

PUBLIC SERVICE REGULATIONS, 2001

PART II. DELEGATIONS, AUTHORISATIONS AND RESPONSIBILITIES

B. DELEGATIONS AND AUTHORISATIONS

- B.1 If these Regulations confer a power or impose a duty upon an executing authority or a head of department, she or he may, subject to the Act –
- (a) delegate the power to an employee or authorise an employee to perform the duty; and
 - (b) set conditions for the exercise of the power or performance of the duty.
- B.2 An executing authority shall record a delegation or authorisation in writing and may incorporate it in an employment contract for a head of department.

C. RESPONSIBILITIES

- C.1 An executing authority shall uphold the principles and measures set out in these Regulations.
- C.2 An executing authority may not require or permit a head of department or any other employee to engage in an activity or take a decision in breach of these Regulations.
- C.3 a head of department shall –
- (a) ensure that the employees within her or his department comply with these Regulations, collective agreements and any other statutory obligations.
- C.4 An executing authority or head of department shall exercise her or his powers, perform her or his duties and carry out her or his obligations under these Regulations subject to the labour Relations Act and the relevant collective agreements.
- C.5 An executing authority and a head of department shall ensure that prior Treasury approval exists for any decision that involves expenditure from revenue.

PART III. PLANNING, WORK ORGANISATION AND REPORTING

A. PRINCIPLES

An executing authority shall set measurable objectives for her or his department, optimally utilise the department's human and other resources and apply fair labour practices.

B. STRATEGIC PLANNING

- B.1 An executing authority shall prepare a strategic plan for her or his department.
- B.2 Based on the strategic plan of the department, an executing authority shall –
 - (a) determine the department’s organisational structure in terms of its core and support functions.
 - (b) Grade proposed new jobs according to the job evaluation system referred to in Part IV;
 - (c) Define the posts necessary to perform the relevant functions and the posts so defined shall constitute the department’s approved establishment; and
 - (d) Engage in the human resource planning in accordance with regulation III D with a view to meeting the resulting human resource needs.
- B.4 From 1 April 2004, an executing authority shall include a summary of the outcome of the process referred to in regulation III B.2 in the strategic plan of the department.

C. SERVICE DELIVERY IMPROVEMENT PROGRAMME

- C.1 An executing authority shall establish and sustain a service delivery improvement programme for her or his department.
- C.2 An executing authority shall publish an annual statement of public service commitment which will set out the department’s service standards.

D. HUMAN RESOURCE PLANNING

- D.1 An executing authority shall assess the human resources necessary to perform her or his department’s functions.
- D.2 An executing authority shall develop and implement an affirmative action programme.

F. CREATION AND FILLING OF POSTS

Before creating a post for any newly defined job, or filling any vacancy, an executing authority shall –

- (a) confirm that she or he requires the post to meet the department’s objectives;
- (b) in the case of a newly defined job, evaluate the job in terms of the job evaluation system;
- (c) evaluate the job unless the specific job has been evaluated previously; and
- (d) ensure that sufficient budgeted funds are available for filling the post.

G. ADDITIONAL EMPLOYMENT

An executing authority may, within the relevant budget, employ persons additional to the approved establishment.

I. JOB DESCRIPTIONS, JOB TITLES AND CORES

- I.1 For each post or group of posts, an executing authority shall establish a job description and job title that indicate, with appropriate emphasis on service delivery.
- I.3 To assist an executing authority in designing a job and/or career path linked to the salary scale, the Minister shall determine –
 - (a) a code of remuneration (CORE) for an occupational category; and
 - (b) an occupational classification system.
- I.4 For each salary range in a CORE, the Minister may provide advice on –
 - (a) the possible job content;
 - (b) the necessary and desirable competencies for the job;
 - (c) indicators of those competencies; and
 - (d) desirable characteristics for employment and promotion within the occupational category.
- I.5 To assist in the analysis of public service employment, an executing authority shall link all posts in her or his department to a relevant CORE and an occupation listed in the occupational classification system.

