



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

TO HEADS OF ALL NATIONAL DEPARTMENTS AND PROVINCIAL DEPARTMENTS

DPSA CIRCULAR NO 29 OF 2024

TRANSITIONAL PROCEDURES FOR STAFF APPOINTMENTS, VACANCY FILLING, AND CONTRACT MANAGEMENT IN THE OFFICES OF EXECUTIVE AUTHORITIES, DEPUTY PRESIDENT, AND DEPUTY MINISTERS DURING ADMINISTRATIVE CHANGES OR OTHER TERMINATIONS

1. This Circular sets forth the transitional arrangements for appointing staff, filling vacancies, and handling current contract obligations for personnel in the Office of Executive Authorities (EAs), the Deputy President, and Deputy Ministers. It covers the procedures followed during administrative transitions or other types of terminations. The Circular also elaborates on how employment contracts should be managed for staff in private offices, noting that these depend on the officeholder's term length and clarifying various questions.
2. **How are employees employed in the Office of the EA, the Deputy President, and Deputy Ministers?**

Employees are appointed temporarily either for a term linked to the term of the EA, the Deputy President, or the Deputy Minister (section 9 of the Public Service Act, 199 (PSA) read with regulation 66(1) of the Public Service Regulations, 2016 (PSR)), through a secondment from another department or body (section 15 of the PSA), or through an internal re-assignment (section 32 of the PSA).

Employees may not be transferred into or out of a post in the Office of the EA, the Deputy President or Deputy Ministers.

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3. When does the term of an EA, the Deputy President or Deputy Minister, end following elections?

The 2024 General National and Provincial Elections shall occur on 29 May 2024. The newly elected President or Premier assumes office on the date of being sworn in.

During an election, the Cabinet, the Deputy President, Ministers, Deputy Ministers and the Provincial Executive Council and its members retain their competency to function until the newly elected President or Premier assumes office. Therefore, the term of the current EA, the Deputy President or Deputy Minister, will end when the newly elected President/Premier assumes office after the elections.

4. What happens to current employees when the term of the current EA, Deputy President or Deputy Minister ends?

When the term of office of the EA, Deputy President, or Deputy Minister ends, the employment of employees appointed in the posts in these Offices will end at the end of the month, following which the term of the EA, Deputy President, or Deputy Minister ends as set out in regulation 66(1) of the PSR.

For example, if a newly elected President or Premier assumes office in June 2024 following elections, the term of the current EA, Deputy President, or Deputy Minister will end on the date of the President or Premier's assumption of office. The term of employees currently employed under regulation 66(1) of the PSR will end on 31 July 2024.

5. What happens to employees who wish to leave before the period prescribed in regulation 66(1) of the PSR?

The nature of this appointment is directly linked to the tenure of the incumbent EA, Deputy President, or Deputy Minister. Suppose an employee opts to leave their position before completing the prescribed period. In that case, they will be required to resign, subject to the relevant notice period prescribed in regulation 66(1) of the PSR, unless the EA approves a shorter notice period in terms of regulation 69(2) of the PSR.

6. What happens to employees re-employed in the same department in the Office of the incoming EA, Deputy President or Deputy Minister?

Employees are not automatically eligible for a similar position or role in the department. The incoming EA must approve all appointments regarding regulation 66 of the PSR subject to a funded vacancy in the posts aligned to the *Guide for Members of the Executive, 2022*. Even when the EA, Deputy President or Deputy Minister remain the same, new appointments must be made. Returning employees may commence a new contract for the post with the newly appointed EA after the contract of the existing employee of that post, who served the previous EA, Deputy President or Deputy Minister, has ended.

7. What happens to employees appointed in another department in the Office of the incoming EA, Deputy President or Deputy Minister?

Employees who are relinquishing employment in one department to take up employment in another department in the Office of the EA, Deputy President, or Deputy Minister may only be appointed in terms of regulation 66 of the PSR. This arrangement necessitates that employees either resign from the former department or enter a new contract after the conclusion of their current fixed-term contract with the former department.

These new employees (employed in the new Administration) may only be appointed after the contract of the existing employee of that post, who served the previous EA, Deputy President or Deputy Minister, has ended.

8. Can persons be appointed in addition to the establishment of the Office of the EA, Deputy President, or Deputy Minister?

No. The *Guide for Members of the Executive* prescribes the posts that comprise the Office of the EA, Deputy President or Deputy Minister. Employment in these Offices is therefore limited to the defined posts.

9. What are the minimum entry requirements for various jobs in the Ministry?

In line with section 9 of the PSA, when appointing employees to the offices of the EA, Deputy President, or Deputy Minister, it is essential to adhere to the inherent minimum requirements specific to each post. These requirements vary according to different salary levels and are detailed within the job descriptions. For positions at the Senior Management Service (SMS) level, candidates must meet all stipulated requirements for appointment. Additionally, the EA, Deputy President, or Deputy Minister are guided by the approved *Directive on Human Resources Management and Development for Public Service Professionalisation: Volume 1*, which provides the details and governs the appointment and selection of all employees in the public service and shall be complied with.

All departments must ensure that the personnel suitability checks under regulation 57(1)(c) are fully complied with. Regarding the verification of qualifications:

- Employing departments may obtain and utilise qualifications verified by a previous employing department.
- If the employee is employed outside the public service, the employing department must comply with the complete verification process for qualifications.
- Where verifications from previous employing departments are unavailable and new qualifications have not been verified, the qualifications must be verified.

10. What happens in cases where an EA, Deputy President or Deputy Minister wants an employee from the public service to act in or be reassigned to a post in their Office?

When an EA, Deputy President, or Deputy Minister requires an employee from another department to perform the duties of a post in their Office, that employee must first be seconded to the department under section 15 of the PSA and then be appointed to act in the post in the Office of the EA, Deputy President, or Deputy Minister, subject to section 32 read with relevant Acting policies.

When an EA, Deputy President, or Deputy Minister requires an employee from the same department to perform the duties of a post in their Office, the employee may be reassigned in terms of section 32(1) of the PSA and Regulation 63(1) of the PSR. These provisions allow

an employee to be temporarily reassigned to perform duties that differ from those typically associated with the employee's position or grade. However, it is essential to note that an employee may not be transferred to a post within the office of an EA, Deputy President, or Deputy Minister. Additionally, an employee appointed under regulation 66(1) of the PSR is prohibited from being transferred within the department or to another department.

11. What are the implications of changes in employment for an employee?

In section 14A of the PSA, an employee appointed in section 9 without a break in service shall be deemed to have continuous service. A termination of employment in one department and re-employment in another department, alternatively, the termination of employment in a job and re-employment in another job within a department, without any break, must be managed as continuous service.

Therefore, employees moving from one job to another, between departments or within departments, must liaise with their Human Resource units to ensure that the implications for benefits and conditions of service are clearly understood. Departments must ensure that employees are assisted as far as possible to avoid any adverse impacts on conditions of service and benefits for employees.

This Circular explains the regulatory conditions and procedures for transitional measures for employees with term-contingent employment contracts, which should help departments adhere to the prescribed guidelines. If you require further details, please contact Mr. Philani Mveli at Philani.Mveli@dpsa.gov.za.

Yours sincerely,

Signed by: Yoliswa Makhasi
Signed at: 2024-04-22 15:49:43 +02:00
Reason: I approve this document



Ms. Yoliswa Makhasi
Director-General
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