

Annexure D4: PART B, APPENDIX B: Delegations Register- HoD delegations to performer levels in terms of the PSR

HEAD OF DEPARTMENT DELEGATIONS TO PERFORMER LEVELS IN TERMS OF THE PUBLIC SERVICE REGULATIONS, 2016

ROW NO	POWER OR DUTY BEING DELEGATED		Principal Functionary	DESIGNATION/POST LEVEL DELEGATED TO PER TIER			DELEGATION CONDITIONS AND LIMITATIONS	
	Regulation	Topic Description		Head Office	Region	District	Indicators for Execution/Reporting/ Consultation/ Informing	
1	CHAPT ER 1	GENERAL PROVISIONS						
2	6.(1), (3) and (4)	<u>Communication with Minister and media</u> (1) If a head of department wishes to communicate with the Minister on a matter that falls within the Minister's powers and duties, he or she shall communicate through the Director-General: Public Service and Administration, except in respect of any career incidents of that head of department which fall within the Minister's functions or delegated functions. (3) An employee, in his or her official capacity, may not communicate with the media unless so authorised by the head of department. (4) A head of department shall establish a policy regulating communication by its employees with the media.	HOD	(1) Not delegated (3) Not delegated (4) CD Information Management	-	-	HOD to instruct Head of Communications to communicate on his behalf. CD IS to ensure the Communication policy is reviewed and relevant.	
3	8.(1) and (2)	<u>Record-keeping of delegations and correction of acts and omissions</u> (1) A head of a department shall keep a register of all delegations made in terms of section 42A of the Act in the format directed by the Minister (2) An executive authority shall keep copies of all documents relating to the correction of an act or omission in terms of section 5(7) of the Act	(1) HOD (2) EA	(1) Not delegated (2) DDG CMS	-	-	All delegated officials to compile and submit the register as prescribed.	
4	9.(1), (2) and (4)	<u>Reporting, monitoring, evaluation and compliance</u> (1) For purposes of reporting on and assessing compliance with the Act or reviewing the appropriateness and effectiveness of any regulation, determination or directive made under the Act, the executive authority or head of department shall submit to the Minister or the Director-General: Public Service and Administration, as the case may be, information and data on such matters with respect to the Act, in such format and on such date as directed by the Minister. (2) A head of department shall introduce mechanisms to monitor and evaluate any provision of the Act for reporting to the Minister as contemplated in subregulation (1). (4) A head of department may not require or permit any employee to perform, or not to perform, any act in breach of these Regulations	EA HOD HOD HOD	Not delegated (1) Not delegated (2) DDG:CMS (4) Not delegated	-	-	Information and data requested by and to Minister of DPSA Information and or data requested by and to Director General of DPSA	

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5	CHAPT ER 2	CONDUCT, FINANCIAL DISCLOSURE, ANTI-CORRUPTION AND ETHICS					
6	17.(2)	Register of designated employees' interests (2) A head of department shall keep a register of any other designated employees' interests not contemplated in subregulation (1).	HOD	DDG: CMS & Ethics Officer	-	-	
7	18. (1)	Disclosure of designated employees' interests (1) SMS members, except for a head of department shall, not later than 30 April of each year, disclose to the relevant head of department, in a form prescribed for this purpose by the Minister, particulars of all his or her interests in respect of the period 1 April of the previous year to 31 March of the year in question.	HOD	Ethics Champion and Ethics Officer	-	-	HOD ensure disclosure by all members of the SMS. Facilitated by the Ethics Champion and Ethics Officer
8	18.(2)	(2) A head of department shall, not later than 30 April of each year, disclose to the relevant executive authority, in the form prescribed for this purpose by the Minister, particulars of all his or her interests in respect of the period 1 April of the previous year to 31 March of the year in question.	HOD	Not delegated	-	-	EA ensures disclosure by HOD
9	18.(5)	(5) The head of department or executive authority, as the case may be, shall ensure that the disclosure of interests by designated employees is submitted electronically to the Commission or the relevant authority as may be directed by the Minister in terms of subregulation (3), unless otherwise determined by the Minister.	HOD	Ethics Champion and Ethics Officer	-	-	HOD ensures disclosure by all other SMS members in terms of PSR 18(1) and other designated employees, facilitated by the Ethics Champion and Ethics Officer.
10	18.(7)	(7) A head of department shall submit to the Commission a copy of the form submitted to the head of department by a member of the SMS in terms of - (a) subregulation (1) not later than 31 May of the year in question; or (b) subregulation (4), in so far as it relates to a member of the SMS, excluding a head of department, not later than 30 days after it has been so submitted.	HOD	Ethics Champion and Ethics Officer	-	-	HOD ensures submission facilitated by the Ethics Champion and Ethics Officer.