J. MANAGERIAL REVIEW AND OVERSIGHT

- J.1 The executing authority shall –
 - (a) in terms of section 92(3)(b) or 133(3)(b) of the Constitution, include the information set out in regulation III J.2 or J.3 in the annual report.
- J.4 The Minister shall determine from time to time the format in which the information referred to in regulation III J.3 is to be included in the annual report.

PART IV. JOB EVALUATION

B RESPONSIBILITIES

B.1 The Minister shall determine –

- (a) a job evaluation system or systems that shall be utilised in the public service;
- (b) a range of job weights derived from the system or systems for each salary range in a salary scale; and
- (c) a job or category of jobs that an executing authority must evaluate.

B.2 The Minister may –

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

B.3 An executing authority may evaluate or re-evaluate any job in her or his department.

PART V. COMPENSATION FOR EMPLOYEES

B. DETERMINATION OF SALARY SCALES AND ALLOWANCES

The Minister shall determine a salary scale or scales and allowances –

- (a) for employees who fall within the ambit of the Labour Relations Act, in the course of the relevant collective bargaining process; and
- (b) for other employees, by a determination.

C. GRADING AND REMUNERATION

C.1 An executing authority shall determine the grade of a post to correspond with its job weight and set the commencing salary of an employee on the minimum notch of the salary range attached to the relevant grade.

- C.2 If a job has a weight that applies to more than one salary range, the executing authority shall determine which of the relevant salary ranges to use.
- C.3 An executing authority may set the salary for a post or an employee above the minimum notch of the salary range indicated by the job weight.
- C.5 An executing authority may increase the salary of a post to a higher salary range in order to accord with the job weight.
- C.8 If an executing authority determines that the salary range of an occupied post exceeds the range indicated by the job weight, she or he shall –
 - (a) if possible –
 - (i) redesign the job to equate with the job grade; or
 - (ii) transfer the incumbent to another job on the same salary range; and
 - (b) abide by relevant legislation and collective agreements.
- C.9 As far as possible, an executing authority shall set the salary of a part-time, seasonal or temporary employee proportional to the salary of an equally graded full-time employee.

D OVERTIME

- D.1 The Minister shall determine rates of compensation of overtime through the collective bargaining process.
- D.2 An executing authority may compensate an employee for overtime work.
- D.5 An executing authority shall establish an overtime policy in accordance with collective agreements.

E. SERVICE BENEFITS, COMPENSATORY PRACTICES AND WORK FACILITY PRACTICES

- E.1 The Minister shall determine service benefits, compensatory practices, work facility practices and allowances for employees through the collective bargaining process or, for employees who fall outside the Labour Relations Act, directly.
- E.2 The Minister may make a determination regarding –
 - (a) special daily allowances for visits abroad by employees; and
 - (b) the application of a service benefit, compensatory practice, work facility practice or allowance.

E.3 Subject to the terms of a relevant collective agreement, an executing authority may provide the cash equivalent of benefits received by permanent employees to employees on fixed-term contracts, other than heads of department.

G. INFORMATION ON REMUNERATION

G.1 At least on an annual basis, the Minister shall publish and issue to departments the salary scale or scales used in the public service.

PART VII. PROCEDURES FOR APPOINTMENT, PROMOTIONS AND TERMINATION OF SERVICE

B. CONDITIONS FOR APPOINTMENT

B.1 General

An executing authority –

- (a) may appoint employees on a permanent or temporary basis, either full-time or part-time;
- (b) may, where the employment is temporary, appoint an employee under a special contract, on a casual basis or on a sessional basis;
- (c) may not appoint any person under the age of 16 years;
- (d) shall determine the health requirements for incumbency of a post, in any case where it is in the requirements of the post;
- (e) may appoint a casual employee for a period not exceeding 12 months;
- (f) shall require an employee to be subjected to security clearance only where the duties attached to the post are such as to make security clearance necessary; and
- (g) shall ensure that each employee upon appointment, is provided with a written contract of employment, including the terms and conditions of her or his service.

B.2 Employment contracts for heads of department

B.2.2 An executing authority shall provide the Minister with a copy of the contract as soon as possible after the conclusion thereof.

B.3 Re-appointment of former employees

B.3.1 An executing authority may not re-appoint a former employee under certain conditions.

B.4 Secondments

B.4.1 An executing authority may second the employee to another department in the public service for a particular service or for a period of time.

