

Department of Education

HR guide**LINE:**

Human Resources for Heads of
Education Departments and
Heads of Corporate
Services



Department of Education



Department of Education

HR GUIDELINE:

HUMAN RESOURCES FOR HEADS OF EDUCATION DEPARTMENTS AND HEADS OF CORPORATE SERVICES



HR GUIDELINE: HUMAN RESOURCES FOR HEADS OF EDUCATION DEPARTMENTS AND HEADS OF CORPORATE SERVICES

First Edition

COPYRIGHT

The literal and intellectual copyright of this document resides with the national Department of Education.

Should a need be identified outside of the national Department of Education for the utilisation of this document, the national Department of Education should be contacted at the address below:

The Director-General
Department of Education
Sol Plaatje House
123 Schoeman Street
PRETORIA
South Africa

Tel.: +27 (12) 312 5911
Fax: +27 (12) 321 6770
Web: <http://education.gov.za>

Private Bag X895
Pretoria
0001

ISBN No: 191997597-7

Concept, design and layout: Formeset Digital, Pretoria, (012) 324-0607
Printing: Formeset Printers Cape (Pty) Ltd for the Government Printing Works, Pretoria

Foreword

The Department of Education, in an attempt to share best practices, identified a need for the development of guidelines. The aim of this exercise is to assist executing authorities, accounting officers and heads of corporate services in executing their functions effectively and efficiently.

These guidelines provide guidance in terms of the relevant legislation, regulations and other legal instruments on the requirements in administration/corporate services. The information contained in the guidelines is applicable to both the Department of Education and Provincial Education Departments. It is constructed to provide guidance on three levels:

- Executing Authorities (Minister of Education and Members of the Executive Council);
- Accounting Officers (Director-General of the national Department of Education and Heads of Provincial Education Departments); and
- Delegated Employees (national Department of Education and Provincial Education Departments).

I wish to extend my sincere appreciation to officials who assisted in developing these guidelines.



Mr. Thami Mseleku
Director-General
Department of Education



Contents

[Introduction..... i - ii](#)

[Part 1:](#) *(Refer to divider page for detail)*

Executing Authority..... 1 - 23

[Part 2:](#) *(Refer to divider page for detail)*

Accounting Officer..... 24 - 38

[Appendices](#)

[Appendix 1:](#)

Applied legislation, policies and circulars..... 39

[Appendix 2:](#)

Index.....40 – 41

NOTE:

Maintenance and updates of this guideline will in future be available on CD and also the Department of Education website: www.Education.gov.za, and also provincial web sites.

Introduction

Human Resources are one of the important resources available to Government. The effective and efficient management of human resources creates an organisational environment, which is conducive to better service delivery to the people of South Africa.

The Constitution of the Republic of South Africa, Act No. 108 of 1996 governs the broad rights of people in the management of human resources. Government has developed various Acts, regulations and mandatory documents to provide for fair labour practices in the workplace.

Accountability and responsibility for the management of human resources in government is placed with the Executing Authorities and the Accounting Officers. These officials are provided with the option of formally delegating the powers allocated to them to managers within their various organisations.

Within this framework, the mandatory functions need to be controlled and managed. This manual was compiled as a reference summary of the mandatory functions and thus to provide for a practical, user-friendly document to assist officials.

This guidelines document is divided in two parts. Part 1 provides for those mandatory functions of Executing Authorities (both within the national Department of Education and the Provincial Education Departments). This part further provides for the areas (example, conditions of service for educators) in which a requirement is placed upon Executing Authorities. The area is further detailed with a provision of the column for sub-areas, which give details of the area (examples, development appraisal). It provides for an indicator on whether mandatory documents require return dates for outcomes, or whether the mandatory documents are part of an ongoing (day-to-day) activity.

Part 2 of the guidelines provides for mandatory functions for Accounting Officers (both within the national Department of Education and Provincial Education Departments). This part also follows the same presentation pattern as explained with the Executing Authorities.

These guidelines are not provided with the intent that the content thereof is an entitlement of any government official, but are provided to indicate areas with and without discretionary powers of both Executing Authorities and Accounting Officers. The

guidelines provide for an easy tool to verify whether the departments are meeting the expectations placed upon senior officials to ensure sound and fair labour practices in the workplace.

These guidelines also provide for a column to indicate whether any powers could be delegated. If such delegations exist within the specific department, it could be noted on the document to further enhance the practical value according to the specific environment.

The aim of this exercise is to continuously improve the guidelines with amendments to acts, regulations and mandatory documents, and also to include new requirements in future.

HR guide**LINE**:

PART 1 : Executing Authority

EXECUTING AUTHORITY

No.	¹ AREA	² SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY	
1.	Notwithstanding anything to the contrary contained in this Act, the appointment and other career incidents of the heads of department shall be dealt with by, in the case of- 1.1 a head of a national department or organisational component, the President; and 1.2 head of a provincial administration, department or office, the relevant Premier. [Public Service Act, 1994, section 3B(1) (a-b)]		1.1 As per appointment 1.2 As per appointment	1.1 The President 1.2 The Premier	
2.	As from the date of commencement of the Public Service Laws Amendment Act, 1997, (section 12(2)(a) a person shall be <i>appointed in the office of head of department</i> in the prescribed manner, on the prescribed conditions and in terms of the prescribed contract between the relevant executing authority and such a person for a period of five years from the date of his or her appointment, or such shorter period as that executing authority may approve. [Public Service Act, 1994, section 12(2)(a)] 2.1 Employment contract [Public Service Act, 1994, section 12 (2) (a)]	As from the date of commencement of the Public Service Laws Amendment Act, 1997, (section 12(2)(a)- 2.1.1(a) the term of office as head of department of such a person may be extended at the expiry thereof in accordance with the terms and conditions of the contract or a further contract, as the case may be, concluded between that executing authority and such a person of successive periods of not less than twelve months and not more than five years, as that executing authority may approve; and	By appointment every 5 years or such shorter period as may be approved	³ EXECUTING AUTHORITY	⁴ ACCOUNTING OFFICER
2.1.1(b) the term of office as head of department of any person referred to in subsection (1), or any extended term thereof, may be extended at the expiry of the term of office or extended term, as the case may be, in the prescribed manner for a period of not less than twelve months and not more than five years, as the relevant executing authority may approve, provided the said person concludes the prescribed contract with that executing authority, whereupon any further extension of his or her term of office shall, subject to the provisions of paragraph (b), take place in accordance with the terms and conditions of that contract, as the case may be.		By appointment every 5 years or such shorter period as may be approved	X	X	

¹ Area: Refers to the main area within HR, which needs to be attended to.

² Sub-area: Refers to all matters, which relates to the Area.

³ Executing Authority will include the Minister of Education and Members of the Executive Council (MEC) unless otherwise stated.

⁴ Accounting Officer will mean both the Director-General (DG) (National Department of Education) and Heads of Education Departments (HOD) in the Provinces unless otherwise stated.

EXECUTING AUTHORITY

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY	
				EXECUTING AUTHORITY	ACCOUNTING OFFICER
2.	2.1 Employment contract [Public Service Act, 1994, section 12 (2) (a)]	2.1.2 The <i>contract</i> to be concluded in terms of the Public Service Act, 1994, section 12(2) shall be as set out in Part 1 of Annexure 2 of the Public Service Regulations, 2001, Chapter 1 (VI)(B.2.1). In addition to the matters contemplated in section 12(4)(a) to (c) of the Act, the contract may specify the <i>main delegations or authorisations to the head of department</i> in terms of regulation II B.1 necessary in order to manage her of his department in terms of section 7(3)(b) of the Act, and a provision stating that delegation or authorization be added to or removed from the contract. [Public Service Act, 1994, section 12 (2) (a)]	By appointment every 5 years or such shorter period as may be approved	X	X
		2.1.3 The employment <i>contract of a head of department</i> shall comply with the requirements set out in regulation VII B.2 of Chapter 1. [Public Service Regulations, 2001, Chapter 4 (II)(F2) [Public Finance Management Act 1 of 1999 (as amended by Act 29 of 1999), section 36(5), 38 and 42]	Annual	X	X
		2.1.4 An executing authority shall provide the Minister of PSA with a <i>copy of the contract</i> as soon as possible after the conclusion thereof. [Public Service Regulations, 2001, Chapter 4 (VII) (B.2)]	As soon as possible after conclusion	X	X
2.2 Conditions of service [Public Service Act, 1994, section 12 (2) (a)]	2.2.1 <i>Remuneration of a head of department</i> or head of a provincial administration: a) The remuneration that the Employee shall receive as from the date of assuming duty as stated in clause 1 (Public Service Regulations, 2001, Annexure 2, Part 1, paragraph 2), is that specified in Appendix A of the said Public Service Regulations;	Ongoing	X	X	
	b) The salary and benefits will be payable in 12 equal monthly installments;	Ongoing	X	X	

EXECUTING AUTHORITY

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY	
				EXECUTING AUTHORITY	ACCOUNTING OFFICER
2.	2.2 Conditions of service [Public Service Act, 1994, section 12 (2) (a)]	c) The general conditions of service and benefits specified in Appendix A of the said Public Service Regulations;	Ongoing	X	X
		d) Subject to section 7(4)(b) of the Public Service Act, 1994, the Employee will also qualify for participation in other benefits and special privileges normally bestowed on a Head of Department as far as this is arranged accordingly in this Contract or other applicable prescripts; and	Ongoing	X	X
		e) When required to perform official duties away from her/his headquarters, the Employee shall travel at the Employer's expense and shall be paid a subsistence allowance in accordance with the prescribed provisions. [Public Service Regulations, 2001, Annexure 2, Part 1, paragraph 2]	Ongoing	X	X
		2.2.2 Termination of employment: a) The term of office of the Employee may be terminated in the following ways: i) On reaching the prescribed (or earlier optional) retirement age; ii) On completing a term or extended term of office; iii) Premature retirement at own request of Employee; Discharge in terms of any of the subsections of section 17 of the Public Service Act, 1994; iv) Re-determination of original term or extended term of office by the Employer; v) Voluntary resignation; and vi) Death.	Per case	X	X

