

WESTERN CAPE PROVINCIAL GOVERNMENT



PROVINCIAL GUIDLINE: OVERTIME COMPENSATION

GUIDELINES FOR THE APPLICATION OF OVERTIME COMPENSATION WITHIN THE DEPARTMENTS IN THE WESTERN CAPE PROVINCIAL GOVERNMENT

1. DEFINITION:

Overtime is defined by the Basic Conditions of Employment Act, 1997 as the time that an employee works during a day or a week in excess of ordinary hours of work.

2. LEGISLATIVE AND PRESCRIPTIVE FRAMEWORK (SEE ATTACHED DOCUMENTS):

- a. Basic Conditions of Employment Act, 1998
- b. Public Holidays Act 1 1994 (Act No. 36 of 1994)
- c. Public Service Regulations, 2001 (as amended)
- d. PSCBC Resolution No. 3 of 1999 (Remunerative Allowances and Benefits)
- e. PBC Western Cape (Collective Agreement) Compensation for Overtime
- f. Financial Manual

3. GUIDELINES FOR APPLICATION OF OVERTIME IN THE DEPARTMENT:

- a. All compensation of overtime is subject to prior approval by HOD or delegated official not lower than Director.
- b. It must be stressed that duly motivated applications for overtime remuneration must be submitted timeously and that organised overtime service may not commence unless prior approval has been granted. *Ex post facto* approval for overtime may only be given in exceptional circumstances and necessary motivation should be available for audit purposes.

- c. Overtime is compensated through the granting of time off and/or overtime remuneration paid. The arrangement of time off will be the preferred method of compensation for overtime. Where operationally possible the time off should be granted within at least 3 months of the overtime worked. Personnel that are required to work night overtime should be allowed to work flexible working hours at the commencement of their next shift or working day, where operationally possible.
- d. No employee is excluded from receiving remuneration or time-off as compensation for overtime service rendered, unless she or he is in the:
- Senior Management Service (SMS);
 - Staff who are employed in accordance with Chapter 8 of the Handbook for Members of the Executive and Presiding Officers and who are receiving allowances for personnel serving Executing Authorities. Provision was made for the compensation of overtime in the calculation of the monthly allowance payable for the staff serving Executing Authorities. The Driver/Messenger in the Office of the Executing Authority can claim overtime payment for hours exceeding 107 hours of overtime that has been worked during the course of a month.
- e. Submission for prior approval shall include a motivation, including a report on the circumstances giving rise to the need for overtime as well as details of the total expenditure. The detail will include the form that the compensation will take, i.e. remuneration or time off or a combination of both.
- f. The approval is only valid for the stated approved period.
- g. All time off shall be granted within 3 months of entitlement.

- h. The monthly overtime remuneration may not exceed 30% of the employee's monthly salary. In highly exceptional cases this percentage may be exceeded, subject to prior approval by the Head of Department.
- i. A fixed monthly overtime allowance may be paid to an employee who performs reasonably similar overtime on a monthly basis and agrees to it in writing. The allowance shall equal the average monthly overtime compensation for the six-month period preceding the allowance.
- j. An employer may only require an employee to work on a public holiday if operational requirements necessitate it.
- k. Employees should, as a rule not be permitted to work longer than three hours 'overtime per day or ten hours' overtime a week.
- l. Compensation/granting of time off for overtime performed by employers is regulated in terms of Part VII of Resolution No 3 of 1999.

4. CONTROL MEASURES:

It is the responsibility of the Line Manager to:

- a. Minimise overtime by taking the following into account:
 - the circumstances which necessitated the performance of overtime duty;
 - the steps which were taken to prevent the performance of overtime duty, for example redistribution of duties among available staff, reallocation of staff, temporary utilisation of staff in other divisions etc;
 - the numbers and ranks of the officers and employees who will be required to perform overtime duty;
 - the estimate duration of the planned overtime duty;

- the estimate expenditure of the planned overtime duty and the availability of sufficient funds to finance the overtime;
 - when the performance of overtime duty is aimed at the completion of work that has fallen in arrears, the circumstances should be investigated and appropriate steps should be taken where necessary.
- b. Ensure adequate control and cost effectiveness by recording of all overtime, which will include:
- a register or reliable record be kept and that this register or record be checked, initialled and dated by the Line Manager and must be signed by the employees. This includes employees who are paid a fixed monthly overtime allowance.
 - this register or record be kept in safe custody for auditing and financial purposes;
 - that leave registers be kept and that all vacation and sick leave utilised during the performing of overtime duty be taken into account when calculating overtime remuneration;
 - controlling authorised overtime work, through supervision and by measuring output;
 - Ensuring that the quality and quantity of tasks are commensurate with the no. of hours of remunerative overtime worked;
 - Setting the daily number of hours overtime to be performed, against production targets;
 - all claims be verified by the relevant Line Manager
 - that all claims be processed by the personnel component;
 - inspections be conducted regularly to ensure proper control of overtime service.

5. SUPPORTING DOCUMENTATION

- a. Application documents for overtime remuneration.
- b. Basic Conditions of Employment Act, 1998
- c. Public Holidays Act 1 1994 (Act No. 36 of 1994)

- d. PSCBC Resolution No. 3 of 1999 (Remunerative Allowances and Benefits)
- e. PBC Western Cape (Collective Agreement) Compensation for Overtime
- f. Financial Manual

PROVINSIALE REGERING: WES-KAAP
PROVINCIAL GOVERNMENT: WESTERN CAPE

AANSOEK OM OORTYDBESOLDIGING
APPLICATION FOR OVERTIME REMUNERATION

Notas/Notes:

- (1) Oortydbesoldiging geskied ingevolge een of meer van die volgende wetlike magtigings:/Overtime remuneration is paid in terms of one or more of the following statutory authorisations:
- Die Wet op Basiese Diensvoorwaardes, 1997
Basic Conditions of Employment Act, 1997
 - Publieke Vakansiedae Wet, 1994 (Wet 36 van 1994)
Public Holidays Act, 1994 (Act 36 of 1994)
 - Staatsdiensregulasies, 2001
Public Service Regulations, 2001
 - Kollektiewe Ooreenkomste (PDK Resolusie 3 van 1999, Deel VII)
Collective Agreements (PSCBC Resolution 3 of 1999, Part VII)
- (2) Elke toepaslike afdeling moet volledig en duidelik ingevul word./
Every applicable section must be completed in full and clearly.
- (3) Waar die ruimte wat voorsien word nie voldoende is vir die antwoord op die vraag nie, kan van 'n bylae gebruik gemaak word./Where the space provided for an answer is not sufficient, an annexure may be included.

