- (3) Die hoof- uitvoerende beampte kan, op versoek van 'n personeellid en behoudens 'n aanbeveling deur die Raad, ondanks die afwesigheid van 'n rede vir ontslag kragtens subregulasie (2), daardie personeellid toelaat om af te tree as daar na die mening van die hoof- uitvoerende beampte genoegsame gronde vir aftrede bestaan en die aftrede tot voordeel van die Raad sal wees.
- (4) Die pos van 'n personeellid word oortollig verklaar in die volgende omstandighede:
- (a) Afskaffing van poste deur die Raad om bedryfsredes; of
 - (b) herrangskikking van die organisasiestruktuur soos deur omstandighede genoodsaak.
- (5) Wanneer 'n personeellid finaal ontslaan word kragtens hierdie regulasie, is hy of sy geregtig op die voordele en vergunnings waarvoor in die Staatsdiensregulasies voorsiening gemaak word.

Proeftydperk

- 19.(1) Die proeftydperk vir diens by die Raad kan van pos tot pos verskil, maar is nie minder as drie maande of meer as ses maande nie.
- (2) 'n Personeellid wat vir 'n tydperk van hoogstens een jaar in diens geneem word, dien nie 'n proeftydperk nie.
- (3) Tydens die proeftydperk doen die hoof- uitvoerende beampte 'n maandelikse evaluering van die werksvordering van die betrokke personeellid.
- (4) Die besluit om die aanstelling van 'n personeellid te bekragtig, te verleng of te beëindig moet berus op die maandelikse evaluering.
- (5) Indien nodig moet die personeellid op proef opleiding, voorligting of ander hulp ontvang ten einde te voldoen aan die vereistes vir die bekragtiging van die aanstelling.

(6) Dit is die plig van die hoof- uitvoerende beampte om die personeellid te voorsien van die basiese inligting wat hy of sy nodig het om in die organisasie te kan funksioneer.

(7) 'n Personeellid wat op proef is, moet aan die einde van die proeftydperk 'n skriftelike bekragtiging van aanstelling ontvang indien daar gevind is dat hy of sy geskik is vir die betrokke pos.

KORT TITEL

Kort titel en inwerkingtreding

20. Hierdie regulasies heet die Regulasies in verband met die Diensbedinge en -voorwaardes van die Personeel van die Pan- Suid-Afrikaanse Taalraad, 2002, en tree in werking op die datum van publikasie.

AANHANGSEL

OOREENKOMS Regulasie 13(4)

Onderneming: Deeltydse Studie

- 1.(a) Aangesien ek,, die ondergetekende (hierna die "Beurshouer" genoem), gebore op 19, 'n personeellid van die Pan- Suid-Afrikaanse Taalraad, op 'n deeltydse grondslag vir die (naam van die kursus) met die hoofvakke (name van vakke) en die byvakke (name van vakke)(hierna die "Kursus" genoem) wil studeer aan (naam van instelling/organisasie), welke kursus oor 'n minimum tydperk van weke/maandeljaar strek;
- (b) En aangesien ek vir bogenoemde doel klasse moet bywoon en/of studie/navorsing moet onderneem, na gelang van die geval, aan 'n goedgekeurde opleidingsinstelling/-organisasie soos van tyd tot tyd deur die Raad bepaal;
- (c) En aangesien die Raad jaarliks 'n beurs, soos deur die Raad bepaal, aan my sal toestaan vir die voorgeskrewe minimum duur of die oorblywende duur van die Kursus;
2. Derhalwe onderneem ek –

