



the dpsa

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## TO: ALL HEADS OF NATIONAL DEPARTMENTS, PROVINCIAL DEPARTMENTS AND GOVERNMENT COMPONENTS

### Circular No 14 of 2019

#### MINIMUM REQUIREMENTS FOR SUBMITTING REQUESTS FOR DEVIATIONS IN LINE WITH REGULATION 57(4) OF THE PUBLIC SERVICE REGULATIONS, 2016

1. The DPSA has recently been inundated with requests from executive authorities for deviations from Regulation 57(4) of the Public Service Regulations, 2016.
2. A request for a deviation is an exception and should not be requested unless absolutely necessary and as a last resort. Departments must ensure that any request for a deviation is guided by the guidelines in the MPSA circular, dated 5 April 2018, regarding requests for deviations from the Public Service Regulations, 2016, determinations and/or directives issued by the Minister for the Public Service and Administration.
3. Requests from departments generally reach the DPSA close to the expiry date of the contract(s) and therefore the contracts have often already expired once it is processed. It is important to keep in mind that the Minister for the Public Service and Administration cannot approve the extension of the contracts retrospectively as it generally cannot be linked to the "equality" provision for such retrospective approval. To address this, departments are advised to ensure that any request for a deviation from Regulation 57(4) reaches the DPSA at least **3 months prior** to the expiry date of the contract.
4. In order to facilitate the evaluation of requests, departments are requested to ensure that the following minimum information is included in their requests-
  - 4.1 The roles that these employees fulfil.

- 4.2 The dates when these persons entered into the employment contracts with the department.
- 4.3 The dates when the employment contracts will come to an end.
- 4.4 The reasons for the need to continue to keep the contract worker(s) additional to the establishment.
- 4.5 Time frames for the implementation and conclusion of the project (project plan).
- 4.6 Details of an official who will be the main point of contact if additional information is required.
- 4.7 The financial implications considered and whether the department is able to absorb such financial costs, if any.
- 4.8 Reasons why the temporary need cannot be addressed through other available mechanisms such as directing other employees to perform the functions in terms of section 32 of the Public Service Act, 1994, or alternatively secondments.

5. Your cooperation in this regard is appreciated.

Kind regards,



**Professor Richard Levin**

**Director-General**

**Date:** 12/04/19