EXECUTING AUTHORITY

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY	
				EXECUTING AUTHORITY	ACCOUNTING OFFICER
2.	2.2 Conditions of service [Public Service Act, 1994, section 12 (2) (a)]	b) Pension and other payable benefits are directly linked to the specific section of the Public Service Act, 1994, which is utilised, as regulated by the Government Employees Pension Fund Law, 1996, the regulations promulgated there under as applicable to a Head of Department and the Regulations;	Per occurrence	X	X
		c) Subject to the provisions of sections 16(5) and 12(1) or (2) of the Public Service Act, 1994, and the Labour Relations Act, 1995, either party may, after consultation and agreement, terminate the Contract before the expiry of an original term of office or an extended term of office, by giving to the other party three months' notice of termination, which notice shall: i) be given in writing; and ii) be given on or before the last day of a month and take effect on the first day of the succeeding month.	Per occurrence	X	X
		d) Should notice of termination be given as contemplated paragraph c above, the employer has the right to require the employee to vacate the office occupied by her/him and to leave the premises of the department before the expiry of the three months notice period on a day stipulated by the employer and not to present herself/himself for duty any time thereafter;	Per occurrence	X	X
		e) Should the employer evoke the provisions of paragraph d above, the employee will still be entitled to all such benefits as contained in the relevant prescripts; and	Per occurrence	X	X
		f) In the case of inefficiency and misconduct, the employer may deal with her/him, in terms of the relevant labour legislation and any directive issued by the Minister of PSA. [Public Service Regulations, 2001, Annexure 2, Part 1, paragraph 4]	Per case	X	X

EXECUTING AUTHORITY

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY	
				EXECUTING AUTHORITY	ACCOUNTING OFFICER
2.	2.3 Performance management [Public Service Act, 1994, section 12 (2) (a) and 12(4)]	2.3.1 The employee shall enter into an annual <i>performance agreement</i> with the employer, linked to a specific financial year, which shall include at least: a) Salary increases will be based on the performance of the employee. Performance will be assessed in accordance with her/his responsibilities and key performance areas contained in her/his performance agreement and the extent to which the employee complied therewith, as well as any directives which the Minister of PSA may issue. Salary increases for the employee will be based on individual consultation. The employee along with the employer have the responsibility to consult regarding her/his salary increase and cash bonus within the restrictions of the budget based on the performance of the employee. The salary increase and cash bonus shall be based on determinations, directives and guidelines issued by the Minister of PSA	Annual, but within a financial year	X	X
		b) An annual performance agreement provided for in terms of paragraph 7.1 (Public Service Regulations, 2001, Annexure 2, Part 1) linked to a specific financial year, stating clear performance areas / criteria / deliverables of the Department and the employee must be entered into for the duration of the employment contract. As performance agreements are linked to financial years, it should be entered into at the latest on 30 April every year for the duration of the employment contract. The employee should enter into her/his first performance agreement not later than three months after assumption of duty. In terms of the Public Service Regulation, 2001, (VII) (B.2), the employer shall record delegations and/or authorisation in the performance agreement;	Within 3 months after assumption of duty Revised Annually by 30 April	X	X

EXECUTING AUTHORITY

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY	
				EXECUTING AUTHORITY	ACCOUNTING OFFICER
2.	2.3 Performance management [Public Service Act, 1994, section 12 (2) (a) and 12(4)]	c) The performance agreement shall be revised if, at any time during its term, the work or environment of the Department is so altered (whether as a result of Government or management decision or otherwise) that the contents of it are no longer appropriate; and	Per occurrence	X	X
		d) The employment contract is directly linked to the performance agreement. In the event that the employee does not perform satisfactory in relation to the requirements of her/his performance agreement, the employee acknowledges that the employer may deal with her/him, in accordance with the procedure contained in the relevant labour legislation and any other directives issued by the Minister of PSA.	Per case	X	X
3.	Ultimate responsibility for the <i>economical, efficient and effective management of departments</i> and their human resources rests with the elected politicians as the legally appointed executing authorities. Also see paragraph 30 below. [White Paper on Human Resource Management in the Public Service, December 1997, paragraph 3.1.5]; [Public Finance Management Act 1 of 1999 (as amended by Act 29 of 1999), section 38(b)]; & [Constitution of the Republic of South Africa 108 of 1996, Chapter 10, section 195(1)]		Ongoing	X	N/A
4.	The executing authority may <i>delegate the power to an employee or authorise</i> an employee to perform his or her duties. [Public Service Regulations, 2001, Chapter 1 (II) (B.1) (a)]		Once off	X	Accounting Officer
					Delegated employee
5.	The Minister may <i>delegate</i> to the Director-General or any other person in the service of the Department of Education any power conferred upon the Minister by or under this Act, other than the powers conferred to in section 16(10), 25(3) [appeals] or 35 [regulations]. [Employment of Educators Act 76 of 1998, section 36 (1)]	The Member of the Executive Council may <i>delegate</i> to the head of department or any other person in the service of the provincial department of education any power conferred upon the MEC by or under this Act, other than the powers conferred to in section 16(10) or 25(3) [appeals]. [Employment of Educators Act 76 of 1998, section 36 (3)]	Once off	X	N/A

EXECUTING AUTHORITY

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY	
				EXECUTING AUTHORITY	ACCOUNTING OFFICER
6.	The Minister may <i>authorise</i> the Director-General or person to perform any duty assigned to the Minister by or under this Act. [Employment of Educators Act 76 of, 1998, section 36 (1)]	The Member of the Executive Council may <i>authorise</i> the head of department or person to perform any duty assigned to the MEC by or under this Act. [Employment of Educators Act 76 of 1998, section 36 (3)]	Once off	X	N/A
7.	An executing authority may <i>direct any officer or employee</i> under his or her control temporary to perform duties other than those ordinary assigned to such an officer or employee or appropriate to the grade, designation or classification of his or her post, and he or she shall comply with such direction. [Public Service Act, 1994, section 33]		Per direction	X	N/A
8.	The Minister may make regulations, which are not inconsistent with any law. [Employment of Educators Act 76 of 1998, sec 35 (a-e)]		Per occurrence	X	N/A
9.	Every employer must take steps to <i>promote equal opportunity in the workplace</i> by eliminating unfair discrimination in any employment policy or practice. [The SA Constitution, section 195 (1)]	The relevant executing authority may, subject to the prescribed conditions, approve the appointment, transfer or promotion of persons to <i>promote the basic values and principles</i> referred to in the Constitution. [Public Service Act, 1994, section 11(3)]; & [Constitution of the Republic of South Africa 108 of 1996, Chapter 10, section 195(1)]	Ongoing	X	X
10.	An executing authority shall prepare a <i>strategic plan</i> for her or his department. [Public Service Regulations, 2001, Chapter 1 (III) (B.1) (a-g)]; & Chapter 1 (III) (B5.2) [preparation, submission and content of the strategic plan]	Based on the strategic plan of the department, an executing authority shall [Public Service Regulation, 2001, Chapter 1 (III) (B.2)] : a) Determine the departments' <i>organisational structure</i> in terms of its core and support functions;	Annually	X	N/A

EXECUTING AUTHORITY

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY	
				EXECUTING AUTHORITY	ACCOUNTING OFFICER
10.	An executing authority shall prepare a <i>strategic plan</i> for her or his department. [Public Service Regulations, 2001, Chapter 1 (III) (B.1) (a-g); & Chapter 1 (III) (B5.2) [preparation, submission and content of the strategic plan]	b) <i>Grade proposed new jobs</i> according to the job evaluation system referred to in Part IV [principles and responsibilities]. An executing authority shall determine the grade of a post to correspond with its job weight and set the commencing salary of an employee on the minimum notch of the salary range attached to the relevant grade, unless the salary proves inadequate under the criteria in regulation V C.3 [salary grading criteria] [Chapter 1 (V) (C) of the Regulations];	Ongoing	X	N/A
		c) <i>Define the posts necessary</i> to perform the relevant functions while remaining within the current budget and medium-term expenditure framework of her or his department, and the posts. i) For each post or group of posts, an executing authority shall establish a job description and job title that indicate, with appropriate emphasis on service delivery: aa) The main objectives of the post; bb) The inherent requirements of the post; and cc) The requirements for promotion or progression to the next salary range, in accordance with a relevant career path. [Chapter 1 (III) (I) (I.1) of the Regulations]	Ongoing	X	N/A

EXECUTING AUTHORITY

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY	
				EXECUTING AUTHORITY	ACCOUNTING OFFICER
10.	An executing authority shall prepare a <i>strategic plan</i> for her or his department. [Public Service Regulations, 2001, Chapter 1 (III) (B.1) (a-g); & Chapter 1 (III) (B5.2) [preparation, submission and content of the strategic plan]	ii) At least once every three years, an executing authority shall review job descriptions and titles and, where necessary, redefine them to ensure that they remain appropriate and accurate. [Chapter 1 (III) (I.2) of the Regulations];	Once every 3 years	X	N/A
		d) Engage in <i>human resource planning</i> in accordance with regulation III (D) [HR planning] with a view to meet the resulting human resource needs. The executing authority shall plan within the available budgeted funds, including funds for the remaining period of the relevant medium-term expenditure framework, for <i>the recruitment, retention, deployment and development</i> of human resources according to the departments requirements in terms of regulation III D.1 (a) [assessment of human resources necessary to perform functions], which plan must, as a minimum, include: <ul style="list-style-type: none"> i) Realistic goals and measurable targets for achieving <i>representativeness</i> taking into account regulation III D.2 [assessment of existing human resources]; ii) Targets for the training of employees per occupational category and of specific employees, with specific plans to meet the <i>training needs</i> of persons historically disadvantaged [Public Service Regulations, 2001, Chapter 1 (III) (D.1)(c)]; and 	Ongoing	X	N/A

EXECUTING AUTHORITY

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY	
				EXECUTING AUTHORITY	ACCOUNTING OFFICER
10.	An executing authority shall prepare a <i>strategic plan</i> for her or his department. [Public Service Regulations, 2001, Chapter 1 (III) (B.1) (a-g); & Chapter 1 (III) (B5.2) [preparation, submission and content of the strategic plan]	iii) An executing authority shall determine the <i>required competencies</i> of and prescribe training for, various occupational categories or specific employees in her or his department. [Public Service Regulations, 2001, Chapter 1 (IX) (D)]; and	Ongoing	X	N/A
		e) An executing authority shall make the outcome of the <i>human resource planning</i> known within her or his department. [Public Service Regulations, 2001, Chapter 1 (III) (D.3)]	Once off	X	N/A
		According to National Treasury guidelines, the preparation and planning of the departmental <i>HIV/AIDS programme</i> should be integrated into its strategic planning at each step, as well as into each year's operational plans. [DPSA: Managing HIV/AIDS in the workplace, A Guide for Government Departments, Chapter 9, Part B (1.3)]	Annual	X	N/A
11.	The executing authority shall have those <i>powers and duties</i> regarding the internal organisation of the office or department concerned, including the organisational structure and the transfer of functions within that office or department. [Public Service Act, 1994, sec 3(5) (a-c)]	An executing authority shall, in order to provide services with the best value for money, set <i>measurable objectives for her or his department</i> , optimally utilise the departments' human and other resources and apply fair labour practices. [Public Service Regulations, 2001, Chapter (III) (A)]	Once off	X	N/A
		The executing authority shall have those powers and duties regarding the post establishment of that office or department, including the creation, grading and abolition of posts and the provision for the employment of persons additional to the fixed establishment where the class of work is of a temporary nature. [Public Service Act, 1994, sec 3(5) (a-c)]	Once off	X	N/A

