

DEPARTMENT OF DEFENCE

NO. 183

03 MARCH 2017

PROCLAMATION

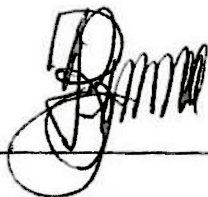
by the

President of the Republic of South Africa

OFFICE OF THE MILITARY OMBUD

REMUNERATION AND OTHER TERMS AND CONDITIONS OF SERVICE FOR THE
MILITARY OMBUD AND THE DEPUTY MILITARY OMBUD OF SOUTH AFRICA

In terms of section 5 (5) of the Military Ombud Act, 2012 (Act No. 4 of 2012) and after consultation with the Minister of Finance I hereby determine the remuneration and other terms and conditions of service for the Military Ombud in this Schedule.



President of the Republic of South Africa

SCHEDULE

Definitions

1. In this Determination any word or expression to which a meaning has been assigned in the Military Ombud Act No.4 of 2012 has the meaning so assigned unless the context indicates otherwise.

Term of office

2. The Military Ombud shall be appointed for a non-renewable term of seven years in accordance with the Military Ombud Act. Upon completion of his/her term in office the Military Ombud must be deemed to be discharged.

Remuneration

3. The Military Ombud is entitled to a total remuneration package which will not be less than the salary of a judge of a High Court which is determined in accordance with section 2(1)(a) of the Judges Remuneration and Conditions of Employment Act 47 of 2001. The total remuneration shall include the following elements:

- a. an annual salary component of 70%; and
- b. a non-cash component of 30% which includes a motor car allowance, a 13th cheque equal to one-twelfth of the annual salary component or a non-pensionable cash allowance.

Leave

4. Annual Leave. The Military Ombud is entitled to 30 days annual leave with full pay during each leave cycle of twelve (12) months, commencing on 1 January of each year.

5. Sick Leave. The Military Ombud will be entitled to thirty six (36) days sick leave in every three (3) year sick leave cycle. Unused normal sick leave will lapse on completion of the leave cycle. Sick leave is divided into three (3) major categories namely, normal sick leave, Temporary Incapacity Leave (TIL) and Permanent Incapacity Leave (PIL).

- a. Normal Sick Leave. Sick leave will be granted within the prescripts of the policy and a medical certificate for sick leave of more than two (2) consecutive days should be submitted.
- b. Temporary Incapacity Leave. Incapacity leave is not automatically given, nor is it unlimited additional sick leave simply validated by the mere submission of a medical certificate. Incapacity leave is additional sick leave granted conditionally at the discretion of the Minister. Sufficient proof should be submitted by the Military Ombud to confirm that he/she is too ill/injured to perform his/her work satisfactorily. All compulsory documents according to the policy should be submitted along with the application for incapacity leave. Incapacity leave is limited to thirty (30) days which can be extended with another thirty (30) days depending on the outcome of the investigation or the extent of the employees' illness/injury.
- c. Permanent Incapacity Leave. The Military Ombud shall not directly access or apply for permanent incapacity leave. The Minister may grant up to a maximum of thirty (30) days permanent incapacity leave once the assessment and investigation determined that the condition is of a permanent nature.
- d. Leave for Occupational Injuries and Diseases. If the Military Ombud is occupationally injured or contracts an occupational disease, the Office shall grant occupational injury and disease leave with full pay for the duration of the period that he/she cannot work.

6. Family Responsibility Leave. The Military Ombud shall be granted five (5) days leave per annual leave cycle for family responsibilities such as birth by the spouse or life partner to a child, illness of the spouse or life partner, or death of the Military Ombud's child, spouse, life partner or immediate family member. Adequate proof of illness, birth or death will be required.

7. Special Leave. Special leave with full pay may be granted to the Military Ombud under the following circumstance:

- a. Leave for Examination Purposes. to prepare him/herself for any examination on the day prior to the examination(s) and on the day on which he or she sits for examination(s);
- b. Leave for Study Purposes. Special leave with full pay equal to the number of days on which he/she sits for an examination may be granted for preparation

for the examination. Study leave on the basis of one day special leave with full pay for each day annual leave with full pay, and thereafter, if necessary, annual leave without pay may be granted in connection with his/her studies, (known as 50-50 basis);

8. **Resettlement Leave.** A maximum of two (2) working days special leave with full pay may be granted to the Military Ombud who was appointed with the Office and who has to relocate and/or supervise the packing/loading and unloading/unpacking of personal effects.

9. No leave which may be granted in terms of this determination shall be accumulative and no salary or allowance shall be claimed in respect of leave which could have been taken but which was not utilized, unless he/she was prevented from utilizing such annual leave owing to operational exigencies. Claim for unused leave due to operational exigencies shall be limited to annual leave only.

