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**AIDS HELPLINE: 0800-123-22 Prevention is the cure**

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## GOVERNMENT NOTICE

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### DEPARTMENT OF ARTS, CULTURE, SCIENCE AND TECHNOLOGY

No. R. 671

10 May 2002

#### PAN SOUTH AFRICAN LANGUAGE BOARD ACT, 1995 (ACT NO. 59 OF 1995)

#### REGULATIONS WITH REGARD TO THE TERMS AND CONDITIONS OF SERVICE FOR THE STAFF OF THE PAN SOUTH AFRICAN LANGUAGE BOARD

The Minister of Arts, Culture, Science and Technology, in consultation with the Minister of Finance, has, under section 10(7) of the Pan South African Language Board Act, 1995 (Act No. 59 of 1995), made the regulations in the Schedule. The regulations published by Government Notice No. R.880 of 10 July 1998 are hereby repealed.

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**GENERAL PROVISIONS****Definitions**

1.(1) In these regulations any word or expression to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates –

**"appropriate"**, with regard to any qualification or experience, means suitable as determined by the Board with due consideration of the job content of a specific post;

**"calendar month"** means a period extending from the first to the last day, both days inclusive, of any one of the 12 months of a year;

**"headquarters"** means the city, town or place where the principal duties of the chief executive officer or a member of staff have to be performed;

**"chairperson"** means the chairperson of the Board elected in terms of section 6 of the Act;

**"month"** means a period extending from a day in one month to a day preceding the day corresponding numerically to that day in the following month, both days inclusive;

**"Public Service Regulations"** means the Public Service Regulations, 2001, published in terms of the Public Service Act, 1994 (Proclamation No. 103 of 1994), by Government Notice No. R.1 of 5 January 2001;

**"staff"** or **"member of staff"** means the persons or a person appointed in terms of section 10(1)(a) of the Act and, except where it is clearly inappropriate, also the chief executive officer;

**"supervisor"** means a member of staff appointed by the chief executive officer to a position of authority over another member or other members of staff; and

**"the Act"** means the Pan South African Language Board Act, 1995 (Act No. 59 of 1995).

(2) The powers conferred and the duties assigned to the chief executive officer by or under these regulations may be exercised or carried out by a member of staff under the control, direction or supervision of the chief executive officer, in which case they shall be deemed to have been exercised or carried out by the chief executive officer.

## APPOINTMENT OF STAFF

### **General requirements and procedures for appointment, advertising of posts and vacancies**

2.(1) No person shall be appointed as a member of staff unless he or she is a South African citizen and meets the inherent requirements for appointment to the post concerned.

(2) The chief executive officer shall make appointments on merit and with due regard to the need to establish a staff composition representative of the South African people.

(3) The chief executive officer shall apply fair recruitment and selection practices in order to reach the objective contemplated in subregulation (2).

(4) The appointment of members of staff shall be based on the inherent requirements of the post.

- (5) Appropriate tertiary qualifications, prior learning experience and the ability to perform the job shall be taken into consideration.
- (6) The chief executive officer shall indicate statutory and registration requirements where appropriate.
- (7) The chief executive officer shall be responsible for the drawing up of job descriptions, indicating the main objectives of the posts and the inherent requirements of the job and linking the descriptions to the overall objectives of the organisation.
- (8) Job descriptions shall be reviewed at least once every five years to ensure that they remain appropriate and accurate.
- (9) Whenever a post becomes vacant, it shall be advertised in as many of the official languages as is practicable, in at least two daily newspapers in general circulation. The post of chief executive officer, posts of director and posts at an equivalent level shall be advertised nationally
- (10) An advertisement referred to in subregulation (9) shall, in respect of each post so advertised, indicate the designation, the closing date for applications, the applicable salary scale, the requirements for appointment, the name of a person who may be contacted for further information and a brief description of the job content.
- (11) The closing date for applications referred to in the advertisement required in terms of subregulation (9) shall be such that have at least 30 days after the date of publication of the advertisement to submit their applications.
- (12) The provisions of subregulations (9), (10) and (11) need not be complied with if a post becomes vacant and there is a member of staff who complies with the requirements for appointment to that post and is willing to be appointed to the post: Provided that the chief executive officer is willing to appoint that member of staff to the post concerned.
- (13) Whenever a post becomes vacant, any member of staff qualified to act in that post may, on written appointment by the chief executive officer, do so until a person has been appointed permanently to that post: Provided that –
- (a) such a member of staff shall be entitled to a pro rata allowance based on the difference between his or her salary notch and the minimum notch of the salary scale of the post concerned for the duration of the acting appointment;
  - (b) if the salary notch of such member of staff is equal to or higher than the minimum notch of the salary scale of the post concerned, or if the acting

appointment is for a period of less than one week, no such allowance shall be payable; and