DEEL A: AANSOEK
SECTION A: APPLICATION

A1 Hiermee word aansoek gedoen om oortydbesoldiging teen die tarief soos uiteengesit in Resolusie 3 van 1999 (no. VII) aan die volgende beamptes en/of werknemers:/This application is for overtime remuneration of the following officials and/or employees according to the tariff as set out in Resolution 3 of 1999 (No. VII):

Name en range van persone betrokke Names and ranks of persons concerned	Getal/Beraamde getal ure Number/Estimated number hours
	TOTAAL TOTAL

Tydperk waartydens oortyddiens gelewer sal moet word:
Period overtime service will be rendered:

DEEL B: MOTIVERING EN AANBEVELING DEUR KANTOORHOOF
SECTION B: MOTIVATION AND RECOMMENDATION BY OFFICE HEAD

B1 Verduidelik die omstandighede wat daartoe gelei het dat oortyddiens verrig moet word:/Explain the circumstances that have led to the necessity of working overtime:

B2 1. Watter stappe is gedoen om die oortyddiens te voorkom (merk toepaslike blokkie):/Which steps were taken to prevent overtime service (tick the appropriate block):

- (a) herverdeling van pligte onder beskikbare personeellede/redivision of tasks amongst available personnel members
- (b) hertoewysing van personeel/reallocation of personnel
- (c) tydelike benutting van personeel in ander afdelings/temporary use of personnel from other sections

JA/YES ✓	NEE/NO
JA/YES ✓	NEE/NO
JA/YES ✓	NEE/NO

2. Meld ander stappe wat gedoen is:/Mention other steps that were taken:

Indien die antwoord op enige van die vrae in paragraaf 1 hierbo NEE is, verstrek redes:/If the answer to any of the questions in paragraph 1 above is NO, give reasons:

B3 Het die betrokke personeel reeds onbetaalde vrywillige oortyddiens verrig ten opsigte van:/Have the relevant personnel performed voluntary unpaid overtime with respect to:

(i) die taak waarvoor oortyddiens gevra word/the task for which overtime service has been requested

JA/YES ✓

NEE/NO

(ii) alle werk in die afdeling, onderafdeling of kantoor in die algemeen gedurende die voorafgaande ses maande/all work in the section, sub-section or office generally during the past six months

JA/YES ✓

NEE/NO

Indien die antwoord in albei gevalle NEE is, verstrek die redes daarvoor. Indien JA, verduidelik die omstandighede:/If the answer in each case is NO, give reasons. If YES, explain the circumstances:

B4 Geraamde tydperk van oortyddiens:/Estimated period of overtime: _____

Die uitgawe in dié verband sal na beraming R _____ beloop./
The projected expenditure in this case will be

Fondse is beskikbaar vir dié doel/
Funds are available for this purpose

JA/YES ✓

NEE/NO

B5 Ek beveel aan dat oortydbesoldiging aan die personeel gemeld in Deel A1 vir die tydperk soos aangedui, toegestaan word. Ek verklaar verder dat daar te alle tye voldoende toesig- en beheermaatreëls tydens die verrigting van besoldigde oortyddiens sal bestaan, dat rekord van alle oortyddiens gehou sal word, en dat 'n bywoningsregister bygehou sal word. Oortyddienslewering van minder as 'n uur per dag sal geag word as onbesoldig te wees./I recommend that overtime remuneration be granted to the personnel mentioned in Section A1 for the period as indicated. I further declare that there will be full supervisory and control measures at all times during the course of the overtime service, that all overtime service will be noted and that an attendance register will be kept. Overtime of less than an hour per day will be classified as unpaid.

HANDTEKENING/SIGNATURE
AFDELINGSHOOF/HEAD OF DIVISION

NAAM VAN AFDELING/
NAME OF DIVISION

DATUM/DATE

DEEL C: AANBEVELING DEUR DIE BETROKKE ADJUNK-DIREKTEUR
SECTION C: APPROVAL BY THE DEPUTY DIRECTOR CONCERNED

Ek onderskryf die afdelingshoof se motivering hierbo en beveel derhalwe die oortydbesoldiging soos versoek aan./I endorse the office head's motivation above and recommend overtime remuneration as requested.

 HANDTEKENING/SIGNATURE

 SUBDIREKTORAAT/SUB-DIRECTORATE

 DATUM/DATE

DEEL D: BESLUIT VAN DIREKTEUR
SECTION D: DECISION OF DIRECTOR

D1 Goedkeuring/Approval

Goedkeuring word hiermee verleen vir die betaling van oortydbesoldiging aan die persone gemeld in A1 en wel vir die tydperk soos aangedui./Approval is hereby granted for the payment of overtime remuneration to the persons mentioned in A1 as for the period mentioned.

 HANDTEKENING/SIGNATURE

 DIREKTORAAT/DIRECTORATE

 DATUM/DATE

D2 Afkeuring/Disapproval

Die aansoek om oortydbesoldiging aan die persone soos gemeld in A1 vir die tydperk soos aangedui word hiermee afgekeur en wel om die volgende redes:/The application for overtime remuneration to the persons mentioned in A1 for the period as indicated can not approved, for the following reasons:

 HANDTEKENING/SIGNATURE

 DIREKTORAAT/DIRECTORATE

 DATUM/DATE

D3 Voorwaardelike goedkeuring/Conditional approval

Die aansoek om oortydbesoldiging aan persone soos gemeld in A1 vir die tydperk soos aangedui word hiermee goedgekeur./The application for overtime remuneration to the persons as mentioned in A1 for the period as indicated is hereby approved.

Die volgende addisionele voorwaardes word egter gestel:/However, the following additional conditions are set:

 HANDTEKENING/SIGNATURE

 DIREKTORAAT/DIRECTORATE

 DATUM/DATE

- 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, if-
- (a) the job weight as measured by the job evaluation system indicates that the post was graded incorrectly; and
 - (b) the department's budget and the medium-term expenditure framework provide sufficient funds.
- C.6 If an executing authority increases the salary of a post as provided under regulation V C.5, she or he may continue to employ the incumbent employee in the higher-graded post without advertising the post if the incumbent-
- (a) already performs the duties of the post;
 - (b) has received a satisfactory rating in her or his most recent performance assessment; and
 - (c) starts employment at the minimum notch of the higher salary range.
- C.7 The absorption of the incumbent employee in the higher-graded post as provided under regulation V C.6 shall take effect on the first day of the month following the month during which the executing authority approves that absorption.
- 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 for overtime through the collective bargaining process.
- D.2 An executing authority may compensate an employee for overtime work if-
- (a) the employee does not belong to the SMS, except in those cases mentioned in regulation V D.3;
 - (b) the department has a written policy on overtime;
 - (c) the executing authority has provided written authorisation in advance for the work; and
 - (d) except in exceptional circumstances, the monthly compensation for overtime constitutes less than 30 per cent of the employee's monthly salary.

[Regulations D.3 and D.4 deleted by Government Notice No. R. 1225 of 29 August 2003 with effect from 29 August 2003]

- D.5 An executing authority shall establish an overtime policy in accordance with collective agreements, which shall determine-
- (a) categories of employees that may not receive compensation for overtime due to the nature of their work and responsibilities;
 - (b) the circumstances under which a supervisor may authorise overtime work for an individual employee;
 - (c) if an employee shall receive payment or time off as compensation for authorised overtime;
 - (d) how much overtime an employee may work in a given period;
 - (e) how a supervisor should record authorisation for overtime; and
 - (f) other control measures, if necessary.
- 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.
- F. LEAVE
- A head of department shall -
- (a) encourage an employee to fully utilise her or his vacation leave in the year earned;
 - (b) record all leave taken by an employee accurately and in full; and
 - (c) ensure that an employee does not abuse sick leave.
- 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.
- G.2 In dealing with personnel matters and the remuneration of an individual employee, a head of department shall respect the employee's right to privacy.

(2) Sections 9, 10(1), 14(1), 15(1), 17(2) and 18(1) do not apply to work which is required to be done without delay owing to circumstances for which the employer could not reasonably have been expected to make provision and which cannot be performed by employees during their ordinary hours of work.

(3) The Minister must, on the advice of the Commission, make a determination that excludes the application of this Chapter or any provision of it to any category of employees earning in excess of an amount stated in that determination. 5

(4) Before the Minister issues a notice in terms of subsection (3), the Minister must—

- (a) publish in the *Gazette* a draft of the proposed notice; and
- (b) invite interested persons to submit written representations on the proposed notice within a reasonable period. 10

Regulation of working time

7. Every employer must regulate the working time of each employee—

- (a) in accordance with the provisions of any Act governing occupational health and safety; 15
- (b) with due regard to the health and safety of employees;
- (c) with due regard to the Code of Good Practice on the Regulation of Working Time³ issued under section 87(1)(a); and
- (d) with due regard to the family responsibilities of employees.