C. RECRUITMENT

C.1 Determination of requirements for employment

C.1.1 An executing authority shall determine composite requirements for employment in any post on the basis of the inherent requirements of the job.

C.1.2 An executing authority shall –

- (a) record the inherent requirements of a job;
- (b) ensure that the requirements for employment do not discriminate against persons historically disadvantaged; and
- (c) comply with any statutory requirement for the appointment of employees.

C.2 Advertising

C.2.1 An executing authority shall ensure that vacant posts in the department are advertised.

C.2.5 An executing authority may fill a vacant post without advertising it.

C.2.6 An executing authority may utilise an appropriate agency for recruitment purposes.

C.2.7 The Minister may issue directives regarding the manner in which vacancies must be advertised within the public service.

D. Selection

D.1 An executing authority shall appoint a selection committee to make recommendations on appointments to posts.

D.8 Before making a decision on an appointment or the filling of a post, an executing authority shall –

- (a) satisfy herself or himself that the candidate qualifies in all respects for the post and that her or his claims in her or his application for the post have been verified; and
- (b) record in writing that verification.

F. Promotion

F.1 An executing authority may promote an employee to a vacant post on the approved establishment of the department.

G. TERMINATION OF SERVICE

G.1 Resignation

G.2.1 An executing authority shall prescribe the manner in which an employee shall submit her or his resignation.

G.2.2 An executing authority shall record the reasons given by the employee for her or his resignation.

G.3 Ill-health

G.3.1 An executing authority may on the basis of medical evidence, consider the discharge of an employee in terms of section 17(2)(a) of the Act on account of ill-health.

G.4 Operational requirements

G.4.1 An executing authority may discharge employees for operational reasons.

PART VIII. PERFORMANCE MANAGEMENT AND DEVELOPMENT

B. SYSTEMS FOR PERFORMANCE MANAGEMENT AND DEVELOPMENT

B.1 An executing authority shall determine a system for performance management and development for employees in her or his department other than employees who are members of the SMS.

C. PERFORMANCE ASSESSMENT

C.1 An executing authority may establish separate performance assessment instruments for different occupational categories or levels of work.

PART IX. TRAINING AND EDUCATION

B. INSTITUTIONAL ARRANGEMENTS

B.1 The Minister may oversee or ensure the participation of the public service in any institution aimed at promoting training in the public service, subject to the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995).

C. TRAINING DIRECTED BY THE MINISTER

- C.1 The Minister may issue directives regarding the training of employees or categories of employees in the public service.
- C.2 The Minister shall, where appropriate, ensure that every institution responsible for training in the public service and the training offered in the public service gains accreditation from the South African Qualifications Authority.

D. OCCUPATIONAL SPECIFIC COMPETENCIES AND TRAINING

An executing authority shall determine the required competencies of a prescribe training for, various occupational categories or specific employees in her or his department.

PART X. LABOUR RELATIONS

A. PRINCIPLES

If an executing authority has the authority to act on behalf of the State as employer, she or he shall manage negotiations, conclude collective agreements and resolve labour disputes in accordance with the Labour Relations Act.

B. IMPLEMENTATION OF COLLECTIVE AGREEMENTS

If a collective agreement signed by an authorised representative of the State as employer applies to a department, the department's executing authority shall implement and enforce it.

C. MANDATING AND MANAGEMENT OF NEGOTIATIONS

- C.1 An executing authority may enter into an agreement on a matter of mutual interest only.
- C.3 In the Public Service Co-ordinating Bargaining Council, which deals only with matters transverse to the public service, the Minister shall manage negotiations on behalf of the State as employer.
- C.5 An executing authority shall provide the Minister with a copy of any collective agreement concluded in the bargaining council of her or his department or sector.

CHAPTER 4
SENIOR MANAGEMENT SERVICE

PART I. ESTABLISHMENT OF SMS

A. PRINCIPLES

To ensure the effective management of each department falling under her or his control, or to execute specialist functions, an executing authority shall create an appropriate number of posts at senior management level.