- (c) if the salary scale of such member of staff is higher than that of the vacant post in which he or she is acting, the salary scale of the acting member shall not be lowered to that of the post concerned.

(14) If a post which is vacant has been advertised as contemplated in subregulation (9) and no suitable candidate who complies with the requirements for appointment to the post concerned can be found within a reasonable time, the chief executive officer may, in consultation with the chairperson, depart from the requirements for appointment to the post concerned.

### **Applications**

3.(1) Application for a post shall be made on a form prescribed by and obtainable from the chief executive officer.

- (2) An application referred to in subregulation (1) shall be accompanied by -
  - (a) certified proof of the applicant's identity;
  - (b) certified copies of his or her educational qualifications;
  - (c) certified copies of his or her certificates of service;
  - (d) testimonials, if available, from his or her previous employers; and
  - (e) the names, addresses and telephone numbers of two close relatives or of two references.

## **OBLIGATIONS OF MEMBERS OF STAFF**

### **General obligations**

4.(1) In addition to any function referred to in the job description with regard to his or her specific post or lawfully entrusted to him or her in terms of the Act or these regulations -

- (a) every member of staff shall follow the lawful directives and orders given to him or her by the Board, the chief executive officer or his or her supervisor;
- (b) every supervisor shall be responsible for the effective management of the staff under his or her control;

- (c) every member of staff shall, in promoting the functions of the Board, utilise and maintain in a proper manner the assets forming part of the property of the Board in his or her lawful possession.
- (2) A member of staff shall not, without the permission of the Board, accept any gift, commission or reward in money or otherwise, offered to him or her for exercising his or her functions as a staff member.
- (3) A member of staff shall not, without the permission of the Board, perform or engage himself or herself to perform any remunerative work outside his or her employment in the service of the Board.
- (4) Every member of staff shall treat as confidential any matter that he or she deals with or any information that comes to his or her knowledge in the exercise, performance or carrying out of his or her functions, if such matter or information is declared confidential by the Board.
- (5) No member of staff is allowed to disclose to any person any information acquired by him or her in the exercise, performance or carrying out of his or her functions, except when required to do so by a court of law or any other law.
- (6) A member of staff shall not be personally liable in respect of anything done in good faith in the course of his or her official duty, and in accordance with the Act, the Constitution, these regulations and the directives of the Board.
- (7) The chief executive officer shall upon taking office, take an oath or make an affirmation in writing before a member of the Board who is a legal expert, or a commissioner of oaths, as follows:

"I, \_\_\_\_\_ (full names), hereby declare under oath/solemnly affirm that I understand and shall honour the obligation of confidentiality imposed upon me by the Board and shall not act in contravention thereof".

#### **Official office hours**

- 5.(1) Subject to subregulations (2) and (3), the office hours of the staff shall be from 07:45 to 16:30 Mondays to Fridays, with a daily lunch interval of a maximum of 45 minutes.
- (2) The chief executive officer may allow a member of staff to deviate from the prescribed office hours: Provided that such member of staff shall work a minimum of four hours per day and a minimum of 40 hours per week.

(3) Notwithstanding the provision of subregulation (1), the chief executive officer may require any member of staff to perform official duty, or to be present at his or her normal place of work or elsewhere in order to perform such duty, on any day of the week or at any time of the day or night.

(4) A member of staff shall not, without informing the chief executive officer, be absent from his or her place of work during the office hours referred to in subregulation (1) unless such a member of staff is so absent on official duty.

## POWERS OF THE CHIEF EXECUTIVE OFFICER

### Discretionary powers

6. In the event of any incidental matter not provided for in these regulations, the chief executive officer shall use his or her discretionary powers to deal with the matter.

## SALARIES, ALLOWANCES AND BENEFITS

### Salaries

7.(1) The categories of salaries and salary scales applicable to the chief executive officer and the various categories of members of staff shall be in accordance with Part V of Chapter 1 of the Public Service Regulations.

