

the dr&pw

Department:
Roads and Public Works
NORTHERN CAPE PROVINCE
REPUBLIC OF SOUTH AFRICA

DELEGATION OF POWERS AND DUTIES BY THE EXECUTING AUTHORITY

In accordance with the

- the Public Service Act 1994, (as amended in 2007),

- the Public Service Regulations, 2001

**DELEGATION OF POWERS AND DUTIES BY THE EXECUTING AUTHORITY TO THE
HEAD OF THE DEPARTMENT AND OTHER EMPLOYEES IN
THE DEPARTMENT OF ROADS AND PUBLIC WORKS**

In accordance with the powers vested in me by -

- * the Public Service Act 1994, (as amended in 2007), herein referred to as "the Act"; and
- * the Public Service Regulations, 2001, promulgated in terms of section 41 of the Act.

I, David Rooi, Executing Authority of Department of Roads and Public Works, delegate the powers and duties vested in me as executing authority, as stated in Addendum 2b, to incumbents of posts indicated therein.

SIGNED AT Kimberley ON THIS 13th DAY OF FEBRUARY 2013



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**GENERAL CONDITIONS ATTACHED TO THE DELEGATION
OF POWERS AND DUTIES**

1. The delegations must be exercised with due regard to the Constitution of the Republic of South Africa, 1996, relevant statutory and financial requirements, the Public Service Regulations, 1999 applicable collective agreements, and departmental policy (as and when issued).
2. Delegations may only be exercised by employees of the Department of Roads and Public Works who have been appointed in terms of the Public Service Act, 1994, as amended, and who occupy positions on the approved establishment of the Department.
3. The matters that are delegated should be exercised and performed strictly in accordance with the prescribed conditions to achieve the purpose of the delegation. It thus follows that those employees who are entrusted with the execution of the matters should be fully conversant with the provisions of the Public Service Act, 1994, the Public Service Regulations, 1999 and applicable collective agreements.
4. Where powers and duties have been delegated to a certain post level, the incumbents of higher posts in the relevant hierarchy may also exercise/perform such powers and duties.
5. If an employee acts in a higher post, the incumbent of which possesses powers by means of a delegation, the powers attached to that higher post are delegated to such an employee.



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6. The exercising of a delegation, which has financial implications, must be done in consultation with the Chief Financial Officer.
7. A person on a post level to whom a power or duty is delegated, may only exercise such a power or duty with regard to employees on a lower post level than her/himself in the relevant component, unless such a power has been delegated to the incumbent of a specific post (e.g. Director: Admin and Finance), in which case the person must exercise the power/duty i.r.o. the whole Department.
8. The creation and grading of posts/jobs i.r.o. the senior management service are not delegated. The same applies to the employment practices (career incidents) of such employees.
9. Even though the powers and duties indicated in this Addendum have been delegated, the Executing Authority may at any time decide to exercise/perform such powers or duties himself.
10. Matters that are not specifically mentioned in the Addendum may not be presumed to exist.



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CHAPTER II: ADMINISTRATION
DELEGATION OF POWERS IN TERMS OF THE PUBLIC SERVICE ACT, 1994 (AS AMENDED)

Item No.	Power/Duty being delegated		Post level being Delegated to	Specific conditions regarding	
	Section	Topic		Execution	Reporting
1.	3(7)(a)	The internal organisation of the Department, including the organisational structure and the transfer of functions within the Department.	Executing Authority	Major changes shall take place in line with strategic planning of the Department.	In terms PSR III/J.1
2.	3(7)(b)	The post establishment of the Department including – (i) The creation, grading and abolition of posts; and (ii) The provision for the employment of persons additional to the fixed establishment where the class of work is of a temporary nature.	Executing Authority		-do-
3.	9	The appointment of any person or promotion or transfer of any employee in the employ of the Department.	Salary level 13 and above not delegated. Head of Department for salary level 1 to 12	The relevant Head of Directorate must be involved in the process to do recommendations In line with Departmental policies	In terms of PSR III/J.1
4.	11	Approve the appointment, transfer or promotion of persons to promote the democratic values and principles referred to in Section 195(1) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), subject to the prescribed conditions.	Salary level 13 and above not delegated. Head of Department for salary level 1 to 12	-do-	-do-



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CHAPTER IV: APPOINTMENT, PROMOTION AND TRANSFER

Item No.	Power/Duty being delegated		Post level being Delegated to	Specific conditions regarding	
	Section	Topic		Execution	Reporting
5.	12	Appointment of Head of Department.	Not delegated - Premier		
6.	12A	Appointment of persons on grounds of policy considerations	Not delegated – Executing Authority		
7.	13(1)	A person shall be appointed and an officer shall be transferred or promoted on the basis of probation (which is a minimum period of 12 months) unless, in the case of an appointment, the person having the power to approve such an appointment directs otherwise.	Salary level 13 and above not delegated Head of Department for salary level 9 to 12 Senior Manager: HC for salary levels 1 -8 Letters of probation confirmation signed by Manager: HC	The relevant Head of Directorate must be involved in the process and do recommendations As a general rule all appointments should be based on probation. This power should therefore be exercised in highly exceptional cases. Lateral transfers need not be based on probation except where an employee being transferred is still on probation in his/her previous post and at the time of transfer his/her probation was not yet confirmed.	The employee promotes should serve the remaining period of the probation from the previous post in the higher post.
8.	13 (2)(3)	Confirming an appointment, promotion or transfer, or (i) Extending the period of probation	Salary level 13 & 14 – Head of Department Line Manager for salary levels 1- 10 Senior Managers for salary levels 11 to 12	The relevant Head of Directorate must be involved in the process and do recommendations It must be certified that during the period of probation or extended period of probation, the officer concerned has been diligent and his/her conduct has been uniformly satisfactory and that he or she is in	Quarterly Reports are placed in the employees file