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11	21.(1)	<u>Conflict of interest</u> (1) In so far as conflict of interest relates to <u>members of the SMS:</u> (c) Upon the referral, the executive authority shall consult with the employee concerned on appropriate steps to remove the conflict of interest (d) If the employee, after the consultation referred to in subregulation (1)(c), fails to take the appropriate steps to remove the conflict of interest, the executive authority shall instruct the relevant authority to take disciplinary action against the employee. (e) An executive authority shall, within 30 days after such referral, report to the Commission by (i) stating whether any steps were taken; and (ii) if steps were taken, giving a description of those steps or providing reasons if no steps were taken.	EA	(1)(c) HOD L13 to L15 (1)(d) HOD L13 to L15 (1)(e) Not delegated	-	-	This regulation deals with interests if the Commission is of the opinion that an interest of a SMS employee disclosed in terms of regulation 18 conflicts or is likely to conflict with the execution of any official duty of that employee. (1)(c) EA retains consultation in respect of the HOD (1)(d) EA retains disciplinary action in respect of the HOD (1)(e) EA retains reporting action in respect of the HOD
12	21.(2)	(2) In so far as conflict of interest relates to designated employees who are <u>not members of the SMS:</u> (a) The head of department shall verify the interests disclosed. (b) If the head of department is of the opinion that an interest of such designated employee disclosed in terms of regulation 18 conflicts or is likely to conflict with the execution of any official duty of that employee, he or she shall consult the employee concerned and, where possible, take appropriate steps to remove the conflict of interest (c) If the employee, after the consultation referred to in subregulation (2)(b), fails to take the appropriate steps to remove the conflict of interest, the head of department shall take disciplinary action against the employee. (d) A head of department shall no later than 31 August of each year report to the Minister on— (i) the number of cases identified in terms of subregulation (2)(b); (ii) whether any steps were taken; (iii) if steps were taken, a description of those steps; and (iv) if no steps were taken, reasons thereof.	HOD	1)(a) DDG CMS L2 – L12 1)(b) DDG CMS L2 – L12 1)(c) DDG CMS L2 – L12 1)(d) Not delegated	-	-	

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13	22 (a) to (e)	<u>Anti-corruption and ethics functions</u> A head of department shall - (a) analyse ethics and corruption risks as part of the department's system of risk management; (b) develop and implement an ethics management strategy that prevents and deters unethical conduct and acts of corruption; (c) establish a system that encourages and allows employees and citizens to report allegations of corruption and other unethical conduct, and such system shall provide for— (i) confidentiality of reporting; and (ii) the recording of all allegations of corruption and unethical conduct received through the system or systems; (d) establish an information system that - (i) records all allegations of corruption and unethical conduct; (ii) monitors the management of the allegations of corruption and unethical conduct; (iii) identifies any systemic weaknesses and recurring risks; and (iv) maintains records of the outcomes of the allegations of corruption and unethical conduct; and 32 (e) refer allegations of corruption to the relevant law enforcement agency and investigate whether disciplinary steps must be taken against any employee of the department and if so, institute such disciplinary action.	HOD	DDG:CMS	-	-	The Ethics Committee to facilitate the execution of the responsibilities.
14	23 (2)	<u>Designation of ethics officers</u> (2) The head of department shall establish an ethics committee or designate an existing committee, chaired by a Deputy Director-General, to provide oversight on ethics management in the department.	HOD	Not delegated	-	-	HOD to appoint Ethics Committee

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15	CHAPT ER 3	PLANNING, ORGANISATIONAL ARRANGEMENTS AND SERVICE DELIVERY					
16	25.(1)	Strategic plan (1) An executive authority shall prepare a strategic plan for his or her department	EA	HOD	-	-	EA approves the strategic plan
17	25.(2)(a)	Organisational structure (2) Based on the strategic plan of the department, an executive authority shall— (a) determine the department's organisational structure in terms of its core mandated and support functions - (i) in the case of a national department or national government component, after consultation with the Minister and National Treasury; and (ii) in the case of a provincial department or provincial government component, after consultation with the relevant Premier, the Minister and the relevant provincial treasury;	EA	Not delegated	-	-	

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8	25.(2)(b) and (c)	<u>Define and create the posts</u> (2) Based on the strategic plan of the department, an executive authority shall - (b) define and create the posts necessary to perform the relevant functions of the department while remaining within - (i) the current budget; (ii) the Medium-Term Expenditure Framework of the department; and (iii) the norms and standards determined by the Minister for post provisioning for occupations or categories of employees; and the posts so defined and created shall constitute the department's approved establishment; c) grade proposed new jobs according to the job evaluation and job grading systems referred to in regulation 41(1), except where the grade of a job has been determined in terms of an OSD or directed by the Minister in terms of regulation 41(2)(d)	EA	Not delegated	-	-		
19	26.(1)	<u>Human resource plan</u> (1) An executive authority shall prepare and implement a human resource plan for his or her department.	EA	HOD	-	-	HOD approves the plan Implementation of the plan is monitored through EXCOM	