(2) Amendments to Part V of Chapter 1 of the Public Service Regulations are automatically applicable to the chief executive officer and members of staff.

(3) If the appointment of a specific individual necessitates a deviation from the normal salary range, the Board shall approve such a deviation and if the chief executive officer wishes to confer additional benefits on one or more members of staff, or to alter existing benefits, such action shall require the approval of the Board.

(4) After a member of staff has completed one year of service, he or she shall qualify to receive an annual service bonus.

(5) The annual service bonus referred to in subregulation (4) shall be equal to one twelfth of the basic annual salary of the member of staff concerned in the anniversary month of his or her date of birth. If the member of staff has been in the service of the Board for less than one year when his or her service bonus is payable for the first time, he or she shall be paid a pro rata service bonus for that year, and thereafter he or she shall receive the full annual service bonus in the anniversary month of his or her date of birth.



(6) A person appointed as a member of staff after 30 November 2001 shall belong to a pension fund or a provident fund scheme registered in terms of the Pension Funds Act, 1956 (Act No. 24 of 1956), and administered by the Board.

(7) The chief executive officer is entitled to pension and retirement benefits calculated on the same basis as those of a head of department in the Public Service.

(8) Every member of staff shall receive an annual medical allowance if he or she has obtained membership of a medical aid scheme of his or her choice, which is registered in terms of an appropriate Act that governs the business of medical aid schemes.

(9) The chief executive officer shall, on a monthly basis, ensure that the employer contribution is paid directly to the medical aid scheme concerned and the employee contribution is deducted from a staff member's salary and paid over to that medical aid scheme.

(10) A retired member of staff shall receive the medical allowance determined by the Board from time to time: Provided that such a retired member continues to be a member of a medical aid scheme registered in terms of an appropriate Act that governs the business of medical aid schemes.

(11) A member of staff may receive an annual housing allowance on a mortgage loan registered in his or her name at a registered financial institution in accordance with the Public Service Regulations, and subject to a maximum allowance as determined for the Public Service.

(12) The chief executive officer shall, annually, consider progression to the second and third salary notches of any salary range and if a member of staff has rendered satisfactory service during the preceding year, a notch shall be granted in accordance with the salary scale concerned.

(13) The salary and allowances referred to in subregulations (4) to (12) shall be paid monthly on such dates and in such a manner as the chief executive officer may determine from time to time.

(14) When the necessity for overtime duty arises, each member of staff is expected to perform, of his or her own accord, unpaid overtime within reasonable limits.

(15) Overtime remuneration is payable to members of staff for additional duties which they perform in specific circumstances by order of the chief executive officer in excess of their official office hours.

(16) Overtime is remunerated at a rate calculated in accordance with the Public Service Regulations applicable to overtime work.

### **Subsistence allowance**

8. If the chief executive officer or a member of staff is absent from his or her headquarters on official duty, he or she is entitled to compensation for the accommodation expenditure incurred on the same basis as that prescribed in the Public Service Regulations.

### **Official transport**

9.(1) When a member of staff has to travel from one place to another for the purposes of official duty, excluding between his or her residence and place of work, the office of the Board shall provide or arrange the necessary transport.

(2) A motor vehicle that belongs to the State may be allocated to a member of staff for use on an official journey as contemplated in subregulation (1), subject to the same conditions as are applicable to officers in the Public Service or on such conditions as may be agreed upon between the chief executive officer and the Public Service department concerned.

(3) Any member of staff who incurs liability while using the vehicle allocated to him or her in terms of subregulation (1) or (2) shall be liable in the same circumstances as those set out in the applicable provisions of the Public Service Regulations.

(4) A member of staff who travels from one place to another on official duty may, with the consent of the chief executive officer, use his or her private motor vehicle, in which case he or she shall be entitled to be compensated in terms of the most recent applicable circular of the Department of Transport. The maximum compensation shall be determined by the chief executive officer.

