

## RESOLUTION NO. 3 OF 1999

### REMUNERATIVE ALLOWANCES AND BENEFITS

Noting that the employer and the trade unions wish to enter into the agreement that regulates remuneration, allowances and benefits,

The employer and the trade unions agree as follows.

- 1 Trade unions and the employer enter into the agreement entitled "Agreement on Remuneration, Allowances and Benefits," which is attached to this resolution, on the following terms.
- 2 Subject to clause 3 the agreement applies to the employer and employees who are:
  - (a) employed by the State, and
  - (b) who fall within the registered scope of the council.
- 3 The agreement does not apply to the employer and those employees covered by an agreement concluded in a sectoral council prior to the date the agreement comes into force.
- 4 The parties will commence negotiations on new conditions of remuneration, allowances and benefits, which will replace the agreement, within three months of the date on which this resolution is signed, or within three months from the date when the new Public Service Regulations come into effect, whichever is later.
- 5 The new agreement on remuneration, allowances and benefits will be finalised within twelve months from the date on which this agreement is signed.
- 6 Any provision regarding remuneration, allowances and benefits that was contained in any provision set out in any collective agreement or regulation, including the Public Service Staff Code, the Public Service Regulations and the Personnel Administration Standards, but which was, by mistake, omitted from or amended in the agreement to the detriment of an employee, may be identified and tabled at Council for negotiation.
- 7 The employer commits itself to bargaining on omitted provisions, as described in paragraph 6, in good faith, and will reinstate any commitment that is not trivial, purely procedural, or entirely subject to managerial discretion.
- 8 If there is a dispute about the interpretation or application of the agreement or this resolution, any party may refer the matter to the council for resolution in terms of the dispute resolution procedure of the council.
- 9 This agreement comes into effect on the date on which the Public Service Laws Amendment Act 1998 (Act No 86 of 1998) comes into effect.

- 10 Any dates in the agreement that define the transition from the pre-existing prescripts will be amended to reflect the date on which this agreement comes into effect.
- 11 For the purpose of this resolution and the agreement:
- (a) "Council" means the Public Service Co-ordinating Bargaining Council;
  - (b) "Employee" means an employee
    - (i) employed by the State, and
    - (ii) who falls within the registered scope of the council
  - (c) "Employer" means the State as employer
  - (d) "the agreement" means the agreement entitled Agreements on Remuneration, Allowances and Benefits, which is attached to this resolution
  - (e) "Sectoral council" means a bargaining council
    - (i) established by the council, or the President, in terms of section 37 of the Labour Relations Act of 1995, or
    - (ii) deemed to be a sectoral council in terms of item 16 and 18 of Schedule 7 to the Labour Relations Act of 1995; and
  - (f) "Trade union" means a trade union, a two or more trade unions acting together, who are parties to the council.

**ANNEXURE B****AGREEMENTS ON REMUNERATION, ALLOWANCES AND BENEFITS****I. Service bonus****1 Aim**

The employer shall provide a service bonus to encourage employees, where appropriate, to stay in the public service.

**2 Eligibility**

2.1 An employee shall receive a service bonus if she or he

- (a) has a permanent contract or a fixed-term contract lasting at least three months, unless the contract specifies otherwise, and
- (b) in the year ending on her or his bonus date, does not resign or undergo discharge due to misconduct.

**3 Bonus date**

- 3.1 The bonus date for an eligible employee born between April and December shall fall in the month of her or his birthday.
- 3.2 The bonus date for an eligible employee born between January and March shall fall in April.
- 3.3 The employer shall pay an employee her or his service bonus on the day the employer normally pays salaries in the relevant month.

**4 Calculation**

- 4.1 For calculating a service bonus, the employer shall take into account continuous employment in a state department, state or state aided school, or a statutory body established by Parliament.
- 4.2 If an eligible employee has worked a full year up to the bonus date, she or he shall receive a month's salary after deduction for the GEPP as provided in paragraph 4.4.
- 4.3 If an eligible employee has worked part of a year up to the bonus date, she or he shall receive an equivalent part of her or his monthly salary after deduction for the GEPP as provided in paragraph 4.4.
- 4.4 The employer shall deduct from an employee's service bonus
  - (a) if the employee belongs to the GEPP, 7 per cent, and
  - (b) a percentage equivalent to the percentage of working time for which the employee received no pay due to unpaid leave other than sick leave.
- 4.5 When the employer pays the service bonus, the employer shall contribute the equivalent of 27 per cent of the bonus to the GEPP.
- 4.6 If an employee
  - (a) was born between January and March, and
  - (b) resigns in the period between her or his birthday and her or his bonus day,

she or he shall receive, as a bonus, a share of her or his monthly salary equivalent to the part of the year she or he worked after the previous bonus payment, less deduction for the GEPF as provided in paragraph 4.4.

4.7 If an employee dies, the employer shall not reduce her or his bonus to repay a debt she or he owed the employer.

## 5 **Payment**

5.1 The employer shall pay the service bonus directly to an eligible employee.

5.2 If an eligible employee dies while in service, the employer shall pay the bonus directly

- (a) to a person or persons whom the employee designated in writing for this purpose, or
- (b) if the employee did not designate such a person, to a surviving spouse or spouses, or
- (c) if the employee has no spouse, to her or his dependant children, or
- (d) if no dependant child exist, into the employee's estate.

*An appendix will replicate the calculations now in the regulations.*

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## II. **Leave**

### 1 **Aim**

The employer shall grant an employee leave for normal vacation requirements, to recover from illness, and for other specified reasons.

### 2 **Eligibility**

2.1 An employee shall receive leave under this agreement if she or he

- (a) has a permanent contract or a fixed-term contract lasting at least one year, and
- (b) no other binding agreement or regulation applies.

### 3 **Vacation leave**

3.1 The employer shall provide vacation leave as specified in Table 1.

3.2 The employer shall count as a day of vacation leave a day of rest

- (a) that falls within a period of leave, or
- (b) that falls without interruption between two periods of leave.

3.3 For each month of service, an employee may utilise one twelfth of her or his annual vacation leave.

3.4 If the employer agrees,

- (a) an employee may use more vacation leave than Table 1 provides, and
- (b) the employer shall subtract the excess days from leave earned thereafter.

3.5 The employer may refuse an employee vacation leave only for pressing operational reasons.

### 4 **Leave gratuity**

4.1 The employer shall pay a leave gratuity to an employee who dies or is discharged for a reason other than

- (a) misconduct,
- (b) absconding,
- (c) retirement to avoid a discharge for misconduct, or
- (d) resignation, unless paragraph 3.6 applies.

4.2 The employee shall pay a leave gratuity to an employee who resigns

- (a) in accordance with her or his contract during a period of extended contractual service, or
- (b) because
  - (i) her or his spouse is a public servant who is transferred and
  - (ii) the employee cannot find government employment at or near the new place of work of her or his spouse.

4.3 A leave gratuity shall consist of payment of a day's salary, plus pensionable allowances where applicable, for each day of leave an employee did not utilise while employed in the public service.

4.4 If a head of department authorises the transfer of an employee without a break in service between government departments or from a state or state-aided school or a statutory body established by Parliament,

- (a) the employee shall retain her or his accumulated leave, and
- (b) her or his previous service shall count for leave purposes.

4.5 If

- (a) an employee becomes a head of department, or
- (b) a head of department extends her or his contract,

she or he shall receive a special leave gratuity. The special leave gratuity shall equal the leave gratuity the employee would receive on discharge, up to a maximum of 10 per cent of the employee's unused vacation leave.

4.6 Where an executing authority does not have complete leave records, she or he shall provide a realistic leave gratuity.

4.7 This agreement does not affect

- (a) commitments made before 1994, or
- (b) leave accumulated before March 1, 1999.

## 5 Sick leave

5.1 For an employee with up to ten years' of service, for each three-year period of employment, the employer grants

- (a) an employee in an educational or training institution
  - (i) 90 days sick leave at full pay, and
  - (ii) 90 days sick leave at half pay, and
- (b) an employee not in an educational or training institution
  - (i) 120 days sick leave at full pay, and
  - (ii) 120 days sick leave at half pay.

5.2 After ten years' continuous service, an employee shall receive the amount of sick leave provided in paragraph 4.1, plus

- (a) if she or he works in an educational or training institution
  - (i) 90 days sick leave at full pay, and

- (ii) 90 days sick leave at half pay, or
- (b) if she or he does not work in an educational or training institution
  - (i) 120 days sick leave at full pay, and
  - (ii) 120 days sick leave at half pay.

- 5.3 If an employee transfers to a group with fewer days of sick leave, she or he shall retain her or his original number of sick leave days for the remainder of the three-year cycle.
- 5.4 If an employee transfers to a group with more days of sick leave, the employer shall immediately provide her or him with the larger number of sick leave days, less any days already used.
- 5.5 For each two-year period of employment, if an employee has utilised all her or his sick leave and paid vacation leave, the employer may grant her or him up to 92 additional days of sick leave at half pay.
- 5.6 The employer may grant unpaid sick leave to an employee who has used all of her or his paid sick leave.
- 5.7 An employee who applies for or utilises sick leave shall, if the employer requires, provide a certificate from a registered medical professional in the relevant field. The certificate shall describe the illness and the period needed for recuperation.
- 5.8 The employer may select a medical professional to examine the employee and provide the certificate described in paragraph 4.7.
- 5.9 If an employee has utilised ten days of sick leave in a year, the employer shall grant her or him additional sick leave only if the employee provides
- (a) a medical certificate to justify the leave, or
  - (b) a compelling reason for failing to submit a medical certificate.
- 5.10 If an employee presents a medical certificate demonstrating that she or he became ill while on vacation leave, the employer shall convert the days covered by the certificate to sick leave.

## 6 Use of vacation leave for treatment for substance abuse

- 6.1 If an employee
- (a) has completed a reasonable period of satisfactory service, and
  - (b) abuses alcohol or another drug,
- she or he may utilise accumulated or probable future vacation leave for relevant treatment.
- 6.2 After at least 12 months, if expert evidence indicates that the employee has been rehabilitated, the employer may return to the employee the leave used during treatment.