Interpretation of day 20

8. For the purposes of sections 9, 10 and 11, "day" means a period of 24 hours measured from the time when the employee normally commences work.

Ordinary hours of work

9. (1) Subject to this Chapter, an employer may not require or permit an employee to work more than— 25

- (a) 45 hours in any week; and
- (b) nine hours in any day if the employee works for five days or fewer in a week; or
- (c) eight hours in any day if the employee works on more than five days in a week.

(2) An employee's ordinary hours of work in terms of subsection (1) may by agreement be extended by up to 15 minutes in a day but not more than 60 minutes in a week to enable an employee whose duties include serving members of the public to continue performing those duties after the completion of ordinary hours of work. 30

(3) Schedule 1 establishes procedures for the progressive reduction of the maximum ordinary hours of work to a maximum of 40 ordinary hours of work per week and eight ordinary hours of work per day. 35

Overtime

10. (1) Subject to this Chapter, an employer may not require or permit an employee—

- (a) to work overtime except in accordance with an agreement;
- (b) to work more than— 40
 - (i) three hours' overtime a day; or
 - (ii) ten hours' overtime a week.

(2) An employer must pay an employee at least one and one-half times the employee's wage for overtime worked.

(3) Despite subsection (2), an agreement may provide for an employer to— 45

3. The Code of Good Practice issued by the Minister of Labour under section 87(1)(a) will contain provisions concerning the arrangement of work and, in particular, its impact upon the health, safety and welfare of employees. Issues that would be included are shift work, night work, rest periods during working time, family responsibilities and work by children.

(2) Artikels 9, 10(1), 14(1), 15(1), 17(2) en 18(1) is nie van toepassing nie op werk wat sonder versuim gedoen moet word as gevolg van omstandighede waarvoor daar nie redelikerwys van die werkgever verwag kon word om voorsiening te maak nie en wat nie gedurende hulle gewone werkure deur werknemers verrig kan word nie.

5 (3) Die Minister moet, op advies van die Kommissie, 'n vasstelling doen om die toepassing van hierdie Hoofstuk of enige bepaling daarvan op enige kategorie werknemers wat meer verdien as 'n bedrag in daardie vasstelling vermeld, uit te sluit.

(4) Alvorens die Minister 'n kennisgewing ingevolge subartikel (3) uitreik, moet die Minister—

- 10 (a) 'n konsep van die beoogde kennisgewing in die *Staatskoerant* publiseer; en
 (b) belanghebbende persone uitnooi om binne 'n redelike tydperk skriftelike vertoë oor die beoogde kennisgewing voor te lê.

Reëling van werktyd

7. Elke werkgever moet die werktyd van elke werknemer reël—

- 15 (a) ooreenkomstig die bepalings van enige Wet wat beroepsgesondheid en -veiligheid reël;
 (b) met behoorlike inagneming van die gesondheid en veiligheid van werknemers;
 20 (c) met behoorlike inagneming van die Goeie Praktykkode oor die Reëling van Werktyd³ ingevolge artikel 87(1)(a) uitgereik; en
 (d) met behoorlike inagneming van werknemers se gesinsverantwoordelikhede.

Uitleg van dag

8. Vir die doeleindes van artikels 9, 10 en 11 beteken "dag" 'n tydperk van 24 uur bereken vanaf die tyd wanneer die werknemer gewoonlik begin werk

25 Gewone werkure

9. (1) Behoudens hierdie Hoofstuk mag 'n werkgever nie van 'n werknemer vereis of hom of haar toelaat om meer as—

- (a) 45 uur in 'n week te werk nie; en
 30 (b) nege uur op 'n dag te werk nie indien die werknemer op vyf dae of minder in 'n week werk; of
 (c) agt uur op 'n dag te werk nie indien die werknemer op meer as vyf dae in 'n week werk.

(2) 'n Werknemer se gewone werkure ingevolge subartikel (1) kan by ooreenkoms verleng word met tot 15 minute op 'n dag maar met hoogstens 60 minute in 'n week,
 35 ten einde 'n werknemer wie se pligte insluit om lede van die publiek te bedien, in staat te stel om na die voltooiing van gewone werkure voort te gaan om daardie pligte te verrig.

(3) Bylae 1 stel prosedures in vir die progressiewe vermindering van die maksimum gewone werkure tot 'n maksimum van 40 gewone werkure per week en agt gewone
 40 werkure per dag.

Oortyd

10. (1) Behoudens hierdie Hoofstuk mag 'n werkgever nie van 'n werknemer vereis of hom of haar toelaat om—

- (a) oortyd te werk nie, behalwe ooreenkomstig 'n ooreenkoms;
 45 (b) meer oortyd te werk nie as—
 (i) drie uur op 'n dag; of
 (ii) tien uur in 'n week.

(2) 'n Werkgever moet aan 'n werknemer vir enige oortyd gewerk een en 'n half maal die werknemer se loon betaal.

50 (3) Ondanks subartikel (2) kan 'n ooreenkoms bepaal dat 'n werkgever aan—

3. Die Goeie Praktykkode uitgereik kragtens artikel 87(1)(a) deur die Minister van Arbeid sal bepalings bevat betreffende die reëling van werk en, in die besonder, die uitwerking daarvan op die gesondheid, veiligheid en welsyn van werknemers. Aangeleenthede wat ingesluit sal word, is skofwerk, nagwerk, rustye gedurende werktye, gesinsverantwoordelikhede en werk deur kinders.

- (a) pay an employee not less than the employee's ordinary wage for overtime worked and grant the employee at least 30 minutes' time off on full pay for every hour of overtime worked; or
- (b) grant an employee at least 90 minutes' paid time off for each hour of overtime worked.

(4) (a) An employer must grant paid time off in terms of subsection (3) within one month of the employee becoming entitled to it.

(b) An agreement in writing may increase the period contemplated by paragraph (a) to 12 months.

(5) An agreement concluded in terms of subsection (1) with an employee when the employee commences employment, or during the first three months of employment, lapses after one year.

Compressed working week

11. (1) An agreement in writing may require or permit an employee to work up to twelve hours in a day, inclusive of the meal intervals required in terms of section 14, without receiving overtime pay.

(2) An agreement in terms of subsection (1) may not require or permit an employee to work—

- (a) more than 45 ordinary hours of work in any week;
- (b) more than ten hours' overtime in any week; or
- (c) on more than five days in any week.

Averaging of hours of work

12. (1) Despite sections 9(1) and (2) and 10(1)(b), the ordinary hours of work and overtime of an employee may be averaged over a period of up to four months in terms of a collective agreement.

(2) An employer may not require or permit an employee who is bound by a collective agreement in terms of subsection (1) to work more than—

- (a) an average of 45 ordinary hours of work in a week over the agreed period;
- (b) an average of five hours' overtime in a week over the agreed period.

(3) A collective agreement in terms of subsection (1) lapses after 12 months.

(4) Subsection (3) only applies to the first two collective agreements concluded in terms of subsection (1).

Determination of hours of work by Minister

13. (1) Despite this Chapter, the Minister, on grounds of health and safety, may prescribe by regulation the maximum permitted hours of work, including overtime, that any category of employee may work—

- (a) daily, weekly or during any other period specified in the regulation; and
- (b) during a continuous period without a break.

(2) A regulation in terms of subsection (1) may not prescribe maximum hours in excess of those permitted in sections 9 and 10.

(3) A regulation in terms of subsection (1) may be made only—

- (a) on the advice of the chief inspector appointed in terms of section 27 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), or the chief inspector appointed in terms of section 48 of the Mine Health and Safety Act, 1996 (Act No. 29 of 1996); and
- (b) after consulting the Commission.