[Signature]

Item No.	Power/Duty being delegated		Post level being Delegated to	Specific conditions regarding	
	Section	Topic		Execution	Reporting
9.	13(3), read in conjunction with 17(2)(f)	An officer who is serving on probation may be discharged from the public service by the person having the power of discharge, whether during or at or after the expiry of the period of probation.	Head of Department	In line with the provisions of the PSCBC Resolution No.2 of 1999.	In terms of PSR III/J.1
10.	14	The transfer of an employee from one post or position occupied by him or her to another post or position in the Department or another department mentioned in Schedule 1 of the Act, subject to provisions stipulated in Section 14(2) and 14(3) of the Act.	Head of Department for salary levels 13 & above Senior Manager: HC for salary levels 1-8 Senior Manager of Directorate for salary levels 9 - 12	In line with Departmental policy. Confirmation to be submitted to Human Capital and loaded on Persal. Written confirmation served on staff member An Employee shall not upon transfer suffer any reduction in his/her salary without his/her consent except in accordance with the provision of sections 38 and any collective agreement contemplated in section 186 of the Public Service Law amendment Act.	-do-



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Item No.	Power/Duty being delegated		Post level being Delegated to	Specific conditions regarding	
	Section	Topic		Execution	Reporting
11.	15(1)	Approving a transfer of a person holding pensionable appointment in a department under any law other than this act or any institution or body established by or under any law and which obtains its funds directly in whole or in part from revenue.	Not delegated		
	15(2)	A person in the service of a department under any law other than this Act, or in the service of another government, or of any council, institution or body established by or under any law, or of any other body or person, may be employed by another department or a department, as the case may be, for a particular service or for a stated period and on such terms and conditions, other than conditions laid down by or under any pensions law, as may be agreed upon by the employer of the person concerned and the relevant executing authority and approved by the Treasury.	Not delegated	For a stated period on such terms and conditions as agreed upon by the employer of the employee concerned and the relevant executing authority; and approval from Treasury.	
	15(3)(a)	Approving the secondment of an employee with his/her consent and on such conditions, in addition to those prescribed by or under any law to another government, or any council, institution or other body or person for a particular service or for a stated period.	Not delegated	The recipient department shall bear the inclusive costs of secondment, unless both departments agree otherwise, or treasury approves another arrangement.	
	15(4)a	Approving the secondment; an exchange or a person in the service of another government, or any council, institution or body established by or under any law, or other body or person, may be employed by another department for a stated period and on such terms and conditions other than law, as may be agreed upon by the employer of the official.	Not delegated	The recipient or institution shall bear the inclusive costs of secondment or exchange unless both departments agree otherwise or the Treasury approves another agreement.	



CHAPTER V: TERMINATION OF SERVICE

Item No.	Power/Duty being delegated		Post level being Delegated to	Specific conditions regarding	
	Section	Topic		Execution	Reporting
	16(1)(a)	To retire from the Public Service when attaining the age of 65 years	Head Of Department		
	16(2)(b)	Early retirement from the Public Service when attaining the age of 55 years	Head Of Department	Notification should be given at least three calendar months prior to the date on which he/she attains the retirement age.	
12.	16(4)	Approving the retirement of an employee who has reached the age of 60.	Head of Department	Where the retirement occurs on the initiative of the employer it should be with due regard to fair labour practices.	In terms of PSR III/J.1
13.	16(5)(a)	Retirement of the Head of Department at his/her request before the expiry of his or her term.	Not delegated		-do-
14.	16(6)(a)	Allowing an employee, at his or her request, to retire from the public service before reaching the age of 55 years.	Head of Department	To be applied not- withstanding the absence of any reason for discharge in terms of section 17(2) of the Act, if in the opinion of Head of Department reason exists therefore and the retirement will be to the advantage of the State.	-do-
15.	16(7)	Deciding to retain an employee in his or her post beyond the age at which he or she is required to be retired (i.e. after attaining the age of 65).	Head of Department	The employee concerned must agree to his or her retention. The period of such retention may not in aggregate exceed two years, except with the approval of Parliament granted by resolution.	In terms of PSR III/J.1
16.	17(2)(a)	Discharging an employee on account of continued ill-health.	Head of Department	This should be exercised with due consideration to PSCBC Resolution No. 12 of 1999.	-do-

