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**Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA**

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TO HEADS OF NATIONAL AND PROVINCIAL DEPARTMENTS AND PROVINCIAL ADMINISTRATIONS

CIRCULAR NO 4 OF 2019

DETERMINATION ON THE IMPLEMENTATION AND APPLICATION OF SECTION 15(1) OF THE PUBLIC SERVICE ACT, 1994.

1. The Public Service Amendment Act, Act 30 of 2007, was promulgated with a view to improve the organisational human resource framework, which in turn will improve service delivery. Therefore, the key objectives of the Amendment Act were, among others, to-
 - 1.1. improve staff mobility arrangements for the public service; and
 - 1.2. enable greater alignment between the conditions of service of the general public service falling under the current Act and certain sectors which, although part of the public service, have their own employment legislation.
2. Section 22 of the Public Service Amendment Act introduced a new section 15(1) in the Public Service Act, 1994. The new section 15(1) of the Public Service Act, 1994 aims to clarify transfers of employees from organs of state to the public service where they successfully apply for posts in the public service. To this end the new section 15(1) of the Public Service Act stipulates that: *"Any person who was employed by an organ of state immediately before he or she is appointed in terms of section 9 shall be deemed to be transferred to the public service in respect of such conditions of service and to such extent as the Minister may determine in terms of section 3 (5)."*

3. In light of the foregoing, the Minister for the Public Service and Administration has in terms of section 3(5)(a) of the Public Service Act, 1994, as amended, determined in the *Determination on the Implementation and Application of Section 15(1) of the Public Service Act* as to how the conditions of service of those employees who are, in terms of section 15(1) of the Public Service Act, deemed to be transferred from an organ of state to the public service should be managed. The *Determination on the Implementation and Application of Section 15(1) of the Public Service Act*, is attached for your further attention. The Determination is also available on the DPSSA website at www.dpsa.gov.za. This determination takes effect from 24 January 2019.
4. Expenditure resulting from this determination must be met from current departmental budget allocations in terms of National Treasury approval dated 2 October 2018.



DIRECTOR-GENERAL

DATE: 4/02/2019