## 7 Special sick leave

- 7.1 If, as a result of an employee's work, she or he suffers an injury or contracts a disease, the employer may grant her or him special sick leave for the period during which she or he cannot work.
- 7.2 If an employee suffers a work-related injury due to accident involving a third party, the employer shall grant the employee special sick leave only if
- (a) the employee authorises the employer to claim for compensation against the third party, or
  - (b) the employee

- (i) brings a claim for compensation against the third party, and
- (ii) undertakes to use compensation received to recompense as far as possible the employer's contribution to the employee's costs from the accident.

7.3 For special sick leave, the employer shall pay the difference between the pay of the employee and any compensation received from the Workmen's Compensation Commission.

## 8 **Maternity leave**

8.1 A woman employee shall receive 84 days leave at full pay for each of two confinements.

8.2 A woman employee may receive paid leave for more than two confinements in exceptional circumstances, including if:

- (a) one of her children died,
- (b) she remarried,
- (c) her doctor indicates that she should have a child for the sake of her physical health, or
- (d) she became pregnant following a sterilisation.

8.3 If a woman employee has utilised all her maternity leave, and wishes to take leave for a confinement, she shall

- (a) utilise available vacation leave, and/or
- (b) receive up to 184 days of unpaid leave.

8.4 An employee who adopts a child aged under two years qualifies for leave on the same terms as for a confinement as provided in paragraphs 7.1 to 7.3.

8.5 If a woman experiences a miscarriage, still birth or termination of pregnancy after starting paid maternity leave,

- (a) any leave utilised shall not count as part of her paid maternity leave, and
- (b) if necessary, she may utilise sick leave for days taken off as a result of the miscarriage, still birth or termination.

## 9 **Leave for office bearers or shop stewards of recognised unions**

An office bearer or shop steward of a recognised union shall receive up to ten days paid leave for activities related to her or his union position.

## 10 **Unpaid leave**

10.1 If an employee has utilised all her or his paid vacation leave, the employer may grant her or him unpaid vacation leave. Only in exceptional cases shall the employer grant more than 184 days of unpaid vacation leave in a period of 18 months.

10.2 An employee shall utilise unpaid leave for an absence from work due to

- (a) arrest, imprisonment or appearance in court on a criminal charge that leads to a conviction, or
- (b) a criminal sentence.

**11 Special leave**

- 11.1 If a department does not have a written policy on special leave, an executing authority shall negotiate a policy in the relevant bargaining council.
- 11.2 The policy shall indicate
- (a) the circumstances under which the executing authority shall authorise special leave at full pay,
  - (b) if any, those responsibilities other than work for which the employer shall not require an employee to utilise leave, and
  - (c) as far as possible, events for which the executing authority shall not provide such leave.
- 11.3 The policy may provide paid leave for family requirements such as childcare, study, examinations, military service, resettlement due to a transfer, collective bargaining or other labour-relations requirements, participation in sports, sabbaticals where appropriate, or any other purpose.

**Table 1. Vacation leave by category of employee**

**Note:** Holidays include weekends as well as public holidays. Service includes continuous service in any capacity, including time spent suspended during a disciplinary hearing and on authorised leave.

<b>Category of employee</b>	<b>vacation leave days per year, including both work days and days of rest that comply with paragraph 3.2</b>
<i>(a) employees in educational or training institutions</i>	
(i) who have no duties when the institution closes for holidays	12
(ii) who remain on duty for part of the time when the institution closes for holidays	12 days plus half the days the employee remains on duty up to an additional 25 days per year
<i>(b) Nursing personnel in institutions that provide service around the clock</i>	
(i) Registered nurses appointed before January 1, 1968	54*
(ii) Registered or enrolled nurses appointed on or after January 1, 1968	
- with at least ten years' service	52*
- with under ten years' service	46*
(iii) nursing assistants appointed before January 1, 1968	48*
(iv) nursing assistants appointed after January 1, 1968	
- with at least ten years' service	46*
- with under ten years' service	40*
(v) student and pupil nurses	30
(vi) part-time nurses	30
<i>(c) employees appointed before July 1, 1966</i>	38
<i>(d) other employees:</i>	
(i) with at least ten years' service	36
(ii) with under ten years' service	30

\* If the employee serves in a lecturing capacity at a training college for nurses, the employer shall reduce the leave by one day for each public holiday on which the employee does not work.

**III. Medical Assistance****1 Assistance to employees in South Africa**

- 1.1 The employer shall pay two thirds of an employee's normal subscription to a registered medical scheme, up to a maximum monthly payment.
- 1.2 The maximum monthly payment shall equal the value, with inflation, of R672 in April 1998. The Minister shall revise the employer's maximum contribution on April 1 every year by an amount equivalent to the increase in the medical Consumer Price Index.
- 1.3 The employer shall pay a subscription only directly to a registered medical scheme.
- 1.4 If an employee joins a registered medical scheme that requires payment of a subscription in advance, in the first month the employer shall pay both the advance subscription and the monthly subscription.
- 1.5 If an employee takes unpaid leave, her or his department shall continue to pay the employer contribution to the employee's medical scheme as long as the employee pays her or his contribution.

**2 Medical assistance at retirement or termination of services**

- 2.1 The employer shall continue medical assistance as provided in Table 1 to an employee who leaves the public service, if
  - (a) the employee belonged to a registered medical scheme for the year ending on the date she or he left the public service, and
  - (b) the employee leaves the public service because of
    - (i) retirement, including early retirement where it does not result from misconduct or incapacity,
    - (ii) death, or
    - (iii) discharge as a result of ill health or injury on duty.
- 2.2 If an employee or pensioner dies and her or his remaining spouse becomes a principal member of the relevant medical scheme, the employer shall transfer the benefits provided under Table 1 to the spouse.
- 2.3 This agreement shall not affect medical benefits for people who left the public service before December 1, 1993.

**Table 1. Benefits for eligible former employees**

*Note:* In this table, “service” refers to employment by an institution funded primarily and directly from the central or provincial budget.

<b>Group</b>	<b>Benefits</b>
<i>(a) An employee who dies or who retires for reasons not related to health:</i>	
(i) aged at least 50 with at least 15 years of service	Two thirds of the subscription to the employee’s medical scheme, up to the maximum provided in Paragraph 1.
(ii) aged under 50 with at least 15 years of service	From age 50, the same as in (i) .
(iii) with at least ten but under 15 year of service, irrespective of age	A payment of 36 times the employer’s monthly contribution to the employee’s medical scheme
(iv) with under ten years of service	A payment of 12 times the employer’s monthly contribution to the employee’s medical scheme
<i>(b) An employee discharged for ill health</i>	
(i) with at least ten years of service	Two thirds of the medical scheme subscription, up to the maximum provided in Paragraph 1.
(ii) with at least five but under ten years of service	A payment of 24 times the employer’s monthly contribution to the employee’s medical scheme
(iii) with under five years of service	A payment of 12 times the employer’s monthly contribution to the employee’s medical scheme
<i>(c) Employees who retire due to an injury on duty</i>	Two thirds of the medical scheme subscription, up to the maximum provided in Paragraph 1.

#### **IV. Home-owner allowance**

##### **1 Aim**

The employer shall assist employees to repay home loans.

##### **2 Requirements for obtaining a home-owner allowance**

###### *2.1 Eligibility for employees*

- (a) An employee may receive a home-owner allowance if she or he is
  - (i) a full-time, permanent public servant, and
  - (ii) under 65 years old.
- (b) An employee may not receive a home-owner allowance if the employer already pays a home-owner allowance to her or his spouse.
- (c) If an employee changes jobs but remains a public servant eligible for a home-owner allowance, the employer shall continue to pay the allowance.

###### *2.2 Home ownership*

- (a) An employee may receive a home-owner allowance for
  - (i) a home registered in her or his name, whether singly or with her or his spouse;
  - (ii) a home registered in the name of her or his spouse, if the employee received the allowance for the home before October 1995;
  - (iii) a home that stands on land to which the employee has legal right of possession, including legally valid rights to occupy state or tribal land; or
  - (iv) a home
    - (i) which she or he has contracted to purchase and
    - (ii) for which she or he has obtained an eligible mortgage as described in paragraph 2.4 below, but
    - (iii) which she or he has not yet occupied for reasons beyond her or his control.
- (b) An employee may receive a home-owner allowance only for a home located in South Africa.

###### *2.3 Occupancy*

- (a) Except where an employee is transferred or, for reasons beyond her or his control, temporarily cannot stay in her or his home, the employer shall provide a home-owner allowance only for a home in which an employee and/or her or his immediate family live for most of the year.
- (b) For this purpose, an employee's immediate family includes only
  - (i) her or his spouse,
  - (ii) dependent children, and/or
  - (iii) relatives who rely on the employee for the bulk of their subsistence.
- (c) The employer shall continue to pay the home-owner allowance on a home for a limited period
  - (i) if the employer transfers geographically within South Africa, and
  - (ii) the employee and her or his immediate family consequently have no reasonable alternative but to move to a new home.

- (d) The employer shall pay the home-owner allowance on a home for a limited period if an employee
  - (i) joins the public service directly from a state or state-aided school or a statutory body established by Parliament,
  - (ii) received a home-owner allowance in her or his former position, and
  - (iii) the employee and/or her or his immediate family consequently have no reasonable alternative but to move to a new home
- (e) In the circumstances described in paragraphs 2.3(c) and (d), the employer shall continue to pay the allowance for the shortest of the following periods:
  - (i) until the employee sells her or his home and the new owner registers it in her or his name;
  - (ii) until the employee qualifies for a home-owner allowance for a home at her or his new headquarters; or
  - (iii) for six months from the date the transfer comes into effect.
- (f) If the transferred employee cannot sell her or his old home at a price that covers the outstanding bond, the employer may continue to pay the allowance, if
  - (i) the employee rents her or his old home, unless it proves impracticable, and the employer reduces the allowance by the amount of the rental, and
  - (ii) every six months, the employer reviews payment of the allowance and justifies its extension or termination.
- (g) If the employer transfers an employee outside of South Africa,
  - (i) if her or his immediate family no longer stay in the home, she or he shall, if possible, rent it out, and
  - (ii) the employer shall continue to pay the home-owner allowance less any rent received by the employee.
- (h) If an employee who receives a home-owner allowance must, to carry out her or his official duties, move with her or his immediate family into state-owned housing,
  - (i) the employee shall rent out her or his home, unless that proves impossible for reasons beyond the employee's control, and
  - (ii) the employer shall deduct the value of the rent, if any, from the home-owner allowance paid the employee.