B. COMPOSITION OF SMS AND GRADING OF POSTS

B.2 The number of members of the SMS per department and their functions shall be determined by the executing authority through the processes of planning and work organisation as contemplated in Parts III and IV of Chapter 1.

B.3 The grading of SMS posts shall be determined through the job evaluation system determined by the Minister.

C. FLEXIBLE EMPLOYMENT PRACTICES WITHIN FRAMEWORK OF UNIFORM NORMS AND STANDARDS

C.1 Executing authorities shall appoint and utilise members of the SMS within a framework of uniform norms and standards.

D. HANDBOOK FOR SMS

The Minister may include any or all of the determinations, directives, guidelines and provisions applicable to the SMS in a Handbook for the SMS.

PART II. RECRUITMENT, SELECTION AND APPOINTMENT

C. ADVERTISING OF POSTS AND EMPLOYMENT EQUITY

The Minister may issue directives on how SMS posts are to be advertised and the application forms to be utilised.

D. COMPETENCY-BASED SELECTION

The Minister may issue directives on the desired managerial and leadership competencies of members of the SMS and the selection processes for the filling of SMS posts.

E. NURTURING OF TALENT TO SUSTAIN SMS

The Minister may introduce programmes to identify and nurture talented individuals for possible appointment to SMS posts.

PART III. PERFORMANCE MANAGEMENT AND DEVELOPMENT

- B.3 The Minister may issue directives on performance management and development for members of the SMS.
- B.4 The minister may issue separate directives on performance management and development for heads of departments.

PART IV. CONDITIONS OF SERVICE

B. DETERMINATION OF CONDITIONS OF SERVICE

- B.1 The Minister shall annually make determinations regarding the conditions of service of members of the SMS.

C. PANEL FOR REVIEW OF CONDITIONS OF SERVICE OF MEMBERS OF SMS

C.1 ESTABLISHMENT OF PANEL

- C.1.1 The Minister shall once every three years appoint a panel to inquire into conditions of service of members of the SMS and to advise her or him accordingly.
- C.1.2 The Minister shall announce the names of the members of the panel, their terms of reference and terms of office by a notice in the *Gazette*.

PART V. MOBILITY AND CAREER PROGRESSION

B. DEPLOYMENT OF MEMBERS OF SMS

- B.1 The Minister may, on her or his own initiative or at the request of an executing authority, facilitate –
 - (a) the transfer of a member of the SMS from one post or position to another post or position or from one department to another department in accordance with section 14 of the Act; or

- (b) the transfer and secondment of a member of the SMS in accordance with section 15 of the Act.

PART VI. TRAINING AND DEVELOPMENT

A. PRINCIPLES

The Minister shall oversee the development of programmes and assist executing authorities in equipping members of the SMS for their responsibilities. The programmes to be developed shall be based on the competencies required of members of the SMS in terms of both their current and future responsibilities.

B. STANDARD TRAINING PROGRAMMES

The Minister shall –

- (a) identify the generic managerial and leadership training needs of members of the SMS;
- (b) arrange that standard courses and programmes be developed on the basis of those training needs; and
- (c) continuously evaluate those courses and programmes with due regard to their relevance and value for money.

C. TRAINING ASSISTANCE

The Minister may provide such assistance and guidance to executing authorities as she or he may deem necessary in order to promote the effective utilisation and development of members of the SMS.

PART VII. ETHICS AND CONDUCT

B. PROMOTION OF ETHICAL CONDUCT

- B.1 The Minister may, on the advice of the Commission, issue directives to promote ethical conduct amongst members of the SMS and to supplement the Code of Conduct contemplated in Chapter 2 and the Financial Disclosure Framework contemplated in Chapter 3.

- B.2 The Minister may provide such guidance and assistance to members of the SMS as she or he may deem necessary to minimise conflicts of interest and to promote professional conduct.

PART IX. EXIT MANAGEMENT

A. PRINCIPLES

Executing authorities shall give consideration to the termination of service of members of the SMS in a manner that is fair to the individuals concerned and takes into account the public interests. The Minister may assist executing authorities to act accordingly.

B. PROCEDURES AND BENEFITS

The Minister may issue directives and provide guidelines to executing authorities on the procedures to be followed and benefits to be paid when terminating the services of members of the SMS.