### **Resettlement costs**

10.(1) The following expenditure incurred by a newly appointed staff member may be paid to him or her:

(a) Reasonable actual travelling and subsistence expenditure as a result of –

(i) a single visit by him or her and member of his or her household prior to his or her assumption of duty at his or her new headquarters, for a period not exceeding seven days; and

- (ii) the transfer of the member of staff and his or her household and effects to the new headquarters.
- (b) Reasonable actual expenditure incidental to the transfer, including –
  - (i) the storage of the personal possessions of the member of staff and his or her household for a period not exceeding two months;
  - (ii) the packing of the personal possessions and the eventual unpacking of same at his or her permanent accommodation, as well as insurance cover in respect of the packing, unpacking, transportation and storage: Provided that the said expenditure shall be incurred before the expiry of six months after the appointment or transfer; and
  - (iii) insurance cover of the personal possessions concerned.
- (c) Reasonable actual expenditure with regard to the interim renting of furnished accommodation for the chief executive officer or member of staff and his or her household at the headquarters for a period not exceeding 14 days in circumstances that prevent further stay in the normal place of residence. The staff member concerned may apply for an extension of this period subject to submission of reasonable proof of circumstances that prevent the immediate occupation of permanent accommodation: Provided that the prior written permission of the Board is required for such extension.
- (d) In the case of newly appointed member of staff who is not ordinarily resident in the Republic, expenditure with regard to customs duty, import tax or value-added tax and other levies or moneys with regard to the initial transport of private motor vehicles across international borders.
- (e) Costs, including the transfer costs involved in purchasing a dwelling, bond costs, costs in respect of the drafting of a deed or sale, value-added tax and inspection fees, but excluding estate agent commission payable in respect of the transaction: Provided that first-time home buyers shall not be compensated for these costs.
- (f) A non-recurrent amount, as determined from time to time in the Public Service Regulations, may be paid for each school-going child to defray expenditure on school books, uniforms, sport outfits and other necessities.
- (g) A non-recurrent amount may be paid to defray miscellaneous expenditure for which specific provision has not been made elsewhere in these regulations, on the following basis:

- (i) if furnished accommodation is occupied permanently, an amount equal to 25% of the staff member's basic monthly salary as at the date of resettlement;
  - (ii) if unfurnished accommodation is occupied permanently –
    - (aa) in the case of an unmarried staff member, an amount equal to 50% of his or her basic monthly salary as at the date of resettlement: Provided that should such staff member's reasonable actual expenditure in respect of the registration of a motor vehicle or vehicles, number plates, installation of a telephone, connection of water and electricity supply, installation of domestic appliances, depreciation of personal possessions and replacement of curtains exceed the relevant amount, his or her reasonable actual expenditure in respect of the items referred to above shall be paid by the Board on condition that the amount so paid to him or her does not exceed an amount equal to his or her basic monthly pensionable salary on the date of resettlement; or
    - (bb) in the case of a member of staff with dependents, an amount equal to his or her basic monthly pensionable salary as at the date of resettlement; and
  - (iii) if the amount referred to in subparagraph (i) or (ii) is less than an amount calculated according to the applicable percentage mentioned in those subparagraphs and based on a monthly pensionable salary equal to the minimum notch for the standard salary scale of a Senior Provisioning Administration Officer, the applicable amount calculated on the last-mentioned basis.
- (h) The amount referred to in subparagraph (g)(i) or (ii) may not exceed an amount based on the basic monthly pensionable salary (fixed salary or maximum notch of the applicable salary scale) of a Director at the defined management level of the Public Service.
- (2) A member of staff or members of his or her household who, within six months of vacation of office in terms of regulation 18, or members of his or her household who, within six months of his or her death, wishes/wish to relocate from his or her current place of residence to another place in the Republic, is entitled to non-recurrent compensation for the expenditure of travelling, transport, insurance and storage costs incurred on the same basis as set out in subregulation (1)(a)(ii), (b), (c), (d) and (e).

(3) If a member of staff who is on official duty away from his or her headquarters or who is stationed in a foreign country or his or her spouse accompanying him or her for official purposes, dies, the estate of the deceased is entitled to compensation for the expenditure that arose on account of the death at a place other than headquarters or a country other than South Africa, funeral costs excluded.

(4) The Board shall determine the conditions, guidelines, procedures and requirements in respect of the payment of the expenditure contemplated in this regulation.

## ENTITLEMENT TO LEAVE

### General provisions

11.(1) Leave shall be administered and calculated in accordance with the Public Service Regulations and the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997).

(2) Application for leave shall be made on the form obtainable from the chief executive officer.