#### 2.4 *Mortgage bonds*

- (a) The employer shall provide a home-owner allowance only to help repay a bond, part of a bond or an extension of a bond
  - (i) obtained from a government agency, a legally registered financial institution or a financial institution established by special statute, and
  - (ii) that the employee uses to purchase her or his home or to finance immovable improvements and/or alterations, including structural maintenance on her or his home.
- (b) The employer shall help repay a bond only during its original term. The employer shall not supplement a home-owner allowance to help an employee repay an advance on an existing bond or re-institute a bond, irrespective of how the employee uses the relevant funds.

### 3 Value of the home-owner allowance

- 3.1 The maximum home-owner allowance shall equal the allowed interest on a bond of R70 000. The Minister shall set the allowed interest rate equal to the weighted average interest rate levied by the five largest financial institutions in South Africa at the start of each quarter.
- 3.2 If the employer does not pay the interest on the first mortgage before the first instalment, the home-owner allowance shall equal the smallest of the following sums:
- (a) 75 per cent of the compulsory monthly interest plus capital payment on an eligible bond or part of a bond,
  - (b) 1,254 per cent of the value of the eligible bond or part of a bond, or
  - (c) the maximum allowance.
- 3.3 If an employee
- (a) pays interest on a first or main mortgage before the first instalment, and
  - (b) complies with the occupancy requirements provided in paragraph 2.3,
- the employer shall pay the interest on the bond for up to thirty days, up to the monthly allowance provided in paragraph 3.1, and reduce the home-owner allowance as provided in paragraph 3.3.
- 3.4 If paragraph 3.3 applies, the employee's monthly housing allowance shall equal the smallest of:
- (a) 73 per cent of the compulsory monthly interest plus capital payment on an eligible bond or part of a bond,
  - (b) 1,15 per cent of the value of the eligible bond or part of a bond, or
  - (c) 96,6 per cent of the maximum allowance.
- 3.5 If an employee owns a share in a home and is not married to her or his co-owner, he or she shall receive the lesser of
- (a) the allowance payable on a bond equal to 50 per cent of the registered bond on the property, and
  - (b) a portion of the allowance provided in paragraph 3.2 or 3.4 proportional to the lesser of
    - (i) her or his share in a bond on the home and
    - (ii) her or his share in the property.

### 4 Start and termination

- 4.1 The employer shall pay
- (a) the home-owner allowance on the first instalment of an eligible bond when it falls due, and
  - (b) the regular home-owner allowance from the first monthly pay day after the first instalment.
- 4.2 The employer shall terminate the home-owner allowance on the day an employee becomes ineligible.
- 4.3 Where the employer discharges an otherwise eligible employee for any reason, the employer shall stop paying the home-owner allowance on the employee's last monthly pay day.

- 4.4 If
- (a) an eligible employee is suspended without emoluments or takes paid or unpaid leave, and
  - (b) continues to make her or his bond payments,
- the employer shall continue to pay her or his home-owner allowance.

**5 Change in ownership**

- 5.1 An employee who receives a home-owner allowance may sell her or his home and buy or build another home. In such a case, her or his home-owner allowance shall apply only to a bond equal to the excess of
- (a) the bond on the second home, over
  - (b) the proceeds to the employee from the sale of the first home, after deducting the transfer costs and the balance of the bond.
- 5.2 If an employee divorces, and
- (a) her or his spouse gets title to her or his first home,
  - (b) the employee retains the home but must increase debt on it to pay for the share of her or his spouse, or
  - (c) the employee and her or his spouse sell the home and divide the proceeds,
- the employee shall receive the allowance she or he would receive if she or he had sold the home as provided under paragraph 5.1 and kept only half the proceeds.

## V. Motor finance scheme (MFS) for senior employees

### 1 Aim

The employer shall pay an allowance to eligible members of the management echelon to obtain and maintain a car as part of their salary and service benefits. For eligible employees, the employer shall provide financing for a new car every four years.

### 2 Definitions

In this agreement,

*subsidised motor scheme* means Motor Transport Scheme for Heads of Departments and Subsidised Motor Transport Scheme, and

*MFS car* means a car obtained under the MFS, or transferred to it.

### 3 Eligibility

3.1 An incumbent in a position graded equivalent to Director, Chief Director, Deputy Director General or Director General may participate in the MFS, unless her or his position or contract disqualifies her or him.

3.2 An employee may not participate if she or he

(a) holds a car under a subsidised motor scheme, or

(b) works abroad as a transferred official, including in Botswana, Lesotho or Swaziland.

### 4 Procedures for accessing the MFS

4.1 The Departments of State Expenditure and Public Service and Administration shall prescribe how an employee may access the MFS.

4.2 The Department of State Expenditure shall maintain financial arrangements for the purchase of cars under the MFS.

4.3 If an eligible employee

(a) has obtained a car under a subsidised motor scheme, and

(b) no more than three years have passed since the date of the car's first registration,

she or he may transfer the financing of the car to the MFS.

4.4 If an eligible employee

(a) owns a car that was first registered less than three years earlier, and

(b) has never transferred a private car to the MFS,

she or he may transfer the car to the MFS instead of obtaining a new car. She or he may at any time withdraw the car from the scheme and apply to purchase a new car under the MFS or obtain a car under a subsidised motor scheme.

### 5 Maximum loan amount

5.1 Table 2 indicates the maximum new loan the employer will provide under the scheme, by grade.

5.2 The Minister may revise the amount available for a new loan on a quarterly basis, using the Consumer Price Index for motor cars.

### 6 Payments to an employee who buys a new car

The employer shall pay an employee who buys a new car the following amounts.

6.1 *Basic allowance.* The employer shall

- (a) pay the employee a monthly basic allowance equal to the instalment on the loan obtained for the MFS car, and
  - (b) to pay the loan instalment, deduct the same amount directly from the employee's monthly salary.
- 6.2 *Supplementary allowance.* The employer may pay an employee a supplementary allowance to compensate for official use of her or his MFS car for up to 500 kilometres a month. Table 1 gives the level of the allowance, which shall depend on the grade of the employee. The Minister may revise the supplementary allowance annually using the Consumer Price Index for the running cost of cars.
- 6.3 *Additional compensation.* The employer shall provide additional compensation if an employee must use her or his MFS car to travel more than 500 kilometres a month on official business. The employer shall provide compensation for the excess kilometres in accordance with guidelines provided by the Department of Transport.
- 6.4 *Cash allowance.* If a participant in the MFS purchases a car for less than the maximum loan amount for which she or he qualifies, she or he shall receive a monthly cash allowance.
- (a) The monthly cash allowance shall equal the difference between
    - (i) the actual monthly instalment on the car, and
    - (ii) the instalment that would have fallen due on the maximum loan amount.
  - (b) The cash allowance
    - (i) forms part of the employee's salary, but
    - (ii) the employer and employee shall not pay pension contributions related to it.

## 7 **Payments to an employee who transfers a private car or a car obtained under a motor subsidy scheme**

- 7.1 To determine the original price of the car in order to calculate the relevant allowances,
- (a) for a car transferred from a motor subsidy scheme, the Department of Transport shall provide the price; and
  - (b) for a private car, the employee shall provide a receipt or an affidavit that records the purchase price.
- 7.2 Between the date the employee transfers the car to the MFS and four years from the date of the car's first registration,
- (a) the employer shall pay the employee, if she or he remains eligible, a monthly basic allowance equal to the lesser of
    - (i) the payment on capital plus official interest as defined in Table 1 on the price of the car at the time of purchase, and
    - (ii) the maximum loan amount for the employee concerned, and
  - (b) the employer shall deduct from the employee's salary an amount equal to the monthly basic allowance provided under paragraph 6.1.
- 7.3 The employer may pay the employee an allowance to compensate for the use of her or his MFS car as described in paragraph 6.2, and additional compensation as described in paragraph 6.3.

**8 Employee responsibilities**

- 8.1 An employee who participates in the MFS shall:
- (a) meet the cost of running, maintenance, and registration, licensing and insurance; and
  - (b) comprehensively insure the MFS car.
- 8.2 If an employee must use her or his MFS car to travel away from her or his normal place of work, the employer shall pay monthly parking costs in excess of R10 a month and toll fees.

**9 Use of other forms of transport**

- 9.1 An employee shall use her or his MFS car for an official journey, except in exceptional cases where
- (a) public transport would prove more reasonable and/or practical,
  - (b) the roads in question are too rough for a normal passenger car, or
  - (c) the MFS car is undergoing repairs or service.
- 9.2 For a Director General in the MFS, a journey between home and the normal place of work constitutes an official journey.
- 9.3 Whether an employee with an MFS car may use another form of transport for an official journey shall be decided by:
- (a) in the case of an employee with the grade of Director or Chief Director, the executing authority; and
  - (b) in the case of an employee with the grade of Director General or Deputy Director General, the employee concerned.
- 9.4 If an employee must undertake an official journey and her or his MFS car is undergoing repairs or service,
- (a) if an employee has the grade of Director General or Deputy Director General, she or he may use state motor transport, or
  - (b) if the employee has the grade of Director or Chief Director,
    - (i) she or he shall obtain and utilise another private car, and
    - (ii) the employer shall provide compensation as if she or he used her or his MFS car.
- 9.5 If the MFS car of an employee with the grade of Director General or Deputy Director General is undergoing repairs or service, the employee
- (a) may use state motor transport for private purposes, and
  - (b) pay the tariff levied in the case of semi-official vehicles used for private journeys, as prescribed by the Department of State Expenditure.

**10 Replacement of car**

- 10.1 If an employee has not yet repaid the loan for an MFS car, she or he may replace the car only if
- (a) she or he cannot use or sell the car due to accident damage, fault or theft, or
  - (b) she or he leaves the public service.
- 10.2 If an employee must write off an MFS car as described in 10.1(a), she or he
- (a) shall pay the outstanding loan in full, and until that time pay any instalments that fall due; and

- (b) after redeeming the outstanding loan, she or he may apply for a new loan from the MFS.
- 10.3 If an employee must replace a car as provided in 10.1(b),
- (a) for the remainder of the original loan period, the employer shall pay a basic allowance equal to the instalments on the original loan, and
- (b) the employee shall pay any additional cost for her or his new car.