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20	27.	<u>Employment equity plan</u> An executive authority shall develop and implement an employment equity plan as contemplated in section 20 of the Employment Equity Act.	EA	HOD	-	-	HOD approves the plan. Implementation of the plan is monitored through EXCOM
21	28.(1) and (2)	<u>Human resource development plan</u> (1) An executive authority shall prepare and implement a human resource development plan for his or her department taking into account the human resource plan contemplated in regulation 26. (2) An executive authority shall monitor and evaluate the implementation of the plan contemplated in subregulation (1)	EA	HOD	-	-	HOD approves the plan. Implementation of the plan is monitored through EXCOM
22	29.	<u>Assessment of efficiency and effectiveness</u> An executive authority must assess the efficiency and effectiveness of a department in supporting that department's service delivery objectives using the assessment tools as may be directed by the Minister and submit the report to the Minister on such date and format as directed by the Minister.	EA	HOD	-	-	HOD submits report to Office of the Premier.
23	30.(1) and (2)	<u>Information and communication technology plan</u> 30. (1) A head of department shall establish and maintain an information and communication technology plan for the department that - (a) supports the planning process and objectives contemplated in regulations 25 and 38; (b) utilises an appropriate enterprise architecture methodology; and (c) complies with Chapter 6. (2) A head of department shall monitor and evaluate the implementation of the plan contemplated in subregulation (1) through - (a) an implementation plan linked to the Medium-Term Expenditure Framework budget; and (b) an annual operational plan.	HOD	Not delegated	-	-	HOD approves the plan. CD: IM monitors the implementation of the plan
24	31.(1)	<u>Annual report</u> (1) The head of department shall include in the department's annual report, referred to in section 40(1)(d) of the Public Finance Management Act, such information pertaining to the public service as the Minister may direct, and in the format that the Minister may direct.	HOD	DDG: CMS	-	-	In consultation with the CFO and strategic management services

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25	31.(2)	<u>Annual report</u> (2) An executive authority shall immediately after he or she has tabled the annual report in the relevant legislature in terms of section 65(1) of the Public Finance Management Act, submit it to the relevant treasury and the Minister, make it available on its website and, on request, make it available free of charge to any member of the media or the public.	EA	HOD	-	-	HOD submits report to the EA EA tables report in the Legislature. HOD submits to relevant Treasury. CD IM makes available to public and media
26	35.	<u>Organisational functionality assessment</u> An executive authority shall conduct an organisational functionality assessment, as directed by the Minister, to assess the effectiveness of a department's internal systems and processes and submit the report to the Minister on such date and format as directed by the Minister.	EA	Not delegated	-	-	HOD submits report to Office of the Premier and DG: DPSA
27	36.	<u>Operations management framework</u> An executive authority shall establish and maintain an operations management framework which shall include - (a) an approved service delivery model; (b) a list of all core mandated services provided by the department; (c) mapped business processes for all services; (d) standard operating procedures for all services; (e) service standards for all services; (f) a service delivery charter referred to in regulation 37; and (g) a service delivery improvement plan referred to in regulation 38.	EA	DDG: CMS	-	-	DDG: CMS approves the framework and CD CS to monitor the implementation of the framework

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28	37 (1)	<u>Service delivery charter</u> (1) An executive authority shall publish on its website annually a service delivery charter which sets out the department's service standards that members of the public can expect and which will serve to explain how the department will meet each of the standards.	EA	CD: IM	-	-	HOD approves the service delivery charter in consultation with the EA CD: CS to provide approved charter to CD: IM CD: IM to publish approved charter on the department's website
29	38.	<u>Service delivery improvement plan</u> An executive authority shall establish and maintain a service delivery improvement plan aligned to the strategic plan contemplated in regulation 25 for his or her department	EA	HOD	-	-	HOD approves the SDIP and DDG:CMS monitors the implementation of the plan
30	CHAPTER 4	EMPLOYMENT MATTERS					
31	39. (1), (2) and (4)	<u>Job descriptions, job titles, systems of occupational classification and remuneration and OSDs</u> 39. (1) For each post or group of posts, an executive authority shall establish a job description and job title that indicate, with appropriate emphasis on service delivery - (a) the main objectives, activities and functions of the post or posts in question; and (b) the inherent requirements of the job. (2) At least once every 60 calendar months, an executive authority shall review job descriptions and titles and, where necessary, redefine them to ensure that they remain appropriate and accurate. (4) An executive authority shall link all posts in his or her department as contained in a remuneration system as contemplated in subregulation (3)(a) to an occupation listed in the occupational classification system referred to in subregulation 3(b), except in the case of posts determined in terms of an OSD, in which case the classification indicated in the OSD shall be utilised	HOD	CD: CS	-	-	Supervisors to ensure review of JD's through the facilitation of Organizational Development

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32	40.	<u>Creation and filling of posts</u> Before creating a post for any new job, or filling any vacancy, an executive authority shall - (a) confirm that he or she requires the post to meet the department's objectives taking into account the norms and standards determined by the Minister for post provisioning for occupations or categories of employees; (b) in the case of a new job, evaluate the job in terms of the job evaluation and job grading system referred to in regulation 41(1), except in the case of jobs determined in terms of an OSD, or jobs graded by the Minister in terms of regulation 41(2)(d), in which case the grade indicated in the OSD or as determined by the Minister shall be utilised; (c) in the case of a vacant post not determined in terms of an OSD or graded by the Minister in terms of regulation 41(2)(d), evaluate the job unless the specific job has been evaluated in the last 60 calendar months; and (d) ensure that sufficient budgeted funds, including funds for the remaining period of the medium-term expenditure framework, are available for filling the post.	EA	Not delegated	-	-	
33	41.(3)	<u>Job evaluation and job grading systems</u> (3) An executive authority may evaluate or re-evaluate any job in his or her department, except (a) jobs evaluated and graded by the Minister in terms of subregulation (2)(d); or (b) jobs determined in terms of an OSD.	EA	HOD L2 to L12	-	-	EA approves L13 to 15 HOD approves L2 to L12
34	43.(2)(a)	<u>Grading of posts</u> (2) An executive authority shall - (a) determine the grade of a post to correspond with - (i) the evaluation of the job by the Minister in terms of regulation 41(2)(d) on a date determined by the Minister; (ii) jobs determined in terms of regulation 42; or (iii) if the job was not so evaluated or determined by the Minister, the evaluation of the job by the executive authority in terms of regulation 41(3)	EA	HOD L2 to L12	-	-	EA approves L13 to 15 HOD approves L2 to L12
35	43.(2)(b)	<u>Setting of salary</u> (2) An executive authority shall -	EA	HOD	-	-	EA approves for L13 -16 HOD approves L2-12