## CLOSING BETWEEN CHRISTMAS AND NEW YEAR

### Closing of administrative offices

12.(1) The administrative offices of the Board annually close for business during the period between Christmas and New Year.

(2) The days on which the Board's offices are closed as contemplated in subregulation (1) will, for purposes of staff leave, be regarded as public holidays.

## TRAINING OF MEMBERS OF STAFF AND BURSARIES FOR PART-TIME STUDIES

### Bursaries and training

13.(1) The chief executive officer may grant a member of staff and the Board may grant the chief executive officer a bursary for part-time study or enrolment in a course presented at a training institution, company or organisation if the chief executive officer or the Board, as the case may be, considers such study or course appropriate to the functions of the Board.

(2) The amount of the bursary may not exceed the total registration and tuition fees plus ten per cent.

- (3) The period for which the bursary may be granted may not exceed the minimum duration or minimum remaining duration of the course concerned.
- (4) Before a bursary is granted to the chief executive officer or member of staff in accordance with subregulation (1), the chief executive officer or such member of staff shall conclude an agreement with the Board substantially in the form set out in the Annexure.
- (5) The chief executive officer shall take such steps as he or she deems fit to ensure that the training of members of staff takes place on an efficient and cost-effective basis.

## GRIEVANCES

### Grievance procedures

- 14.(1) If a member of staff is aggrieved by unfair or unjustified treatment or unfair or unjustified interpretation and application of these regulations, he or she may bring such a grievance to the attention of his or her supervisor, who shall endeavour to resolve the matter and furnish the member of staff with a reply within three working days of receiving such grievance.
- (2) If the member of staff is not satisfied with the reply referred to in subregulation (1), or if his or her supervisor fails to reply to the grievance within the period referred to in subregulation (1), such member of staff may, within three working days and in writing, bring his or her grievance to the attention of the chief executive officer, and the chief executive officer shall furnish the member of staff with a reply within five working days from the date of receipt of the grievance.
- (3) If the member of staff is not satisfied with the reply referred to in subregulation (2) or if the chief executive officer fails to reply to the grievance within the period referred to in subregulation (2), such a member of staff may request the chief executive officer in writing to appoint an independent person to investigate the grievance and the chief executive officer shall within five working days appoint such a person and notify that member of staff accordingly.
- (4) An independent investigator referred to in subregulation (3) shall investigate the grievance and notify the chief executive officer in writing of his or her finding and the chief executive officer shall make a decision based on that finding and notify the member of staff concerned without delay.
- (5) If the member of staff is not satisfied with the decision taken in terms of subregulation (4), or the chief executive officer fails to take a decision within three weeks, the staff member concerned may appeal to the Board within three working days of receipt of such decision or expiry of such period, and the Board shall make a decision within 30 working days of receipt of the appeal and,

without delay, notify the chief executive officer and the member of staff concerned accordingly.

- (6) The decision referred to in subregulation (5) shall be final and binding.

## DISCIPLINARY MEASURES

### **Misconduct**

15.(1) A member of staff shall be guilty of misconduct if he or she –

- (a) is negligent or indolent in the execution of his or her duties;
- (b) commits a deed, performs an act or omits to perform a duty or an act which is to the prejudice of the administration, discipline or efficiency of the Board, or allows or condones it;
- (c) is absent from his or her office or duty without leave or valid cause;
- (d) does not comply with a provision of these regulations which imposes a duty on him or her or prohibits him or her from doing something;
- (e) publicly makes comments which prejudice the Board;
- (f) makes use of his or her position as member of staff to promote or to prejudice the interests of any political party, organisation, individual, community or body;
- (g) attempts to secure intervention from political or outside sources in relation to his or her position and conditions of service on the staff: Provided that membership of or participation in a trade union shall not constitute misconduct in terms of this paragraph;
- (h) conducts himself or herself in a disgraceful, improper or unbecoming manner, or while on duty is grossly discourteous to any person;
- (i) makes excessive use of intoxicants or stupefying drugs, is guilty of drunkenness on the job or brings the Board into disrepute;
- (j) becomes pecuniarily embarrassed, unless it is shown that his or her pecuniary embarrassment has not been occasioned by imprudence or other reprehensible cause and is not prejudicial to the faithful carrying out of his or her duties;
- (k) without first having obtained the permission of the chief executive officer, discloses information gained by or conveyed to him or her through his or

her employment with the Board, or uses such information for any purpose other than carrying out his or her duties, whether or not he or she discloses that information;