## 11 Promotion, demotion or termination

- 11.1 If a participant in the MFS changes in grade but remains eligible for participation, the employer shall
- (a) continue to pay the same basic and cash allowance until the employee becomes eligible for a new loan,
- (b) change the supplementary allowance to the level applicable to the employee's new grade from the date of her or his promotion or demotion, and
- (c) when the employee becomes eligible for a new loan, provide a loan commensurate with her or his new grade.
- 11.2 An employee shall cease to participate in the MFS if
- (a) for any reason, she or he stops working in a position covered by the scope of this agreement; or
- (b) she or he does not complete satisfactorily a probationary period for permanent employment in an eligible grade.

**Table 1. Official interest rate**

Period of application	Official interest rate
January 1, 1993 - January 31, 1994	15 per cent
February 1, 1994, to August 31, 1995	14 per cent
From September 1, 1995	16 per cent

**Table 2. Maximum loan and supplementary allowance, by grade, as of October 1, 1997**

Grade or equivalent	Supplementary allowance	Maximum loan amount
Director General or equivalent	R2139	R306 900
Deputy Director General up to Director General	R1261	R246 000
Chief Director up to Deputy Director General	R980	R185 000
Director up to Chief Director	R789	R135 000

**VI. Voluntary severance package****1 Aims**

If

- 1.1 the government wants to correct the size of the public service and create scope for redeploying supernumerary personnel,
- 1.2 an employee volunteers to terminate her or his services, and
- 1.3 the national interest does not require her or his continued employment in the public service,

the employer shall pay the employee a voluntary severance package (VSP).

**2 Duration**

The employer shall stop offering the VSP when the government determines that the public service has reached the correct size.

**3 Eligibility**

If an employee volunteers for a VSP, the employer may grant it unless

- 3.1 the employee faces a charge of misconduct or inefficiency, or the possibility of dismissal based on misconduct or inefficiency; or
- 3.2 the commission contemplated in section 236(6) of the 1993 Constitution is reviewing, or plans to review, the employee's contract, appointment or promotion.

**4 Criteria for granting the VSP**

- 4.1 The final decision on whether to grant a VSP to an employee lies with her or his executing authority. The executing authority shall seriously consider approving an application, with due consideration to the interests of the state.
- 4.2 If an executing authority declines an application for a VSP, she or he shall give the employee the reasons in writing.
- 4.3 The employer may delay granting a VSP by up to 18 months if:
  - (a) the employee works in a function where an Act requires that an incumbent have particular competencies;
  - (b) termination of the employee's services shall:
    - (i) seriously disturb public peace and order, resulting in loss of life,
    - (ii) disrupt implementation of reconstruction and development programmes, or
    - (iii) have serious humanitarian implications; or
  - (c) delays in filling the employee's position will cause substantial financial losses.

**5 Conditions for termination of service**

An employee who takes a VSP shall leave the public service under the provisions of section 17(2)(c) of the Public Service Act, with a severance package as provided in paragraph 7.

**6 Restrictions on rejoining the public service**

If an employee takes a VSP, the employer may not reappoint her or him in terms of the Public Service Act.

**7 Value of the VSP**

7.1 An employee who receives a VSP shall not claim any further benefit or payment from the employer.

7.2 If an employee who belongs to the GEPF receives a VSP, the GEPF shall make the payments provided in Table 1.

7.3 The employer shall pay the equivalent of one week's remuneration for each full year that the employee worked in the public service.

7.4 The employer shall pay an employee who receives a VSP:

(a) a leave gratuity equivalent to one day's pay for each day of the employee's accumulated leave, valued in terms of the employee's salary on termination of service;

(b) six times the monthly home-owner allowance for which the employee qualified on her or his last day of work;

(c) if an employee

(i) does not qualify for continued medical assistance on termination of her or his service, and

(ii) in the last month before the employer granted the VSP the employer made a monthly contribution to a medical scheme on the employee's behalf,

a cash amount equal to six times the employer's contribution to the medical scheme.

(d) the service bonus due to the employee on the date of termination; and

(e) if the employee requests, a cash payment in place of notice, equal to the amount she or he would have earned during the applicable notice period, including benefits.

7.5 If an employee belongs to the Motor Finance Scheme when she or he receives a VSP, the employer shall pay an amount equal to six times her or his monthly basic allowance.

7.6 If an employee has a car from the subsidised motor transport scheme when she or he receives a VSP,

(a) the employer shall pay her or him an amount equal to six times the monthly instalment owed on the car, and

(b) if the employee repays the outstanding debt on the car, she or he shall own it.

7.7 The employer may exempt an employee who receives a VSP from outstanding debts or contractual obligations to the employer that arise from education and/or training, including military training.

7.8 An employee who receives a VSP may continue to occupy state housing

(a) in normal cases, for up to one month, and

(b) if the employee would otherwise suffer serious hardship, for up to three months.

- 7.9 The employer shall pay resettlement benefits
- (a) to an employee aged 55 years or older who receives a VSP, in the amount provided to employees who retire, and/or
  - (b) to an employee who has to leave official quarters as a result of taking a VSP, to move to a new home in the same town.

**Table 1. VSP benefits from the GEPF**

	<b>Age (years)</b>	<b>Pension-able service (years)</b>	<b>GEPF payment</b>
a.	Under 50	n.a.	A gratuity equal to the larger of: 1. the cash benefit that the employee would receive on resignation, and 2. a cash benefit calculated according to Appendix A.
b.	50 or more	under 10	The same as an employee aged under 50.
c.	50 to 54	10 or more	The employee may choose between (a) the benefits provided to an employee aged over 55, discounted by 0,3 per cent for each month the employee is aged under 55, and (b) the payment to an employee aged under 50.
d.	55 or more	10 or more	A gratuity and annuity according to the formula applicable at the employee's pensionable age. (The GEPF shall neither scale down the benefits nor increase the pensionable service.)

**Appendix A.**

The cash benefit described in Table 1 (a) shall equal the present value of the employee's actual contributions to the pension fund, adjusted for seniority. The GEPF shall calculate it as

$$Z \times (R1 \times N1 + R2 \times N2) \times Int \times Sev \times D$$

where

Z = the employee's average annual pensionable salary

- in the 36 months up to resignation, or
- if the employee has not yet served 36 months, during her or his period of service

R1 x N1 = the employee's actual contribution to the pension fund as a percent of her or his salary on April 30, 1996, multiplied by her or his actual pensionable years of service to that date

R2 x N2 = 7,5 per cent multiplied by the employee's years of pensionable service following April 30, 1996

Int = 100 per cent, plus 2,5 per cent multiplied by the employee's full years of pensionable service

Sev = 100 per cent, plus  
10 per cent multiplied by the employee's full years of pensionable service up to 20 years, plus

15 per cent multiplied by the employee's full years of pensionable service between 20 and 30 years, plus

20 per cent multiplied by the employee's full years of pensionable service in excess of 30 years.

D = 100 per cent less the relevant discount from Table 2.

**Table 2. Discount for years of service.**

<i>for an employee with completed months of pensionable service equal to:</i>	<i>Percentage discount (maximum from previous category plus discount per month in category)</i>
0-36	0
37-120	0,26% for each month over 36 months
121-240	21,84% plus 0,17% for each month over 120 months
241-360	42,24% plus 0,07% for each month over 360 months
over 481	63,84% plus 0,05% for each month over 480 months

**VII. Overtime****1 Aim**

If an executing authority

- 1.1 expressly requires an employee to work more than normal hours or on days of rest, and
- 1.2 other agreements do not prevent overtime payments to the employee, the employer may provide compensation through time off or additional pay.

**2 Definition**

In this agreement, overtime refers to work in excess of the hours of work per week or month that an employee has contracted to perform.

**3 Authorisation**

- 3.1 Before an executing authority may authorise compensation for overtime, she or he shall negotiate a written policy for her or his department, determining
  - (a) under what conditions the department shall provide compensation for overtime work,
  - (b) what kind of compensation the department shall provide, and
  - (c) categories of employee to whom the department shall not provide compensation for overtime.
- 3.2 An executing authority shall communicate the departmental policy on overtime to all the employees in her or his department.
- 3.3 The employer may decline to authorise compensation for overtime.
- 3.4 The employer shall provide compensation for overtime only where an executing authority or her or his delegate has required or authorised, in writing,
  - (a) the performance of overtime work, and
  - (b) overtime compensation for the work performed.

**4 Rest, meal breaks and travel**

- 4.1 If an executing authority authorises overtime, she or he shall ensure
  - (a) fair and acceptable limits on the extent of overtime,
  - (b) periods for rest and meals, and
  - (c) as far as possible, that employees travel to and from work at a time when public transport is available.
- 4.2 Overtime shall generally include periods
  - (a) provided for rest and meals, and
  - (b) when an employee must stay at her or his place of work but cannot actually work due to circumstances beyond her or his control.
- 4.3 In order to perform authorised overtime, an employee may travel from home to her or his normal place of work or from the normal workplace to home at a time when she or he usually would not travel. In this case,
  - (a) if the employee was not on authorised standby duty,
    - (i) the journey counts as an official journey, but
    - (ii) the time spent on the journey does not count as overtime work; and

- (b) if the employee was on authorised standby duty, the time spent on the journey counts as overtime work.

4.4 If, in order to perform authorised overtime, an employee must travel to a place other than her or his normal place of work, the time spent on the journey shall count as overtime work.

## 5 **Sunday work**

5.1 The employer shall provide compensation for Sunday work when an executing authority has required an employee, in writing, to work paid overtime

- (a) on a Sunday or other public holiday, if the employee does not normally work on such a day, or
- (b) on a day the employee normally has off to compensate for work on a Sunday or other public holiday.

5.2 The employer shall compensate authorised Sunday work by

- (a) paying the employee concerned two times her or his normal hourly remuneration, or
- (b) granting time off equal to the time worked.