Meal intervals

14. (1) An employer must give an employee who works continuously for more than five hours a meal interval of at least one continuous hour.

(2) During a meal interval the employee may be required or permitted to perform only duties that cannot be left unattended and cannot be performed by another employee.



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- > Acts
- > Bills
- > Notices
- > Regulations
- > White Papers
- > Green Papers
- > Tenders
- > Statistical documents
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- > Annual reports
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Acts

OFFICE OF THE PRESIDENT

No. 2088 7 December 1994

NO. 36 OF 1994: PUBLIC HOLIDAYS ACT, 1994.

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:

ACT

To make provision for a new calendar of public holidays; to provide that the public holidays be paid holidays; and for matters incidental thereto.

(Afrikaans text signed by the President.) (Assented to 23 November 1994.)

BE IT ENACTED by the Parliament of the Republic of South Africa, as B follows-

[Top]

Definitions

1. (1) In this Act, unless the context otherwise indicates- "public holidays" means the days mentioned in Schedule 1; and "this Act" includes the Schedules.

(2) Any reference in any law to public holidays, shall be deemed to be a reference to the public holidays as defined in this Act.-

Days to be observed as public holidays

2. (1) The days mentioned in Schedule 1 shall be public holidays, and whenever any public holiday falls on a Sunday, the following Monday shall be a public holiday.

(2) Notwithstanding the provisions of subsection (1), any public holiday shall be exchangeable for any other day which is fixed by agreement or agreed to between an employer and employee.

Non-business days for bills of exchange and promissory notes

3. Sunday or any public holiday shall be deemed to be a non-business day within the meaning of any law relating to bills of exchange or promissory notes.

Amendment and repeal of laws

4. (1) The laws referred to in column 2 of Schedule 2 are hereby amended or repealed to the extent as indicated in column 3 of that Schedule.

(2) The references to the former Republic of South Africa in Schedule 2 shall be construed as references to the territory of the Republic of South Africa as it was immediately before the commencement of the Constitution, 1993.

[Top]

Employee entitled to paid public holidays

5. (1) Subject to the provisions of subsection (2), every employee shall be entitled to -

(a) at least the number of public holidays as provided for in this Act;

(b) payment for every public holiday, which payment shall be at least as favourable as the payment provided for by section 11 of the Basic Conditions of Employment Act, 1983 (Act No. 3 of 1983).

(2) Where an employee, in terms of any wage regulating measure referred to in section 1(i) of the Labour Relations Act, 1956 (Act No. 28 of 1956), agreement or contract of employment, is entitled to more than the number of public holidays as provided for in this Act, such regulating measure, agreement or contract of employment shall insofar as it relates to the number of public holidays, not be affected by the provisions of this Act.

(3) Notwithstanding the proviso to section 3 of the Agricultural Labour Act, 1993 (Act No. 147 of 1993), the amendment to the Basic Conditions of Employment Act, 1983, as contained in Schedule 2, shall apply to farming activities and employers and employees engaged therein.

Short title and commencement

6. This Act shall be called the Public Holidays Act, 1994, and shall come into operation on 1 January 1995.

SCHEDULE 1

[Top]

(SECTION 2)

Calendar of public holidays
New Year's Day 1 January
Human Rights Day 21 March
Good Friday Friday before Easter Sunday
Family Day Monday after Easter Sunday
Freedom Day 27 April
Workers' Day 1 May
Youth Day 16 June
National Women's Day 9 August
Heritage Day 24 September

24 September Day of Reconciliation 16 December Christmas Day 25
December Day of Goodwill 26 December

SCHEDULE 2

(SECTION 4(1))

NUMBER AND YEAR OF SHORT TITLE EXTENT OF AMENDMENT OR REPEAL LAW

Act No. 5 of 1952 Public Holidays Act, 1952, of the Repeal of the
whole.

former Republic of South Africa

Act No. 27 of 1956 Mines and Works Act, 1956 Repeal of the whole,
so far as any provision thereof deals with any day other than a
Sunday.

Act No. 68 of 1961 Public Holidays Amendment Act, Repeal of the
whole. 1961, of the former Republic of South Africa

Act No. 39 of 1973 Public Holidays Amendment Act, Repeal of the
whole. 1973, of the former Republic of South Africa

Act No. 72 of 1980 Public Holidays Amendment Act, Repeal of the
whole. 1980, of the former Republic of South Africa

[Top]

Act No. 3 of 1983 Basic Conditions of Employment Amend section I b
the substitution for Act, 1983, of the former Republic the definition o
"public holiday" the of South Africa following definition:

" 'public holiday'-

[(a) when it is used in relation to an employee who is employed in o
in connection with a shop or an office, or in so far as a provision in
which it is used is applied with respect to any such employee, means
a day which is a public holiday in terms of section I or declared as
such under section 2 of the Public Holidays Act, 1952 (Act No. 5 of
1952);

(b) when it is used in relation to an employee who is not so
employed, or in so far as a provision in which it is used is applied wit
respect to an employee who is not so employed, means New Year's
Day, Good Friday, Ascension Day, Workers' Day, Republic Day, Day
the Vow or Christmas Day;] means a public holiday as defined in the
Public Holidays Act, 1994;".

Act No. 29 of 1976 Public Holidays Act, 1976, of the Repeal of the
whole. former Republic of Transkei

Act No. 3 of 1978 Public Holidays Act, 1978, of the Repeal of the
whole. former Republic of Bophuthatswana

Act No.28 of 1979 Public Holidays Amendment Act, Repeal of the

whole. 1979, of the former Republic of Bophuthatswana

Act No. 5 of 1980 Public Holidays Act, 1980, of the Repeal of the whole, Republic of Venda

Act No. 4 of 1982 Public Holidays Amendment Act, Repeal of the whole. 1982, of the former Rep of Venda

Act No.3 of 1981 Public Holidays Act, 1981, of the Repeal of the whole. former Republic of Ciskei

[Top]

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PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL

Resolution No. 3 of 1999

REMUNERATIVE ALLOWANCES AND BENEFITS

Signed on 4 February 1999

VII. Overtime**1 Aim**

If an executing authority

- 1.1 expressly requires an employee to work more than normal hours or on days of rest, and
 - 1.2 other agreements do not prevent overtime payments to the employee,
- the employer may provide compensation through time off or additional pay.

2 Definition

In this agreement, overtime refers to work in excess of the hours of work per week or month that an employee has contracted to perform.

3 Authorisation

- 3.1 Before an executing authority may authorise compensation for overtime, she or he shall negotiate a written policy for her or his department, determining
 - (a) under what conditions the department shall provide compensation for overtime work,
 - (b) what kind of compensation the department shall provide, and
 - (c) categories of employee to whom the department shall not provide compensation for overtime.
- 3.2 An executing authority shall communicate the departmental policy on overtime to all the employees in her or his department.
- 3.3 The employer may decline to authorise compensation for overtime.
- 3.4 The employer shall provide compensation for overtime only where an executing authority or her or his delegate has required or authorised, in writing.
 - (a) the performance of overtime work, and
 - (b) overtime compensation for the work performed.

4 Rest, meal breaks and travel

- 4.1 If an executing authority authorises overtime, she or he shall ensure
 - (a) fair and acceptable limits on the extent of overtime,
 - (b) periods for rest and meals, and
 - (c) as far as possible, that employees travel to and from work at a time when public transport is available.
- 4.2 Overtime shall generally include periods
 - (a) provided for rest and meals, and
 - (b) when an employee must stay at her or his place of work but cannot actually work due to circumstances beyond her or his control.
- 4.3 In order to perform authorised overtime, an employee may travel from home to her or his normal place of work or from the normal workplace to home at a time when she or he usually would not travel. In this case,
 - (a) if the employee was not on authorised standby duty,
 - (i) the journey counts as an official journey, but
 - (ii) the time spent on the journey does not count as overtime work; and
 - (b) if the employee was on authorised standby duty, the time spent on the journey counts as overtime work.