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	Section	Topic		Execution	Reporting
17.	17(2)(b)	Discharging an employee owing to operational requirements of the department as provided for in the Labour Relations Act.	Head of Department	Provision of section 189 and 190 of the Labour Relations Act must be adhered to provision of the PSCBC resolution 10 of 1999, Incapacity Code and Procedural for the public Service must be adhered to.	-do-
18.	17(2)(c)	Discharging an employee due to poor work performance.	Head of Department		-do-
19.	17(2)(d)	Discharging an employee on account of misconduct.	Head of Department	This should be exercised with due consideration to PSCBC Resolution No. 12 of 1999.	-do-
20.	17(2)(f)	Discharging an employee appointed on probation if his/her appointment is not confirmed.	Head of Department	-do-	In terms of PSR III/J.1
21.	17(2)(g)	Discharging an employee on account of misrepresentation of his or her position in relation to a condition for permanent appointment.	Head of Department	-do-	-do-
22.	17(2)(h)	Discharging an employee if his or her continued employment constitutes a security risk for the State.	Head of Department	-do-	-do-
23.	17(2)(l)	Discharging an employee if the President or a Premier appoints him or her in the public interest under any law to an office to which the provisions of the Act do not apply.	Not delegated.		
24.	17(3)(b)	Approving the reinstatement of an employee who was deemed to have been discharged after absents himself or herself without permission as contemplated in section 17(3)(a)(i) of the Act.	Head of Department	The relevant employee must show good cause before his or her reinstatement can be approved. In such a case the period of his or her absence	



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Item No.	Power/Duty being delegated		Post level being Delegated to	Specific conditions regarding	
	Section	Topic		Execution	Reporting
				from official duty must be deemed to be absence on vacation leave without pay or leave on such other conditions as may be determined by the Head of Department.	



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CHAPTER VII: OBLIGATIONS, RIGHTS AND PRIVILEGES OF EMPLOYEES

Item. No.	Power/Duty being delegated		Post level being Delegated to	Specific conditions regarding	
	Section	Topic		Execution	Reporting
25.	30	Granting permission to an employee to perform or engage him or herself to perform remunerative work outside his or her employment in the public service.	Head of Department to Executing Authority	Requests should be channelled through the Senior Manager. HC	
26.	31(1)(a)(iv)	Approving that an employee may retain the whole or a portion of the remuneration, allowance or reward referred to in section 31(1)(a)(i) of the Act.	Head of Department		
27	32	The temporary assignment of functions to employees.	Head of Department for all salary levels 13 to 14. Senior Manger. HC for salary levels 1 to 12.		



Public Service Regulations, 2001

PART III: PLANNING, WORK ORGANISATION AND REPORTING

Item No.	Delegated power		Post level Delegated to	Specific conditions regarding:	
	Regulation	Topic		Execution	Reporting
1.	B.1	<p>Approve a departmental strategic plan.</p> <p>(a) stating the department's core objectives, based on Constitutional and other legislative mandates, functional mandates and the service delivery improvement programme mentioned in regulation III C;</p> <p>(b) describing the core and support activities necessary to achieve the core objectives, avoiding duplication of functions;</p> <p>(c) specifying the functions the department will perform internally and those it will contract out;</p> <p>(d) describing the goals or targets to be attained on the medium term;</p> <p>(e) setting out a programme for attaining those goals and targets;</p> <p>(f) specifying information systems that-</p> <p>(i) enable the executing authority to monitor the progress made towards achieving those goals, targets and core objectives;</p> <p>(ii) support compliance with the reporting requirements in regulation III J and the National Minimum Information Requirements, referred to in regulation VII H; and</p> <p>(g) complying with the requirements in paragraphs 5.1 and 5.2 of the Treasury</p>	Head Of Department		In terms of PSR III/J.1



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Item No.	Delegated power		Post level Delegated to	Specific conditions regarding:	
	Regulation	Topic		Execution	Reporting
		Regulations.			
2.	B.2	<p>Based on the strategic plan of the Department:</p> <p>(a) determine the Department's organisational structure in terms of its core and support functions;</p> <p>(b) grade proposed new jobs according to the job evaluation system;</p> <p>(c) define the posts necessary to perform the Department's functions, which posts shall constitute the Department's approved establishment; and</p> <p>(d) utilise the human resource plan described in regulation III/D to meet the resulting human resource needs.</p>	<p>Not delegated</p> <p>Head of Department</p> <p>Head of Department</p> <p>Senior Manager: Human Capital</p>	<p>Funds must be available within the Department's current budget and medium-term expenditure framework. Chief Financial Officer to oversee allocation of funds for this purpose.</p> <p>-do-</p> <p>-do-</p> <p>-do-</p> <p>-do-</p>	
3.	C.1	<p>Establish and sustain a service delivery improvement programme:</p> <p>(a) specifying the main services to be provided to the different types of actual and potential customers, as identified by the department;</p> <p>(b) containing consultation arrangements with the department's actual and potential customers;</p> <p>(c) with due regard to the customer's means of access to the services and the barriers to increased access thereof, specifying the mechanisms or strategies to be utilised progressively to remove</p>	Head of Department		In terms of PSR III/J.1



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	Regulation	Topic		Execution	Reporting
		<p>the barriers so that access to services is increased;</p> <p>(d) indicating standards for the main services to be provided;</p> <p>(e) containing arrangements as to how information about the department's services are to be provided; and</p> <p>(f) stipulating a system or mechanisms for complaints.</p>			
4.	C.2	Publish annual statement of public service commitment which will set out the department's service standards that citizens and customers can expect and which will serve to explain how the department will meet each of the standards.	Head of Department	All Head of Directorates to compile the annual statements of their Directorates. CFO to consolidate	
5.	D.1	Carry out human resource planning as contemplated in regulation III/D.1 of the Regulations.	Senior Manager: Human Capital	All senior managers shall carry out the planning and implementation of the HR plan in their respective components.	In terms of PSR III/J.1
6.	D.2	<p>Develop and implement an affirmative action programme which shall contain, as a minimum, the following:</p> <p>(a) A policy statement that sets out the department's commitment to affirmative action, and how that policy will be implemented.</p> <p>(b) Numeric and time-bound targets for achieving representativeness.</p>	Senior Manager: Human Capital	The Senior Manager: HC to provide the framework and guidance and the senior managers shall be responsible for implementation in their respective Directorates.	Consult the MEC on contents of affirmative action programmes before implementation