## 6 **Normal overtime**

6.1 The employer shall provide compensation for normal overtime when an executing authority

- (a) has required an employee, in writing, to perform official duties for more hours than the employee's normal working hours during a week, but
- (b) has not required Sunday work as defined in paragraph 5, or night overtime as defined in paragraph 7.

6.2 The employer shall compensate authorised normal overtime by

- (a) paying the employee concerned one and one third times her or his normal hourly remuneration, or
- (b) granting the employee time off equal to time worked.

## 7 **Night overtime**

7.1 The employer shall provide compensation for night overtime when

- (a) an executing authority has required an employee, in writing, to perform paid overtime between 20:00 hours and 6:00 hours, and
- (b) the employee does not normally work at night.

7.2 The employer shall compensate authorised night overtime by

- (a) paying the employee concerned two times her or his normal hourly remuneration, or
- (b) granting the employee time off equal to the time worked.

## 8 **Overtime allowance**

8.1 The employer may pay an employee a fixed monthly allowance to compensate for overtime if

- (a) the employee performs reasonably similar amounts of authorised overtime, Sunday work or night overtime from month to month, and
- (b) the employee agrees in writing.

8.2 The allowance shall equal the average monthly compensation the employee received for overtime in the six months preceding the establishment of the allowance.

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#### **VIII. Standby allowance**

- 1 If the employer requires an employee to be available for the performance of duty outside of her or his normal working hours, the employer shall pay a standby allowance.
- 2 The employer shall pay the allowance if an employee's supervisor requires an employee to be available for duty
  - 2.1 at a place other than the employee's normal place of work, and
  - 2.2 for a period of at least 16 hours during a 24-hour period
    - (a) from the normal closing time of the employee's place of work, or
    - (b) on a day on which the employee would not normally work.
- 3 The standby allowance shall equal R19,60 for each 24-hour period.
- 4 The standby allowance shall not affect or be affected by a payment for overtime due to the employee.

#### **IX. Danger allowances**

- 1 The employer shall compensate an employee who risks her or his life in the course of carrying out specified duties or training.
- 2 The employer shall not pay a danger allowance to an employee of the South African Police Services (SAPS), South African National Defence Force (SANDF), or the Department of Correctional Services who does not participate in the line activities of her or his department.
- 3 An employee may receive a Standard Danger Allowance and/or a Special Danger Allowance.
- 4 The employer shall pay the Standard Danger Allowance to an employee who
  - 4.1 undertakes or trains for one or more of the duties listed in paragraph 5, and
  - 4.2 in the course of her or his work or training, experiences a genuine risk to her or his life.
- 5 The following duties may qualify for the Standard Danger Allowance:
  - (a) under-water diving;
  - (b) parachute jumping;
  - (c) surveying, inspecting and/or helping to operate a vessel or submarine at sea, or an aeroplane, in pursuance of the employee's line functions;
  - (d) dowsing fires at airports and/or rescue work during fires and/or other emergencies;
  - (e) working with core drills, explosives or explosive weapons;
  - (f) repairing and maintaining arms and ammunition for the Inspectorate of Naval Ordnance of the Navy;
  - (g) working with or guarding convicts, people held in places or safety, or people on parole;
  - (h) investigating or preventing a crime;
  - (i) executing a military operation;
  - (j) acting as part of the SAPS or SANDF to maintain public order; and/or

- (k) working for the safety restricted laboratory of the National Institute for Virology.
- 6 The employer shall pay the Special Danger Allowance to an employee who works in one or more of the following:
- (a) the Task Force of the SAPS;
  - (b) a Public Order Policing Unit of the SAPS;
  - (c) the Reaction Unit of the Department of Correctional Services;
  - (d) the Special Forces of the SANDF;
  - (e) the Department of Correctional Services, in duties that require direct contact with maximum security prisoners;
  - (f) the SAPS or SANDF in areas that the National Commissioner of the SAPS and/or the Chief of the SANDF has designated as high risk due to:
    - (i) attacks on members of the SAPS and/or the SANDF;
    - (ii) widespread violent offences; and/or
    - (iii) military activities by enemy forces.
- 7 If an employee qualifies for the Standard Danger Allowance on one or more grounds, she or he shall receive R200 a month, or the equivalent amount in daily terms.
- 8 If an employee qualifies for the Special Danger Allowance on one or more grounds, she or he shall receive R300 a month, or the equivalent amount in daily terms.
- 9 If an employee qualifies for both the Standard and the Special Danger Allowances, she or he may receive both simultaneously.
- 10 The employer shall pay a danger allowance on the date an eligible employee receives her or his salary. The employer shall stop paying the allowance when the employee stops being eligible.

**X. Transport between residence and work****1 Aim**

An employee shall generally take responsibility for the costs of commuting to work. In exceptional circumstances, the employer may provide transport for a commuter. In such a case, the employee shall pay the amount provided by this agreement.

**2 Departmental policies**

2.1 Before providing transport under this agreement, an executing authority shall establish a written policy

- (a) defining the circumstances under which the department shall provide transport between residence and work, and
- (b) establishing other relevant measures and guidelines.

2.2 The executing authority shall negotiate the departmental policy as required under the Labour Relations Act.

**3 Use of government transport**

3.1 If exceptional transport problems arise and no other solution appears viable, an executing authority may at her or his discretion authorise an employee to use government transport between her or his residence and place of work.

3.2 An employee who uses government transport under these circumstances shall reimburse the employer according to Table 1. The executing authority shall determine whether an employee shall pay according to Option (a) or Option (b) in Table 1.

3.3 An employee shall pay a share of the tariff proportionate to her or his actual use of transport if she or he

- (a) uses government transport on less than half of the working days in a month, or
- (b) does not require a return trip.

3.4 The executing authority shall revise the tariffs in Table 1 on October 1 each year by the lesser of

- (a) the increase in the transport Consumer Price Index, or
- (b) the general salary increase.

**Table 1. Tariffs for government transport between residence and work**

<b>Option</b>	<b>Monthly tariff</b>
<i>(a) for a round-trip journey of</i>	
0-10 km	R14,00
over 10 to 20 km	R17,50
over 20 to 30 km	R26,00
over 30 to 40 km	R35,00
over 40 km	R42,50
<i>(b) uniform tariff</i>	R28,00

**XI. Official journeys****1 General**

- 1.1 The employer may meet reasonable costs of travel for official purposes.
- 1.2 In the context of this agreement, an executing authority shall establish written policies on, among others,
  - (a) procedures for approving an official journey
  - (b) acceptable means and class of transport
  - (c) expenditure limits
  - (d) when the employer shall pay for an employee's household or family to accompany her or him.
- 1.3 If an employee takes an official journey that violates a policy of her or his department, the employer may compensate the employee for none or only part of the costs.

**2 Serious illness or family death**

- 2.1 If an employee travelling on official duty becomes so ill she or he must remain distant from her or his home, the employer may pay reasonable actual costs for travel and accommodation for one or more family members to join her or him.
- 2.2 If an employee on official duty away from her or his normal place of work returns home because a spouse, parent or child becomes severely ill or dies, the employer may pay reasonable actual costs for the employee's travel and accommodation.

**3 Official journeys**

- 3.1 If an employee must use her or his private transport to carry out her or his duties, the employer may
  - (a) provide an allowance to cover reasonable actual costs, and/or
  - (b) compensate the employee according to tariffs prescribed by the Department of Transport.
- 3.2 The employer may compensate an employee for the cost of official journeys, including travel to and from the normal work place, when an employee must
  - (a) temporarily take up duties and, in consequence, residence at another place of work, or
  - (b) travel to work outside of normal hours.
- 3.3 If an employee must frequently undertake official automobile trips and does not have a licence, the employer may compensate her or him for the reasonable actual costs associated with obtaining one.

**XII. Accommodation while on official journeys****1. Aim**

If an employee must take an official journey, the employer shall meet her or his accommodation costs.

**2. Scope**

This agreement shall not apply to an employee who receives compensation under the agreements on camping staff or sessional employees.

**3. Compensation for accommodation during an official journey**

- 3.1. If an employee must take an official journey lasting under 24 hours, the employer shall meet reasonable actual accommodation costs, if any.
- 3.2. If an employee must take an official journey that lasts for 24 hours or longer, for each day or part of a day on the journey she or he may claim either:
  - a. reasonable actual expenditure on accommodation plus an allowance of R37,00 a day, or
  - b. an allowance of R121,50 a day.

### **XIII. Camping**

- 1 When camping staff perform duties away from their regular place of work, the employer may pay them a daily allowance of up to R45,00. If a department provides rations in kind, it shall deduct the cost from the daily allowance.
- 2 Where camping staff work away from headquarters on a regular and continuous basis, the employer may pay a fixed monthly amount to compensate them for accommodation costs.
- 3 Departments shall provide the necessary camping equipment and facilities for camping staff and for their immediate families, if their families normally stay with them.
- 4 The employer may refund expenditure on parking fees as well as the reasonable cost of fuel and water used in the camp.

### **XIV. Separation allowance**

- 1 The employer shall compensate an employee whose work requires considerable travelling for the disruption to her or his family life and for the inconvenience.
- 2 In this agreement, *dependant* mean an employee's relative, including a child, who lives with the employee and relies on the employee for the bulk of her or his subsistence.
- 3 To be eligible for the separation allowance, an employee
  - 3.1 must spend at least 180 nights a year on official duties away from her or his normal place of work, and
  - 3.2 may not receive another allowance, other than a subsistence allowance, to compensate for the time spent away from home.
- 4 The employer shall pay an eligible employee a separation allowance if the employee must travel on official duties away from her or his normal place of work for an uninterrupted period of over 15 days.
- 5 The employer shall continue to pay the separation allowance if, during a trip that qualifies for the allowance, an employee remains away from her or his normal place of work while taking
  - 5.1 sick leave, including special sick leave, for a continuous period of up to six months, or
  - 5.2 special leave with full pay.
- 6 The employer shall pay separation allowance on a day of rest unless, on that day, the employee travels to her or his home at the employer's cost.
- 7 The separation allowance shall equal
  - 7.1 R15,19 per day for a person who lives with a spouse and/or dependants, and
  - 7.2 R10,63 per day for a person who does not live with a spouse and/or dependants.