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		(b) set the commencing salary of an employee on the minimum notch of the salary level attached to the relevant grade, unless a higher salary is awarded in terms of regulation 44.					Indicators for Execution/Reporting/ Consultation/ Informing Adhere to the conditions of creating and filling of posts as set out in Regulation 40. In respect of undergraded jobs the commencing salary is determined as set out in Regulation 45.(4)
36	43.(3)	(3) An executive authority shall set the salary of a permanent or temporary employee employed in a part-time capacity proportional to the salary of an equally graded full-time employee.	EA	HOD L2-L12	-	-	EA approves for L13 – 16 HOD approves L2-12
37	44.(1)	<u>Setting of higher salary</u> (1) Subject to subregulation (2) to (4) an executive authority may set the salary of an employee above the minimum notch of the salary level indicated by the job weight - (a) if he or she has evaluated the job; (b) if he or she requires to retain or recruit an employee with the necessary competencies; and (c) he or she shall record the reason why the higher salary was awarded.	EA	HOD L2 - 12	-	-	EA approves L13-16 HOD Approves L2-12

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38	45.(1)	Undergraded posts (1) If the job weight demonstrates that a post is undergraded and the department's budget and the medium-term expenditure framework - (a) provides for sufficient funds, an executive authority shall increase the grade of the post to a higher salary level; or (b) does not provide for sufficient funds, an executive authority shall redesign the job to equate with the grade of the post prior to regrading.	EA	Not delegated	-	-	EA approves L2 - 15 Continued employment of incumbent is set out in Regulation 45.(2)
39	45.(5)	(5) If an incumbent employee is not continued to be employed in the upgraded post as provided for in subregulation (2), an executive authority shall - (a) redesign the job to equate with the grade of the post before it was regraded; or (b) transfer the incumbent to another suitable post of an equivalent grade to the post that he or she occupied before it was regraded.	EA	Not Delegated	-	-	EA approves L2-15
40	46.(1)	Overgraded posts (1) If the job weight demonstrates that a filled post is overgraded an executive authority shall- (a) redesign the job to equate with the grade of the post before it was regraded; or (b) reduce the grade of the post in line with the job weight and transfer the incumbent to another suitable post of an equivalent grade to the post that he or she occupied before it was regraded.	EA	Not Delegated	-	-	EA approves L2-15
41	47.(3)	Information on remuneration (3) In the week before an employee's salary pay day, a head of department shall provide him or her with the following information in writing -	HOD	CFO	-	-	

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42	48	<u>Leave</u> A head of department shall - (a) encourage an employee to fully utilise his or her annual leave entitlement in the leave cycle; (b) ensure that all leave taken by an employee is recorded accurately and in full; and (c) ensure that an employee does not abuse sick leave.	HOD	All Heads of Branches and Supervisors	-	-	HRM to facilitate
43	49.(1)	<u>Overtime</u> (1) An executive authority shall compensate an employee, other than a member of the SMS, for overtime work if - (a) the department has an approved written policy on overtime; (b) the executive authority has provided written authorisation in advance for the work; and (c) the monthly compensation for overtime constitutes less than 30 percent of the employee's monthly salary or the limitation determined by the Minister, whichever is the lesser.	EA	HOD	-	-	HRM to facilitate
44	49.(2)	(2) An overtime policy contemplated in subregulation (1) shall be established by the executive authority in accordance with applicable collective agreements, which shall determine - (a) categories of employees that may not receive compensation for overtime due to the nature of their duties; (b) the circumstances under which overtime work for an individual employee may be authorised; (c) how much overtime an employee may work in a given period; (d) how authorisation for overtime is recorded; and (e) other control measures, if necessary.	EA	HOD	-	-	HRM to facilitate