- (a) om die Kursus met ingang van (akademiese jaar/maand/week) te begin;
- (b) om die Kursus op deeltydse grondslag te volg terwyl ek in diens van die Raad is;
- (c) om die Kursus te voltooi binne bogemelde tydperk of binne sodanige verlengde tydperk as wat kragtens klousule 3(a)(ii) van hierdie Onderneming goedgekeur word;
- (d) om die Raad van bevredigende bewys van inskrywing vir die Kursus te voorsien;
- (e) om die Raad te voorsien van amptelike bewys van my eksamen-/evalueringsuitslae onmiddellik nadat die uitslae van enige eksamen/aanvullende eksamen/evaluering deur die eksamineringsowerheid bekend gemaak is;
- (f) om, nadat ek aan al die vereistes van die Kursus voldoen het, in diens van die Raad te bly vir 'n aaneenlopende tydperk van een (1) jaar vir elke individuele studiejaar of deel daarvan ten opsigte waarvan beursgeld ten behoeve van my betaal is (hierna die "kontraktydperk" genoem): Met dien verstande dat –
 - (i) behoudens die bepalings van klousule 4(a) en (f), 'n diensverpligting ten opsigte van 'n vorige studiejaar wat suksesvol voltooi is en ten opsigte waarvan ek geen uitstaande vakke het wat sal meebring dat ek die voorgeskrewe minimum duur of die oorblywende duur van die Kursus, na gelang van die geval, sal oorskry nie, nagekom kan word deur middel van voltydse ononderbroke diens in enige daaropvolgende jaar;
 - (ii) indien ek in gebreke bly om die diensverpligting gedurende sodanige daaropvolgende jaar na te kom, 'n *pro rata*-diensverpligting gebaseer op elke kalendermaand diens wat in daardie jaar voltooi moet word, bereken sal word;
 - (iii) waar 'n proefskrif of verhandeling voorgeskryf word as die hoofvereiste vir die Kursus, 'n studiejaar as suksesvol voltooi beskou sal word indien ek skriftelike bewys aan die Raad voorlê dat ek bevredigende vordering gedurende die betrokke studiejaar gemaak het;
 - (iv) nadat ek vyf jaar van voltydse ononderbroke diens voltooi het, geen verdere diens van my vereis sal word kragtens hierdie Onderneming nie;
- (g) om die volle bedrag of die bedrag wat ek verskuldig is op grond van die maande diens wat uitstaande is, in 'n enkelbedrag aan die Raad terug te betaal –

- (i) indien ek versuim om te voldoen aan die bepalings van subklousules (a) tot (f); of
 - (ii) indien ek te eniger tyd afstand doen van die beurs; of
 - (iii) indien die voorsitter, in die geval van die hoof- uitvoerende beampte, of die hoof- uitvoerende beampte, in die geval van 'n personeellid, my beurs terugtrek kragtens klousule 3(b); of
 - (iv) indien ek uit die diens van die Raad bedank; of
 - (v) indien ek uit die diens van die Raad ontslaan word voordat ek die Kursus suksesvol voltooi het of voor die verstryking van die kontraktydperk;
- (h) om aan die Raad terug te betaal die totale bedrag van die beursgeld wat kragtens hierdie Onderneming ten behoeve van my betaal is –
- (i) wanneer subklousule (f)(iv) nie van toepassing is nie, ten opsigte waarvan ek nog nie die diensverplichting soos bepaal by subklousule (f) nagekom het nie; of
 - (ii) wanneer subklousule (f)(iv) van toepassing is, ten opsigte waarvan ek nog nie 'n studiejaar/-jare suksesvol voltooi het nie, dit wil sê indien ek nog nie 'n voldoende aantal vakke geslaag het nie wat daartoe sal lei dat ek die voorgeskrewe minimum duur/minimum oorblywende duur van die Kursus sal oorskry, na gelang van die geval: Met dien verstande dat indien 'n proefskrif of verhandeling voorgeskryf is as die hoofvereiste vir die Kursus, 'n studiejaar/-jare as onsuksesvol beskou word as die voorsitter of hoof- uitvoerende beampte op grond van skriftelike bewys wat aan hom of haar voorgelê word, van mening is dat ek nie gedurende die betrokke studiejaar/-jare genoegsame vordering met sodanige proefskrif of verhandeling gemaak het nie. Rente op die bedrag word bereken teen die heersende rentekoers wat van tyd tot tyd van toepassing is op skuld aan die staat, soos bepaal ingevolge artikel 73(a) tot (c) van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), vanaf die datum waarop die verplichting om te betaal kragtens subklousule (g)(i) ontstaan het.