- (l) accepts, without permission of the chief executive officer, or demands in respect of the carrying out of or the failure to carry out his or her duties any commission, fee or pecuniary or other reward, not being the normal remuneration payable to him or her in respect of his or her duties, or fails to report to the chief executive officer such a commission, fee or reward;
- (m) misappropriates or makes improper use of any property belonging to the Board;
- (n) commits a criminal or statutory offence under South African law; or
- (o) makes a false or incorrect statement, knowing it to be false or incorrect, with a view to obtaining any privilege or advantage in relation to his or her official position or his or her duties, or to causing prejudice or injury to the Board or an outside party.

(2) If misconduct by a member of staff under this regulation is alleged, the allegation should be brought to the attention of the chief executive officer within five working days after the incident occurred, and the chief executive officer has the discretionary power to determine whether the matter should be investigated and the member of staff subjected to a disciplinary hearing.

### **Investigation**

16.(1) The chief executive officer may appoint a person or persons to investigate any charge of misconduct against a member of staff and report their findings to the chief executive officer.

(2) The Board may appoint a person or persons to investigate any charge of misconduct against the chief executive officer and report their findings to the Board.

(3) The person or persons referred to in subregulations (1) and (2) may for the purposes of the said investigation obtain affidavits from any person, including the chief executive officer and the member of staff in respect of whom the investigation is being conducted.

(4) In the case of findings and recommendations having been made in an investigation in respect of a member of staff, the chief executive officer shall decide, after considering the recommendations and the facts of the matter, whether or not to subject the member of staff concerned to a disciplinary hearing.



- (5) In the case of findings and recommendations having been made in an investigation in respect of the chief executive officer, the chairperson shall decide, after considering the recommendations and the facts of the matter and after having consulted with the Board, whether or not to subject the chief executive officer to a disciplinary hearing.
- (6) If the chief executive officer decides to subject a member of staff to a disciplinary hearing, the chief executive officer may decide to preside at the hearing or to appoint a committee consisting of more than one person, one of whom shall preside at the hearing and one of whom shall present the evidence against the member of staff concerned.
- (7) If the chairperson of the Board decides to subject the chief executive officer to a disciplinary hearing, the Board shall appoint a committee consisting of more than one person, one of whom shall preside at the hearing and one of whom shall present the evidence against the chief executive officer.
- (8) The presiding officer at a disciplinary hearing must have the necessary knowledge, skills and experience to preside at such a hearing.
- (9) In the case of a disciplinary hearing, the chief executive officer or member of staff concerned, as the case may be, shall, at least 14 days before the date on which the hearing is due to be held, be furnished with a written notice indicating the date, time and place of the hearing and containing the complete charge sheet, and at such hearing he or she –
- (a) shall be entitled to be represented by a trade union representative or a fellow employee of his or her own choice;
  - (b) may cross-examine witnesses against him or her, state his or her case and present evidence in this regard; and
  - (c) may, if he or she is found guilty, present evidence in mitigation.
- (10) If the committee referred to in subregulation (6) or (7) finds that the member of staff concerned or the chief executive officer, as the case may be, is guilty of misconduct, the presiding officer may, according to the nature and severity of the misconduct and after consideration of other relevant information, including any mitigating evidence referred to in subregulation (9)(d), recommend to the Board that the Board –
- (a) cautions or reprimands the member of staff concerned or the chief executive officer;
  - (b) issues a written warning to the member of staff concerned or the chief executive officer;

- (c) issues a final written warning to the member of staff concerned or the chief executive officer;
- (d) suspends the member of staff concerned or the chief executive officer without pay; or
- (e) dismisses the member of staff concerned or the chief executive officer from the Board's service.

(11) If the member of staff concerned feels aggrieved by the finding of the committee referred to in subregulation (6), he or she may, within three working days, appeal to the chief executive officer, who shall make a decision within five working days and after considering the minutes of the disciplinary hearing and such other information as he or she deems necessary, and inform the member of staff concerned accordingly.

(12) If the chief executive officer feels aggrieved by the finding of the committee referred to in subregulation (7), he or she may, within three working days, appeal to the Board, who shall, at its next meeting, make a decision after having considered the minutes of the disciplinary hearing and such other information as it deems necessary, and, within 14 days, inform the chief executive officer accordingly.