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45	50.(b)	<u>Suggestions, improvements and innovations</u> 50. If an employee makes a suggestion, improvement or innovation of exceptional value to the department or the public service as a whole or has exceptional ability, a special qualification or has rendered meritorious service, other than the service recognised in terms of the department's performance incentive scheme, to the department or the public service as a whole (b) the executive authority may, only as provided for in a directive issued by the Minister, reward the employee through - (i) a non-monetary reward; (ii) a non-pensionable cash award not exceeding 20 per cent of the employee's pensionable annual salary; or (iii) such a non-monetary reward and a cash award.	EA	Not delegated	-	-	EA Approves L 2 to L16
46	51.	<u>Working hours</u> Subject to any collective agreements and the Code of Good Practice on Arrangement of Working Time issued in terms of section 87 of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997), a head of department shall determine - (a) the work week and daily hours of work for employees; and (b) the opening and closing times of places of work of the department, taking into account - (i) the needs of the public with due regard to the department's service delivery improvement plan; and (ii) the needs and circumstances of employees, including family obligations and transport arrangements.	HOD	(a) Not Delegated (b) (i) (ii) Not delegated	-	-	Business Continuity Plans and Service Delivery imperatives to be prioritized in hybrid/dual working arrangements as directed by DPSA and internal circulars in disaster management circumstances.
47	52.	<u>Emergency work</u> A head of department may require an employee to perform work outside normal working hours if the work is required to be performed without delay owing to circumstances which are beyond the control of the head of department and for which he or she could not reasonably have been expected to make provision.	HOD	All DDGs/Branch Heads and SMS members			

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ROW NO	POWER OR DUTY BEING DELEGATED		Principal Functionary	DESIGNATION/POST LEVEL DELEGATED TO PER TIER			DELEGATION CONDITIONS AND LIMITATIONS
	Regulation	Topic Description		Head Office	Region	District	
48	53.	Health and safety A head of department shall establish and maintain a safe and healthy work environment for employees of the department and a safe and healthy service delivery environment for members of the public.	HOD	CD:CS	-	-	HOD to appoint Health and Safety Committee
49	54.	Employee health and wellness Every department shall have a policy that promotes the health and well-being of employees	HOD	CD:CS	-	-	Adoption of the Transversal policy and implementation of SOPs
50	55.(1)	HIV and AIDS and other diseases (1) A head of department shall, as far as it is reasonable, ensure that the management of HIV and AIDS is mainstreamed for employees and the public to access appropriate services in line with the department's mandate and manage other diseases, injuries, and conditions of employees to ensure efficient, effective and sustainable delivery of services.	HOD	CD:CS	-	-	CD: CS to facilitate with Transformation Services
51	56.	Workplace environment management A head of department shall introduce appropriate measures for the institutionalisation of the Public Service Charter in his or her department.	HOD	DDG:CMS	-	-	DDG: CMS to facilitate with Corporate Services
52	57.(1)	General conditions for appointment (1) An executive authority - (a) shall not appoint any person - (i) under the age of 15 years of age; or (ii) under the minimum school-leaving age in terms of any law. (b) shall determine the health requirements for incumbency of a post in any case where it is part of the inherent requirements of the post; (c) shall subject an employee or a candidate for employment to personnel suitability checks as directed by the Minister; (d) shall ensure that each person upon appointment, is provided with written particulars of employment, including the terms and conditions of his or her service; and (e) shall not, with due regard to section 10(a) of the Act, appoint a temporary employee permanently or vice versa without complying with regulations 65 and 67.	EA	HOD L13 and L14 DDG: CMS L2-12	-	-	EA approves L 15 and L16 (excluding HOD post) HOD: approves L13-14 DDG CMS approves L2-12

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	Regulation	Topic Description		Head Office	Region	District	
53	57.(2)	<u>General conditions for appointment</u> <u>Employ persons additional to the establishment</u> (2) An executive authority may, unless otherwise authorised by the Act, within the available budget and at a salary level linked to a grade determined through job evaluation or as determined in an OSD, employ persons additional to the establishment, where— (a) the incumbent of a post is expected to be absent for such a period that his or her duties cannot be performed by other employees; (b) a temporary increase in work occurs or it is necessary for any other reason to temporarily increase the staff of the department; (c) an employee's post has been abolished and he or she cannot be transferred into another post; or (d) an employee is part of a development programme as contemplated in regulation 58.	EA	Not delegated	-	-	EA approves L2-15 CFO to confirm funding See general conditions for appointment is set out in PSR 57.(1), (2), (3), (4) (5) and (6)
54	57.(3) and (4)	(3) Before making a decision on an appointment of a person additional to the establishment, an executive authority shall - (a) satisfy himself or herself that the person qualifies in all respects for the position and that his or her claims in his or her application for the position have been verified; and (b) record that verification in writing. (4) The employment of a person additional to the establishment in terms of subregulation (2)(a) or (b) shall not exceed 12 consecutive calendar months unless otherwise directed by the Minister.	EA	Not delegated	-	-	EA approves L2-15

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	Regulation	Topic Description		Head Office	Region	District	
55	57(5)	All appointments other than employment additional to the establishment (5) An appointment shall take effect after approval by the relevant executive authority.	EA	HOD L13-L14 DDG CMS L2-L12	-	-	EA approves L15-16 HOD approves L13-14 DDG: CMS approves L2-12
56	58	<u>Developmental programmes</u> An executive authority may appoint persons who are part of a developmental programme, including but not limited to, internships, learnerships and apprenticeships, on such terms and conditions that shall be determined by the Minister.	EA	DDG:CMS	-	-	DDG:CMS to approve
57	59.	<u>Utilisation of unpaid voluntary workers</u> An executive authority may utilise unpaid voluntary workers under the following conditions: (a) The voluntary worker shall not in any way assist in carrying on or conducting the business of the department; (b) the terms and conditions as agreed between the volunteer and the department shall be recorded in writing; (c) the period of volunteerism per voluntary worker shall not exceed twelve consecutive calendar months; (d) a department may compensate a voluntary worker for actual expenses incurred in performing the volunteer work in accordance with departmental policies and such compensation shall not be construed as remuneration; (e) a voluntary worker shall perform work in a department under the supervision of an employee; and (f) such other conditions that the Minister may direct.	EA	HOD	-	-	HOD to approve request in consultation with Corporate Management Services

