



**MINISTRY: PUBLIC SERVICE AND ADMINISTRATION
REPUBLIC OF SOUTH AFRICA**

NATIONAL ASSEMBLY

QUESTION FOR ORAL REPLY

QUESTION NO.: 21.

Mr A P van der Westhuizen (DA) to ask the Minister of Public Service and Administration: [Written Question No 1370]

Whether his department has a system in place to prevent a person who has been dismissed from the Public Service from being re-employed in another department; if not, why not; if so, what are the relevant details? NO1518E

REPLY

Yes. The Department of Public Service and Administration has a system in place to prevent a person who has been dismissed from the public service from being re-employed in another government department. The Public Service Regulations, 2016 prescribe that any employee who, effective from 1 August 2016 or thereafter, is dismissed due to misconduct may not be re - appointed in the public service for the following period:

	ACT OF MISCONDUCT	PERIOD OF PROHIBITION
1.	(a) The offering or receipt of any undue gratification or the facilitation of such offering or receipt; or (b) Committing theft or fraud; or (c) Conducting business with any organ of state or being a director of a public or private company conducting business with an organ of state; or (d) Misconduct resulting from a criminal conviction where an	Five years

	ACT OF MISCONDUCT	PERIOD OF PROHIBITION
	employee has been sentenced for two or more years imprisonment, without the option of a fine.	
2.	(a) Sexual harassment; or (b) Unfair discrimination against others on the basis of race, gender, disability, sexuality or other grounds prohibited by section 9(3) of the Constitution.	Four years
3.	(a) Financial misconduct as contemplated in section 81 or 82 of the Public Finance Management Act; or (b) Misconduct resulting from a criminal conviction where an employee has been sentenced for less than two years imprisonment, without the option of a fine.	Three years
4.	Contravention of any provisions in the Code of Conduct that deal with the following: (a) Adherence to the Constitution and other laws (b) Relationship with the public (c) Ethical conduct (d) Performance of official duties (e)	One year

For purposes of alerting departments on a candidate's profile, provision is made on the PERSAL system to record the reasons for a former employee's dismissal. (For example: Previous PERSAL number, service termination date, service termination reason, resignation category, restriction/limitation reason, previous department, previous component, last rank/salary code description and nature of service.

All this information is captured by the previous employing department, therefore warning the receiving department of possible corruption or fraud. Certain restriction/limitation reasons will block the re-appointment of employees until the department registers a request for a change.)