Transport and Allowances in respect of Transport, Travelling and Subsistence

Transport Official Duties

10. The cost containment measures related to travel and subsistence prescribed by National Treasury must be taken into account at all times.

11. The Military Ombud must at all times have his/her vehicle (or a substitute) available for official journeys. In cases where the Military Ombud had to use his or her own private vehicle for official purposes, kilometers may be claimed using the tariffs provided by the Department of Transport.

12. The Minister of Defence and Military Veterans may allocate a state-owned motor vehicle to the Military Ombud for official use. The motor vehicle remains government property. The Minister of Defence and Military Veterans in consultation with the Department of Transport will determine the class of the vehicle. The state vehicle will be managed according to the Transport Policy provided by the Department of Transport. Family members of the Military Ombud may travel with him/her in the official vehicle.

13. The Military Ombud may make use of incidental or rented vehicles when on official duty away from his or her headquarters. The cost of that use will be borne by the Office

of the Military Ombud.

Domestic Official Journeys

14. The Military Ombud is entitled to business class travel for official purposes at the expense of his/her office.

15. Military Ombud may use VIP rooms at the relevant airports on domestic travel when the related costs will be recovered from the relevant Military Ombud Office. Any restaurant expenses or bar services are for the account of the Military Ombud.

International Official Journeys

16. The Military Ombud is entitled to business class for official purposes at the expense of his/her office.

Transport after expiry of term of office

17. Transport to the place of residence when vacating his or her residence upon relinquishment of office may be debited to the Office. If furniture and other personal effects are not transported directly to the house where the former Military Ombud intends to settle, he/she will be responsible for the storage and insurance costs and other incidental expenses concerning the personal effects.

Resettlement Allowance

18. The Office will meet the reasonable costs of resettlement or relocation of a newly appointed incumbent to his or her place of work by paying an amount equal to one (1) months gross salary as compensation for expenses incurred in this regard. The policies established by the Office for this allowance will be applicable.

Privileges on death

19. The Office may meet the costs of transporting the mortal remains of a post incumbent who died on official duty away from his or her normal place of work to his or her home, taking into account the relevant government policies.

Performance of other Remunerative Work

20. The Military Ombud may not accept, hold or perform any other office, work or receive in respect of any service fees, emoluments or other remuneration apart from his/her salary and any amount which may be payable to him/her in his/her capacity as Military Ombud.

Security

21. The Military Ombud may approach the Minister for assistance with a security assessment and the provision and appointment of appropriate security personnel by Defence Intelligence, if necessary.

Entertainment/Receptions

22. The Military Ombud is entitled to defray all reasonable expenses relating to official receptions and functions hosted by him/her out of the entertainment allowance of his/her office. An entertainment allowance of (R 30 000.00) currently per annum (The amount may be revised by the Chief Financial Officer (Department of Defence) from time to time).

Confidentiality

23. The Military Ombud shall not, unless authorised by the relevant authority or instructed by a court of law, after relinquishing of office, disclose to any person, any information, whether written or unwritten, acquired during his/her term of office.

Performance Management

24. The Military Ombud will enter into a performance agreement with the Minister of Defence and Military Veterans and a performance management and development system will be developed and submitted for approval.

Termination of Contract of Employment

25. In accordance with section 5 (6) and (7) of the Military Ombud Act:

- a. The Military Ombud may at any time resign by submitting a written notice of resignation to the President at least two months prior to the intended date of vacation of the Office; and
- b. The President may remove the Military Ombud from office on the grounds of misconduct, incapacity or incompetence, after affording the Military Ombud a reasonable opportunity to be heard, and subject to applicable legislation.

Completion of Term

26. On completion of the Military Ombud's non-renewable seven-year term of office, he/she must be deemed to be discharged. Upon discharge the Military Ombud will be entitled to the following:

- a. A leave pay-out will be made in respect of any unused annual leave credits of the previous and or current leave cycle.
- b. A pro rata 13th cheque will be paid, if structured.

Premature retirement at own request

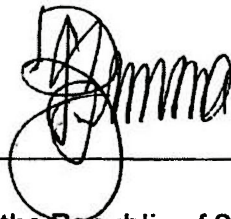
27. If the Military Ombud retires before the expiry of his/her term of office, he/she shall not be entitled to any added pension benefits. The following pension benefits will be payable:

Less than 7 years:

- a. Actual interest
- b. $\text{Period of pensionable service} \times \text{average salary over the last twenty four months of service} \times \text{actuarial factor}$.