**XV. Resettlement****1 General**

- 1.1 The employer shall generally meet, within reason, the actual resettlement costs within the country incurred by an employee and her or his immediate family as a result of official duties, or, in some cases, on termination of service or death.
- 1.2 For this purpose, an employee's immediate family includes only an employee's
- (a) spouse,
  - (b) minor child, and/or
  - (c) relative
    - (i) who lives with the employee except when attending an educational institutions, and
    - (ii) who relies on the employee for the bulk of her or his subsistence.

**2 Departmental policy**

- 2.1 An executing authority shall establish and where appropriate negotiate written policies on resettlement, including among others
- (a) limits on expenditure,
  - (b) maximum periods of compensation,
  - (c) restrictions on the quantity and kind of personal effects covered, and
  - (d) costs of property transfer.

**3 Costs associated with transfer**

- 3.1 If the employer requires an employee to transfer to a new place of work, the employer may assist the employee with the associated costs, as provided below.
- 3.2 *Travel and subsistence*
- The employer may meet the reasonable actual costs an employee incurs for travel and subsistence during:
- (a) one visit by an employee or a member of her or his immediate family to the new place of work before the date of the transfer, and
  - (b) the move of the employee and her or his immediate family to the new place of work.
- 3.3 *Transportation and storage of household and personal effects*
- For household and personal effects of the employee and her or his immediate family, the employer may meet reasonable actual costs of transport to the new permanent accommodation, storage, packing and unpacking, and insurance cover.
- 3.4 *Interim accommodation*
- If the employee and her or his immediate family must unavoidably rent interim furnished accommodation at the old and/or new place of work, the employer may meet reasonable actual costs.
- 3.5 *Tax on motor vehicles that cross international borders*
- The employer may pay the actual expenditure on custom duty, tax and other levies or fees that arise from the transportation of private motor vehicles (including vehicles obtained under the Motor Finance Scheme) across international borders.
- 3.6 *New school books, uniforms and related costs*

- (a) For each school child who must change school and who is a dependent of the employee, the employer may provide a once-off amount of R1030.
- (b) On a quarterly basis, the Minister shall revise the amount described in paragraph 3.6(a) in accordance with the Consumer Price Index for clothing and footwear.

**3.7** *Travel expenses of dependent school children*

If members of the employee's immediate family must remain in a school near the employee's former place of work, the employer may, for a maximum of one school year, cover the most economical reasonable mode of travel to the new place of work at the beginning and end of the school year and for school holidays.

**3.8** *Transfer fees on accommodation*

The employer may pay reasonable actual transfer fees if the employee purchases a dwelling or a building site at the new place of work.

**3.9** *Sundry costs*

To meet incidental expenses, the employer may pay

- (a) if an employee will occupy furnished accommodation at the new place of work, 25 per cent of the employee's basic monthly salary on the date of resettlement, or
- (b) if an employee will occupy unfurnished accommodation, the employee's basic monthly salary on the date of resettlement.

**4** **Privileges for new appointees**

4.1 The employer may pay the reasonable actual costs of relocation of a newly appointed public servant to her or his place of work. These expenditures may include reasonable actual costs of:

- (a) travel by the employee and her or his immediate family, and
- (b) transport, insurance and one month's storage for personal and household goods.

4.2 The employee shall agree in writing to repay the employer's expenditure for relocation if she or he should leave the public service in a year or less.

4.3 If an employee is recruited from abroad, her or his executing authority may provide a once-off sum to assist her or him with initial expenses before she or he receives her or his first salary payment.

**5** **Privileges on termination of service or death**

5.1 If

- (a) an employee dies or retires, or
- (b) the employer terminates the contract of a contract employee,

the employer shall meet, at the request of the employee or her or his family, the reasonable actual costs of resettlement of the employee and her or his immediate family, as provided in paragraphs 5.2 and 5.3.

5.2 In the case of an employee recruited in South Africa, the employer will pay for resettlement within South Africa.

5.3 In the case of an employee recruited from abroad, the employer will pay for resettlement at the employee's place of origin.

5.4 The employer may meet the costs of transporting home the remains of an employee who died on official duty away from her or his normal place of work.

**XVI. State and Other Housing**

- 1 This agreement applies if
  - 1.1 the employer deems it necessary for an employee to occupy specific housing, and
  - 1.2 the employee is not a member of the SANDF, the SAPS or Correctional Services.
- 2 The employer shall require an employee to live only in housing that provides a safe and healthy environment for the employee and, where relevant, her or his family.
- 3 An executing authority may establish a more detailed policy for her or his department, if
  - 3.1 she or he negotiates the policy, if necessary, and
  - 3.2 the policy does not violate this agreement.
- 4 The executing authority shall enter into an agreement of tenancy with the employee. The contract shall ensure that, if
  - 4.1 the employer determines that an employee no longer needs to occupy the specific housing to carry out her or his work, or
  - 4.2 the employee terminates her or his employment with the public service,the employer shall give the employee and/or her or his family three months' notice to move out of the housing.
- 5 If the employer requires an employee to occupy specific housing, the employee shall pay:
  - 5.1 for standard housing, defined as housing built with permanent materials,
    - (a) for married housing, 4 per cent of her or his basic salary to a maximum of R200 per month; or
    - (b) for single housing, 1 per cent of her or his basic salary;
  - 5.2 for non-standard housing, for instance prefabricated housing, 50 per cent of the rent for equivalent standard housing; or
  - 5.3 for *voetstoots* housing, which means housing that has deteriorated to the point where it cannot be fully repaired, 75 per cent of the rent for equivalent standard housing.
- 6 If the employer can provide only single housing for a married employee, the employee shall pay 75 per cent of the rent for married housing of the same type.
- 7 If the employer can provide only quarters in a hostel or shared housing for a single employee, the employee shall pay 75 per cent of the rent for single housing of the same type.
- 8 The employee shall pay municipal taxes, levies and services for the housing.
- 9 If the employee must temporarily move out of the housing to permit necessary maintenance work or to let a substitute employee move in, the employer shall
  - 9.1 exempt the employee from payments for the relevant period; and
  - 9.2 reimburse her or him for
    - (a) expenses related to the transport and storage of personal effects and
    - (b) the reasonable actual costs of alternative accommodation for the period concerned.

**XVII. Clothing for work****1 Uniforms and special clothing**

- 1.1 If an employee's work requires that she or he wear a uniform or particular clothing, the employer shall provide either
- (a) the uniform or clothing, or
  - (b) an allowance that covers the reasonable actual cost of the uniform or clothing.
- 1.2 If
- (a) an employee must hire formal clothing to attend an event either
    - (i) on duty, or
    - (ii) at the explicit instruction of her or his executing authority or head of department, and
  - (b) she or he does not receive an allowance for clothing or a representation allowance,
- the head of department may approve reimbursement of the cost.

**2 Protective clothing**

The employer shall provide and launder protective clothing for an employee where necessary

- 2.1 to comply with legislation or a collective agreement,
- 2.2 to safeguard the employee's health,
- 2.3 to prevent the transmission of an infection, or
- 2.4 to protect the employee's private clothes or uniform from excessive dirt or wear.

**3 Clothing grant on transfer**

- 3.1 The employer may provide a clothing grant if
- (a) the employer transfers an employee outside of South Africa to a new workplace with an extreme change in climate, and
  - (b) the employee has not received a similar grant in the past three years.
- 3.2 The executing authority shall prescribe a maximum amount for the grant. Up to that amount, the grant shall reflect reasonable actual expenditure.

**XVIII. Assistance with boarding school and lodging fees**

- 1 If, for specific work-related reasons, an employee's children must attend school away from home, the employer may help with some of the costs.
- 2 An executing authority may assist with boarding costs for a dependant child of an employee if the child attends primary or secondary school, and
- 2.1 the employee's work requires the employee to move frequently, or
  - 2.2 the schools available where the employee lives and works
    - (a) are over 32 km distant, or
    - (b) do not teach in the employee's home language.
- 3 The employer shall not provide this kind of assistance for an employee
- 3.1 who is stationed abroad and receives a child allowance, or

3.2 who performs parliamentary duties.

4 The employer

4.1 shall pay only for accommodation, meals and laundry, and

4.2 shall not pay over half of reasonable boarding-school or lodging fees.

#### **XIX. Allowances for personnel serving executing authorities**

##### **1 Aim**

In some cases, the employer shall provide an allowance for personnel directly serving executing authorities.

##### **2 Existing allowances**

If an employee received an allowance for serving an executing authority on March 1, 1999, the employer shall continue to pay the allowance until

2.1 the employer and employee negotiate a change in line with the requirements of the Labour Relations Act 1995,

2.2 parties in a bargaining council that includes the employee in its scope negotiate a change in the system of allowances, or

2.3 the employee leaves the position that she or he occupied on March 1, 1999.

##### **3 Eligibility**

3.1 The employer may pay the allowance to an employee who serves an executing authority

(a) either directly or by working for an employee who reports to the executing authority, and

(b) in terms of a Cabinet decision on Ministerial staffing.

3.2 The employer shall pay an employee the allowance if the employee's executing authority considers it necessary to compensate for

(a) undertaking duties that lie outside the employee's primary career or profession;

(b) overtime;

(c) travelling; and/or

(d) inconvenience.

##### **4 Determination of allowances**

###### *4.1 Clothing and overtime*

(a) Existing collective agreements regulate payment for clothing.

(b) A member of the services who works for an executing authority shall receive

(i) payment for clothing in accordance with the agreement governing other public servants, and

(ii) payment for overtime

(i) in accordance with the agreement governing other public servants, or

(ii) through an overtime allowance of R225 per month.

###### *4.2 Compensation for inconvenience and for work outside of an employee's main career*

- (a) An executing authority may pay an eligible employee an allowance equal to a maximum of R2150 a month for inconvenience and work outside of the employee's main career.
- (b) The employer and employee shall pay normal pension contributions on the allowance.
- (c) The Minister may revise the maximum amount annually, based on the overall increase in the Consumer Price Index.
- (d) Up to the maximum amount,
  - (i) parties in a bargaining council may negotiate the allowance for a particular position that falls within the scope of the council, and
  - (ii) if no collective agreement affects a position, the executing authority shall determine the amount of the allowance.