3. Ek begryp en aanvaar dat –

- (a) die voorsitter van die Raad of die hoof- uitvoerende beampte te eniger tyd my beurs kan opskort indien hy of sy van mening is dat ek nie bevredigende vordering met die Kursus maak nie. Indien die voorsitter of die hoof- uitvoerende beampte, na gelang van die geval, die betaling van my beursgeld aldus opskort –

- (i) is ek verplig om, op my eie koste en in my eie tyd, enige uitstaande vakke te herhaal en suksesvol te voltooi; en indien ek nie onmiddellik met my studie voortgaan nie en indien die voorsitter of die hoof- uitvoerende beampte, na gelang van die geval, my ook nie skriftelik uitstel verleen het nie, ek geag sal word die Kursus te laat vaar het, in welke geval klousule 2(g)(i) en (ii) van toepassing sal wees;
 - (ii) sal ek toegelaat word om die voorgeskrewe minimum duur/minimum oorblywende duur van die Kursus te oorskry met 'n tydperk deur die voorsitter of die hoof- uitvoerende beampte bepaal;
 - (iii) sal ek gedurende sodanige tydperk van opskorting onderworpe bly aan die bepalings van hierdie Onderneming; en
 - (iv) kan die voorsitter of die hoof- uitvoerende beampte te eniger tyd daarna die betaling van my beursgeld voortsit indien die voorsitter of die hoof- uitvoerende beampte, na gelang van die geval, volgens sy of haar uitsluitlike diskresie van mening is dat ek bevredigende vordering met die Kursus gemaak het;
- (b) die hoof- uitvoerende beampte my beurs te eniger tyd kan terugtrek indien ek versuim om aan klousule 2(d) of (e) te voldoen of indien die hoof- uitvoerende beampte volgens sy of haar uitsluitlike diskresie van mening is dat ek nie bevredigende vordering met die Kursus gemaak het nie, dat ek nie lesings en/of praktiese klasse gereeld bygewoon het nie of dat dit nie in belang van die Raad is om voort te gaan om die beurs toe te staan nie, en in sodanige geval geld die bepalings van klousule 2(g)(i) en (ii); en
- (c) ondanks enigiets vermeld in hierdie Onderneming, indien die voorsitter of die hoof- uitvoerende beampte my beurs terugtrek of indien ek die Kursus laat vaar, die hoof- uitvoerende beampte volgens sy of haar uitsluitlike diskresie en op die voorwaardes wat hy of sy bepaal, my kan toelaat om deur middel van diens op die personeel van die Raad 'n diensverpligting na te kom ten opsigte van een of meer studiejare wat suksesvol voltooi is, dit wil sê studiejare ten opsigte waarvan ek geen uitstaande vakke het wat sal meebring dat ek die voorgeskrewe minimum duur/minimum oorblywende duur van die Kursus, na gelang van die geval, oorskry nie: Met dien verstande dat waar 'n proefskrif of verhandeling as die hoofvereiste van die Kursus voorgeskryf is, die hoof- uitvoerende beampte my eweneens kan toelaat om deur middel van diens op die personeel van die Raad 'n diensverpligting na te kom ten opsigte van een of meer studiejare wat suksesvol voltooi is, op voorwaarde dat ek skriftelike bewys aan die hoof- uitvoerende beampte kan voorlê wat tot sy of haar tevredenheid aandui dat ek gedurende die betrokke studiejaar/-jare bevredigend gevorder het met sodanige proefskrif of verhandeling.