PROCLAMATION*by the**President of the Republic of South Africa***REMUNERATION AND OTHER TERMS AND CONDITIONS OF SERVICE FOR THE
MILITARY OMBUD AND THE DEPUTY MILITARY OMBUD OF SOUTH AFRICA**

In terms of section 5 (5) of the Military Ombud Act, 2012 (Act No. 4 of 2012) and after consultation with the Minister of Finance I hereby determine the remuneration and other terms and conditions of service for the Deputy Military Ombud in this Schedule.



President of the Republic of South Africa

SCHEDULE

Definitions

1. In this Determination any word or expression to which a meaning has been assigned in the Military Ombud Act No.4 of 2012 has the meaning so assigned unless the context indicates otherwise.

Term of office

2. The Deputy Military Ombud shall be appointed for a non-renewable term of seven years. Upon completion of his/her term in office the Deputy Military Ombud must be deemed to be discharged.

3. The Deputy Military Ombud shall service his/her term of employment in the Office of the Military Ombud or at such place as may from time to time be directed by the employer or any other officer duly authorized thereto in this respect.

4. The Deputy Military Ombud will be responsible for the key performance areas set out in the performance agreement between the Military Ombud and shall comply with any and all statutory obligations to the position.

5. The appointment of the Deputy Military Ombud shall only be confirmed once issued with the appropriate grade of security clearance by the Intelligence Division of the SA National Defence Force as contemplated by section 9 (3) of the Military Ombud Act.

6. The Deputy Military Ombud is required to be issued with a Secret security clearance by the SA National Defence Force (Defence Intelligence Division) and is required to maintain such clearance for the duration of his/her employment.

7. The Deputy Military Ombud may be required to perform additional duties or to travel and perform duties away from the workplace as may reasonably be required by the Employer.

8. Any matters arising, which are not specifically provided for herein, shall be dealt with in accordance with the provisions of the Military Ombud Act and any other legal provision or policy applicable to the Office.

Remuneration

9. The Deputy Military Ombud is entitled to a total remuneration package which will not be less than 85 percent (85%) of the salary of the Military Ombud (equal to the salary of a judge of a High Court which is determined in accordance with section 2(1)(a) of the Judges Remuneration and Conditions of Employment Act 47 of 2001). The total remuneration shall include the following elements:

- a. an annual salary component of 70%; and
- b. a non-cash component of 30% which includes
 - (i) a motor car allowance (to a maximum amount of 25% of the total package pa; and
 - (ii) a 13th cheque equal to one-twelfth of the annual salary component; or/and
 - (iii) non-pensionable cash allowance (any remaining amount).

Leave

10. Annual Leave. The Deputy Military Ombud is entitled to 30 days annual leave with full pay during each leave cycle of twelve (12) months, commencing on 1 January of each year.

11. Sick Leave. The Deputy Military Ombud will be entitled to thirty six (36) days sick leave in every three (3) year sick leave cycle. Unused normal sick leave will lapse on completion of the leave cycle. Sick leave is divided into three (3) major categories namely, normal sick leave, temporary incapacity leave, and permanent incapacity leave.

- a. Normal Sick Leave. Sick leave will be granted within the prescripts of the policy and a medical certificate for sick leave of more than two (2) consecutive days should be submitted.
- b. Temporary Incapacity Leave. Incapacity leave is not automatically given, nor is it unlimited additional sick leave simply validated by the mere submission

of a medical certificate. Incapacity leave is additional sick leave granted conditionally at the discretion of the Military Ombud. Sufficient proof should be submitted by the Deputy Military Ombud to confirm that he/she is too ill/injured to perform his/her work satisfactorily. All compulsory documents according to the policy should be submitted along with the application for incapacity leave. Incapacity leave is limited to thirty (30) days which can be extended with another thirty (30) days depending on the outcome of the investigation or the extent of the employees' illness/injury.

- c. Permanent Incapacity Leave. The Deputy Military Ombud shall not directly access or apply for permanent incapacity leave. The Military Ombud may grant up to a maximum of thirty (30) days permanent incapacity leave once the assessment and investigation determined that the condition is of a permanent nature.
- d. Leave for Occupational Injuries and Diseases. If the Deputy Military Ombud is occupationally injured or contracts an occupational disease, the Office shall grant occupational injury and disease leave with full pay for the duration of the period that he/she cannot work.

12. Family Responsibility Leave. The Deputy Military Ombud shall be granted five (5) days leave per annual leave cycle for family responsibilities such as birth by the spouse or life partner to a child, illness of the spouse or life partner, or death of the Deputy Military Ombud's child, spouse, life partner or immediate family member. Adequate proof of illness, birth or death will be required.