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	Regulation	Topic Description		Head Office	Region	District	
58	60.(1), (2) and (3)	<u>Re-appointment of former employees</u> (1) An executive authority shall not re-appoint a former employee if that employee left the public service - (a) earlier on the condition that he or she would not accept or seek re-appointment; or (b) due to ill health and cannot provide sufficient evidence of recovery. (2) Notwithstanding subregulation (1)(a) and subject to regulation 61, an executive authority may appoint such former employee in a post if - (a) no other suitable candidate could be recruited in terms of these Regulations; (b) the appointment is made for a fixed term not exceeding three years; and that term may be extended only once for a further term not exceeding three years; and (c) the employee has not been previously appointed in terms of this regulation. (3) Notwithstanding subregulation (1)(a) and subject to regulation 61, an executive authority may appoint such former employee additional to the establishment if - (a) the appointment is made for a period not exceeding the period contemplated in regulation 57(4); and (b) the employee may not be appointed more than twice in terms of this regulation	EA	Not delegated	-	-	EA approves L 2-16
59	62.(3)	<u>Secondments</u> (3) If an employee is seconded upon his or her request in terms of section 15(3)(b)(i) of the Act, the relevant executive authority may bind him or her to continued employment in the relevant department or another department immediately after the secondment for a period not exceeding the period of the secondment.	EA	Not delegated	-	-	EA approves L 2-16

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	Regulation	Topic Description		Head Office	Region	District	
60	64.(1) and (2)	Determination of requirements for employment (1) An executive authority shall determine and record composite requirements for employment in any post on the basis of the main objectives, core functions and the inherent requirements of the job. (2) An executive authority shall - (a) ensure that the requirements for employment do not unfairly discriminate against any person; and (b) comply with any statutory requirement for the appointment of employees.	EA	CD:CS	-	-	Corporate Services facilitate with the assistance of Heads of Branches
61	65.(1)	Advertising (1) An executive authority shall ensure that vacant posts in the department are advertised, as efficiently and effectively as possible, to reach the entire pool of potential applicants, including designated groups.	EA	DDG: CMS	-	-	Corporate Management Services facilitate with the assistance of Heads of Branches.
62	65.(4)	(4) An executive authority shall advertise any other vacant post, as a minimum, within the department, but may also advertise such post - (a) in the public service; (b) locally, or (c) nationwide.	EA	DDG: CMS	-	-	HRM facilitate with the assistance of Heads of Branches

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	Regulation	Topic Description		Head Office	Region	District	
63	66.(1) and (2)	Filling of posts in Office of executive authorities and Deputy Ministers (1) An executive authority may only fill vacancies in the Office of an executive authority or a Deputy Minister by means of: (a) an appointment in terms of section 9 of the Act for the term of office of the incumbent executive authority or Deputy Minister which will terminate at the end of the first month after the month which the term of that executive authority or Deputy Minister terminates for any reason; (b) a transfer in terms of section 14 of the Act, provided that the employment status of the transferred employees as permanent or temporary, as the case may be, shall remain unaffected by the transfer. (2) Subject to the appointment criteria in regulation 67(5)(b) to (d), an executive authority may fill a post in the Office of the executive authority or a Deputy Minister in that executive authority's portfolio, in terms of subregulation (1) without complying with regulations 65(1); (3) and (4). (3) Subregulation (1) shall not be construed as preventing the secondment in terms of section 15(2) or (3) of the Act of a person or an employee or an assignment in terms of section 32 of the Act of an employee to perform the functions of a post in the office of an executive authority or a Deputy Minister. (4) Any employee employed in terms of subregulation (1)(a) shall not be transferred within the department or to another department without complying with regulation 65(1), (3) and (4).	EA	Not delegated	-	-	EA approves appointments HOD signs off administrative processes for Level 13 DDG: CMS signs off administrative processes for Levels 2-12
64	67.(1)	Selection (1) An executive authority shall appoint a selection committee to make a recommendation on the appointment to a post. The selection committee shall consist of at least three members who are employees of a grade equal to or higher than the grade of the post to be filled or suitable persons from outside the public service. However— (a) the chairperson of the selection committee, who shall be an employee, shall be of a grade higher than the post to be filled; and (b) in the event that the head of the component within which the vacant post is located, is graded lower than the vacant post, such a head may be a member of the selection committee	EA	HOD L13-14 DDG:CMS L2-12	-	-	EA chairs selection committee for L15-L16, excluding HOD post HOD L13-14 DDG:CMS L2-12