Item No.	Delegated power		Post level Delegated to	Specific conditions regarding:	
	Regulation	Topic		Execution	Reporting
7.	D.3	<p>(c) Annual statistics on the appointment, training and promotion within each grade of each occupational category, of persons historically disadvantaged.</p> <p>(d) A plan for redressing numeric under-representativeness and supporting the advancement of persons historically disadvantaged.</p>	Head of Department	Senior Manager: HC to compile the report. Provide Head of Directorates with copies. Head of Directorates must inform staff under control.	Approved HR Plan
8.	F	<p>Before creating a post for any newly defined job, or filling any vacancy -</p> <p>(a) confirm that the post is required to perform the Department's functions;</p> <p>(b) in the case of a newly defined job, evaluate the job in terms of the job evaluation system;</p> <p>(c) in the case of a vacant post linked to salary level 9 and higher, evaluate the job in terms of the job evaluation system, unless the specific job has been evaluated previously; and</p> <p>(d) ensure that sufficient budgeted funds, including funds for the remaining period of the medium-term expenditure framework, are available for the filling of the post.</p>	<p>All Head of Directorates</p> <p>Senior Manager: HC</p> <p>Senior Manager: HC</p> <p>Programme Manager for his/her Directorate</p>	<p>Head of Directorates to give inputs</p> <p>The previous evaluation must have been done within the 12 months prior to the date of vacation of the post concerned.</p> <p>The Chief Financial Officer should be consulted in this regard.</p>	<p>In terms of PSR III/JI</p> <p>-do-</p> <p>-do-</p>

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Item No.	Delegated power		Post level Delegated to	Specific conditions regarding:	
	Regulation	Topic		Execution	Reporting
9.	G	<p>Employment of persons additional to the approved fixed establishment where-</p> <p>(a) the incumbent of a post is expected to be absent for such a period that her or his duties cannot be performed by other personnel;</p> <p>(b) a temporary increase in work occurs; or</p> <p>(c) it is necessary for any other reason to temporarily increase the staff of the department.</p>	Head of Department	It must be exercised within the relevant budget.	-do-
10.	I.1	<p>Establish job descriptions and job title for each post that indicate, with appropriate emphasis on service delivery-</p> <p>(a) the main objectives of the post or posts in question;</p> <p>(b) the inherent requirements of the job; and</p> <p>(c) the requirements for promotion or progression to the next salary range, in accordance with a relevant career path.</p>	<p>Approval as follows:</p> <p>Salary levels 1 -8: Head of Units</p> <p>Salary level 9 -12: Senior Manager: HC</p> <p>Salary level 13 & 14: HOD</p>	Immediate Supervisor/Section Head to give inputs	
11.	I.2	At least once every three years, review job descriptions and titles and, where necessary, redefine them to ensure that they remain appropriate and accurate.	Senior Manager: HC	Immediate Supervisor/Section Head to give inputs	
12.	IV/B.3	Evaluation or re-evaluation of any job in the Department.	Senior Manager: HC	All supervisors in consultation with the relevant Head of Directorate and Director: Corporate Services.	HC to prepare a report once a year on all jobs evaluated



PART V: COMPENSATION FOR EMPLOYEES

Item No.	Delegated power		Post level delegated to	Specific conditions regarding:	
	Regulation	Topic		Execution	Reporting
13.	C.1	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.	Senior Manager: HC for salary levels 1 – 12. Head of Department for salary levels 13 & 14.	HRM Unit to facilitate the job evaluation.	-do-
14.	C.2	Determine which of the relevant salary ranges to use, if a job has a weight that applies to more than one salary range.	Senior Manager: HC for salary levels 1 –12 Head of Department for salary levels 13 & 14	This power shall be exercised on the recommendation of the Job Evaluation Panel.	-do-
15.	C.3	Set the salary for a post or an employee above the minimum notch of the salary range indicated by the job weight- (a) if she or he has evaluated the job, but cannot recruit or retain an employee with the necessary competencies at the salary indicated by the job weight; and (b) she or he shall record the reason why the salary indicated by the job weight was insufficient.	Senior Manager: HC for salary levels 1 –12 Head of Department for salary levels 13 & 14	Motivation indicating that the salary range indicated by the job evaluation was insufficient must be recorded by the HRM Unit.	-do-
16.	C.4	If the job weight demonstrates that a filled post is overgraded or undergraded, changes the work organisation or regrade the post according to the job weight and the relevant collective agreements, as provided in regulation V C.5 to C.7	Senior Manager: HC for salary levels 1 -12 Head of Department for salary levels 13 & 14		