## **XX. Sessional assistance**

### **1 Aim**

- 1.1 If an employee must reside temporarily in Cape Town in order to undertake Parliamentary work, the employer shall assist her or him to meet the costs of maintaining two households.
- 1.2 Sessional assistance shall consist of a sessional allowance, assistance with the cost of children, and support for travel and subsistence.
- 1.3 Sessional assistance shall assist only with the costs of an employee and/or her or his dependants and/or spouse. For these purposes, dependants include an employee's
  - (a) dependant child, and/or
  - (b) relative who
    - (i) who lives with the employee except when attending an educational institution, and
    - (ii) who relies on the employee for the bulk of her or his subsistence.

### **2 Eligibility**

- 2.1 The employer shall provide sessional assistance to an employee
  - (a) whom the head of department designates as a sessional official, and
  - (b) who must stay in Cape Town temporarily to perform sessional duties.
- 2.2 The employer shall not provide sessional assistance to a sessional employee who is stationed permanently in Cape Town.
- 2.3 If an employee and her or his spouse are both sessional employees, only one shall receive sessional assistance.

### **3 Sessional allowance**

- 3.1 The sessional allowance shall equal
  - (a) R71,25 a day for an employee who has a spouse and/or dependants, and
  - (b) R43,00 a day for an employee who does not have a spouse or dependants.
- 3.2 The employer shall start paying the sessional allowance
  - (a) when a sessional employee leaves her or his normal place of work to travel to Cape Town to take up sessional duties, or
  - (b) a maximum of two days before the employee commences sessional duties, if

- (i) the child of a sessional employee must attend a primary or pre-primary school in Cape Town, and
- (ii) the employee or her or his spouse must therefore arrive in Cape Town before the employer requires.

3.3 While an employee performs sessional duties, the employer shall pay her or him a sessional allowance for a maximum of one vacation day per month.

3.4 The employer shall stop paying the sessional allowance from

- (a) the date the employee stops having sessional duties, if she or he then
  - (i) returns to her or his normal place of work, or
  - (ii) remains in Cape Town but does not take up other official duties;
- (b) if she or he undertakes official duties in Cape Town, the date the employee finally returns to her or his normal place of work; or
- (c) if the employee has children in primary or secondary school in Cape Town, the sooner of
  - (i) the date the children leave Cape Town, and
  - (ii) the Saturday after the day the employee stops doing sessional or subsequent official duties in Cape Town.

#### 4 **Assistance with resettlement for sessional reasons**

4.1 When an employee first assumes sessional duties, if she or he needs financial assistance to settle in Cape Town, her or his executing authority may provide a cash advance.

4.2 The executing authority shall

- (a) deduct the amount of the advance in equal payments from the employee's sessional allowance and
- (b) recover any amount outstanding at the end of the employee's sessional duties according to relevant financial directives and the Public Service Regulations.

4.3 If

- (a) an employee stops having sessional duties for any reason other than resignation, and
- (b) the employer considers the amount of packing necessitates the employee's presence

the employer may pay for the employee or her or his spouse to travel to and from Cape Town to arrange the move.

4.4 For the purpose described in paragraph 4.3, the employer shall pay reasonable actual travel costs and a maximum of two days' subsistence.

#### 5 **Travel**

5.1 *At the start and end of sessional duties*

For a sessional employee and her or his spouse and/or dependants to travel to and from Cape Town at the beginning and end of sessional duties, the employer shall pay the costs of

- (i) travelling,
- (ii) subsistence if necessary, and
- (iii) transport and insurance for essential personal effects.

5.2 *Special travel allowance*

- (a) If sessional duties require an employee to separate from her or his family, the employer may pay the minimum travel costs for the employee and, in exceptional cases, for her or his spouse and/or dependants to reunite as a household. The employer shall provide funds for this purpose no more than once in four months.
- (b) In exceptional cases, the employer may pay the minimum travel costs for the employee and/or her or his spouse to attend to urgent and vital personal or family affairs at the employee's normal place of work.
- (c) If an employee receives a special travel allowance, for the duration of her or his absence she or he
  - (i) shall not be paid a subsistence allowance, and
  - (ii) shall utilise available vacation or unpaid leave.

## 6 Sessional assistance for children

### 6.1 *Child allowance*

- (a) The employer shall provide a child allowance for each minor child who
  - (i) is a dependant of a sessional official, and
  - (ii) does not participate in a post-secondary course or military service.
- (b) For each day on which an employee receives a sessional allowance, the employer shall pay her or him R7,20 per day for each eligible child.

### 6.2 *Child boarding allowance*

- (a) The employer shall assist in meeting the accommodation costs of a dependant child who, as a result of an employee's sessional duties, must stay in a hostel or private lodgings in order to attend school, including a tertiary institution.
- (b) Accommodation costs shall include only rent, meals and laundry.
- (c) The employer shall pay the lesser of
  - (i) 50 per cent of actual accommodation costs, or
  - (ii) 50 per cent of the hostel fees charged by the nearest hostel of a Government school or a tertiary institution.
- (d) An executing authority shall determine the period during which the employee must meet accommodation costs for the child as described in paragraph 6.2(a), and pay the allowance for that period.

## 7 Sessional accommodation allowance

### 7.1 If an employee

- (a) occupies her or his private home in Cape Town while performing sessional duties, and
- (b) is graded as Deputy Director General or above,

the employer may pay her or him an allowance equal to the amount she or he would receive as a home-owner allowance on the home for the period of her or his stay in Cape Town.

7.2 The employer may compensate a sessional employee who cannot obtain official accommodation during all or part of her or his sessional duties as provided in Table 1.

7.3 The employer shall meet hotel costs only if an employee demonstrates that she or he cannot obtain rental accommodation for the allowance provided.

**Table 1. Sessional accommodation allowance**

<b>Accomod-ation</b>	<b>Allowance</b>
(a) rented by one employee	<ol style="list-style-type: none"> <li>1. actual monthly expenditure on water and electricity for domestic use</li> <li>2. rent for a garage, if the house does not include one</li> <li>3. actual monthly rent, up to a maximum of: <ul style="list-style-type: none"> <li>• R1200 for an unaccompanied employee</li> <li>• R1500 for a married employee accompanied by her or his dependants and/or spouse</li> </ul> </li> </ol>
(b) rented by more than one employee	<p>If an employee shares accommodation with another employee who is not a spouse, the employer shall pay each employee the proportional share of</p> <ul style="list-style-type: none"> <li>• the actual rent to a maximum of R1200 per month,</li> <li>• the cost of parking for a single car, if the accommodation does not have attached parking, and</li> <li>• the actual expenditure on water and electricity.</li> </ul>
(b) hotel	<p>The amount over R1182 per month for a married employee, and R850 per month for a single employee, resulting from:</p> <ol style="list-style-type: none"> <li>1. the monthly expenditure on hotel accommodation for the employee and her or his dependants,</li> <li>2. laundry,</li> <li>3. rent for a garage, where necessary, and</li> <li>4. a maximum amount for meals of: <ul style="list-style-type: none"> <li>• R1051 for the employee and/or a dependent aged over ten years, and</li> <li>• R527 for a dependent aged under ten years.</li> </ul> </li> </ol>

**XXI. Special recruitment allowance for selected health personnel**

- 1 The employer shall compensate registered doctors, dentists and medical or dental specialists for working in specified remote and/or underserved areas.
- 2 The employer shall pay the allowance to a full-time employee who
  - 2.1 participates directly in clinical and/or medical administrative work,
  - 2.2 works in an institution listed in Appendix A, and
  - 2.3 agrees in writing that
    - (a) if the employer removes an institution from Appendix A, the employer shall stop paying her or him the allowance one year from the start of the following financial year; and
    - (b) if the employee transfers to an institution not listed in Appendix A, the employer shall stop paying her or him the allowance from the date she or he starts the new duties.
- 3 In a year in which an eligible employee receives her or his full annual salary, the allowance shall equal R19 800 a year.
- 4 In a year in which an eligible employee receives less than her or his full annual salary, the allowance shall equal R19 800 reduced proportionally to the difference between the employee's full annual salary and her or his actual salary in that year.

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**XXII. Allowance for secretaries to a head of department**

- 1 The employer shall pay a monthly allowance to a full-time secretary of
  - 1.1 an employee graded at or above the level of Director General, or
  - 1.2 a head of department, as defined by Schedule I of the Public Service Act.
- 2 The allowance shall equal 10 per cent of the minimum salary in the salary range of the employee concerned.
- 3 When an employee leaves a position that is eligible for the allowance, the employer shall stop paying the allowance to her or him .

**XXIII. Allowance for full-time secretaries to selected judges**

- 1 The employer shall pay a monthly allowance to the full-time secretary of the Chief Justice, the President of the Constitutional Court or a Judge President.
- 2 The allowance shall equal 10 per cent of the minimum salary in the salary band of the employee concerned.
- 3 When an employee leaves a position that is eligible for the allowance, the employer shall stop paying the allowance.

**XXIV. Supervision of school hostels**

- 1 The employer shall compensate an employee for supervising a hostel attached to an educational institution. The allowance shall depend on the nature of an employee's duties and the size of the hostel.
- 2 A manager of a hostel who supervises educational, administration and economic functions shall receive a monthly allowance equal, as a percentage of her or his pensionable remuneration, to
  - 2.1 12,5 per cent if the hostel has an enrolment of under 60;
  - 2.2 13,5 per cent if the hostel has an enrolment of between 61 and 120;
  - 2.3 14,5 per cent if the hostel has an enrolment of between 121 and 300; or
  - 2.4 15,5 per cent if the hostel has an enrolment of over 300.
- 3 If a manager of a hostel does not supervise
  - 3.1 educational functions, the employer shall reduce the allowance described in paragraph 2 by 50 per cent;
  - 3.2 administrative functions, the employer shall reduce the allowance described in paragraph 2 by 25 per cent; and/or
  - 3.3 economic functions, the employer shall reduce the allowance described in paragraph 2 by 25 per cent.
- 4 The employer shall also pay an allowance to an employee who assists with educational and other duties at a hostel, including implementing an educational programme and/or maintaining the well-being of boarders and learners. An employee who performs this type of work shall receive an allowance equal to 12,5 per cent of her or his pensionable remuneration.
- 5 If the salary of an eligible employee changes, the employer shall adjust the allowance from the first salary pay day following the change.

