



the dpsa

Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

Private Bag X916, PRETORIA, 0001. Tel: (012) 336 1000, Fax: (012) 326 7802
Private Bag X9148, CAPE TOWN, 8000. Tel: (021) 467 5120, Fax: (021) 467 5484

Enquiries: Dr. S Hoogenraad-Vermaak Email: SalomonH@dpsa.gov.za

Tel No: 012 336 1063/1281

CIRCULAR NO. EIM /2019

TO: ALL HEADS OF NATIONAL/PROVINCIAL DEPARTMENTS AND GOVERNMENT COMPONENTS

Dear Colleagues,

UTILISATION OF EMPLOYEES AS VOTING OR COUNTING OFFICERS IN TERMS OF THE ELECTORAL ACT, 1998 AND EMPLOYEES AS CANDIDATES FOR ELECTIONS

1. During the forthcoming national elections on 8 May 2019, the Independent Electoral Commission (IEC) will again, as in the past, make use of employees to perform duties as voting or counting officers. Assistance may include the utilisation/involvement of employees prior to the date of election for purposes of training and other preparatory work. Employees in the public service may also be candidates for elections. The purpose of this circular is to clarify the Regulatory provisions guiding the utilisation of employees as voting or counting officers and employees as candidates for election.
2. The following matters are brought to the attention of employees interested in assisting the IEC as voting or counting officers:

- 2.1. Employees may be made available to the IEC for training and to perform duties at voting stations. In terms of section 30 of the Public Service Act, 1994, read with the *Directive on other remunerative work outside the employee's employment in the relevant department as contemplated in section 30 of the Public Service Act, 1994*, such employees will have to obtain permission from the relevant executive authority to perform other remunerative work.
 - 2.2. The relevant employees are recruited on a voluntary basis and usually receive a fixed amount (honorarium) for subsistence and transport expenses, paid to them by the IEC, which they are allowed to retain if permission was obtained in terms of section 30 of the Public Service Act.
 - 2.3. An employee's utilisation at a voting station is, besides the aforementioned provisions, also subject to her or his selection and appointment as a voting or counting officer by the IEC in terms of chapter 6, part 4 of the Electoral Act.
 - 2.4. During utilisation at the IEC, employees must at all times adhere to the Code of Conduct as contained in Chapter 2 of the Public Service Regulations, 2016 (PSR).
 - 2.5. The position of employees employed in terms of the particular employment laws for the South African Police Service, the South African National Defence Force, the Department of Correctional Service, Educators, the South African Secret Service, the National Intelligence Agency and the South African National Academy of Intelligence, must be managed with due regard to the legislation and conditions that regulate their employment.
3. The following matters are brought to the attention of employees standing as candidates for elections:
 - 3.1. Regulation 15 of the PSR, requires an employee who is issued with a certificate in terms of section 31(3) of the Electoral Act, 1998 (stating that he or she is a candidate in the election), to not later than the next working day, inform his or her head of department in writing thereof and to submit a copy of the certificate.
 - 3.2. In terms of regulation 15 of the PSR, the employee shall be deemed to be on annual leave from the date following the date the certificate is issued until, if he or she is-

(a) elected and accepts election, the date immediately before the date he or she assumes office;

(b) elected, but declines election, the date that he or she declines election; or

(c) not elected, the date of the designation of representatives in terms of item 16 to schedule 1A to the Electoral Act, 1998.

3.3. Regulation 15 of the PSR also regulates that if the employee has insufficient annual leave, he or she shall be deemed to be on unpaid leave for the period in question.

3.4. In terms of section 36 of the Public Service Act, when an employee is elected and assumes office, he or she is deemed as having resigned from the public service with effect from the date immediately before the date he or she assumes office as a member of the National Assembly or a provincial legislature.

3.5. An employee appointed as a permanent delegate of the National Council of Provinces is deemed to have resigned from the public service with effect from the date immediately before the date he/she assumes office as such delegate

4. Your co-operation in addressing this situation is appreciated.



PROF RICHARD LEVIN

DIRECTOR-GENERAL

DATE: 8/04/2019