- 4.4 If, in order to perform authorised overtime, an employee must travel to a place other than her or his normal place of work, the time spent on the journey shall count as overtime work.
- 5 Sunday work
- 5.1 The employer shall provide compensation for Sunday work when an executing authority has required an employee, in writing, to work paid overtime
- (a) on a Sunday or other public holiday, if the employee does not normally work on such a day, or
 - (b) on a day the employee normally has off to compensate for work on a Sunday or other public holiday.
- 5.2 The employer shall compensate authorised Sunday work by
- (a) paying the employee concerned two times her or his normal hourly remuneration, or
 - (b) granting time off equal to the time worked.
- 6 Normal overtime
- 6.1 The employer shall provide compensation for normal overtime when an executing authority
- (a) has required an employee, in writing, to perform official duties for more hours than the employee's normal working hours during a week, but
 - (b) has not required Sunday work as defined in paragraph 5, or night overtime as defined in paragraph 7.
- 6.2 The employer shall compensate authorised normal overtime by
- (a) paying the employee concerned one and one third times her or his normal hourly remuneration, or
 - (b) granting the employee time off equal to time worked.
- 7 Night overtime
- 7.1 The employer shall provide compensation for night overtime when
- (a) an executing authority has required an employee, in writing, to perform paid overtime between 20:00 hours and 6:00 hours, and
 - (b) the employee does not normally work at night.
- 7.2 The employer shall compensate authorised night overtime by
- (a) paying the employee concerned two times her or his normal hourly remuneration, or
 - (b) granting the employee time off equal to the time worked.
- 8 Overtime allowance
- 8.1 The employer may pay an employee a fixed monthly allowance to compensate for overtime if
- (a) the employee performs reasonably similar amounts of authorised overtime, Sunday work or night overtime from month to month, and
 - (b) the employee agrees in writing.
- 8.2 The allowance shall equal the average monthly compensation the employee received for overtime in the six months preceding the establishment of the allowance.

VIII. Standby allowance

- 1 If the employer requires an employee to be available for the performance of duty outside of her or his normal working hours, the employer shall pay a standby allowance.
- 2 The employer shall pay the allowance if an employee's supervisor requires an employee to be available for duty
 - 2.1 at a place other than the employee's normal place of work, and
 - 2.2 for a period of at least 16 hours during a 24-hour period
 - (a) from the normal closing time of the employee's place of work, or
 - (b) on a day on which the employee would not normally work.
- 3 The standby allowance shall equal R19.60 for each 24-hour period.
- 4 The standby allowance shall not affect or be affected by a payment for overtime due to the employee.

IX. Danger allowances

- 1 The employer shall compensate an employee who risks her or his life in the course of carrying out specified duties or training.
- 2 The employer shall not pay a danger allowance to an employee of the South African Police Services (SAPS), South African National Defence Force (SANDF), or the Department of Correctional Services who does not participate in the line activities of her or his department.
- 3 An employee may receive a Standard Danger Allowance and/or a Special Danger Allowance.
- 4 The employer shall pay the Standard Danger Allowance to an employee who
 - 4.1 undertakes or trains for one or more of the duties listed in paragraph 5, and
 - 4.2 in the course of her or his work or training, experiences a genuine risk to her or his life.
- 5 The following duties may qualify for the Standard Danger Allowance:
 - (a) under-water diving;
 - (b) parachute jumping;
 - (c) surveying, inspecting and/or helping to operate a vessel or submarine at sea, or an aeroplane, in pursuance of the employee's line functions;
 - (d) dowsing fires at airports and/or rescue work during fires and/or other emergencies;
 - (e) working with core drills, explosives or explosive weapons;
 - (f) repairing and maintaining arms and ammunition for the Inspectorate of Naval Ordnance of the Navy;
 - (g) working with or guarding convicts, people held in places of safety, or people on parole;
 - (h) investigating or preventing a crime;
 - (i) executing a military operation;
 - (j) acting as part of the SAPS or SANDF to maintain public order; and/or
 - (k) working for the safety restricted laboratory of the National Institute for Virology.
- 6 The employer shall pay the Special Danger Allowance to an employee who works in one or more of the following:

- (a) the Task Force of the SAPS;
 - (b) a Public Order Policing Unit of the SAPS;
 - (c) the Reaction Unit of the Department of Correctional Services;
 - (d) the Special Forces of the SANDF;
 - (e) the Department of Correctional Services, in duties that require direct contact with maximum security prisoners;
 - (f) the SAPS or SANDF in areas that the National Commissioner of the SAPS and/or the Chief of the SANDF has designated as high risk due to:
 - (i) attacks on members of the SAPS and/or the SANDF;
 - (ii) widespread violent offences; and/or
 - (iii) military activities by enemy forces.
- 7 If an employee qualifies for the Standard Danger Allowance on one or more grounds, she or he shall receive R200 a month, or the equivalent amount in daily terms
- 8 If an employee qualifies for the Special Danger Allowance on one or more grounds, she or he shall receive R300 a month, or the equivalent amount in daily terms
- 9 If an employee qualifies for both the Standard and the Special Danger Allowances, she or he may receive both simultaneously
- 10 The employer shall pay a danger allowance on the date an eligible employee receives her or his salary. The employer shall stop paying the allowance when the employee stops being eligible.

COMPENSATION FOR OVERTIME

1. Preamble and policy statement

When a Head of Department expressly requires a member of staff to work in excess of her / his ordinary hours of work, such work is regarded as overtime and may be compensated through –

- 1.1 time off; and/or
- 1.2 overtime remuneration, with due consideration to possible budgetary constraints; or
- 1.3 a combination of the above.

2. Statutory authorisation

- 2.1 Basic Conditions of Employment Act, 1998.
- 2.2 Public Holidays Act, 1994 (Act 36 of 1994).
- 2.3 Public Service Regulations, 2001.
- 2.4 Collective Agreements (PSCBC Resolution No. 3 of 1999, Part VII) as well as the Financial Manual attached thereto.

3. Terminology / definitions

- 3.1 Overtime means the time an employee works during a day or a week in excess of ordinary hours of work.
- 3.2 Public holiday means any day that is a public holiday in terms of the Public Holidays Act, 1994 (Act 36 of 1994).
- 3.3 Work on a public holiday will be regarded as overtime and will be compensated as such. Cognisance should be taken of the provisions applying to nursing staff working in 24-hour facilities.

4. Approval for compensated overtime

The authority to approve compensated overtime shall be subject to prior approval by the Head of Department who may delegate this authority to a member of the Senior Management Service not lower than the level of Director (salary level 13).