**XXV. Cryptographic allowance**

- 1 The employer shall pay a monthly cryptographic allowance to an employee who
  - 1.1 completes an approved course in cryptography,
  - 1.2 works in the Department of Foreign Affairs, the South African Police Service, or the South African National Defence Force, and
  - 1.3 performs cryptographic duties while working as:
    - (a) a Foreign Affairs assistant outside South Africa,
    - (b) a telecom operator,
    - (c) a military employee trained as telecom operator, or
    - (d) an employee of the SAPS.
- 2 The cryptographic allowance shall equal 6,5 per cent of the minimum monthly salary in level 7, rounded to the nearest rand amount.

**XXVI. First-Aid Box Allowance**

- 1 The employer shall compensate an employee for acquiring and maintaining the skills needed to assume responsibility for a first-aid box, where necessary.
- 2 The employer shall pay the allowance to an employee who:
  - 2.1 at the direction of the head of department, assumes responsibility for a first-aid box,
  - 2.2 for that purpose, takes a first-aid course provided by a recognised first-aid agency, and
  - 2.3 demonstrates proficiency at least every three years by taking a test in first aid.
- 3 To comply with paragraph 2.3, the employee shall take a test provided by:
  - 3.1 a recognised first-aid society; or
  - 3.2 if the executing authority approves because the employee works too far from a test centre, by
    - (a) a district surgeon or government medical employee; or,
    - (b) if neither a district surgeon nor a government medical employee is available, a medical practitioner.
- 4 The allowance shall equal
  - 4.1 R10 a month for an employee designated first-in-charge of a first-aid box, and
  - 4.2 R5 a month for an employee designated relief or second-in-charge of a first-aid box.
- 5 If an employee undertakes training in order to take responsibility for a first-aid box, the employer may refund the associated costs.

**XXVII. The Antarctic and Gough and Marion Islands**

- 1 **Aim**

The employer shall compensate an employee for the hardships of work in the Antarctic and/or Gough and Marion Islands.

**2 A member of an expedition**

- 2.1 In this agreement,
- (a) *expedition* means an expedition in the Antarctic and/or the Gough and Marion Islands, and
  - (b) *Islands* means the Gough and Marion Islands.
- 2.2 If, while on an expedition, an employee occupies a position with a higher grade than her or his normal position, for the duration of the expedition the employer shall pay her or him a non-pensionable allowance equal to the difference between
- (a) her or his normal salary, and
  - (b) the minimum of the salary range that applies to the position she or he holds during the expedition.
- 2.3 The employer shall pay a member of an expedition in the Antarctic and/or Islands a bonus of R6186 per year.
- 2.4 The employer shall supply a member of an expedition free of charge with
- (a) protective clothing and medical care,
  - (b) reasonable quantities of tobacco products and alcohol, or the cash equivalent if the employee does not use the products provided, and
  - (c) food and living quarters.

**3 An employee who visits a base to assist with maintenance, stocking or research**

- 3.1 The employer shall grant an employee who visits a base to assist with maintenance, stocking or research
- (a) free living quarters and repayment of reasonable expenditure on mess fees while on the ship travelling to the base,
  - (b) free living quarters and rations at the base
- 3.2 From the date an expedition leaves Cape Town until it returns to Cape Town, the employer shall pay:
- (a) an employee who visits a base to assist with maintenance, stocking or additional research, including the Chief Scientist on the ship, an allowance equal to 15 per cent of the average of the minimum salaries in salary range 5 and salary range 6;
  - (b) the overall co-ordinator, a special bonus of R1497;
  - (c) a team leader, a special bonus of R1200;
  - (d) a team member, if her or his team leader certifies that she or he has provided satisfactory service, a special bonus of R606;
  - (e) the Chief Scientist on the ship, a special bonus of R1200; and
  - (f) the officer in command of the SANDF component, a special bonus of R1200.

**XXVIII. Recognition of long service**

- 1 An executing authority shall provide a long-service reward to an employee who has served the government continuously for at least 20 years.
- 2 Government service includes continuous service for a government department, a state or state-assisted school or a statutory body established by Parliament.

- 3 For an employee who has rendered 20 years of continuous and consistently satisfactory service, an executing authority shall provide, as a minimum,
  - 3.1 a certificate, and
  - 3.2 cash payment for ten days vacation leave at the employee's current salary, if the employee has accrued that much leave and wishes to exchange it for cash.
- 4 For an employee who has rendered 30 years of continuous and consistently satisfactory service, an executing authority shall provide, as a minimum,
  - 4.1 if the employee does not work for the SANDF, the SAPS or Correctional Services, a watch, which the employee may choose from the selection provided by the employer,
  - 4.2 a certificate, and
  - 4.3 cash payment for fifteen days vacation leave at the employee's current salary, if the employee has accrued that much leave and wishes to exchange it for cash.

#### **XXIX. Members Of The Part-Time Component Of The South African National Defence Force**

An employee who is a trained member of the Part-time Component of the South African National Defence Force shall, during periods of service in the component, receive her or his normal remuneration in addition to any remuneration provided for her or his military service.

#### **XXX. Personal shift allowance**

- 1 If an employee
  - 1.1 received a personal shift allowance before July 1, 1996,
  - 1.2 continues to work in shifts,the employer shall pay her or him a shift allowance except when the employee takes leave.
- 2 The personal shift allowance shall equal the allowance paid to the employee on March 1, 1999.
- 3 If the employee stops working shifts, the employer shall permanently terminate the allowance.

#### **XXXI. Night shift allowance**

- 1 The employer shall compensate an employee for the inconvenience of working a night shift.
- 2 The employer shall pay the allowance to an employee who works a regular night shift
  - 2.1 at an institution that provides a service for over eight hours a day, and
  - 2.2 between 19h00 and 07h00.
- 3 The employer shall not pay the allowance to an employee who
  - 3.1 works at night, but not in a regular shift, or
  - 3.2 receives a Personal Shift Allowance.
- 4 The allowance shall equal R1,33 per hour.

#### **XXXII. Robben Island allowance for Correctional Services**

- 1 The employer shall continue to phase out the Robben Island allowance for members of Correctional Services who formerly served on Robben Island.

- 2 As previous collective agreements provide, if an employee
  - 2.1 receives the allowance, and
  - 2.2 for any reason earns a salary increase,

the employer shall reduce the Robben Island allowance paid the employee by an amount equal to 50 per cent of the salary increase.

### **XXXIII. Cash payment for additional qualifications**

If, as of January 1, 1999,

1. an employee had entered into studies for an additional or higher qualification, and
2. item 14.0 of the Personnel Administrative Standard that applied to her or him on that date provided a cash award for completion of those studies,

the employer shall pay the employee the cash award when the employee complies with the requirements laid down in the relevant Personnel Administrative Standard.

### **XXXIV. Employer-initiated retrenchments**

The current agreement on employer-initiated retrenchments shall remain in force until the parties negotiate, in line with the requirements of the Labour Relations Act of 1995, a new agreement on the topic.

### **XXXV. Awards and bonuses for performance, innovations or achievement**

The current dispensation on merit bonuses and other forms of recognition of outstanding performance, innovations or achievements shall remain in force until the parties negotiate, in line with the requirements of the Labour Relations Act of 1995, a new agreement on the topic.

### **XXXVI. Grading and remuneration**

- 1 **Aims**
  - 1.1 The employer and employee organisations agree
    - a. to negotiate work organisation and grading in the appropriate council, and
    - b. to pay contract and part-time employees on the same basis as permanent and full-time employees.
- 2 **Scope**
  - 2.1 This agreement applies to the employer and all employees covered by the scope of the PSCBC.
  - 2.2 This code and procedures does not apply to the employer and employees covered by an agreement on work organisation, grading and payment for contract and/or part-time employees concluded in a sectoral council prior to March 1, 1999.
- 3 **Work organisation, job descriptions, grading and promotions**

- 3.1 Where changes in work organisation affect matters of mutual interest, the employer and employee representatives shall negotiate in the relevant sectoral, provincial or departmental council.
- 3.2 The employer and employee representatives may renegotiate eligibility and procedures for rank progression in the relevant sectoral, provincial or departmental council.
- 3.3 In introducing or modifying rank progression, the employer and employee representatives shall strive
  - a. to define career paths for all public servants, and
  - b. to support the achievement of representativity.
- 3.4 Qualifications requirements for a position shall be interpreted to permit recognition of equivalent competency.

#### 4 **Remuneration and regrading**

- 4.1 In this agreement,
  - a. *job* refers to a job or group of jobs covered by a single job title and job description,
  - b. *grade* refers to a grade on the relevant salary scale,
  - c. a job is *overgraded* if its salary reflects a grade higher than its job evaluation indicates, and
  - d. a job is *undergraded* if its salary reflects a grade lower than its job evaluation indicates.
- 4.2 If a job evaluation as provided under the Public Service Regulations indicates that a job has been overgraded,
  - a. an incumbent employee shall remain on the same grade, with the associated salary and benefits;
  - b. the employer shall not consider overgrading in itself grounds for redundancy; and
  - c. the employer may require an incumbent employee to undertake duties proportional to her or his grade. This process shall not mean only adding duties, but rather a restructuring of work to increase the value of the job.
- 4.3 If a job evaluation as provided under the Public Service Regulations indicates that a job has been undergraded, the employer shall either
  - a. within a reasonable period of time, endeavour to upgrade the position of an incumbent employee, or
  - b. with the agreement of the affected employee, restructure her or his duties to reflect the grade determined by the job evaluation.

#### 5 **Contract workers**

- 5.1 The remuneration of a worker on a contract with a fixed term shall equal the larger of
  - a. the tariff provided in Appendix 1, based on PAS for casual workers, or
  - b. the remuneration of an equivalent permanent worker, which derives from
    - i. evaluation of the job in line with the Public Service Regulations, or
    - ii. the salary of a similar existing position.
- 5.2 If an employee
  - a. has a contract with a fixed term of over three months, and
  - b. earns the same salary as an equivalent permanent worker,the employer may pay her or him 30 per cent of salary in lieu of benefits.