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Item No.	Delegated power		Post level delegated to	Specific conditions regarding:	
	Regulation	Topic		Execution	Reporting
17.	C.5	<p>Increase the salary of a post to a higher salary range in order to accord with the job weight, if-</p> <p>(a) the job weight as measured by the job evaluation system indicates that the post was graded incorrectly; and</p> <p>(a) the department's budget and the medium-term expenditure framework provide sufficient funds.</p>	<p>Head of Department</p> <p>Head of Department</p>	<p>This power shall be exercised on the advice of the Job Evaluation Panel</p> <p>The Chief Financial Officer to be consulted on the availability of funds.</p>	
18.	C.6	<p>If the salary of a post is increased as provided under regulation V C.5, she or he may continue to employ the incumbent employee in the higher-graded post without advertising the post if the incumbent-</p> <p>(a) already performs the duties of the post;</p> <p>(b) has received a satisfactory rating in her or his most recent performance assessment; and</p> <p>(c) starts employment at the minimum notch of the higher salary</p>	<p>Head of Department not delegated salary level 13 and above</p> <p>Head of Department salary level 1 & 12</p>		
19.	C.8	<p>If it is determined that the salary range of an occupied post exceeds the range indicated by the job weight -</p> <p>(a) if possible, redesign the job to equate with the job grade; or</p> <p>(b) if possible, transfer the incumbent to another job on the same salary range.</p>	<p>Head of Department not delegated salary level 13 and above</p> <p>Head of Department salary level 1 & 12</p>	<p>The relevant legislation and collective agreements shall be abided by. HRM to co-ordinate processes.</p>	
20.	C.9	<p>Set the salary of a part-time, seasonal or temporary employee proportional to the salary of an equally graded full-time employee.</p>	<p>Senior Manger: Human Capital</p>	<p>The salaries shall, as far as possible, be set proportional to the salary of an equally graded</p>	



Item No.	Delegated power		Post level delegated to	Specific conditions regarding:	
	Regulation	Topic		Execution	Reporting
21.	D.2	<p>Compensate an employee for overtime work if-</p> <p>(a) the employee does not belong to the SMS, except in those cases mentioned in regulation V D.3;</p> <p>(b) the department has a written policy on overtime;</p> <p>(c) the executing authority has provided written authorisation in advance for the work; and</p> <p>(d) except in exceptional circumstances, the monthly compensation for overtime constitutes less than 30 per cent of the employee's monthly salary.</p>	Senior Manager: Human Capital	In line with Departmental policy.	Programme and responsibility managers to advice HOD
22.	D.3	<p>May, in exceptional cases, compensate a member of the SMS for overtime if-</p> <p>(a) the compensation for overtime constitutes one per cent or less of the salary bill on the relevant salary level; and</p> <p>(a) (b) the department has established clear and unambiguous procedures and criteria on overtime which have been consulted with the relevant personnel.</p>	Head of Department for salary levels 13 & 14		

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Item No.	Delegated power		Post level delegated to	Specific conditions regarding:	
	Regulation	Topic		Execution	Reporting
23.	D.5	<p>Establish an overtime policy in accordance with collective agreements, which shall determine-</p> <p>(a) categories of employees that may not receive compensation for overtime due to the nature of their work and responsibilities;</p> <p>(b) the circumstances under which a supervisor may authorise overtime work for an individual employee;</p> <p>(c) if an employee shall receive payment or time off as compensation for authorised overtime;</p> <p>(d) how much overtime an employee may work in a given period;</p> <p>(e) how a supervisor should record authorisation for overtime; and</p> <p>(f) other control measures, if necessary.</p>	Senior Manager: Human capital	<p><u>Approval for time off in lieu of compensation:</u></p> <p>Salary level 1 – 8: Manager/Supervisor</p> <p>Salary level 9 – 12: Snr Manager</p> <p>Salary level 13 & 14: HOD</p>	
24.	E.3	Provide the cash equivalent of benefits received by permanent employees to employees on fixed term contracts, subject to the terms of a collective agreement.	Senior Manager: Human Capital	In line with PSCBC Resolution No. 3 of 1999.	
25.	F	<p>(a) encourage employees to fully utilise her or his vacation leave in the year earned;</p> <p>(b) record all leave taken by employees accurately and in full; and</p> <p>(c) ensure that employees do not abuse sick leave.</p>	All Supervisors/Managers (this will include leave discounting, vacation, special, family responsibility, adoption, maternity and unpaid leave)	<p>HRM Unit to make information available and record the leave taken.</p> <p>Approval of temporary and permanent incapacity leave – Manager: HR</p>	

PART VI. WORKING ENVIRONMENT


Item No.	Delegated power		Post level Delegated to	Specific conditions regarding:	
	Regulation	Topic		Execution	Reporting
26.	B	<p>Determine-</p> <p>(a) the work week and daily hours of work for employees; and</p> <p>(b) the opening and closing times of places of work under her or his control, taking into account-</p> <p>i. the needs of the public in the context of the department's service delivery improvement programme; and</p> <p>ii. the needs and circumstances of employees, including family obligations and transport arrangements.</p>	Head of Department		
27.	C	<p>Require an employee to perform work outside normal working hours if the work must be performed without delay owing to circumstances which are beyond the control of the head of department and for which she or he could not reasonably have been expected to make provision.</p>	Head of Department and/or relevant Head of Directorate	Relevant Supervisor	
28.	D	<p>Establish and maintain a safe and healthy work environment for employees of the department.</p>	Head of Department	Occupational Health and Safety Committee and Supervisors	
29.	E.1	<p>(a) Identify units or employees within the department that, due to the nature of their work, are at high risk of contracting HIV and other related diseases, and take reasonable</p>	Senior Manager: Human Capital	Special Programmes Unit	