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	Regulation	Topic Description		Head Office	Region	District	
65	67.(7)	(7) If the selection committee is unable to recommend a suitable person for appointment from those who applied in terms of subregulation (5), the executive authority may, after that selection process has been completed, approve the head-hunting of one or more persons with the requisite competencies and subject such person or persons to the same selection process as those who applied.	EA	HOD L2 to L12	-	-	EA approves head hunting for L13-L16 HOD approves head-hunting for L2 to L12
66	67.(8)	(8) If an executive authority does not approve a recommendation of a selection committee, he or she shall record the reasons for his or her decision in writing.	EA	HOD L13 and L14 DDG:CMS L2-12			EA for L 15 – L16 (excluding HOD post)
67	67.(9)	(9) Before making a decision on an appointment or the filling of a post, an executive authority shall (a) satisfy herself or himself that the candidate qualifies in all respects for the post and that his or her claims in his or her application for the post have been verified as directed by the Minister; and (b) record that verification in writing.	EA	HOD L13 and L14 DDG: CMS L2 -12	-	-	EA for L 15 and L16 (excluding HOD post)
68	68.(2)	<u>Probation</u> (2) An executive authority may require an employee appointed to another equally graded post to not serve the probation contemplated in subregulation (1).	EA	HOD L2 – L14	-	-	EA for L 15 and L16
69	69.(2)	<u>Resignation</u> (2) Subject to section 16B(6) of the Act, the executive authority and the employee may agree to a period of notice shorter or longer than the applicable period referred to in subregulation (1).	EA	HOD L13 and L14 DDG CMS: L2-12	-	-	EA for L 15 and L16

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	Regulation	Topic Description		Head Office	Region	District	
70	69.(3)	Resignation (3) An executive authority shall stipulate the manner in which an employee shall submit his or her resignation.	EA	HOD L13-15 DDG: CMS L1-12	-	-	HOD: L13-15 DDG: CMS L 1-12
71	69.(4)	(4) An executive authority shall conduct and record an exit interview with an employee who has resigned and record the reasons given by the employee for his or her resignation	EA	CD: CS L2-15	-	-	HRM facilitates all exit interviews
72	69.(5)	(5) An employee who has submitted his or her resignation to the executive authority may only withdraw his or her resignation with the written approval of the executive authority, which approval shall be made no later than the last working day	EA	HOD 13-14 DDG: CMS: L2-12	-	-	EA L15 – L16
73	69.(6)	(6) If notice of resignation is given in terms of subregulation (1), the executive authority may require the employee to return all official equipment and documents, vacate his or her office and leave the department's premises before the expiry of the notice period on a day stipulated by the executive authority and not to perform any duties for the remaining notice period.	EA	DDG: CMS L2 -12	-	-	EA for L15-L16 HOD for L13-14
74	70.	<u>Employee records</u> A head of department shall keep a record of each employee and of each post on the establishment in accordance with the information requirements as issued by the Minister.	HOD	CD: IM	-	-	
75	71.(1)	<u>Systems for performance management and development</u> (1) An executive authority shall approve and implement a system for the performance management of employees, other than employees who are members of the SMS, in his or her department.	EA	HOD	-	-	Adherence to Provincial Policy for L1-12

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	Regulation	Topic Description		Head Office	Region	District	
76	71.(2)	(2) An executive authority shall approve the department's performance management system in the financial year prior to the cycle in which the system is to be implemented, and any deviation from the provisions of the system during the cycle may be approved by the executive authority only if such deviation is not to the detriment of any employee.	EA	HOD	-	-	Adherence to Provincial Policy for L1-12 and SMS Handbook for SMS members
77	71.(3)	(3) An executive authority may establish separate performance management systems for different occupational categories or levels of work.	EA	HOD	-	-	Adherence to Provincial Policy for L1-12 and SMS Handbook for SMS members
78	71.(6)	(6) An executive authority may use a single assessment instrument to assist in deciding on an employee's probation and performance.	EA	HOD	-	-	
79	71.(7)	(7) Heads of department shall ensure that accurate records of all performance assessments and the outcomes thereof are kept.	HOD	CD: CS & CD: IM	-	-	

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	Regulation	Topic Description		Head Office	Region	District	
80	72.(4)(c)	<u>Performance agreements and assessments</u> (4) If both the employee and his or her supervisor do not sign the performance agreement or an agreement of similar nature due to a dispute relating to the content of the agreement, a person shall be appointed within one month after the expiry of the period stipulated in subregulation (1), to consider the dispute. Such person shall be appointed in the following manner: (c) in the case of other employees, the appointment shall be made by the relevant executive authority, provided that the person so appointed, shall be an employee.	EA	HOD L13-L15 DDG: L2-L12	-	-	This indicator is for appointments to resolve disputes
81	72.(9)	(9) The head of department shall ensure that the outcomes of the annual performance assessments are implemented by 31 December of the financial year following the year of the assessment.	HOD	Not delegated	-	-	Facilitated by Corporate Services
82	72.(14)	(14) An executive authority shall inform the employee of the outcome of his or her performance assessment.	HOD	CD: CS	-	-	Outcome letters to be signed as follows: CD:CS L2-15
83	72.(15)(b) and (c)	(15) Based on the outcome of the performance assessment an executive authority – (b) may, where appropriate, provide training and development for employees; (c) shall manage poor performance.	EA	CD:CS L2-L15	-	-	Corporate Services facilitates with supervisors
84	73.(1)	<u>Rewarding performance</u> (1) Each executive authority shall establish a performance incentive scheme to reward employees or any category of employees within the limits determined by the Minister as contemplated in subregulation (3).	EA	Not delegated	-	-	EA approves

