

DEPARTMENT OF PUBLIC SERVICE AND ADMINISTRATION

No. R. 937

2 October 2009

AMENDMENT OF PUBLIC SERVICE REGULATIONS, 2001

The Minister for the Public Service and Administration has, under section 41, read with section 5(3), of the Public Service Act, 1994 (promulgated under Proclamation No. 103 of 1994), and with effect from 1 May 2009, amended the Public Service Regulations, 2001 (published under Government Notice No. R. 1 of 5 January 2001), as amended, as set out in the Schedule:

SCHEDULE

1. Part I of Chapter 1 is hereby amended by substitution for regulation G of the following regulation:

"G. DEVIATIONS

The Minister may, under justifiable circumstances, authorise a deviation from any regulation and may authorise such deviation with retrospective effect for purposes of ensuring equality."

2. Part III of Chapter 1 is hereby amended by the insertion after regulation J of the following regulation:

"K. ASSESSMENT OF HUMAN RESOURCE MANAGEMENT FUNCTION AND PRACTICES

The Minister may issue directives to assess and report on the efficiency and effectiveness of the human resource management function and practices in supporting departments to meet service delivery objectives, including, but not limited to, assessment tools to be utilised by departments for the purposes of assessment and reporting."

3. Part VII of Chapter 1 is hereby amended by-

- (a) the substitution of regulation B.4 for the following regulation:

"B.4 Secondments

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

B.4.2 The recipient department shall bear the inclusive costs of secondment, unless both departments agree otherwise.

B.4.3 If an employee is seconded in terms of section 15(3) or (4) of the Act, the recipient government, council, institution or body or person shall

bear the inclusive costs of the secondment, unless the relevant department, after consultation with the Treasury, and the recipient entity agree otherwise.

B.4.4 If an employee is seconded in terms of section 15(3) or (4) of the Act, the relevant executing authority may, subject to the written consent of the employee, bind her or him to continued employment in the relevant department or another department in the public service immediately after the secondment, for a period not exceeding the period of the secondment.”; and

(b) the insertion after regulation C.1A of the following regulation:

“C.1B Filling of posts in offices of Executing Authorities and Deputy Ministers

C.1B.1 An executing authority may only fill vacancies in the office of an executing authority or a Deputy Minister by means of-

- (a) an appointment in terms of section 9 for-
 - (i) the term of office of the incumbent executing authority or Deputy Minister which will terminate at the end of the first month after the month in which the term of that executing authority or Deputy Minister terminates for any reason; or
 - (ii) a period not exceeding three years;
- (b) a transfer in terms of section 14 of the Act, provided that the employment status of the transferred employees as permanent or temporary, as the case may be, shall remain unaffected by the transfer.

C.1B.2 Subject to the appointment criteria set out in regulation 1/VII/D.5(b) to (e), an executing authority may fill a post in the office of the executing authority, or a Deputy Minister in that executing authority’s portfolio, in terms of regulation 1/VII/C.1B.1 without complying with regulation 1/VII/C.2.3 and C.2.4.

C.1B.3 Regulation 1/VII/C.1B.1 shall not be construed as preventing the secondment in terms of section 15 of the Act or regulation B.4.1, or an assignment in terms of section 32 of the Act, of a person to perform the functions of a post in the office of an executing authority or a Deputy Minister.”.