4. Ek aanvaar voorts dat –

- (a) wat my afwesigheid met verlof van my gewone pligte gedurende die kontraktydperk betref, slegs vakansieverlof met volle betaling (uitgesonderd vakansieverlof wat vir studiedoeleindes aan my toegestaan is), siekteverlof met volle betaling of halfbetaling en spesiale siekteverlof toegestaan as gevolg van 'n besering aan diens, sal tel as diens vir doeleindes van die voltooiing van die kontraktydperk;
- (b) indien ek die diens van die Raad verlaat of daaruit ontslaan word, enige gelde wat die Raad aan my verskuldig is, teruggehou mag word en verreken mag word teen enige gelde wat ek aan die Raad verskuldig is kragtens hierdie Onderneming;
- (c) ongeag die bedrag wat ingevolge hierdie Onderneming ter sprake is, enige geding wat uit hierdie Onderneming ontstaan, in die landdroshof in die Republiek wat andersins jurisdiksie sou gehad het, ingestel kan word;
- (d) indien ek nie my verpligtinge ingevolge hierdie Onderneming kan nakom nie weens die feit dat ek onbevoeg geword het weens enige geestelike of liggaamlike ongeskiktheid, enige aanspreeklikheid vir die terugbetaling van enige geld wat ingevolge hierdie Onderneming verskuldig word, verval en dat hierdie vergunning sal geld slegs indien klousule 2(g)(i) en (ii) nie van toepassing geword het nie;
- (e) hierdie Onderneming my nie vrystel van enige verpligtinge ingevolge enige ander onderneming of ooreenkoms wat ek met die Raad aangegaan het nie, en enige tydperke van verpligte diens voortspruitend uit en ingevolge meer as een onderneming of ooreenkoms agtereenvolgens en in die volgorde waarin sodanige ondernemings of ooreenkomste aangegaan is, verrig sal word; en enige sodanige onderneming of ooreenkoms wat andersluidende bepalings bevat, geag sal word dienoooreenkomstig gewysig te wees;
- (f) hierdie Onderneming slegs met die skriftelike toestemming van die hoof- uitvoerende beampte of die Raad, na gelang van die geval, gewysig mag word; en
- (g) 'n sertifikaat deur die hoof- uitvoerende beampte uitgereik, *prima facie*-bewys is van die bedrag wat ek aan die Raad verskuldig is ingevolge hierdie Onderneming.

5. Ek kies as my *domicilium citandi et executandi* en vir doeleindes van kennisgewing of die betekening van enige prosesstukke voortspruitend uit hierdie Onderneming die volgende adres in die Republiek:

.....
.....
.....

GETEKEN te op hede die dag van
..... 20

.....
Handtekening van personeellid

AS GETUIES:

(a)

(b)

ANNEXURE

AGREEMENT
Regulation 13(4)**Undertaking: Part-time Study**

- 1.(a) Whereas I,, the undersigned (hereinafter called "Bursar"), born on 19....., being a member of staff of the Pan South African Language Board (hereinafter called "the Board"), wish to study, on a part-time basis, (the name of the course) with major subjects and minor subjects (name of subjects) (hereinafter called "the Course") at (name of institution/organisation), which extends over a prescribed minimum period or remaining period of weeks/months/year(s);
- (b) And whereas I must, for the aforementioned purpose, attend classes and/or undertake study/research, as the case may be, at an approved training institution/organisation as stipulated by the Board from time to time;
- (c) And whereas the Board will annually grant me a bursary, as determined by the Board, for the prescribed minimum duration or remaining duration of the Course;
2. Therefore I undertake –
- (a) to commence the Course with effect from the (academic year/week/month);
- (b) to take the Course part-time while I am in the service of the Board;
- (c) to complete the Course successfully within the aforementioned period or within such extended period as may be approved in terms of clause 3(a)(ii) of this Undertaking;
- (d) to furnish the Board with satisfactory proof of enrolment for the Course;

- (e) to furnish the Board with official proof of my examination/assessment results immediately after the results of any examination/supplementary examination/assessment have been made known by the examining authority;
- (f) after I have complied with all the requirements of the Course, to continue serving the Board for a continuous period of one (1) year for each individual year of study or part thereof in respect of which bursary money was paid on my behalf (hereinafter called "the contract period"):
Provided that –
 - (i) subject to the provisions of clause 4(a) and (f), a service obligation in respect of a previous year of study which was completed successfully and in respect of which I have no subjects outstanding which will cause me to exceed the prescribed minimum duration or remaining duration of the Course, as the case may be, may be fulfilled by means of full-time uninterrupted service in any subsequent year;
 - (ii) if I fail to fulfil the service obligation during such subsequent year, a pro rata service obligation based on each calendar month of service still to be completed in the said subsequent year shall be calculated;
 - (iii) where a thesis or dissertation has been laid down as the chief requirement for the Course, a year of study will be regarded as having been completed successfully if I submit to the Board written proof that I have made satisfactory progress during the year of study concerned; and
 - (iv) after I have completed five year's full-time uninterrupted service, no service shall be required of me in terms of this Undertaking;
- (g) to repay to the Board the full amount of money or the amount that I owe based on the months of service outstanding in a lump sum –
 - (i) if I fail to comply with provisions contained in sub-clause (a) to (f); or
 - (ii) if at any time I renounce the bursary; or
 - (iii) if the chairperson, in the case of the chief executive officer, or the chief executive officer, in the case of a member of staff, withdraws my bursary in terms of clause 3(b); or