5. Policy guidelines

- 5.1 No employee is by definition excluded from being compensated (through time off/overtime remuneration) for overtime performed by virtue of the job that she / he performs.
- 5.2 The submission in which prior approval for remunerative overtime and/or time off is requested, shall include motivation to enable an informed decision to be taken. The motivation shall include why the specific task cannot be performed by temporarily re-allocating functions, other measures that were considered to avoid remunerative overtime, details of the staff who will be performing the overtime duty and the period over which the overtime duty is to be performed. The total expenditure to be incurred should be stated.
- 5.3 In highly exceptional cases, where prior approval cannot be obtained, overtime compensation may be granted *ex post facto*.
- 5.4 All authorisations will only be valid for the approved period.
- 5.5 Priorly authorised normal or Sunday overtime or public holiday work will be compensated by paying the employee concerned and / or granting the employee time off, or a combination of the above, in terms of the measures as determined by the Minister for the Public Service and Administration. The decision and agreement to grant time off will form part of the authorisation. All time off shall be granted within three months of the employee becoming entitled to it.
- 5.6 The monthly compensation for overtime of an employee may not constitute 30% or more of her / his monthly salary. In exceptional cases this percentage may be exceeded.
- 5.7 A fixed monthly allowance (commuted overtime) may be paid in cases where an employee performs reasonably similar amounts of authorised overtime from month to month and where such an employee agrees in writing. The allowance shall equal the average monthly compensation the employee received for overtime in the six months preceding the establishment of the allowance.
- 5.8 In terms of the Public Holidays Act, 1994 an employee shall be entitled to the number of public holidays as provided for in the relevant Act. Public holidays are thus paid holidays and an employer may only require an employee to work on such days if operational requirements necessitate it. In such instances an employee must be duly compensated for her / his services. All employees (excluding nursing staff) who are expected to render services on a public holiday must be compensated by paying the employee concerned and / or granting the employee time off in terms of the measures as determined by the Minister for Public Service and Administration.

6. Control measures

It is the responsibility of the Head of Department to ensure that –

- 6.1 overtime work is minimised;
- 6.2 there is adequate control of remunerated overtime duty, either through supervision or by control of outputs;
- 6.3 overtime remuneration is cost-effective;
- 6.4 record of all overtime duty is kept that includes an attendance register duly signed on each occasion when overtime is performed by the staff member and supervisor taking the responsibility for the task being performed;
- 6.5 sufficient funds are available to finance the expenditure which will be incurred as a result of the remunerative overtime duty;
- 6.6 staff are not employed on overtime duty to such an extent that the quantity and quality of work (productivity) performed during normal hours of attendance as well as during periods of overtime duty are adversely affected;
- 6.7 all overtime, as far as possible, be performed at the employee's normal place of work;
- 6.8 that the quality and quantity of tasks are in line with the number of hours remunerative overtime worked; and
- 6.9 it is preferable to set the number of hours overtime duty to be performed each day and production targets and/or aims as criteria.

7. Monitoring, evaluation and reporting

- 7.1 The Executing Authority should, for monitoring and reporting purposes, be informed, annually, of particulars regarding inter alia the number of hours paid overtime duty performed and the total expenditure in this regard.
 - 7.2 This policy as well as the rules and guidelines will be monitored and evaluated on an ongoing basis in order to determine its efficiency.
-



FINANCIAL MANUAL

**For Purposes Of The Calculation And Application Of
Allowances And Benefits**



(WITH EFFECT FROM 1 JULY 2005)

***050802**

Issued by the Minister for Public Service and Administration



INTRODUCTION

The Minister for Public Service and Administration has in terms of section 3 (3) (c) of the Public Service Act, 1994, as amended, determined the formulas and/or allowances contained in this Financial Manual to give effect to payment of allowances and benefits due to eligible employees.



TABLE OF CONTENTS

Service Bonus -----	4
Leave Payouts -----	5
Housing Allowance -----	5
Overtime Remuneration-----	6
Standby Allowance -----	6
Danger Allowance -----	6
Transport Between Residence And Work-----	6
Accommodation On Official Journeys Outside The Republic-----	7
Separation Allowance -----	7
Allowances For Personnel Serving Executing Authorities -----	7
Sessional Assistance -----	11
Special Recruitment Allowance for Selected Health Personnel-----	11
Cryptographic Allowance -----	11
The Antarctic and Gough and Marion Islands -----	12
Recognition of Long Service -----	12
Grading and Remuneration -----	12
Resettlement expenditure -----	12
Subsistence and Camping Allowance-----	12
Compensation For Shift Workers On Public Holidays -----	12
Annexure A -----	14
Annexure B -----	21
Annexure C -----	26
Annexure D -----	33
Annexure E -----	40



4. **OVERTIME REMUNERATION** (*Resolution 3/99 Part VII*)

4.1. Overtime rates for Sundays and during the night (20:00 and 06:00) are calculated according to the following formula:

$$2 \times T$$

4.2. Overtime rates at other times as those mentioned in par.4.1 above, are calculated according to the following formula:

$$\frac{4}{3} \times T$$

4.3. T is calculated as follows:

$$T = \frac{A}{365} \times \frac{7}{B} \times 1$$

Where

A is equal to the smallest of the salary notch of the person concerned or if the overtime duty is performed on a working level lower than the normal working level of the individual concerned, the maximum salary notch of the salary grading attached to the post class that is representative of the lower working level.

B is equal to the weekly number of hours of attendance prescribed for the employee

5. **STANDBY ALLOWANCE** (*Resolution 3/99 Part VIII*)

R31.00 p.d. (With effect from 1 July 2005)

6. **DANGER ALLOWANCE** (*Resolution 3/99 Part IX*)

The basic principle for the calculation of the Danger Allowances in daily terms regarding paragraphs 7 and 8 of Resolution 3/99 Part IX, is as follows:

$$\frac{\text{Annual Tariff}}{365}$$

Example: $\frac{R 200 \times 12}{365} = R 6,58 \text{ p.d.}$

7. **TRANSPORT BETWEEN RESIDENCE AND WORK** (*Resolution 3/99 Part X*)

Employees who on a monthly basis use government transport on less than half of the working days per month, because they only travel in one direction daily, working shifts or do not frequently use the said transport for specific reasons, pay only half the applicable tariffs. The percentage utilisation in the circumstances referred to above is calculated as follows:



ANNEXURE E

**DETERMINATION ON PSCBC RESOLUTION NO
3 OF 1999/ PART XIX:
ALLOWANCES FOR PERSONNEL SERVING
EXECUTING AUTHORITIES**

DETERMINATION ON COLLECTIVE AGREEMENT XIX: ALLOWANCES FOR PERSONNEL SERVING EXECUTING AUTHORITIES

COLLECTIVE AGREEMENTS PER RESOLUTIONS 3 OF 1999, 7 OF 2000, 9 AND 10 OF 2001 AND 6 OF 2002 ON REMUNERATION, ALLOWANCES AND BENEFITS AS CONCLUDED IN THE PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL (PSCBC) SINCE FEBRUARY 1999 TO DATE IN 2005.

GENERAL ISSUES

1. This Determination has to be read with the above collective agreements and the relevant paragraph in the Financial Manual (paragraph 10), that is effective from 1 July 2005.

PREVIOUS PRACTICE

2. The above agreement accommodates personnel who, in the past, were appointed in accordance with the following former PAS's/Special PAS's:
 - 2.1 Role Playing Posts: As posts in this former Special PAS could not be linked to existing occupational classes, they were grouped in the said PAS. Holding of a post as indicated in item 3.0 of this PAS, amounted to the interpretation of a role and offered no career opportunities. Incumbents were originally supposed to occupy the posts only for a limited period and then to return to the occupational class/es of origin. This constituted that any occupational class, such as personnel officer, engineer, etc., could be applied.
 - 2.2 Registry Clerk
 - 2.3 Ministerial Typist
 - 2.4 Household Manager
 - 2.5 Household Worker
 - 2.6 Manager: Guest House.