EXECUTING AUTHORITY

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY		
				EXECUTING AUTHORITY	ACCOUNTING OFFICER	DELEGATED EMPLOYEE
12.	Basic rights related to recruitment, appointment and promotion. [Public Service Act, 1994, section 3(5) (a-c)]	The executing authority shall have those powers and duties regarding the recruitment, appointment, performance management, promotion, transfer, discharge and other career incidents of officers and employees of that office or department, including any other matter, which relates to such officers and employees in their individual capacities. [Public Service Act, 1994, sec 3(5) (a-c)]	Ongoing	X	N/A	N/A
13.	Employment equity [Public Service Act, 1994, section 3(5) (a-c)]	Every designated employer must, in order to achieve employment equity, implement <i>affirmative action measures</i> for people from designated groups in terms of this Act. [Employment Equity Act, 1998, section 13 (1)]	Ongoing	X	X	X
		A designated employer must collect information and conduct an analysis, as prescribed, of its employment policies, procedures and the working environment, in order to identify employment barriers, which adversely affect people from <i>designated groups</i> . [Employment Equity Act, 1998, section 19 (1)]; & [Code of Good Practice published in terms of the Employment Equity Act, 1998, paragraph 7.3.1 (Review of employment policies, practices, procedures and working environment)]	Quarterly	X	X	X
		A designated employer must prepare and implement an <i>employment equity plan</i> , which will achieve reasonable progress towards <i>employment equity</i> in the workforce. [Employment Equity Act, 1998, section 20 (1)]	Ongoing	X	X	X

EXECUTING AUTHORITY

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY		
				EXECUTING AUTHORITY	ACCOUNTING OFFICER	DELEGATED EMPLOYEE
13.	Employment equity [Public Service Act, 1994, section 3(5) (a-c)]	A designated employer must submit a <i>report on progress made in implementing its employment equity plan</i> , to the Director-General [Department of Labour] once every year on the first working day of October. i) The Chief Executive Officer of the designated employer must sign the report; ii) The report must be published in the employer's <i>annual financial report</i> ; and iii) The Minister must table the report in Parliament. [Employment Equity Act, 1998, section 21 and 22]	Annually, on the first working day of October	X	X	X
		Every designated employer must: i) Assign one or more senior managers to take responsibility for <i>monitoring and implementing</i> an employment equity plan; ii) Provide the managers with the authority and means to perform their functions; and iii) Take reasonable steps to ensure that the managers perform their functions. [Employment Equity Act, 1998, section 24 (1)]	Ongoing	X	X	X
		An executing authority shall develop and implement an <i>affirmative action programme</i> , which shall contain, as a minimum, the following: a) Policy statement on the commitment to affirmative action and implementation <i>policy</i> ;	Ongoing	X	N/A	N/A
		b) Numeric and time-bound <i>targets</i> for achieving representativeness;	Annual		N/A	N/A
		c) Annual <i>statistics</i> on the appointment, training and promotion within each grade or each occupational category of persons historically disadvantaged; and	Annual	X	N/A	N/A

EXECUTING AUTHORITY

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY		
				EXECUTING AUTHORITY	ACCOUNTING OFFICER	DELEGATED EMPLOYEE
13.	Employment equity [Public Service Act, 1994, section 3(5) (a-c)]	d) A plan for redressing numeric under-representativeness and supporting the advancement of persons historically disadvantaged. [Public Service Regulations, 2001, Chapter 1 (III) (D.2)]; & [White Paper: Affirmative Action in the Public Service, Gov. Gazette Vol. 394, 23 April 1998, no. 18800, Chapter 3 (v)]	Annual	X	N/A	N/A
		<i>An affirmative action plan</i> must be prepared, adopted and promoted throughout the organisation. [White Paper: Affirmative Action in the Public Service, Chapter 3 (3.11-3.12, review, Chapter 4 (4.2))]	Regular intervals	X	X	X
14.	Performance management [Public Service Act, 1994, section 3(5) (a-c)]	An executing authority shall determine a system for performance management and development for employees in her or his department other than employees who are members of the SMS, consistent with the principles in regulation VIII A [principles of performance management]. This system shall be fully implemented by all departments with effect from 1 April 2001 taking into account the provisions of paragraph 4 [implementation date of performance management system] of Annexure 1. [Public Service Regulations, 2001, Chapter 1 (VIII) (B.1)]; & [Performance Management and Development Guide: DPSA]	Annual 01 April	X	N/A	N/A

EXECUTING AUTHORITY

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY
				EXECUTING AUTHORITY
14.	Performance management [Public Service Act, 1994, section 3(5) (a-c)]	The development appraisal system for educators will consist of: i) The manual for development appraisal: aa) Aim of development appraisal; bb) Basic principle (life-long learning and development); cc) Processes (which is ongoing); dd) A staff development team (SDT); ee) The appraisal panel; ff) Criteria (as listed); gg) Self/peer rating and prioritisation; hh) Forms to be used; ii) The professional growth plan form; jj) Confirmation of probationers; kk) Management plan on appraisal; and <i>ll) Keeping of appraisal records</i>	Annual	X
		ii) Instruments for development appraisal: aa) Needs identification form and prioritisation form for PL1 educator; bb) Needs identification form and prioritisation form for Head of Department; cc) Needs identification form and prioritisation form for deputy principal/principal; dd) Needs identification form and prioritisation form for office-based educators; and ee) Forms for development appraisal [Government Gazette No. 19767 dated 18 February 1999 (Personnel Administrative Measures (PAM)), Chapter C]	Annual	X
		An executing authority shall designate in writing, the <i>period</i> in respect of which performance is to be assessed, the “performance cycle” and an <i>annual date for assessment</i> of performance. [Public Service Regulations, 2001, Chapter 1 (VIII) (B.2)]	Annually, from 01 April (current) to 31 March (following)	X
		An executing authority, when assessing an individual employee, a <i>single assessment instrument</i> shall be used in order to assist in deciding on probation, rewards, promotion and skills development of the employee. [Public Service Regulations, 2001, Chapter 1 (VIII) (C.1)]	Annual	X

EXECUTING AUTHORITY

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY
				EXECUTING AUTHORITY
15.	Employment of Educators [Employment of Educators Act 76 of 1998, section 7 (1) of the Act]; & [Government Gazette No. 16814 dated 14 November 1995 (terms and Conditions of Employment of Educators), Chapter 2, section 2-5 (general conditions of service and salaries, appointment, promotion, transfer and termination of service)]	In the making of any <i>appointment or filling of any post</i> on any educator establishment under this Act due regard shall be given to equality, equity and the other democratic values and principles which are contemplated in section 195 (1) of the SA Constitution. [Employment of Educators Act 76 of 1998, section 7 (1) of the Act]; & [Government Gazette No. 16814 dated 14 November 1995 (terms and Conditions of Employment of Educators), Chapter 2, section 2-5 (general conditions of service and salaries, appointment, promotion, transfer and termination of service)]	Ongoing	X
		Appointments, promotions or transfers to posts on any <i>educator establishment</i> under this Act shall be made in accordance with such procedure and such requirements as the Minister may determine. [Employment of Educators Act 76 of 1998, section 6(2) of the Act]; [Government Gazette No. 16814 dated 14 November 1995 (terms and conditions of employment of educators), Chapter 2, section 2-5 (general conditions of service and salaries, appointment, promotion, transfer and termination of service)]; & [Education Labour Relations Council, Collective Agreement No.4 of 2003]	As determined	X (Minister of Education only)
		<i>The educator establishment of-</i> a) the department of education shall consist of the posts created by the Minister (section 5(1) (a)); and b) the provincial department of education shall consist of the <i>posts created</i> by the Member of the Executive Council (section 5(1) (b)) and Government Gazette No. 19627 dated 18 December 1998, Regulation 1 as set out in the Schedule. [Employment of Educators Act 76 of 1998]; [Personnel Administrative Measures (PAM), Chapter A (Norms/Guidelines for the purposes of establishment determination)]; & [Education Labour Relations Council, Collective Agreement No. 4 of 2003]	Annual	X (Minister of Education)
			Annual	X (Member of Executive Council)

EXECUTING AUTHORITY

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY
				EXECUTING AUTHORITY
15.	Employment of Educators [Employment of Educators Act 76 of 1998, section 7 (1) of the Act]; & [Government Gazette No. 16814 dated 14 November 1995 (terms and conditions of employment of educators), Chapter 2, section 2-5 (general conditions of service and salaries, appointment, promotion, transfer and termination of service)]	After a date determined by the Minister by notice in the gazette, no employee may employ or retain in employment, an <i>educator not registered</i> or provisionally registered <i>with the South African Council for Educators (SACE)</i> . [Employment of Educators Act 76 of 1998, section 29(4) of the Act]; & [South African Council of Educators Act 31 of 2000, Chapter 3 (registration of educators)]	As per Government Gazette	X (Minister of Education only)
		The Minister shall determine the <i>salaries and other conditions of service</i> of educators. [Employment of Educators Act 76 of 1998, section 4(1) of the Act]; [Government Gazette No.19767 dated 18 February 1999 (Personnel Administrative Measures (PAM)), Chapter B, section 4 (determination of salaries)]; & [Basic Conditions of Employment Act, 75 of 1997, Chapter 4 (particulars of employment and remuneration)]	As per ELRC agreements	X (Minister of Education only)