13. Special Leave. Special leave with full pay may be granted to the Deputy Military Ombud under the following circumstance:

- a. Leave for Examination Purposes to prepare him/herself for any examination on the day prior to the examination(s) and on the day on which he or she sits for examination(s);
- b. Leave for Study Purposes. Special leave with full pay equal to the number of days on which he/she sits for an examination may be granted for preparation for the examination. Study leave on the basis of one day special leave with full pay for each day annual leave with full pay, and thereafter, if necessary, annual leave without pay may be granted in connection with his/her studies, (known as 50-50 basis);

14. Resettlement Leave. A maximum of two (2) working days special leave with full pay may be granted to the Deputy Military Ombud who was appointed with the Office and who has to relocate and/or supervise the packing/loading and unloading/unpacking of personal effects.

15. No leave which may be granted in terms of this determination shall be accumulative, and no salary or allowance shall be claimed in respect of leave which could have been taken but which was not utilized, unless he/she was prevented from utilizing such leave owing to operational exigencies. Claim for unused leave due to operational exigencies shall be limited to annual leave only.

Transport and Allowances in respect of Transport, Travelling and Subsistence

Transport Official Duties

16. The cost containment measures related to travel and subsistence prescribed by National Treasury must be taken into account at all times.

17. The Deputy Military Ombud must at all times have his/her vehicle (or a substitute) available for official journeys. In cases where the Deputy Military Ombud had to use his or her own private vehicle for official purposes, kilometers may be claimed using the tariffs provided by the Department of Transport. The Deputy Military Ombud may purchase/lease a new or reliable second-hand vehicle and there are no time frames for replacing a vehicle.

18. The member must at all times have his or her vehicle (or a substitute vehicle) available for official journeys. No state owned vehicles may be hired or used where privately owned vehicles are unavailable due to accidents or maintenance.

Domestic Official Journeys

19. The Deputy Military Ombud is entitled to economy class travel for official purposes at the expense of his/her office.

International Official Journeys

20. The Deputy Military Ombud is entitled to travel in the class applicable in accordance with the latest National Treasury Instructions for travel by Deputy Directors-General, for official purposes at the expense of the Military Ombud Office.

Transport after expiry of term of office

21. Transport to the place of residence when vacating his or her residence upon relinquishment of office may be debited to the Office. If furniture and other personal effects are not transported directly to the house where the former Deputy Military Ombud intends to settle, he/she will be responsible for the storage and insurance costs and other incidental expenses concerning the personal effects.

Resettlement Allowance

22. The Office will meet the reasonable costs of resettlement or relocation of a newly appointed incumbent to his or her place of work by paying an amount equal to one (1) months gross salary as compensation for expenses incurred in this regard. The policies established by the Office for this allowance will be applicable.

Privileges on death

23. The Office may meet the costs of transporting the mortal remains of a post incumbent who died on official duty away from his or her normal place of work to his or her home, taking into account the relevant government policies.

Performance of other Remunerative Work

24. The Deputy Military Ombud may not accept, hold or perform any other office, work or receive in respect of any service fees, emoluments or other remuneration apart from his/her salary and any amount which may be payable to him/her in his/her capacity as Deputy Military Ombud.

Entertainment/Receptions

25. The Deputy Military Ombud is entitled to defray all reasonable expenses relating to official receptions and functions hosted by him/her out of the entertainment allowance of his/her office. An entertainment allowance of (R 15 000.00) currently per annum (The amount may be revised by the Chief Financial Officer (Department of Defence) from time to time).

Confidentiality

26. The Deputy Military Ombud shall not, unless authorised by the relevant authority or instructed by a court of law, after relinquishing of office, disclose to any person, any information, whether written or unwritten, acquired during his/her term of office.

Performance Management

27. The Deputy Military Ombud will enter into a performance agreement with the Military Ombud and a performance management and development system will be developed and submitted for approval.

Termination of Contract of Employment

28. In accordance with section 5 (6) and (7) of the Military Ombud Act:

- a. The Deputy Military Ombud may at any time resign by submitting a written notice of resignation to the President at least two months prior to the intended date of vacation of the Office; and
- b. The President may remove the Deputy Military Ombud from office on the grounds of misconduct, incapacity or incompetence, after affording the Deputy Military Ombud a reasonable opportunity to be heard, and subject to applicable legislation.

Completion of Term

29. On completion of the Deputy Military Ombud's non-renewable seven-year term of office, he/she must be deemed to be discharged. Upon discharge the Deputy Military Ombud will be entitled to the following:

- a. A leave pay-out will be made in respect of any unused annual leave credits of the previous and or current leave cycle;
- b. A pro rata 13th cheque will be paid, if structured.

Premature retirement at own request

30. If the Deputy Military Ombud retires before the expiry of his/her term of office, he/she shall not be entitled to any added pension benefits. The following pension benefits will be payable:

Less than 7 years:

- a. Actual interest
- b. Period of pensionable service x average salary over the last twenty four months of service x actuarial factor.