



**DEPARTMENT OF PUBLIC SERVICE AND ADMINISTRATION
REPUBLIC OF SOUTH AFRICA**

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**TO THE HEADS OF ALL DEPARTMENTS AND PROVINCIAL
ADMINISTRATIONS**

**GUIDELINES FOR THE ADOPTION OF POLICIES ON THE OFFICIAL
UTILISATION OF CELL PHONES IN THE PUBLIC SERVICE**

1. Subsequent to various requests from departments for advice on the utilisation of cell phones for official purposes, this Department wishes to share the following information:
 - 1.1. The current Treasury Regulations do not contain any rules/instructions on the utilisation of cell phones in the execution of departments' line functions. The only relevant provision is in Chapter 8 of the relevant Treasury Regulations. According to this Chapter, the accounting officer of an institution must ensure that personnel costs are met from the budgetary allocation of that institution.
 - 1.2. Neither the Public Service Regulations, 2001 nor any collective agreement give guidance on the use of cell phones by departments.
 - 1.3. Departments currently have different policies for their unique circumstances. It also appears that certain departments seem to be moving towards paying an allowance to individuals in relation to cell phone costs. The payment of a cell phone allowance, in these circumstances, effectively becomes a service benefit and therefore a matter of mutual interest. Consequently, the payment of cell

phone allowances becomes a negotiable matter in terms of the Labour Relations Act, 1995. Should departments want to take the route of paying an allowance, the Minister for Public Service and Administration who, in terms of the Public Service Act, 1994, as amended, read with the Public Service Regulations, 2001, has the authority to determine the conditions of service of all Public Service employees through the collective bargaining process, will have to be approached. Such an allowance will also be subject to taxation.

- 1.4. The authority to determine a policy on the utilisation of cell phones is vested in the Heads of Departments (HOD's). The latter policy will be informed by the legislation referred to above, the department's budgetary allocations and its unique operational needs and requirements.
 - 1.5. The utilisation of a cell phone for official purposes is a work facility and not a service benefit.
2. In view of the above, the Minister for Public Service and Administration has approved guidelines, at Annexure A, on the utilisation of cell phones in the Public Service.


DIRECTOR-GENERAL
FOR

GUIDELINES FOR THE ADOPTION OF POLICIES ON THE OFFICIAL UTILISATION OF CELL PHONES IN THE PUBLIC SERVICE

1. GENERAL

The utilisation of cell phones for official purposes is regarded as a work facility, i.e. a tool to execute official business.

2. AUTHORITY

1.1. The authority to adopt a departmental policy on the use of cell phones for official purposes is vested in the Head of Department.

1.2. The Head of Department has the authority to decide and approve the utilisation of a cell phone for official purposes by an employee and/or groups of employees.

2. BUDGET

2.1. The Head of Department should ensure that all the expenses arising from the official utilisation of cell phones are budgeted for through the Medium Term Expenditure Framework.

2.2. The policy on the utilisation of cell phones should be affordable and within budget constraints.

3. QUALIFYING REQUIREMENTS

The Head of Department may determine the circumstances, job requirements and department specific operational requirements, which necessitate the use of a cell phone.

4. APPLICATION

4.1. The Head of Department may determine the procedures to facilitate the allocation of cell phones to employees.

4.2. Where applicable the Head of Department may, depending on departmental needs, determine the procedures and format for applications, declaration of private calls, payment of debt, claims for official calls, etc.

5. CONTROL MEASURES

The Head of Department may introduce control measures s/he may deem fit to monitor trends and to contain expenditure.

6. **DELEGATION**

The Head of Department may delegate his/her powers to another employee on conditions determined by him/her.

7. **OPTIONS ON THE OFFICIAL UTILISATION OF CELL PHONES**

The departmental policy may provide for one of the following options or a combination of options according to the needs of the Department. The option(s) should not only be practical, but should be cost-effective.

7.1. **OPTION 1: DEPARTMENT HOLDS CONTRACT WITH SERVICE PROVIDER**

7.1.1. **Contract:** The Head of Department enters into and holds the contract with the service provider.

7.1.2. **Settlement of Accounts:** The Head of Department will settle the account with the service provider on the terms contained in the contract.

7.1.3. **Private calls:** The employee should declare and certify all private calls made with the relevant cell phone. The debt emanating from these calls should be settled with the Department in the manner and on the conditions determined by the Head of Department.

7.1.4. **Limits:** The Head of Department may determine and introduce limits to contain expenditure.

7.2. **OPTION 2: EMPLOYEE HOLDS CONTRACT WITH SERVICE PROVIDER**

7.2.1. **Contract:** The employee enters into and holds the contract with the service provider.

7.2.2. **Settlement of Accounts:** The employee settles the account with the service provider on the terms contained in the contract.

7.2.3. **Official calls:** The employee may submit a claim to the Head of Department for the reimbursement of official calls.

7.2.4. **Limits:** The Head of Department may determine and introduce limits to contain expenditure.

7.3. **OPTION 3: PAYMENT OF CELL PHONE ALLOWANCE**

7.3.1. **Contract:** The employee enters into and holds the contract with the service provider.

7.3.2. **Settlement of Accounts:** The employee settles the account with the service provider on the terms contained in the contract.

- 7.3.3. **Magnitude of Allowance:** The Head of Department may determine and introduce a cell phone allowance through the central collective bargaining process contemplated in terms of the Labour Relations Act, 1995. To this end it is important to note that the payment of such an allowance becomes a matter of mutual interest and is therefore negotiable as mentioned above.
- 7.3.4. **PERSAL:** The Head of Department should timely arrange with National Treasury for the creation of the necessary payment codes on the PERSAL system.
- 7.3.5. **Tax:** The payment of an allowance is taxable in terms of the applicable legislation. Processes should be put in place to deduct the necessary tax from the employee.

NOTE: This option is generally not favoured and should as far as possible be avoided. A major implication of this option is that the Minister for the Public Service and Administration will have to be approached to negotiate for the payment of an allowance.