EXECUTING AUTHORITY

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY		
				EXECUTING AUTHORITY	ACCOUNTING OFFICER	DELEGATED EMPLOYEE
16.	Public Servants [Public Service Act, 1994, section 9(1) and section 11]	The <i>appointment</i> of any person or the <i>promotion or transfer</i> of any officer or employee in the employment of a department shall be made by the relevant executing authority or by an officer to whom the said authority has delegated his or her power of appointment, promotion or transfer. [Public Service Act, 1994, section 9(1) and section 11]; & [Public Service Laws Amendment Act, 1997, section 9(1)]	Ongoing	X	X	X
		Principles that departments should apply for the <i>selection procedures</i> , whether for <i>recruitment</i> or for promotion purposes. The <i>selection committee</i> shall make recommendations on the suitability of a candidate after considering only: i) Information based on valid methods, criteria or instruments for selection that are free from any bias or discrimination; ii) The training, skills, competence and knowledge necessary to meet the inherent requirements of the post; iii) The needs of the department for developing human resources; iv) The representativeness of the component where the post is located; and v) The department's affirmative action programme. [Public Service Regulations, 2001, Part 1, Chapter 1, (VII) (D.5)]; & [White Paper: Employment Policy 2 nd draft, 8 October 1997, paragraph 4.27]	As determined	X	X	X
		An executing authority shall determine composite <i>requirements for employment</i> in any post based on the inherent requirements of the job. [Public Service Regulations, 2001, Chapter 1 (VII) (C.1.1)]	Ongoing	X	N/A	N/A

EXECUTING AUTHORITY

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY	
				EXECUTING AUTHORITY	ACCOUNTING AUTHORITY
16.	Public Servants [Public Service Regulations, 2001, Part 1, Chapter 1]	An executing authority shall appoint a <i>selection committee</i> to make recommendations <i>on appointments</i> to posts. [Public Service Regulations, 2001, Chapter 1 (VII) (D.1)]	Ongoing	X	N/A
		Notwithstanding the provisions of the guidelines on the appointment/filling of posts, the relevant executing authority may, subject to the prescribed conditions, approve the appointment, transfer or promotion of persons to <i>promote the basic values and principles</i> referred to in section 195 (1) of the SA Constitution. [Public Service Laws Amendment Act, 1997, section 11(3)]	Ongoing	X	N/A
		Subject to the provisions of section 17(1)(b) of the Public Service Act, 1994, the power to <i>discharge</i> an officer or employee shall vest in the relevant executing authority, who may delegate that power to an officer, and the said power shall be exercised with due observance of the applicable provisions of the Labour Relations Act No.66 of 1995. [Public Service Act, 1994, section 17 (1) (a) and the Public Service Laws Amendment Act, 1997, section 17(1)(a)]	Per occurrence	X	N/A
		An officer or employee may with his or her consent and on such conditions, in addition to those prescribed by or under any law, as may be determined by the relevant executing authority after consultation with the Treasury, be placed at the <i>disposal</i> of another government, or any council, institution or body established by or under any law, or of any other body or person, for a particular service or for a stated period. [Public Service Act, 1994, section 15(3)(a)]	Per occurrence	X	N/A
17.	Executing authorities' offices had to be adequately staffed to provide them with the support needed to carry out their functions. (also refer to paragraph 38(g) below). [Directive on Collective Agreement XIX: Allowances for personnel serving executing authorities: DPSA, read with Collective Agreements per resolutions 3 of 1999, 7 of 2000 and 9 of 2001 and paragraph 10 of the Financial Manual (November 2001) & Chapter 14 of the Ministerial Handbook, March 2001]	Ongoing	X	N/A	
18.	An executing authority may appoint one or more persons under a <i>special contract</i> , whether in a full-time or part-time capacity. [Public Service Act, 1994, section 12A (1) (a-c)]	As per contract	X	N/A	

EXECUTING AUTHORITY

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY	
				EXECUTING AUTHORITY	ACCOUNTING AUTHORITY
19.	An executing authority shall establish an <i>overtime policy</i> in accordance with collective agreements. [Public Service Regulations, 2001, Chapter 1 (V) (D)]	<p>An employer may not require or permit an employee to work:</p> <p>a) Overtime except in accordance with an agreement; and b) More than ten hours' overtime a week.</p> <p>An agreement in terms of the above agreement may not require or permit an employee to work more than 12 hours on any day. The overtime agreements must be concluded with an employee when he/she commences employment, or during the first three months of employment and will lapse after one year.</p> <p>Aspects with regard to the remuneration applicable to the circumstances, for overtime and/or time off within the written agreement must also be adhered to.</p> <p>[Basic Conditions of Employment Act, 75 of 1997, Chapter 2, section 10 (overtime) and subsection 10(5)]</p>	As determined	X	N/A
		<p>An employer must pay an employee at least one and one-half times the employee's wage for overtime worked. An agreement may provide for an employer to:</p> <p>a) Pay an employee 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 off time for each hour of overtime worked.</p> <p>An employer must grant paid time off in terms of the above, within one month of the employee becoming entitled to it. The period of one month may be increased by an agreement in writing to 12 months. A collective agreement may increase the maximum permitted overtime to 15 hours a week, but may not apply for more than two months in any period of 12 months.</p> <p>[Basic Conditions of Employment Act, 75 of 1997, Chapter 2, section 10 (2) to section 10(6)(b)]</p>	As determined	X	N/A

EXECUTING AUTHORITY

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY	
				EXECUTING AUTHORITY	ACCOUNTING AUTHORITY
19.	An executing authority shall establish an <i>overtime policy</i> in accordance with collective agreements. [Public Service Regulations, 2001, Chapter 1 (V) (D)]	The overtime of an employee may be averaged over a period of up to four months in terms of a collective agreement. An employer may not require or permit an employee who is bound by a collective agreement to work more than an average of five hours' overtime in a week over the agreed period. This collective agreement lapses after 12 months. [Basic Conditions of Employment Act, 1997, (Chapter 2: Section 12: Averaging hours of work)]	As determined	X	N/A
		The Minister of Labour, on ground of health and safety, may prescribe by regulation the maximum permitted hours of work, including overtime that any category of employee may work. [Basic Conditions of Employment Act, 1997, (Chapter 2: Section 13(1): Determining hours of work by Minister)]	As determined	X	N/A
		The following consideration also need to be taken into account in determining working hours: a) An employer must give an employee who works continuously for more than five hours a meal interval of at least on continuous hour; b) An employer must allow an employee: i) a daily rest period of at least twelve consecutive hours between ending and recommencing work; and ii) a weekly rest period of at least 36 consecutive hours, unless otherwise agreed, must include Sunday; c) An employer must pay and employee who works on a Sunday at double the employee's wage for each hour worked, unless the employee ordinarily works on a Sunday, in which case the employer must pay the employee at one and one-half times the employee's wage for each hour worked; d) An employer may only require or permit an employee to perform night work (work performed after 18:00 and before 06:00), if so agreed, and if: i) The employee is compensated by the payment of an allowance, which may be a shift allowance, or by reduction of working hours; and ii) Transportation is available between the employee's place of residence and the workplace at the commencement and conclusion of the employee's shift.	As determined	X	N/A

EXECUTING AUTHORITY

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY	
				EXECUTING AUTHORITY	ACCOUNTING AUTHORITY
19.	An executing authority shall establish an <i>overtime policy</i> in accordance with collective agreements. [Public Service Regulations, 2001, Chapter 1 (V) (D)]	e) An employer may not require an employee to work on a public holiday except in accordance with an agreement. [Basic Conditions of Employment Act, 1997, (Chapter 2: Section 14(1), 15(1), 16(1), 17(2) and 18(1)] Where the employer requires the employee to work in cases of the above, section 14, 15, 16, 17, and 18 of the Basic Conditions of Employment Act, 1997, need to be taken into account to regulate such circumstances.			
20.	An executing authority shall publish an <i>annual statement of public service commitment</i> which will set out the departments service standards that citizens and customers can expect and which will serve to explain how the department will meet each of the standards. [Public Service Regulations, 2001, Chapter 1 (III) (C.2)]	An executing authority shall establish and sustain a <i>service delivery improvement programme</i> for her or his department by: a) Specifying the main services to be provided; b) Consulting on arrangements with actual and potential customers; c) Increasing access to services; d) Determining service standards; e) Provisioning of information on services; and f) Determining a system for complaints. [Public Service Regulations, 2001, Chapter 1 (III) (C.1)]	Annual 01 April	X	N/A
21.	An employer must display at the workplace where it can be read by employees a statement in the prescribed form of the employee's rights under the Basic Conditions of Employment Act, 1997, in the official languages which are spoken in the workplace. [Basic Conditions of Employment Act 75 of 1997, Chapter four, section 30 (informing employees of their rights)]		Once off	X	X
22.	Executing authorities shall consider the <i>termination of service</i> of members of the SMS in a manner that is fair to the individuals concerned and takes into account the public interests. [Public Service Regulations, 2001, Chapter 4 (IX) (A)]; & [Basic Conditions of Employment Act 75 of 1997, Chapter 5 (termination of employment)]		Per occurrence	X	N/A

EXECUTING AUTHORITY

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY	
				EXECUTING AUTHORITY	ACCOUNTING AUTHORITY
23.	The executing authority shall publish an <i>annual report</i> giving key information on her or his department. [Public Service Regulations, 2001, Chapter 1 (III) (A). Annexure 1 of the Regulations (format)] [Public Finance Management Act 1 of 1999 (as amended by Act 29 of 1999), section 40(1)(d)]		Annual, 31 August – 30 September	X	N/A
24.	The Minister shall prescribe measures and procedures of the composition, administration and functioning of SACE. [Employment of Educators Act 76 of 1998, section 30]; & [South African Council for Educators Act 31 of 2000]	SACE shall, within three months after the end of each financial year, submit a <i>report to the Minister on the performance</i> of its functions during that financial year, then the Minister shall table copies of the report in parliament as soon as reasonably practicable. [Employment of Educators Act 76 of 1998, section 32 (1)]; [South African Council for Educators Act 31 of 2000, section 19 (funds of council)]; & [Public Finance Management Act 1 of 1999 (as amended by Act 29 of 1999), section 55 (1)(d) and (3)]	Ongoing, within 3 months after 31 March	X (Minister of Education only)	N/A
25.	An executing authority shall provide a <i>long-service award</i> to an employee who has served the government continuously for 20 and 30 years respectively. [Directives on Long-Service Recognition in the Public Service, August 2003, (level 1 to 12), part 2 (3.1)]; [PSCBC Resolution no. 6 of 2003]; & [Government Gazette No.1614 dated 13 November 1995 (terms and Conditions of Employment of Educators), Chapter 4, section 89 (long service recognition)]		Ongoing	X	N/A
26.	The authority for the maintenance of the <i>tariffs payable in respect of transport between residence and work</i> has shifted to the executing authorities of departments. [DPSA Circular: 18 November 2002: Transport Between Residence and Work: Collective Agreement on Remunerative Allowances and Benefits, paragraph 2]	The framework requires the executing authority to: i) Establish a written <i>departmental policy</i> , within the framework of the collective agreement (PSCBC Resolution 3 of 1999), prior to the actual provision of transport between residence and work; and ii) <i>Revise</i> the tariffs payable for the utilisation of such transport annually. Also refer to paragraph 53 below. [DPSA: Guidelines on the methodology in determining/ calculating the tariffs for transport between residence and work, 2001, paragraph 2.1]. (Note: This paragraph is applicable if exceptional transport problems arise and no other solution appears viable, in which case an executing authority may at his or her discretion authorise an employee to use government transport between her or his residence and place of work. An employee who uses government transport under these circumstances shall reimburse the employer the tariffs as determined on October 1 of each year. [PSCBC Resolution 3 of 1999 (Remunerative allowances and benefits, Part X, paragraph 3.1 and 3.20)])	Annual	X	N/A