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	Regulation	Topic Description		Head Office	Region	District	
85	73.(2)	(2) A head of department shall establish a written departmental performance incentive scheme - (a) determining the nature, rules and control measures of the scheme; (b) communicating the nature and rules of the performance incentive scheme to all employees; (c) ensuring that employees who implement the quality and quantity control measures of the scheme are not entrusted with the implementation of that scheme in relation to themselves; and (d) including provisions for the introduction of non-financial incentives, if deemed appropriate.	HOD	Not delegated	-	-	Adherence to Provincial Policy for L1-12 and SMS Handbook for SMS members
86	74.(2)	<u>Institutional arrangements regarding education, training and development</u> (2) A head of department shall ensure that sufficient budgeted funds are available for the training and development of employees and shall provide training and development opportunities for employees in his or her department.	HOD	DDG: CMS	-	-	To be facilitated and validated by EUCB
87	76.	<u>Occupational specific competencies and training</u> An executive authority shall determine the training required for various occupational categories or specific employees in his or her department.	EA	CD: CS	-	-	CFO to confirm that budgeted funds are available and Skills Development Committee recommendations to be considered for HOD's approval facilitated by CD: CS.

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88	77.(1) to (4)	<u>Training assistance</u> 77. (1) For purposes of enhancing the performance of the work of the department, a head of department may grant financial or other assistance for any study, training or research where - (a) an employee undertakes the study, training or research on the initiative of the department; or (b) the employee has requested any such assistance and the study, training or research is related to the employer's skills requirements. (2) A head of department may grant financial or other assistance to employees for part-time or full-time activities at either local or international institutions. The head of department may also grant assistance for studies and training through training interventions such as short courses, congresses, symposia, seminars, conferences, workshops, lectures and study tours. (3) A head of department may - (a) grant bursaries for higher education to employees or other persons in terms of a human resources development plan contemplated in regulation 28; (b) allocate bursaries for general education and continuing education and training to employees; and (c) require contractual service in recompense for assistance received in respect of general education or continuing education and training. (4) A head of department may defray any reasonable actual expenses associated with study, research or training.	HOD	Not delegated	-	-	CFO to confirm that budgeted funds are available and Skills Development Committee recommendations to be considered for HOD's approval facilitated by CD: CS.
89	77.(6)	(6) Subject to the Treasury Regulations, a head of department may waive the whole or any part of any study debts.	HOD	Not delegated	-	-	HOD to approve in consultation with CFO
90	77.(9)	(9) In the case of an employee who studies or undergoes training for short periods, a head of department may, as a precondition for providing assistance, require the employee to enter into a contract with the department in terms of which he or she shall serve the department for a commensurate period.	HOD	Not delegated	-	-	HOD to approve in consultation with DDG: CMS

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91	78.(2)	<u>Mandating and management of negotiations</u> (2) An executive authority may enter into a collective agreement on a matter of mutual interest only if that authority— (a) is responsible for managing collective bargaining on behalf of the State as employer in that forum; (b) has authority to deal with the matter concerned; and (c) meets the fiscal requirements contained in regulation 79.	EA	Not delegated	-	-	
92	CHAPTER 6	INFORMATION MANAGEMENT AND ELECTRONIC GOVERNMENT					
93	93	<u>Acquisition, management and use of information and communication technology resources</u> The head of department shall ensure that the acquisition, management and use of information and communication technologies by the department - (a) enhances direct or indirect service delivery to the public, including, but not limited to, equal access by the public to services delivered by the department; (b) improves the productivity of the department; (c) promotes an environmentally friendly public service; and (d) ensures cost-efficiency for the department.	HOD	Not delegated	-	-	ICT to facilitate – ICT SteerCom recommendations to be considered
94	95.(1)	<u>Information security vigilance</u> (1) A head of department shall ensure the maintenance of information security vigilance at all times in the department	HOD	CD:IM	-	-	CD: IM to work in collaboration with Security Services

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95	96.	<u>Incident reports</u> A head of department shall regularly, on the basis of the threat posed by an incident, submit to the Director-General: State Security Agency, the Auditor-General and such other authorities as the head considers appropriate - (a) an incident report of every instance of non-compliance with the information security standards referred to in regulation 94(1); and (b) a plan on how incidents of non-compliance will be corrected and how to prevent similar incidents in future.	HOD	DDG: CMS	-	-	DDG: CMS facilitates incident reports and monitoring plans
96	97.(4)	<u>Minimum interoperability standards</u> (4) A head of department shall - (a) include compliance with the MIOS in the project approval procedure; and (b) ensure compliance to the MIOS in the acquisition or use of information and communication technology.	HOD	CD: IM	-	-	ICT to facilitate – ICT SteerCom recommendations to be considered

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