- (iv) if I resign from the staff of the Board; or
 - (v) if I am discharged from the service of the Board before successfully completing the Course or before expiry of the contract period;
- (h) to repay to the Board the total amount of bursary money paid on my behalf in terms of this Undertaking –
- (i) when sub-clause (f)(iv) is not applicable, in respect of which I have not yet fulfilled the service obligation, as determined by sub-clause (f); or
 - (ii) when sub-clause (f)(iv) is applicable, in respect of which I have not completed a year/years of study successfully, that is, when I have not passed a sufficient number of subjects, which will result in my having to exceed the prescribed minimum duration/minimum remaining duration of the Course, as the case may be: Provided that where a thesis or dissertation has been laid down as the main requirement for the Course a year/years of study is/are regarded as being unsuccessful if the chairperson or chief executive officer is, on the basis of written proof submitted to him or her, of the opinion that I have not progressed satisfactorily with such thesis or dissertation during the year/years of study concerned. Interest on the amount shall be calculated at the prevailing rate of interest applicable from time to time to debts due to the State, as determined in terms of section 73(a) to (c) of the Public Finance Management Act, 1999 (Act No. 1 of 1999), from the date on which the obligation to pay arose in terms of sub-clause (g)(i) to the date of payment.

3. I understand and accept that –

- (a) the chairperson of the Board or chief executive officer may, at any time, suspend my bursary if he or she is of the opinion that I am not making satisfactory progress with the Course. If the chairperson or chief executive officer, as the case may be, so suspends the payment of my bursary money –
 - (i) I shall be obliged to repeat and complete successfully at my own expense and in my own time any subjects which I have outstanding; if I do not immediately continue with my studies, and I have also not been granted a postponement in writing by the chairperson or chief executive officer, as the case may be, I

shall be deemed to have abandoned the Course, in which event clause 2(g)(i) and (ii) shall be applicable;

- (ii) I shall be permitted to exceed the prescribed minimum duration/minimum remaining duration of the Course by a period determined by the chairperson or chief executive officer;
 - (iii) I shall continue to be subject to the provisions of this Undertaking during such period of suspension; and
 - (iv) the chairperson or chief executive officer may at any time thereafter continue the payment of my bursary money if the chairperson or chief executive officer, as the case may be, is, in his or her sole discretion, of the opinion that I have made satisfactory progress with the Course;
- (b) the chief executive officer may at any time withdraw my bursary if I failed to comply with clause 2(d) or (e) or if the chief executive officer is, in his or her sole discretion, of the opinion that I have not made satisfactory progress with the Course, that I did not attend lectures and/or practical classes regularly or that is not in the interest of the Board that the bursary continue to be granted, and in such event the provisions of clause 2(g)(i) and (ii) shall apply; and
- (c) notwithstanding anything mentioned in this Undertaking, if the chairperson or the chief executive officer withdraws my bursary or if I abandon the Course, the chief executive officer may, in his or her sole discretion and on the conditions he or she may determine, permit me to fulfil, by means of service on the staff of the Board, a service obligation in respect of one or more years of study which has/have been successfully completed, that is, years of study in respect of which I have no subjects outstanding which will cause me to exceed the prescribed minimum duration/minimum remaining duration of the Course, as the case may be: Provided that where a thesis or dissertation has been laid down as the main requirement for the Course, the chief executive officer may similarly allow me to fulfil, by means of service on the staff of the Board, a service obligation in respect of one or more years of study, on condition that I am able to submit to the chief executive officer written proof that indicates to his or her satisfaction that I have progressed satisfactorily with such thesis or dissertation during the year/years of study concerned.