EXECUTING AUTHORITY

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY	
				EXECUTING AUTHORITY	ACCOUNTING AUTHORITY
27.	Every employer must keep a record containing a least the following information: a) The employee's name and occupation; b) The time worked by each employee; c) The remuneration paid to each employee; d) The date of birth of any employee under 18 years of age; and e) Any other prescribed information. The records must be kept by the employer for a period of three years from the date of the last entry in the record. An employer who keeps a record in terms of this section is not required to keep any other record of time worked and remuneration paid as required by any other employment law. [Basic Conditions of Employment Act 75 of 1997, Chapter 4, section 31 (keeping of records)]		Ongoing	X	X
28.	Every employer shall provide and maintain, as far as reasonable practicable, a working environment that is safe and without risk to the health of his employees. [Occupational Health and Safety Act 85 of 1993, Section 8 (General duties of employers to their employees)]		Ongoing	X	X

]

HR guide**LINE**:

PART 2 : Accounting Officer

ACCOUNTING OFFICER

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY	
				EXECUTING AUTHORITY	ACCOUNTING OFFICER
29.	Any person appointed as head of department may before or at the expiry of his or her term of office, or extended term of office, be <i>deployed</i> with his or her consent by the relevant executing authority referred to in paragraph 9a) or (b) of subsection (1) in the case of: a) A head of a national department or organisational component, to perform functions in a similar or any other capacity in any national department of organisational component a post or against a post of equal, higher or lower grading, or additional to the establishment, as the executing authority deems fit; and b) A head of a provincial administration, department or office, to perform functions in a similar or any other capacity in the administration, department or office of the relevant province in a post or against a post of equal, higher or lower grading or additional to the establishment, as the executing authority deems fit.		Per occurrence	X	N/A
30.	A person newly appointed to the <i>Senior Management Service (SMS)</i> , other than a head of department, shall conclude a contract of employment, which shall be based on the provisions of the contract, set out in Part 2 or 3 of Annexure 2 (pro forma contracts), as the case may be. [Public Service Regulations, 2001, Chapter 4 (II) (F1)]		As per appointment/ annual revision	N/A	X
31.	<i>Disclosure of designated employees' interest</i> to the relevant executing authority. Designated employee means: a) Any member of SMS; and b) Any other person in terms of section 36(3) of the PFMA, 1999 (Act no.1 of 1999, as amended by Act no. 29 of 1999), approved or instructed by the relevant treasury to the accounting officer of a national department, organisational component, provincial administration or provincial department. Detailed time frames for appointment periods [C.1 – C.4). [Public Service Regulation, 2001, Chapter 3 (A and C)]		31 May; or 30 June; or Within 30 days	N/A	X
32.	A head of department shall ensure that employees within his or her department <i>comply</i> with the public service regulations, collective agreements and any other statutory obligations. [Public Service Regulations, 2001, Chapter 1 (II) (C.3) (a)]		Ongoing	N/A	X

33.	<p>For all practical purposes, these responsibilities for the <i>economical, efficient and effective management of departments and their human resources</i>, will be carried out by the head of the department, who is accountable to the executing authority for putting policies into practice.</p> <p>[White Paper on Human Resource Management in the Public Service, December 1997, paragraph 3.1.5] [Public Finance Management Act 1 of 1999 (as amended by Act 29 of 1999), section 38(b)] (Also refer to paragraph 3 above).</p>	Ongoing	X	X
-----	--	---------	---	---

ACCOUNTING OFFICER

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY	
				ACCOUNTING OFFICER	DELEGATED EMPLOYEE
34.	The head of department may <i>delegate the power</i> to an employee or <i>authorise an employee</i> to perform his or her duties. [Public Service Regulations, 2001, Chapter 1 (II) (B.1) (a)]		As per delegation or authorisation	X	X
35.	The Director-General may: <i>a) Delegate</i> any power conferred upon the Director-General by or under this Act to any person in the service of the Department of Education; and <i>b) Authorise</i> the said person to perform any duty assigned to the Director-General by or under this Act. [Employment of Educators Act 76 of 1998, section 36(2)]		As per delegation or authorisation	X	X
36.	The Head of Department may; <i>a) Delegate</i> any power conferred upon the head of department by or under this Act to any person in the service of the provincial department of education; and <i>b) Authorise</i> the said person to perform any duty assigned to the head of department by or under this Act. [Employment of Educators Act 76 of 1998, section 36(4)]		As per delegation or authorisation	X	X
37.	A head of department, branch, office or institution may <i>direct</i> any officer or employee under his or her control temporarily to perform duties other than those ordinary assigned to such an officer or employee or appropriate to the grade, designation or classification of his or her post, and he or she shall comply with such a direction. [Public Service Act, 1994, section 33]		As per direction	X	X
38.	The head of department should issue a clear <i>human resources policy statement</i> on behalf of the executing authority (who is ultimately responsible for the efficiency and effectiveness of the organisation), and provide strong leadership to ensure that the policy is put into practice. [White Paper on Human Resource Management in the Public Service, December 1997, paragraph 7.6]		Annual	X	N/A
39.	Developing a diversity management strategy is a collective, consensual exercise with employees. [White Paper on Human Resource Management in the Public Service, December 1997, paragraph 3.4.2]	Diversity management strategy should be developed in line with the following principles:	Ongoing	X	N/A
		a) Ultimate responsibility for providing leadership in developing a diversity management culture should rest with the head of department;	Ongoing	X	X
		b) Before embarking on a programme of change, a “diversity audit” should be carried out to identify and acknowledge the feelings and perceptions of the workforce; and	Ongoing	X	X
		c) The diversity management programme should be regularly evaluated and improved in the light of experience.	Regularly updated	X	X

ACCOUNTING OFFICER

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY	
				ACCOUNTING OFFICER	DELEGATED EMPLOYEE
40.	Director-General and Heads of Department must ensure the development and implementation of the <i>affirmative action programmes</i> on their behalf. [White Paper: Affirmative Action in the Public Service, Government Gazette Vol. 394, 23 April 1998, No. 18800, Chapter 3 (vi)]	a) The integration of <i>affirmative action principles and objectives</i> into human resource management practices, and their application throughout the organisation should be one of the main objectives of the human resource managers and practitioners; [White Paper: Affirmative Action, Chapter 3 (viii)]	Ongoing	X	X (HR managers & practitioners)
		b) As the success of affirmative action programmes depends on effective management and development of human resources within the target group, the heads of training or human resources development, therefore, have a key role to play in the overall success of affirmative action programmes through their <i>capacity enhancement responsibilities</i> ; [White Paper: Affirmative Action, Chapter 3 (ix)]	Ongoing	X	X (Head of training & HR managers)
		c) Those who are responsible for the organisation's <i>financial and other resources</i> will also have a vital role to play in ensuring that, within the overall resources available, funds are identified and clearly earmarked for affirmative action projects; [White Paper: Affirmative Action, Chapter 3(x)]	Per projects	X	X (CFO & Heads of Corporate Services)
		d) The Director-General or Head of Department is required to designate someone to <i>manage the affirmative action programme</i> on a day-to-day basis; [White Paper: Affirmative Action, Chapter 3(xi)]	Ongoing	X	N/A
		e) Departments must maintain accurate and comprehensive <i>statistics</i> on all employees broken down by gender, race and disability information, which is updated annually; and [White Paper: Affirmative Action, Chapter 3 (3.6)]	Annual	X	X
		f) The <i>broad numeric targets</i> set out in the White Paper on the Transformation of the Public Service for each of the three target groups must be translated into strategically prioritised, time-bound targets for each of the department's occupational groups. [White Paper: Affirmative Action, Chapter 3 (3.5)]	Ongoing	X	X

ACCOUNTING OFFICER

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY	
				ACCOUNTING OFFICER	DELEGATED EMPLOYEE
41.	Departments/provincial administrations have to consider the development of policies with regard to the following aspects:				
	a)	The filling of posts for <i>personnel serving executing authorities</i> ;	Per case	X	N/A
	b)	The norms and restrictions in paragraph 4 (approved staff provision from DPSA) determine the specific needs with regard to posts to be filled;	Once off	DPSA	N/A
	c)	Will have to determine which Code of Remuneration (<i>CORE</i>) (Public Service Regulations 2001, Chapter 1, Part I, section B.2(c)) will be most suitable to accommodate these personnel;	Once off	X	N/A
	d)	The implication is that each <i>executing authority</i> will/can appoint the personnel of his or her choice;	Per appointment	Executing Authority only	N/A
	e)	Departments/provincial administrations will have to determine the <i>appointment capacity</i> , which can be one of the three alternatives (5.5.1 – 5.5.3);	Once off	X	N/A
	f)	The grading of a post, with paragraph 4 in mind should be determined in a <i>job evaluation</i> investigation; and	Once off	X	N/A
	g) Although it was the original intention that <i>incumbents in role-playing posts</i> return to the occupational class/es of origin, in many cases for many reasons such a scarcity of trained and experienced personnel, personnel never returned to the occupational class/es of origin. Also see paragraph 17 above. [Directive on Collective Agreement XIX: Allowances for Personnel Serving Executing Authorities, section 5]		As determined	X	X
42.	The Department should formulate <i>job descriptions</i> for each member of staff in the Ministry within the framework of the functions of the respective officers approved by the Cabinet. [Directive on Collective Agreement XIX: Allowances for Personnel Serving Executing Authorities, section 4.7]		Once off	X	X
43.	Employment of educators [Employment of Educators Act 76 of 1998]; [Government Gazette No. 19627 dated 18 December 1998, Regulation 2 as set out in the Schedule]; & [Education Labour Relations Council, Collective Agreement No. 4 of 2003]	The <i>appointment</i> of any person, or the <i>promotion or transfer of any educator</i> in the service of:	Ongoing	X (Director-General only)	N/A
		a) The Department of Education shall be made by the Director-General (section 6(1) (a) of the Act); b) A provincial department of education by the Head of Department (section 6(1) (b) of the Act); and	Ongoing	X (HoD)	N/A