3. Executing Authorities' offices had to be adequately staffed to provide them with the support needed to carry out their functions. The following norms and restrictions dictated the filling of posts in the former Special PAS for Role Playing Posts:
 - 3.1 Creation of role playing posts had to be effected on the basis of a full-scale work study investigation;
 - 3.2 The filling of role playing posts were restricted to the rank/grading not higher than that of –
 - 3.2.1 Director (or equivalent gradings) in the case of Private Secretary, Administrative Secretary, Parliamentary Officer, Special Programmes Officer and Public Relations Officer (PRO). The PRO had to, on a full-time and continuous basis, form part of the personnel core of a Minister/Premier as recommended by the PSC and approved by Cabinet.
 - 3.2.2 Deputy Director (or equivalent grading) in any other administrative or line function including Assistant Private Secretary, except in the case of a Medical Attaché where only members of the occupational class Medical Officer were to be utilized.
 - 3.3 The provision of Private Secretaries, Assistant Private Secretaries, Administrative Secretaries, Public Relations Officers, Ministerial Typists, Registration Clerks and Drivers were further limited to the following numbers as, inter alia, determined in Chapter 14 of the Ministerial Handbook :- (The prescripts on the personnel in the table below were effective from 4 December 1996.)

Provisioning for -	Private Secretary	Assistant Private Secretary	Administrative Secretary	Public Relations Officer	Driver	Ministerial Typist	Registration Clerk	Messenger
Minister/Premier	1	1	1*	1	1	2	1	1
Deputy Minister/ MEC	1	-	-	-	1	1	1	1

- * An additional post could be provided for those ministries, deputy ministries, Premier and Members of the Executive Council where the portfolio included more than one executive institution.

NEW STRUCTURE FOR CORE STAFF FOR POLITICAL OFFICE BEARERS

4. With regard to the Presidency's letter dated 8 August 2000, the most recent Cabinet decision on the core staff for political office bearers has been made known and the personnel structure in political office bearers' offices is indicated below: (The current maximum provision of a core staff for Ministers/Premiers/Deputy Ministers/MEC's as reflected in Chapter 14 (now Chapter 8) of the Ministerial Handbook, are in the tables at paragraphs 4.1.1 and 4.1.2 below.)

4.1

The new approved core staff for political office bearers implies new posts as well as name changes. To shed some light on the changes that took place in respect of Chapter 14/8 of the Ministerial Handbook, the personnel of the core staff are divided in columns I, II and III in the table at 4.1.1 below. Column I (announced in the said minute in paragraph 14.1 above), refers to the most recently approved core staff and columns II and III (announced in this department's minutes 4/5/P, dated 25 March 1997 and 3/2/4/26, dated 15 June 1999 and the previous directive) refer to the former core staff provision.

NOTE:

(i) The most important prescripts on the core staff in columns I and II are:

Circular 3 of 2000 E1/6/4/1, dated 23 November 2000;

Circular no 1 of 2000 E1/6/7/1, dated 6 October 2000;

The Presidency's letter dated 8 August 2000 to all Private Secretaries of Directors-General of National Departments;

DPSA's Minute 3/2/4/26, dated 15 June 1999;

The Public Service Regulations (PSR), 2001;

Collective agreement Part XIX of Resolution No. 3/1999;

Financial Manuals approved annually since 14 October 1999 ; and

This Determination.

(ii) The most important prescripts on the core staff in columns II and III were:

DPSA's minute 4/5/P, dated 25 March 1997;

The former PSSC and PSR; and

The former Special PAS/PAS's indicated in paragraph 2 above.

4.1.1 The following core staff indicated in column I may be utilised by executing authorities as a guideline in Offices of Political Office Bearers with effect from 26 July 2000:

I	II	III
NEWLY APPROVED CORE STAFF PROVISION FROM 1 JULY 2000	NEWLY APPROVED CORE STAFF PROVISION FROM 1 JULY 1999	FORMER CORE STAFF PROVISION PREVIOUS PRACTICE UP TO 30 JUNE 1999
CHIEF OF STAFF OF THE MINISTRY: MINISTER/PREMIER (CHIEF DIRECTOR/DIRECTOR) (13-14)	DIRECTOR (NEW POST AT MINISTER/PREMIER)	NONE
HEAD: DEPUTY MINISTER/MEC (DIRECTOR/DEPUTY-DIRECTOR) (12-13)	DEPUTY DIRECTOR(NEW POST AT DEPUTY MINISTER/MEC)	NONE
ADMINISTRATIVE SECRETARY: MINISTER/PREMIER (9-13)	ADMINISTRATIVE SECRETARY (DEPUTY DIRECTOR): FUNCTIONS AMENDED	ADMINISTRATIVE SECRETARY
MEDIA LIAISON OFFICER: MINISTER/PREMIER (9-13)	MEDIA LIAISON OFFICER :FUNCTIONS AMENDED	PUBLIC RELATIONS OFFICER
PARLIAMENTARY OFFICER: MINISTER/PREMIER (9-13)	PARLIAMENTARY OFFICER (NEW POST)	PARLIAMENTARY OFFICER: ONLY IN DG's OFFICE
MEDIA LIAISON OFFICER/PARLIAMENTARY OFFICER: DEPUTY MINISTER/MEC (9-12)		
APPOINTMENTS SECRETARY/PRIVATE SECRETARY: MINISTER/PREMIER (9-12)	APPOINTMENTS SECRETARY (ASSISTANT DIRECTOR): FUNCTIONS AMENDED	PRIVATE SECRETARY
APPOINTMENTS SECRETARY: DEPUTY MINISTER/MEC (9-12)		
ASSISTANT APPOINTMENTS AND ADMINISTRATIVE SECRETARY: MINISTER/PREMIER (7-10)	ASSISTANT APPOINTMENT AND ADMINISTRATIVE SECRETARY: FUNCTIONS AMENDED	ASSISTANT PRIVATE SECRETARY
SECRETARY/RECEPTIONIST: MINISTER/PREMIER - 2 POSTS: DEPUTY MINISTER/MEC - 1 POST (3-7)	SECRETARY/RECEPTIONIST	MINISTERIAL TYPIST: FUNCTIONS AMENDED
REGISTRY CLERK: MINISTER/PREMIER AND DEPUTY MINISTER/MEC - 1 POST (2-7)	REGISTRY CLERK	REGISTRATION CLERK
DRIVER/MESSENGER: MINISTER/PREMIER AND DEPUTY MINISTER/MEC - 1 POST (1-5)	DRIVER/MESSENGER: NOW COMBINED IN ONE POST	DRIVER AND MESSENGER: Each in a different post

NOTE:

The new posts were approved by Cabinet memorandum 35A dated 26 July 2000.

4.1.2

Provisioning for the core staff and post levels in brackets on the right -	f Chief of Staff of the Ministry (Chief Director/ Director) (13-14)	f Head (Director/ Deputy Director) (12-13)	Administrative Secretary (9-13)	Media Liaison Officer (9-13)	f Parliamentary Officer (9-13)	f Media Liaison Officer/Parliamentary Officer (9-12)	Appointments Secretary/Private Secretary (9-12)	Appointments Secretary (9-12)	Assistant Appointments Administrative Secretary (7-10)	Secretary/ Receptionist (3-7)	Registry Clerk (2-7)	Driver/ Messenger (1-5)	TOTAL
Minister/ Premier	1	-	1*	1	1	-	1	-	1	2	1	1	10
Deputy Minister/ MEC	-	1	-	-	-	1	-	1	-	1	1	1	6

* An additional post of Administrative Secretary may be provided for Ministers/Premiers whose portfolios relate to the activities of more than one executing institution.

f New posts. The new posts were approved by Cabinet memorandum 35A dated 26 July 2000.

4.2 Executing authorities may utilise the above-mentioned guideline for the Offices of Political Office Bearers provided that staff members be appointed -

4.2.1 on a contract linked to the political term of Office of the executing authority concerned. The rationale is that should the term of Office of the executing authority end or be terminated for whatever reason the contract of the appointee is automatically also terminated and will not represent a burden to the public service; or

4.2.2 as full-time public servants, provided that they utilise the job evaluation system and ensure that there are sufficient funds available on the approved budget of the respective department for the creation of post(s). The executing authority may second personnel from components within the department to the Office of the Political Office Bearer. The advantage of secondment is that staff members could return to their original component on the approved establishment without any burden to the department.