(13) If the member of staff concerned feels aggrieved by the decision referred to in subregulation (11), he or she may, within three working days, appeal to the Board, who shall, at its next meeting, make a decision after considering the minutes of the disciplinary hearings and such other relevant information as it deems necessary, and, within 14 days, inform the chief executive officer and the member of staff concerned accordingly.

(14) If the chief executive officer feels aggrieved by the finding referred to in subregulation (12), he or she may, within three working days, appeal to the Minister, who shall, within a reasonable time, make a decision after having considered the minutes of the disciplinary hearing and such other information as he or she deems necessary and inform the Board accordingly.

(15) The decision referred to in subregulation (13) or (14) shall be binding on the member of staff concerned or the chief executive officer, as the case may be.

#### **Suspension from duty**

17. Subject to section 33 of the Constitution and the provisions of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) –

- (a) the chief executive officer may, at any time before, while or after a member of staff is or has been charged with misconduct, suspend the member of staff from duty until an investigation or disciplinary hearing with regard to that charge, as contemplated in regulation 16, has been completed;
- (b) the chairperson may, at any time before, while or after the chief executive officer is or has been charged with misconduct, suspend him or her from duty until an investigation or disciplinary hearing with regard to that charge, as contemplated in regulation 16, has been completed.

## SERVICE PERIOD

### Termination of service

18.(1) The service of the chief executive officer or a member of staff with the Board shall be terminated by –

- (a) his or her death;
  - (b) written notice of resignation of –
    - (i) one month in the case of a permanent staff member;
    - (ii) two weeks, or such shorter notice as the chief executive officer may determine in a particular case, in the case of a member of staff who is on probation; and
    - (iii) three months in the case of the chief executive officer;
  - (c) medical unfitness to perform his or her duties properly;
  - (d) discharge on the basis of gross misconduct;
  - (e) his or her absence from his or her place of work for a continuous period of more than 21 days without notifying the chief executive officer, in the case of a member of staff, and the chairperson, in the case of the chief executive officer; or
  - (f) lack of suitability for his or her duties or incapability of carrying them out efficiently.
- (2) If it is necessary for the chief executive officer to abolish the post of a member of staff as a result of the reorganisation or rationalisation of the Board's functions, the chief executive officer shall –
- (a) take all reasonable steps to avoid the discharge of the member of staff or to limit the abolishment of posts to the minimum; and

(b) give at least three calendar months' written notice to the member of staff that his or her post will be abolished, stating the reasons for this and the steps taken to prevent it.

(3) The chief executive officer may, at the request of a member of staff and subject to a recommendation of the Board, notwithstanding the absence of any reason for discharge in terms of subregulation (2), allow that member of staff to retire, if in the opinion of the chief executive officer sufficient grounds for retirement exist, and the retirement will be to the advantage of the Board.

(4) The post of a member of staff shall be declared redundant under the following circumstances:

(a) abolition of posts by the Board for operational reasons; or

(b) readjustment of the organisational structure as necessitated by circumstances.

(5) When a member of staff is ultimately discharged in accordance with this regulation, he or she is entitled to the benefits and concessions provided for in the Public Service Regulations.

#### **Probation period**

19.(1) The probation period for service with the Board may vary from position to position, but shall not be less than three months or more than six months.

(2) A member of staff who is employed for a period not exceeding one year, shall not serve a probation period.

(3) During the term of probation, the chief executive officer shall conduct a monthly review of the work progress of the member of staff concerned.

(4) The monthly review shall form the basis for deciding whether the appointment of the member of staff will be confirmed, extended or terminated.

(5) If necessary, the member of staff on probation shall receive training, counselling or other assistance to meet the requirements for the appointment to be confirmed.

(6) It is the duty of the chief executive officer to provide the member of staff with the basic information that he or she needs in order to be able to function in the organisation.

(7) A member of staff who is on probation shall receive a written confirmation of appointment at the end of the probationary period if he or she has been found suitable for the relevant post.

#### SHORT TITLE

##### **Short title and commencement**

20. These regulations shall be called the Regulations with regard to the Terms and Conditions of Service for the Staff of the Pan South African Language Board, 2002, and shall come into operation on the date of publication.