		<p>c) The <i>Educator establishment</i> of any public school, further education and training institution, departmental office or adult basic education center under the control of a provincial department consist of the posts allocated by the Head of Department from the educator establishment of that department (section 5(2) of the Act). [Employment of Educators Act 76 of 1998]</p>	Ongoing	X (HoD)	N/A
--	--	---	----------------	---------	-----

ACCOUNTING OFFICER

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY	
				ACCOUNTING OFFICER	DELEGATED EMPLOYEE
43.	Employment of educators [Employment of Educators Act 76 of 1998]; [Government Gazette No. 19627 dated 18 December 1998, Regulation 2 as set out in the Schedule); & [Education Labour Relations Council, Collective Agreement No. 4 of 2003]	The <i>transfer of any educator</i> in the service of the relevant department to any post or position in any other department of State. [Employment of Educators Act 76 of 1998, section 8(1) (a-b)]; & [Basic Conditions of Employment Act 75 of 1997, Chapter 4 (particulars of employment and remuneration)]	Per transfer	X	N/A
		The secondment of any educator to organisations registered with the Education Labour Relations Council (ELRC), to occupy full time positions to which they have been fully elected. [Government Notice No. 19767 dated 18 February 1999 (Personnel Administrative Measures (PAM), Chapter G, section 4 (secondments)]	Per occurrence	X	N/A
44.	The head of department shall determine the working hours of employees. [Public Service Regulations, 2001, Chapter 1 (VI) (A)]	Every employer must regulate the working time of each employee: a) In accordance with the provisions of any Act governing occupational health and safety; 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 Time issued under The Basic Conditions of Employment Act, 1997, section 87(1)(a)(Code of good practice); and d) With due regard to the family responsibilities of employees. [Basic Conditions of Employment Act, 1997, (Chapter 2: Section 7: Regulation of Working Time)]	Once off	X	N/A

		<p>An employer may not require or permit an employee to work more than:</p> <p>a) 45 Hours in any week;</p> <p>b) Nine hours in any day if the employee works for five days or fewer in a week; or</p> <p>c) Eight hours in any day if the employee works on more than five days in a week.</p> <p>Ordinary hours of work may, by agreement, be extended by up to 15 minutes in a day but not more than 60 minutes in a week.</p> <p>[Basic Conditions of Employment Act, 1997, (Chapter 2: Section 9: Ordinary hours of work)]</p>	Ongoing	X	N/A
--	--	--	---------	---	-----

ACCOUNTING OFFICER

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY	
				ACCOUNTING OFFICER	DELEGATED EMPLOYEE
44.	<p>The head of department shall determine <i>the working hours of employees.</i></p> <p>[Public Service Regulations, 2001, Chapter 1 (VI) (A)]</p>	<p>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 of the Basic Conditions of Employment Act (meal intervals), without receiving overtime pay. <i>Also see paragraph 19 (overtime payment).</i></p> <p>The aforementioned agreement may not require or permit an employee to work:</p> <p>a) More than 45 ordinary hours of work in any week;</p> <p>b) More than ten hours' overtime in any week; or</p> <p>c) On more than five days in any week.</p> <p>[Basic Conditions of Employment Act, 1997, (Chapter 2: Section 11: Ordinary hours of work)]</p>	Per written agreement	X	N/A

		<p>The ordinary hours of work of an employee may be averaged over a period of up to four months in terms of a collective agreement. The employer may not require or permit an employee who is bound by the collective agreement to work more than an average of 45 ordinary hours of work in a week over the agreed period. A collective agreement on the averaging of hours of work lapses after 12 months.</p> <p>[Basic Conditions of Employment Act, 1997, (Chapter 2: Section 12: Averaging of hours of work)]</p>	Per collective agreement	X	N/A
		<p>The Minister of Labour, on ground of health and safety, may prescribe by regulation the maximum permitted hours of work, including overtime that any category of employee may work.</p> <p>[Basic Conditions of Employment Act, 1997, (Chapter 2: Section 13(1): Determining hours of work by Minister)]</p>	Per Regulation	Minister of Labour	N/A

ACCOUNTING OFFICER

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY	
				ACCOUNTING OFFICER	DELEGATED EMPLOYEE
45.	<p>In the week before an employee's salary payday, a head of department shall provide her or him with the information on remuneration. [Public Service Regulations, 2001, Chapter 1 (V) (G.3) (a-h); & Basic Conditions of Employment Act 75 of 1997, Chapter 4, Section 32 (Payment of remuneration), Section 33 (Information about remuneration), Section 34 (Deductions and other acts concerning remuneration) and Section 35 (Calculation of remuneration and wages)]</p>		Monthly, 1 week before 15 th and/or 30 th	X	N/A
46.	<p>National departments and provincial administrations should draw up their own codes of conduct to guide employees in relation to their particular tasks. [White Paper: Human Resource Management in the Public Service, December 1997, paragraph 5.11.2]</p>	<p>National and provincial departments must specify the standards for the way in which customers should be treated. These are to be included in their departmental Codes of Conduct.</p> <p>[White Paper: Transforming Public Service Delivery, 18 September 1997, paragraph 4.4.2]</p>	Once off	X	N/A

47.	<p>The representative trade union and the employer may agree to the number of days of <i>leave</i>, the number of days of paid leave and the conditions attached to any leave. [Labour Relations Act, 1995, Chapter 3, section 15(2) and section 20];</p> <p>[The SA Constitution, section 23 (labour relations)]; & [Government Gazette No. 19767 dated 18 February 1999 (Personnel Administrative Measures (PAM)), Chapter J]</p>	<p>a) <i>Leave payments</i> in respect of leave credits shall be lodged by not later than 31 July in respect of each year; [DPSA Circular: Implementation of the new leave dispensation for the public service, 30 November 2000, paragraph 5.2] [Government Gazette No. 19767 dated 18 February 1999 (Personnel Administrative Measures (PAM)), Chapter J, section 3.12]</p>	Annual, but not later than 31 July	X	N/A
		<p>b) <i>Refusal of leave</i> for an employee must be in writing and accompanied by written proof of refusal of leave by the head of department; [DPSA Circular: Implementation of the new leave dispensation for the public service, 30 November 2000, Paragraph 3.7 (a-b)]; & [Basic Conditions of Employment Act, 1997, Chapter 3 (leave), section 20 (5-6)] [Government Gazette No. 19767 dated 18 February 1999 (Personnel Administrative Measures (PAM)), Chapter J, section 3.12.2]</p>	Per case	X	N/A

ACCOUNTING OFFICER

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY	
				ACCOUNTING OFFICER	DELEGATED EMPLOYEE
47.	<p>The representative trade union and the employer may agree to the number of days of <i>leave</i>, the number of days of paid leave and the conditions attached to any leave. [Labour Relations Act, 1995, Chapter 3, section 15(2) and section 20];</p> <p>[The SA Constitution, section 23</p>	<p>c) Heads of departments shall, at the end of the relevant 18 months period, report to the relevant legislature on the number of <i>employees denied annual leave</i>, reasons for such denial and the amount paid in this regard; [DPSA Circular: Implementation of the new leave dispensation for the public service, 30 November 2000, Paragraph 3.8]; & [Basic Conditions of Employment Act 1997, Chapter 3, section 21 (pay for annual leave)] [Government Gazette No. 19767 dated 18 February 1999 (Personnel Administrative Measures (PAM)), Chapter J, section 3.13]</p>	Per occurrence, but by 30 June	X	N/A

	(labour relations)]; & [Government Gazette No. 19767 dated 18 February 1999 (Personnel Administrative Measures (PAM)), Chapter J]	d) The head of department shall determine whether there are <i>periods which are unaudited</i> . (leave entitlements in the previous cycle (leave after 1 July 2000 which does not form part of capped leave)); [DPSA Circular: Implementation of the new leave dispensation for the public service, 30 November 2000, Paragraph 6.5)]; & [Government Gazette No. 19767 dated 18 February 1999 (Personnel Administrative Measures (PAM)), Chapter J, section 5.4]	Per case	X	N/A
		e) The head of department shall determine procedures and measures in keeping with service delivery needs, on how employees will be allowed to utilise their leave credits accrued prior to 1 July 2000 over and above the normal vacation entitlements; [DPSA Circular: Implementation of the new leave dispensation for the public service, 30 November 2000, Paragraph 6.6]; & [Government Gazette No. 19767 dated 18 February 1999 (Personnel Administrative Measures (PAM)), Chapter J, section 5.5]	Once off	X	N/A

ACCOUNTING OFFICER

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY	
				ACCOUNTING OFFICER	DELEGATED EMPLOYEE
47.	<p>The representative trade union and the employer may agree to the number of days of <i>leave</i>, the number of days of paid leave and the conditions attached to any leave. [Labour Relations Act, 1995, Chapter 3, section 15(2) and section 20];</p> <p>[The SA Constitution, section 23 (labour relations)]; & [Government Gazette No. 19767 dated 18 February 1999 (Personnel Administrative Measures (PAM)), Chapter J]</p>	<p>f) An employee who has exhausted her or his <i>sick leave credit</i> in a three-year cycle and who, according to the relevant medical practitioner, requires to be absent due to disability that is not permanent may, at the discretion of the head of department, be granted additional sick leave with full pay in the event of serious illness; [DPSA Circular: Implementation of the new leave dispensation for the public service, 30 November 2000, Paragraph 10.1] [Basic Conditions of Employment Act, 1997, Chapter 3, section 22 and 23]; & [Government Gazette No. 19767 dated 18 February 1999 (Personnel Administrative Measures (PAM)), Chapter J, section 9]</p>	Per case	X	N/A
		<p>g) The head of department may also provide for a policy on leave for the treatment of <i>substance abuse</i>; [DPSA Circular: Implementation of the new leave dispensation for the public service, 30 November 2000, Paragraph 16.4]</p>	As required	X	N/A
		<p>h) The head of department may require the employee to obtain a second opinion before granting approval for additional sick leave; and [DPSA Circular: Implementation of the new leave dispensation for the public service, 30 November 2000, paragraph 10.3]; & [Government Gazette No. 19767 dated 18 February 1999 (Personnel Administrative Measures (PAM)), Chapter J section 9.3]</p>	Per case	X	N/A