4.3 The core staff will therefore be determined by the executing authorities who may decide on the creation and grading of posts as identified in their structure based on proven needs and provided that sufficient funds are available in terms of the medium-term expenditure framework (MTEF). Regulations B.2 and F of Part III, Chapter 1 of the Public Service Regulations are applicable.

4.4 Special Advisers may be employed in terms of the conditions as laid down by the Cabinet.

General

4.5 The Chief of Staff of the Ministry is in charge of the overall management of the Ministers' and Deputy Ministers' offices. The "Head" in a MEC's Office will be in charge of that office.

4.6 Executing Authorities may decide to collapse the posts of Appointments Secretary and Private Secretary into one post as identified in their structure based on proven needs. It is advisable that the incumbent of the post Private Secretary should not be the Chief of Staff of the Ministry.

4.7 The Department should formulate job descriptions for each member of staff in the Ministry within the framework of the functions of the respective officers approved by the Cabinet.

4.8 Clear procedures should be compiled for recording Ministers' meetings, handling of correspondence, answering parliamentary questions and ministerial speeches and briefings.

4.9 Departments should develop an effective automated system for the management of ministerial correspondence.

4.10 The approved post of Chief Director (Communications) should be located within the structure of the department though answerable to the Minister and under his/her direction in respect of policy matters of the department. The incumbent should be responsible for the media relations of a Minister and his/her department.

NOTES:

- * The messenger that was responsible for messenger duties can now also perform driving duties. The National Protection Unit (SAPS) will still be responsible for protection and security service to political office-bearers. Please take cognisance of the Note at paragraph 10.1.3 of the Financial Manual regarding the payment of allowances as well as the allowance payable to Driver/messenger in paragraph 10.2.

4.11 Payment of allowances: (Paragraph 10 of the Financial Manual for the purposes of the calculation of benefits and allowances has to be taken cognisance of and read with this Determination. Note: Employees appointed in terms of the said Collective Agreement should be notified at appointment that these allowances are only payable during the period of this appointment.)

4.11.1 The payment of existing allowances is dealt with in paragraph 2 of the collective agreement on allowances for personnel serving executing authorities and should serve as a guideline.

4.11.2 The continued payment/initiation of payment to new incumbents, of allowances, has to be tested against the following criteria: (The following components are provided for.)

- * Inconvenience of working environment (e.g. interaction with persons with high standing);
- * Recruitment (longer working hours- overtime)
- * Undertaking duties that lie outside the employee's primary career or profession;
- * Clothing maintenance; and/or
- * Travelling.

NOTE:

Driver/Messenger

- * Provision was made for 107 hours of converted overtime in the calculation of the monthly allowance payable to drivers at paragraph 10.1.3(a) of the Financial Manual. In other words, overtime can only be claimed after more than 107 hours of overtime has been worked during the course of a month.

Household Manager

- * Provision was made for 50 hours of converted overtime in the calculation of the monthly allowance payable to household managers at paragraph 10.5.1 of the Financial Manual. The same principle applies here as with the drivers indicated above. **This principle should have been implemented not later than 1 September 1999.**

4.11.3 Levels of payment of allowances should be continued on the basis of the previous considerations. Although only one agreement applies to various occupational dispensations, only maximum allowances payable are indicated in the agreement. Amounts should be paid to the categories as indicated in paragraph 10 of the Financial Manual.

4.11.4 Clothing grant:

(a) Clothing grant as a single once-off payment:

This amount is a once-off grant to the incumbent of the post to whom such a grant is payable. It is not paid again when the incumbent serves a new political office bearer, without any interruption in the service. Provision is made in the monthly personal non-pensionable allowance for the maintenance of clothing, once the clothing grant is paid. The adjustment of this component with the CPI on Clothing and Footwear is considered annually by the Minister for the DPSA. This single clothing grant to the relevant personnel is for the purchase of (formal) clothing outfits on the provision that they -

- (i) furnish proof of their clothing purchases; and
- (ii) be contractually bound for a period of 24 months, after making use of the relevant concession, to repay the full amount made available, or a pro rata portion thereof, to the State should they resign or should their services be terminated as a result of misconduct before expiry of the 24 months.

NOTE:

The only time that the same person is thus eligible for the payment of this clothing grant again, is when he/she had an interruption in service.

(b) Clothing grant as an annual payment in the case of driver/messenger in paragraph 10.1.3(b) of the Financial Manual

- (i) Where personnel are expected predominantly to wear their service uniforms, or predominantly to wear their service uniforms that are usually provided by the department, only the difference between the various uniform provisions and clothing grant in this subparagraph is paid.
- (ii) If it is expected of personnel to predominantly wear private clothing, they are entitled to the full clothing grant in this subparagraph.
- (iii) Payable on submission of either receipts or statements from firms (duly certified by the driver concerned and the Appointments Secretary/Private Secretary of the political office bearer concerned).

- (iv) Payable to either the driver/messenger (in case of receipts) or the supplier (in case of statements) concerned.

NEED FOR POLICIES TO BE DEFINED WITH REGARD TO THE NEW STRUCTURE

- 5. Departments/provincial administrations have to consider the development of policies with regard to the following aspects:
 - 5.1 The filling of these posts will be determined by the fact whether a person is already taken up in such a post, is a serving official in another post or somebody from outside the Public Service. (Departments will have to determine policy in this regard.)
 - 5.2 Departments/provincial administrations will have to, with the norms and restrictions in paragraph 4 in mind, determine their specific needs with regard to posts to be filled:
 - 5.2.1 strategies and goals will have to be determined;
 - 5.2.2 re-organising if necessary.
 - 5.3 As CORE's are not so narrowly defined as was the case with the previous Personnel Administration Standard (PAS) system, departments/provincial administrations will have to determine which CORE will be most suitable to accommodate these personnel. It is, however, suggested that the following CORE's, inter alia, be considered:
 - 5.3.1 Management and General Support Personnel
 - 5.3.2 Communication and Information Related Personnel.

NOTE:

- 5.4 Although the personnel referred to in paragraph 4 above were previously appointed in (a) post/posts on the fixed establishment of departments/provincial administrations on the basis of a work study investigation, the incumbents of such posts are still responsible to the relevant executing authority (Minister, MEC etc.). In other words support is given to the individual. Therefore each executing authority has the prerogative of who supports him/her. The implication is that each executing authority will/can appoint the personnel of his/her choice.

5.5 In the above regard, departments/provincial administrations will have to determine the appointment capacity, which can be one of the three alternatives (having regard to the measures in Part VII A – H of the Public Service Regulations, 2001):

5.5.1 Appointment on the fixed establishment – taken up in the most suitable CORE;

5.5.2 Contractual appointment.

5.5.3 Secondment.

NOTES:

* The person to be appointed should be given the opportunity of making a choice in this regard.

* The risk of being appointed on a contractual basis stands to reason in the case where the executing authority's term comes to an end and the appointee and employer should carefully consider this aspect and the appointee's position after the expiry of the executing authority's term.

5.6 The grading of a post, with paragraph 4 in mind, should be determined in a job evaluation investigation.

5.7 Although it was the original intention that incumbents in role playing posts return to the occupational class/es of origin, in many cases for many reasons such as scarcity of trained and experienced personnel, personnel never returned to the occupational class/es of origin.

ALLOWANCES

6. Calculations of the allowances are dealt with in the Financial Manual.

CONSULTATION AND NEGOTIATION

7. A bargaining council may negotiate as indicated in the agreement.