Item No.	Delegated power		Post level Delegated to	Specific conditions regarding:	
	Regulation	Topic		Execution	Reporting
		<p>steps to reduce the risk of occupational exposure to HIV and such diseases;</p> <p>(b) take all reasonable steps to facilitate timely access to voluntary counselling and testing and post-exposure prophylaxis in line with prevailing guidelines and protocols for employees who have been exposed to HIV as a result of an occupational incident; and</p> <p>(c) if the testing referred to in paragraph (b) indicates that an employee has become HIV-positive as a result of the occupational incident, ensure that the employee is assisted to apply for compensation in terms of the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No 130 of 1993).</p>			
30.	E.2	<p>(a) ensure that no employee or prospective employee is unfairly discriminated against on the basis of her or his HIV status, or perceived HIV status, in any employment policy or practice; and</p> <p>(b) take appropriate measures to actively promote non-discrimination and to protect HIV-positive employees and employees perceived to be HIV-positive from discrimination.</p>	Senior Manager: Human Capital	HRM Unit and Special Programmes Unit to take appropriate measures to actively promote non-discrimination.	
31.	E.3	<p>(a) encourage voluntary counselling and testing for HIV and other related health conditions and, wherever possible,</p>	Senior Manager: Human Capital	HRM Unit and Special Programmes Unit	



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	Regulation	Topic		Execution	Reporting
		<p>facilitate access to such services for employees in the department; and</p> <p>(b) ensure that no employee or prospective employee of the department is required to take a HIV test unless the Labour Court has declared such testing as justifiable in terms of the Employment Equity Act, 1998 (Act No. 55 of 1998).</p>			
32.	E.5	<p>(a) introduce appropriate education, awareness and prevention programmes on HIV/AIDS and other sexually transmitted infections for the employees in the department and, where possible, their families, and as far as possible, integrate those programmes with programmes that promote the health and well-being of employees;</p> <p>(b) create mechanisms within the workplace to encourage openness, acceptance, care and support for HIV-positive employees. Such mechanisms should preferably form part of a comprehensive employee assistance programme or health promotion programme;</p> <p>(c) designate a member of the SMS with adequate skills, seniority and support to implement the provisions contained in regulation VI E within the department, and ensure that the member so designated is held accountable by means of her or his performance agreement for the</p>	Senior Manager: Human Capital	Special Programmes Unit	



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	Regulation	Topic		Execution	Reporting
		<p>implementation of the provisions;</p> <p>(d) allocate adequate human and financial resources to implement the provisions of regulation VI E, and, where appropriate, form partnerships with other departments, organisations and individuals who are able to assist with health promotion programmes;</p> <p>(e) establish a HIV/AIDS committee for the department with adequate representation and support from all relevant stakeholders, including trade union representatives, to facilitate the effectiveness of the provisions of regulation VI E; and</p> <p>(f) ensure that the health promotion programme includes an effective internal communication strategy.</p>			
33.	F	Introduce appropriate measures for monitoring and evaluating the impact of the health promotion programme among the employees of the department	Senior Manager: Human Capital	Special Programmes Unit	Report on a quarterly basis



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

Item No.	Delegated power		Post level delegated to	Specific conditions regarding:	
	Regulation	Topic		Execution	Reporting
34.	B.1(a)	<p><u>Appoint procedures:</u></p> <p>(a) on a permanent or temporary basis, either full-time or parttime;</p> <p>(b) may, where the employment is temporary, appoint an employee under a special contract, on a casual basis or on a sessional basis;</p> <p>(c) may not appoint any person under the age of 16 years;</p> <p>(d) shall determine the health requirements for incumbency of a post, in any case where it is in the requirements of the post;</p> <p>(e) may appoint a casual employee for a period not exceeding 12 months;</p> <p>(f) shall require an employee to be subjected to security clearance only where the duties attached to the post are such as to make security clearance necessary</p>	Senior Manager: Human Capital	The relevant Head of Directorate must be involved in the process and must recommend.	In terms of PSR III/JI
35.	B.1(g)	<p>Ensure that each employee upon appointment, is provided with a written contract of employment, including the terms and conditions of her or his service.</p>	Senior Manager: Human Capital	Letter of appointment serves this purpose. – Senior Manager: HC to sign appointment letters	
36.	B.2.2	<p>Provide the Minister of Public Service Administration with a copy of the written contract between the Executing Authority and the Head of Department.</p>	Senior Manager: Human Capital		
	B3.1(a-c)	<p>Former employees not be re-appointed where;</p>	Head of Department		



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	Regulation	Topic		Execution	Reporting
		<p>(a) former employee left the public service earlier on the condition that she/he would not seek re-appointment</p> <p>(b) the original grounds for termination of service militate against re-appointment or,</p> <p>(c) the former employee left the public service due to ill-health and cannot provide recent and conclusive evidence of recovery</p>			
	3.2(a-d)	<p>Former employees may be appointed provided</p> <p>(a) the appointment is made in the public interest</p> <p>(b) the appointment is made in accordance with the recruitment and selection procedure in these regulations and no other suitable candidate could be recruited</p> <p>(c) the appointment is made for a fiscal term not exceeding three years, and that term may be extended only once for a further term not exceeding three years; and</p> <p>(d) the employee has not previously been appointed in terms of this regulation.</p>	Not delegated		
37.	B.4.1	Subject to the prescribed conditions, approve the secondment of an employee to another department in the public service and to a foreign government or international organisation with the approval of the Minister of Foreign Affairs.	<p>Executing Authority for foreign government, international organisations or corporate bodies.</p> <p>Not Delegated for salary levels 13 & 14</p> <p>Head of Department for levels 1 -12</p>	It should be exercised with the agreement of the employee concerned and in line with Departmental policy.	