ACCOUNTING OFFICER

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY	
				ACCOUNTING OFFICER	DELEGATED EMPLOYEE
47.	The representative trade union and the employer may agree to the number of days of <i>leave</i> , the number of days of paid leave and the conditions attached to any leave. [Labour Relations Act, 1995, Chapter 3, section 15(2) and section 20]; [The SA Constitution, section 23 (labour relations)]; & [Government Gazette No. 19767 dated 18 February 1999 (Personnel Administrative Measures (PAM)), Chapter J]	i) The head of department shall ensure that her or his department has adopted a <i>special leave policy</i> (this could include areas on family responsibility leave, maternity leave, study leave, etc.). [DPSA Circular: Implementation of the new leave dispensation for the public service, 30 November 2000, paragraph 16.1]; [Basic Conditions of Employment Act, 1997, Chapter 3 section 25 (maternity leave), section 26 (protection of employees before and after birth of a child) and section 27 (family responsibility leave)]; & [Government Gazette No. 19767 dated 18 February 1999 (Personnel Administrative Measures (PAM)), Chapter J]	Once off	X	N/A
48.	National Departments and provincial administrations will be required to produce <i>strategic plans</i> for training and education. [White Paper: Public Service Training and Education, July 1997, paragraph 5.12]	a) Both national and provincial heads of department will have the primary responsibility of <i>monitoring and evaluating</i> the impact of training and education programmes; [White Paper: Public Service Training and Education, July 1997, Chapter 7 (7.4.4.1)]	Ongoing	X	N/A
		b) A head of department shall ensure that <i>sufficient funds</i> are available for the training of employees at all grades; [Public Service Regulations, 2001, Chapter 1 (IX) (B.4)]	Per Financial Year	X	N/A
		c) At the departmental and provincial levels, a formula will be developed and introduced which will make it compulsory for <i>budgets to contain a line item</i> on training and education. In particular, the formula will require heads of departments to ensure that an appropriate budgetary allocation is made for training and education in proportion to the number of type of staff employed; [White Paper: Public Service Training and Education, July 1997, paragraph 9.2]; & [Public Finance Management Act 1 of 1999 (as amended by Act 29 of 1999), section 27]	Per financial year	X	N/A

ACCOUNTING OFFICER

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY	
				ACCOUNTING OFFICER	DELEGATED EMPLOYEE
48.	National Departments and provincial administrations will be required to produce <i>strategic plans</i> for training and education. [White Paper: Public Service Training and Education, July 1997, paragraph 5.12]	d) Each public service employer in the national and provincial spheres of government must <i>budget for at least one per cent of its payroll</i> for the training and education of their employees with effect from 1 April 2000; [Skills Development Act, 1998, Chapter 7, section 30]	Per financial year	X	N/A
		e) The appointment of a skills development facilitator; [Guidelines: Government Notice No. 1310 of 1 December 2000]	Once off	Executing Authority only	N/A
		f) A SETA must implement its sector skills plan by approving a <i>workplace skills plan</i> ; and [Skills Development Act, 1998, Chapter 3, section 10 (b) (ii)]	Once off	X	N/A
		g) A Supervisor shall provide training opportunities for employees under her or his supervision and control in accordance with the departmental training plan. [Public Service Regulations, 2001, Chapter 1 (IX) (B.3)]	Ongoing	X	X
49.	Policy: <i>Training assistance</i> (including bursaries) [Public Service Regulations, 2001, Chapter 1 (IX) (E.1-E.10)]		Once off	X	N/A
50.	If the head of the office, branch, sub-department, institution or department certifies that, during the period of probation or extended period of probation, the officer concerned has been diligent and his or her conduct has been satisfactory and that he or she is in all respects suitable for the post which he or she holds, and if the officer has complied with all the conditions to which his or her appointment, transfer or promotion concerned, <i>may confirm that appointment, transfer or promotion</i> , but if the probationary appointment, transfer or promotion is not so confirmed the person having the power to make appointments, transfer or promotion concerned may extend the period of probation or act in accordance with the provisions of subsection (5). [Public Service Act, 1994, section 13 (3)]; [Government Gazette No. 19767 dated 18 February 1999 (PAM), Chapter C, section 2.1] ; & [Government Notice No. 16814 dated 14 November 1995 (terms and conditions for employment of educators), Chapter 2, section 3]		Ongoing	X	N/A
51.	If the departmental budget and the medium-term expenditure framework provide adequate funds, a head of department may establish a <i>financial incentive scheme</i> for employees or any category of those employees. [Public Service Regulations, 2001, Chapter 1 (VIII) (F.1)]		Annual	X	N/A
52.	Policy for employees <i>acting in higher posts</i> . [Public Service Regulations, 2001, Chapter 1 (VII) (B.5)]; [Public Finance Management Act 1 of 1999 (as amended by Act 29 of 1999), section 37)] ; & [Government Gazette No. 19767 dated 18 February 1999 (Personnel Administrative Measures (PAM)), Chapter D, section 13 (acting allowances)]		Once off	X	N/A

ACCOUNTING OFFICER

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY	
				ACCOUNTING OFFICER	DELEGATED EMPLOYEE
53.	Heads of department/ provincial administrations are reminded of the revision of the <i>tariffs for transport between residence and work</i> , on October 1 of each year. (Obtain Treasury approval before submitting to executing authority, DPSA calculated tariffs could be used for submission to the Minister). Also see paragraph 26 above. [DPSA Circular: 18 November 2002: Transport between residence and work: Collective agreement on remunerative allowances and benefits, paragraph 3].		Annually, by 01 October	X	N/A
54.	<p>An employer and a registered trade union whose members are a majority of the employees employed by that employer in a workplace, or the parties to a bargaining council, may conclude a collective agreement establishing a threshold of representativeness required in respect of one or more of the organisational rights referred to in section 12, 13 and 15 (trade union access to workplace, deduction of trade union subscriptions or levies and leave for trade union activities).</p> <p>[Labour Relations Act, 1995, section 18 (1)]; [Public Service Regulations, 2001, Chapter 1, Part X]; &</p> <p>[Basic Conditions of Employment Act, 1997, Chapter 11, section 89 (representation of employees or employers)]</p>		Once off	X	Trade union representative
55.	<p>The head of department must ensure that grievance resolution is evaluated by maintaining a record of the number of grievances resolved from the beginning of each calendar year and report to the Commission on a six monthly basis.</p> <p>[Public Service Commission Act, 1997: Rules for dealing with the grievances of employees in the public service]</p>	<p><i>Principles to observe in developing grievance procedures:</i></p> <p>a) Fairness and objectivity; b) Transparency; c) Timeousness; d) Participation and representation; and e) Statutory rights.</p> <p>[White Paper: Human Resource Management in the Public Service, December 1997, paragraph 5.12.1]; [Basic Conditions of Employment Act, 1997, Chapter 10, section 80 (procedure for disputes)]; Public Service Amendment Act 47 of 1997, section 15-24]; [Public Service Regulations, 2001, Chapter 4 (VIII) (D) (SMS members, Misconduct and incapacity)]; [Labour Relations Act, 1995, section 14(4)(a and 115(3)(d)); [PSCBC Resolution 2 of 1999]; [Employment of Educators Act 76 of 1998, Chapter 5 (incapacity and misconduct)]; & [Government Gazette No. 19767 dated 18 February 1999 (Personnel Administrative Measures (PAM)), Chapter H (grievance procedure)]</p>	January each year, & every six months	X	N/A

ACCOUNTING OFFICER

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY	
				ACCOUNTING OFFICER	DELEGATED EMPLOYEE
55.	<p>The head of department must ensure that <i>grievance resolution</i> is evaluated by maintaining a record of the number of grievances resolved from the beginning of each calendar year and report to the Commission on a six monthly basis.</p> <p>[Public Service Commission Act, 1997: Rules for dealing with the grievances of employees in the public service]</p>	<p>55.1 Employers should ensure that the rights of employees with regard to HIV/AIDS, and the remedies available to them in the event of a breach of such rights, become integrated into existing grievance procedures.</p> <p>55.2 Employers should create and awareness and understanding of the grievance procedures and how employees can utilize them.</p> <p>55.3 Employers should develop special measures to ensure the confidentiality of the complainant during such proceedings, including ensuring that such proceedings are held private.</p> <p>[Code of Good Practice and Key Aspects of HIV/AIDS and Employment, published in terms of the Employment Equity Act55 of 1998, paragraph 12]</p>			
56.	<p>Notwithstanding section 17(1) of the Public Service Act, 1994, paragraph (a) [the power to discharge and officer or employee], the power to discharge an officer, excluding a head of department, in terms of subsection (2) (e), shall vest in the head of department.</p> <p>[Public Service Act, 1994, section 17 (1) (b)]</p>		Per case	X	N/A
57.	<p>A head of department shall</p> <p>57.1 Introduce appropriate <i>education awareness and prevention programmes</i> on HIV/AIDS and other sexually transmitted infections for the employees in the Department;</p> <p>[DPSA: Managing HIV/AIDS in the workplace, Chapter 9, Part B (1.4)]</p>	<p>Management responsibilities:</p> <p>a) To establish multi-level structures and partnerships responsible for all aspects of the <i>workplace HIV/AIDS response</i>;</p>	Once off	X	N/A
		b) To show leadership and commitment to <i>managing HIV/AIDS</i> ;	Ongoing	X	N/A
		c) To develop a workplace HIV/AIDS policy;	Once off	X	N/A
		d) To conduct <i>risk assessment</i> ;	Regular intervals	X	N/A
		e) To conduct planning for HIV/AIDS programmes integrating this into departmental <i>strategic planning</i> ;	Annual	X	N/A
		f) To <i>review</i> human resource policies and processes;	Regular intervals	X	N/A
		g) To conduct <i>human resource planning and management</i> , linked to maintaining and enhancing service delivery;	Ongoing	X	N/A
		h) To manage employee benefits;	Ongoing	X	N/A
		i) To budget for the cost of HIV/AIDS programmes;	Per financial year	X	N/A
		j) To oversee and monitor departmental HIV/AIDS programmes; and	Ongoing	X	N/A