4. I furthermore accept that -

- (a) as far as my absence on leave from my normal duties during the contract period is concerned, only vacation leave on full pay (with the exception of vacation leave granted to me for purposes of study), sick leave on full pay or half pay and special sick leave which may be granted as a result of any injury on duty, shall count as service for completing the contract period;
- (b) if I leave, or am discharged from the service of the Board, any money due to me by the Board may be withheld and set off against any money I owe the Board in terms of this Undertaking;
- (c) irrespective of the amount involved in terms of this Undertaking, any action which may arise from this Undertaking may be instituted in the magistrate's court in the Republic which may otherwise have jurisdiction;
- (d) if I cannot fulfil my obligations in terms of this Undertaking owing to the fact that I have become incapacitated by any mental or physical disability, any liability for the refund of any money which may be due in terms of this Undertaking lapses, and that this concession shall be applicable only where the provisions of clause 2(g)(i) and (ii) have not taken effect;
- (e) this Undertaking does not exempt me from any obligations in terms of any other undertaking or agreement which I have entered/may enter into with the Board and periods of compulsory service resulting from and in terms of more than one undertaking or agreement, shall be served consecutively and in the order in which such undertakings or agreements, were/are entered into; and if any such agreement or undertaking contains provisions to the contrary, it shall be regarded as amended accordingly;
- (f) this Undertaking may be amended only with the written approval of the chief executive officer or the Board, as the case may be; and
- (g) a certificate issued by the chief executive officer shall serve as *prima facie* proof of the amount due by me to the Board in terms of this Undertaking.

5. I elect as my *domicilium citandi et executandi* and for the purposes of any notice or for the service of any legal process arising out of this Undertaking the following address in the Republic:

Signed at _____ on this _____ day of
_____ 20_____.

Signature of member of staff.

AS WITNESSES:

(a) _____

(b) _____

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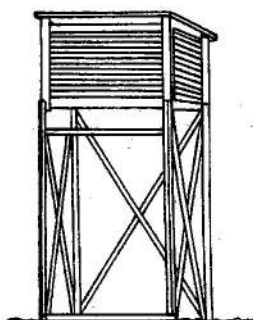
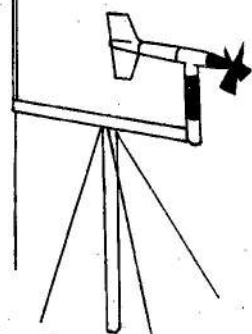
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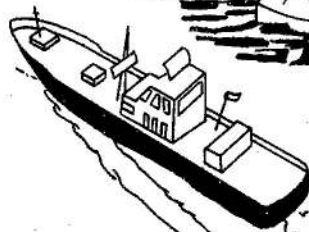
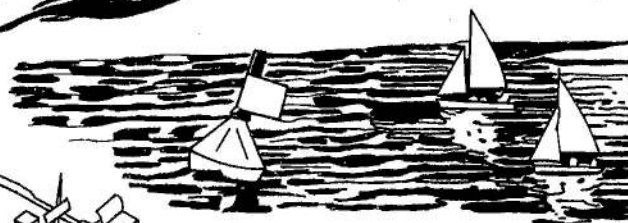
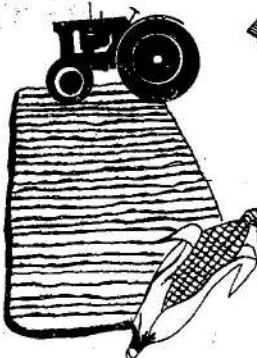
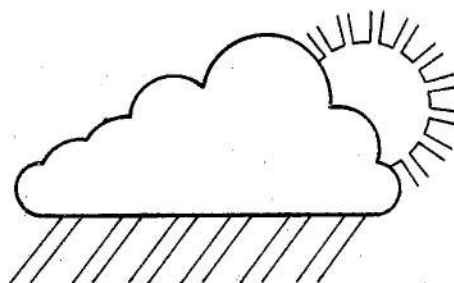
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