Item No.	Delegated power		Post level delegated to	Specific conditions regarding:	
	Regulation	Topic		Execution	Reporting
38.	B.5.1	Compensate an employee for acting in a higher vacant post in terms of a determination of the Minister made through the collective bargaining process.	Head of Department for salary levels 1 & 14	It should be in line with PSCBC Resolution 2 of 2002	
39.	B.5.2	Compensate an employee for acting in a post due to the actual incumbent of the post acting in a higher vacant post, provided that no more than two employees may simultaneously be compensated as a result of a single vacancy.	Head of Department for salary levels 1 & 14	It should be in line with Resolution 2 of 2002	
40.	C.1.1	Determine composite requirements for employment in any post on the basis of the inherent requirements of the job.	All Head of Directorates/ Units/ regions – this will include all supervisors/ managers	Senior Manager: HC to render guidance in this regard In line with Departmental policy.	
41.	C.1.2	(a) record the inherent requirements of a job; (b) ensure that the requirements for employment do not discriminate against persons historically disadvantaged; and (c) comply with any statutory requirement for the appointment of employees.	All Managers/Supervisors for salary levels 1-12	Human Capital Management to provide guidance.	



Item No.	Delegated power		Post level delegated to	Specific conditions regarding:	
	Regulation	Topic		Execution	Reporting
42.	C.2.1	Ensure that vacant posts in the department are so advertised as to reach, as efficiently and effectively as possible, the entire pool of potential applicants, especially persons historically disadvantaged.	Senior Manager: Human Capital – salary levels 1 -12 Head of Department – salary levels 13 & 14	In line with Departmental policy. HC Unit to provide support services.	
43.	C.2.3	Ensure that all posts on grade 13 or higher are simultaneously advertised nationally both inside and outside the public service.	Senior Manager: Human Capital Management	HC Unit to provide support services.	
44.	C.2.4	Advertise any other vacant post within the department as a minimum, but may also advertise such post- (a) elsewhere in the public service; or (b) outside the public service either nationwide or locally.	Senior Manager: Human Capital	In line with Departmental policy. HC Unit to provide support services.	



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Item No.	Delegated power		Post level delegated to	Specific conditions regarding:	
	Regulation	Topic		Execution	Reporting
45.	C.2.5	<p>Fill a vacant post without complying with regulations VII C.2.3 and C.2.4 if-</p> <p>(a) the department can fill the post from the ranks of supernumerary staff of equal grading;</p> <p>(b) he department can absorb into the post an employee who was appointed under an affirmative action programme, if she or he meets the requirements of the post;</p> <p>(c) the department plans to fill the post as part of a programme of laterally rotating or transferring employees to enhance organisational effectiveness and skills; or</p> <p>(d) the post is filled in terms of section 3B of the Act.</p>	Senior Manager: Human Capital	<p>Conditions of execution:</p> <ul style="list-style-type: none"> • Post to be filled from the supernumerary list • Absorption of an employee who was appointed under an affirmative action program • Lateral transfer or rotation of employees to enhance organisational effectiveness • Post to be filled in terms of Section 3B of the Act. 	
46.	C.2.6	May utilise an appropriate agency to identify candidates for posts, as long as the advertising and selection procedures comply with regulations VII C and D.	Head of Department		



Item No.	Delegated power		Post level delegated to	Specific conditions regarding:	
	Regulation	Topic		Execution	Reporting
47.	D.1	<p>Appointment of a selection committee to make recommendations on appointments to posts.</p> <p>The selection committee shall consist of at least three members who are employees of a grading equal to or higher than the grading of the post to be filled or suitable persons from outside the public service or in which both such an employee or employees and such a person or persons are represented. However-</p> <p>(a) the chairperson of the selection committee, who shall be an employee, shall be of a grading higher than the post to be filled; and</p> <p>(b) in the event that the manager of the component within which the vacant post is located, is graded lower than the vacant post, such a manager may be a member of the selection committee.</p>	<p>Not Delegated – salary levels 13 & 14</p> <p>Head of Department – salary levels 1 - 12</p>	<ul style="list-style-type: none"> • Minimum of three panel members (including the chairperson) • Chairperson of committee shall be an employee of at least a grade higher than the post to be filled • Panel shall be representative • In line with Departmental policy • Relevant Head of Directorate to recommend. 	
48.	D.8	<p>Before making a decision on an appointment or the filling of a post, an executing authority shall-</p> <p>(a) satisfy herself or himself that the candidate qualifies in all respects for the post and that her or his claims in her or his application for the post have been verified; and (b) record in writing that verification.</p>	<p>Not Delegated – salary levels 13 & 14</p> <p>Head of Department – salary levels 1 - 12</p>	<p>The relevant Head of Directorate must be involved in the process and must recommend.</p>	
49.	F.1	<p>Promote an employee to a vacant post on the approved establishment of the department if-</p> <p>(a) sufficiently budgeted funds, including funds for the remaining period of the relevant medium-term expenditure framework are available for</p>	<p>Not Delegated – salary levels 13 & 14</p> <p>Head of Department – salary levels 1 - 12</p>	<p>The relevant Head of Directorate must be involved in the process and must recommend.</p>	