ACCOUNTING OFFICER

No.	AREA	SUB-AREA (S)	FREQUENCY AND/OR RETURN DATES	RESPONSIBILITY / ACCOUNTABILITY	
				ACCOUNTING OFFICER	DELEGATED EMPLOYEE
57.		k) <i>Roles and responsibilities</i> should be clearly defined to ensure that a workplace HIV/AIDS policy is widely distributed, understood by all, and is in fact implemented. [DPSA: Managing HIV/AIDS in the Workplace, A Guide for Government Departments, Chapter 5, Part B(1)]; & [Code of Good Practice and Key Aspects of HIV/AIDS and Employment, published in terms of the Employment Equity Act 55 of 1998, paragraph 4.1, 5.3.3, 5.35, 7.1.1, 7.1.5, 8.1, 9.1 and 12.1]	Ongoing	X	N/A
57.2	Create a <i>mechanism within the workplace</i> to encourage openness, acceptance, care and support to HIV-positive employees; [DPSA: Managing HIV/AIDS in the workplace]		Ongoing	X	N/A
57.3	<i>Designate a member of the SMS</i> with adequate skills, seniority and support to implement the provisions contained in regulation VI E (HIV/AIDS and related diseases requirements) within the department; [DPSA: Managing HIV/AIDS in the workplace]		Once off	X	X
57.4	Allocate <i>adequate human and financial resources</i> to implement the provisions of regulation VI E; [DPSA: Managing HIV/AIDS in the workplace]	Departments should ensure that HIV/AIDS priorities, policy developments and legislation with HIV/AIDS implications are part of their <i>budget documentation</i> . [DPSA: Managing HIV/AIDS in the Workplace, Chapter 9, Part B (1.4)]	Per financial year	X	N/A
		One of the responsibilities of management is to ensure that these costs are properly forecasted, budgeted for and managed when <i>budgeting</i> for HIV/AIDS programmes. [DPSA: Managing HIV/AIDS in the Workplace, Chapter 9, Part B (2)]	Per financial year	X	N/A
57.5	Establish a <i>HIV/AIDS committee</i> for the department to facilitate the effectiveness of the provisions of regulation VI E; and [DPSA: Managing HIV/AIDS in the workplace]	Accounting officers are expected to include <i>non-financial information</i> to the executing authority on a quarterly basis to alert managers to areas where corrective action is required. [DPSA: Managing HIV/AIDS in the Workplace]	Quarterly	X	N/A

ACCOUNTING OFFICER

			FREQUENCY AND/OR	RESPONSIBILITY / ACCOUNTABILITY
--	--	--	------------------	---------------------------------

No.	AREA	SUB-AREA (S)	RETURN DATES	ACCOUNTING OFFICER	DELEGATED EMPLOYEE
57.	57.5 Establish a <i>HIV/AIDS committee</i> for the department to facilitate the effectiveness of the provisions of regulation VI E; and [DPSA: Managing HIV/AIDS in the workplace]	All <i>annual reports</i> of departments should report on their HIV/AIDS activities and programmes. [DPSA: Managing HIV/AIDS in the Workplace, Chapter 16, Part D (4.1)]; [Treasury Regulations 2002 (accounting and reporting requirements)]; & [Public Finance Management Act 1 of 1999 (as amended by Act 29 of 1999), section 40(1)(d)]	Annual	X	N/A
	57.6 Ensure that the <i>health promotion programme</i> includes an effective internal communication strategy. [Public Service Regulations, 2001, Chapter 1 (VI) (E.5)]; & [Chapter 3, Part A (6.1), Minimum standards on HIV/AIDS, guidelines to HODs]		Ongoing	X	X

HR guide**LINE:**

APPENDICES

APPENDIX 1

Applied legislation, policies and circulars

1. Constitution of the Republic of South Africa no. 108 of 1996.
2. Public Service Act of 1994.
3. Employment of Educators Act of 1998.
4. Public Service Regulations of 2001.
5. Employment Equity Act of 1998.
6. Basic Conditions of Employment Act no. 75 of 1997.
7. Skills Development Act of 1998.
8. Labour Relations Act of 1995.
9. South African Council for Educators Act no. 31 of 2000.
10. Public Finance Management Act no. 1 of 1999 (as amended by Act 29 of 1999).
11. Public Service Commission Act of 1997: Rules for dealing with the grievances of employees in the public service.
12. Occupational Health and Safety Act no. 55 of 1993.
13. Code of Good Practice in terms of the Employment Equity Act no. 55 of 1998.
14. Code of Good Practice and key aspects of HIV/AIDS and Employment published in terms of the Employment Equity Act no. 55 of 1998.
15. Managing HIV/AIDS in the workplace: A guide for government departments, developed by the Department of Public Service and Administration (DPSA).
16. White Paper on Human Resource Management in the public service, December 1997.
17. Directives on Collective Agreement XIX: Allowances for personnel serving Executing Authorities.
18. DPSA circular: Implementation of the new leave dispensation for the public service, 30 November 2000.
19. Directives on long service recognition in the public service, August 2003.
20. DPSA circular: Transport between residence and work: Collective Agreement on remunerative allowance and benefits, 18 November 2002.
21. DPSA guidelines on the methodology in determining/ calculating the tariffs for transport between residence and work, 2001.
22. White Paper on Employment Policy, 2nd draft, 8 October 1997.
23. White Paper on affirmative action in the public service, *government gazette volume 394, April 1998, no. 18800*.
24. Guidelines to Government Notice No. 1310 of December 2000.
25. White Paper on Public Service Training and Education, July 1997.
26. PSCBC Resolution 3 of 1999: Remunerative allowances and benefits
27. Terms and conditions of Employment of Educators: *Government Gazette No. 16814 dated 14 November 1995*.
28. Education Labour Relations Council, Collective Agreement No. 4 of 2003.
29. Personnel Administrative Measures (PAM)): determination of salaries: *Government Gazette No. 19767 dated 18 February 1999*.
30. Collective Agreements per Resolutions 3 of 1999, 7 of 2000, 9 of 2001, paragraph 10 of the Financial Manual (November 2001) and chapter 14 of the Ministerial Handbook (March 2001).

APPENDIX 2

Index

A

Abolition.....

10

Acting.....

34

Affirmative action.....

11, 12, 13, 17, 26

Annual financial report.....12

Annual report.....22, 38

Appointment.....2, 7, 11, 12, 15, 16, 17, 18, 24, 27, 34

Assessment.....9, 14

Authorisation.....2, 5, 25

B

Budget.....5, 8, 9, 33, 34, 36, 37

C

Capacity.....18, 24, 26, 27

Codes of conduct.....

30

Competencies.....10

Conditions of service.....

2, 3, 4, 15, 16

Contract.....

1, 2, 3, 4, 5, 6, 18, 24

D

Delegation.....

2, 5, 25

Deployment.....

9

Designated groups.....

11

Development.....9, 13, 26, 27, 37

Development appraisal.....

14

Direct.....

7, 25

Discharge.....

3, 11, 18, 36

Disclosure of interest.....

24

Disposal to.. ..

18

Diversity management.....25

Duties.....3, 6, 7, 10, 11, 25

E

Educator.....6, 7, 14, 15, 16, 22, 25, 27, 28, 34, 35

Employment equity.....

11, 12, 13, 36, 37

Equal opportunities.....[7](#)
Equity plan.....[11](#), [12](#)
Establishment.....[10](#), [15](#), [24](#), [27](#)
Evaluating.....[33](#)
Expenditure.....[8](#), [9](#), [34](#)

F

Financial.....[5](#), [12](#), [18](#), [22](#), [26](#), [33](#), [34](#), [36](#), [37](#)
Functions.....[7](#), [8](#), [9](#), [10](#), [12](#), [18](#), [22](#), [24](#), [27](#)
Funds.....[9](#), [22](#), [26](#), [33](#), [34](#)

G

Grading.....[8](#), [10](#), [24](#), [27](#)
Grievance.....[35](#), [36](#)

H

Historically disadvantaged....[9](#), [12](#), [13](#)
HIV/AIDS.....[10](#), [36](#), [37](#), [38](#)
Human resources.....[6](#), [9](#), [17](#), [24](#), [25](#), [26](#)
Human resource planning.....[9](#), [10](#), [36](#)

J

Job description.....[8](#), [9](#), [27](#)
Job evaluation.....[8](#), [27](#)
Job title.....[8](#)

L

Leave.....[4](#), [30](#), [31](#), [32](#), [33](#), [35](#)
Long-service award.....[22](#)

M

Management.....[6](#), [14](#), [24](#), [25](#), [26](#), [30](#), [35](#), [36](#), [37](#)
Monitoring.....[12](#), [33](#)

N

National Treasury.....[10](#)

Numeric targets.....[26](#)

O

Objectives.....[8](#), [10](#), [26](#)
Organisation.....[10](#), [13](#), [25](#), [26](#), [28](#)
Organisational structure.....[7](#), [10](#)
Overtime.....[19](#), [20](#), [21](#), [29](#)

P

Performance agreement.....[5](#), [6](#)
Performance management...[5](#), [6](#), [11](#), [13](#), [14](#)
Planning.....[9](#), [10](#), [36](#)
Policy.....[7](#), [12](#), [17](#), [19](#), [20](#), [21](#), [22](#), [25](#), [32](#), [33](#), [34](#), [36](#), [37](#)
Posts.....[8](#), [10](#), [15](#), [18](#), [27](#), [34](#)
Powers.....[6](#), [10](#), [11](#)
Probation.....[14](#), [34](#)
Promotion.....[7](#), [8](#), [11](#), [12](#), [14](#), [15](#), [16](#), [17](#), [18](#), [27](#), [34](#), [38](#)

R

Recruitment.....[9](#), [11](#), [17](#)
Remuneration.....[2](#), [16](#), [19](#), [23](#), [27](#), [28](#), [30](#)
Representativeness.....[9](#), [12](#), [13](#), [17](#), [35](#)
Resources.....[6](#), [9](#), [10](#), [17](#), [24](#), [25](#), [26](#), [37](#)
Responsibility.....[5](#), [6](#), [12](#), [25](#), [33](#)
Retention.....[9](#)
Revise.....[5](#), [6](#), [22](#)
Risk assessment.....[36](#)

S

SACE.....[16](#), [22](#)
Selection committee.....[17](#), [18](#)
Service delivery.....[8](#), [21](#), [30](#), [31](#), [36](#)
Service commitment.....[21](#)
Sick leave.....[32](#)
Skills development.....[14](#), [34](#)

SMS.....[13](#), [21](#), [24](#), [35](#), [37](#)
Special leave.....

[33](#)

Statistics.....[12](#), [26](#)
Strategic plan.....[7](#), [8](#), [9](#), [10](#), [33](#), [34](#), [36](#)

T

Tariffs.....[22](#), [35](#)
Termination.....[3](#), [4](#), [5](#), [15](#), [16](#), [21](#)
Training.....[9](#), [10](#), [12](#), [17](#), [26](#), [27](#), [33](#), [34](#)
Transfer.....[7](#), [10](#), [11](#), [15](#), [16](#), [17](#), [18](#), [27](#), [28](#), [34](#)
Transport.....[20](#), [22](#), [35](#)
Treasury.....[10](#), [18](#), [24](#), [35](#), [38](#)

W

Working hours.....[20](#), [28](#), [29](#)
Workplace.....[7](#), [10](#), [20](#), [21](#), [34](#), [35](#), [36](#), [37](#), [38](#)