Item No.	Delegated power		Post level delegated to	Specific conditions regarding:	
	Regulation	Topic		Execution	Reporting
		filling the vacancy; and (b) the vacancy has been advertised and the candidate selected in accordance with regulations VII C and D.			
50.	G.2.1	Prescribe the manner in which an employee shall submit her or his resignation.	Senior Manager: Human Capital. Following levels approve resignations: Manager: salary Levels 1-8 Senior Manager: salary levels 9 -12 HOD: Salary Levels 13 & 14	In line with Departmental policy.	
51.	G.2.2	Recording of reasons given for resignation (exit interview).	Manager: HC to provide exit interview questionnaire to employee exiting Department.	Report of exit interview to be sent to the Senior Manager: HC for HR planning purposes and record keeping.	
52.	G.2.3	Acceptance of a shorter notice period of resignation than prescribed.	Senior Manager of Directorate	In consultation with Senior Manager: HC Approval to be sent to Senior Manager: HC to process.	
53.	G.3.1	May on the basis of medical evidence, consider the discharge of an employee in terms of section 17(2)(a) of the Act on account of ill-health. To this end, an executing authority may require an employee to undergo a medical examination by a registered physician.	Head of Department	In line with PSCBC Resolution No.2 of 1999.	Provisions of PILLAR must be adhered to
54.	G.4	Approve that an employee may be discharged for	Head of Department		

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Item No.	Delegated power		Post level delegated to	Specific conditions regarding:	
	Regulation	Topic		Execution	Reporting
55.	H	operational reasons, subject to the prescribed conditions. Shall keep a record of each employee and of each post on the approved establishment in accordance with the National Minimum Information Requirements as issued by the Minister.	Senior Manager: Human Capital	HC unit to facilitate	



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PART VIII: PERFORMANCE MANAGEMENT

Item No.	Delegated power		Post level Delegated to	Specific conditions regarding:	
	Regulation	Topic		Execution	Reporting
56.	B.1 to H.1	Management of performance.	<p>Head of Department for Senior Managers</p> <p>All Senior Manager of Directorates i.r.o. there Directorates</p> <p><u>Approval of Moderating committees:</u></p> <p>Head of Department – salary levels 9-12</p> <p>Senior Manager: Human Capital – salary levels 1-8</p> <p><u>Approval of incentives:</u></p> <p>EA for Senior Managers (salary levels 13 and above)</p> <p>Head of Department – salary levels 1-12</p> <p><u>Signing of Performance Letters:</u></p> <p>Senior Manager: HC for all SMS members</p> <p>Manager: HC for levels 1 -12</p>	<ul style="list-style-type: none"> • A performance management system to be implemented. • Performance to be managed in line with the principles and procedures outlined in PSR VIII. • Manager/Supervisors • HC unit to train & facilitate 	In terms of PSR III/J.I



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PART IX: TRAINING AND EDUCATION

Item No.	Delegated power		Post level Delegated to	Specific conditions regarding:	
	Regulation	Topic		Execution	Reporting
57.	D	Determine requirements, competencies and prescribe training for occupational categories or specific employees.	Head of Department for Senior Managers All Managers/supervisors for salary levels 1-12.	To be determined jointly between HRD Unit, supervisors and employees.	Quarterly report and performance feedback.
58.	E.1	Grant any financial or other assistance for any study, training or research where- (a) she or he has asked an employee to undertake the study, training or research; or (b) the employee has requested any such assistance.	Head of Department for SMS members. HRD Manager for salary levels 1-12.	On recommendation of the Bursary Committee and HRD Unit	
59.	E.2	may grant any financial or other assistance for part-time or full-time activities at either local or international institutions. She or he may also grant assistance for studies and training through training interventions such as short courses, congresses, symposia, seminars, conferences, workshops, lectures and study tours.	Head of Department for SMS members. HRD Manager for salary levels 1-12.		
60.	E.3	(a) grant bursaries for higher education to both serving and prospective employees, but may allocate bursaries for general education and further education and training only to serving employees; and (b) not require contractual service in recompense for assistance received in respect of general education or further education and training.	Head of Department for SMS members. HRD Manager for salary levels 1-12	On recommendation of the Bursary Committee Approval of requests to change fields of study. HRD Manager from levels 1-12	Approval of requests to take over studies from other institutions.



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	Regulation	Topic		Execution	Reporting
				HOD for SMS members HRD Manager fro levels 1-12	
61.	E.4	may defray any genuine expenses associated with study, research or training, but need not cover the full expenses.	Head of Department	HRD Unit	
62.	E.6	Subject to the Treasury Regulations, may waive the whole or any part of any study debts.	Head of Department	HRD Unit	

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PART X: LABOUR RELATIONS

Item No.	Delegated power		Post level Delegated to	Specific conditions regarding:	
	Regulation	Topic		Execution	Reporting
63.	B	Ensure that applicable collective agreements are implemented and enforced within the Department.	Head of Department	Manager: Labour Relations to render guidance and implement.	
64	C.1, C.4 and D.1	Enter into an agreement on a matter of mutual interest under the prescribed conditions in regulation C.1 of the Regulations and manage bargaining in the departmental bargaining council.	Head of Department	Manager: Labour Relations to render guidance and implement.	Resolutions
65	C.5	Provide the Minister of Public Service Administration with copies of collective agreements concluded in the departmental bargaining council.	Manager: Labour Relations	Departmental Bargaining Councils are being disbanded in terms of PSCBC resolution 3 and 8 of 2000. Therefore DPSA will be provided with copies of Departmental Policies.	

