



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

Private Bag X916, Pretoria, 0001. Tel: (012) 314 7911, Fax (012) 323 2386 or (012) 324 5616
Private Bag X9148, Cape Town, 8000. Tel: (021) 467 5140, Fax: (021) 462 2299

Inquiry Edward Harris
Telephone (012) 314 7520
File 1/7/1/4/1

TO HEADS OF NATIONAL/PROVINCIAL DEPARTMENTS AND PROVINCIAL ADMINISTRATIONS

TRANSFER FRAMEWORK TO FACILITATE TRANSFERS (MOBILITY) OF PERSONNEL BETWEEN THE SPHERES OF GOVERNMENT

During 2002, a comparative study on the remuneration and conditions of service between the local government sector and the public service sector was commissioned and undertaken by representatives from the South African Local Government Association (SALGA), Department of Provincial and Local Government (DPLG) and this department. The study was undertaken in the context of a vision on the "single public service" (integrated public service).

The comparative report which was presented to the President's Co-ordinating Council in November 2002 highlighted a number of disparities one of which related to insufficiencies in the existing regulatory frameworks in facilitating staff mobility between the public service and local government sectors. The recommendations in the report, among other, included the need for a mechanism to facilitate the mobility of employees between the spheres of government.

To take the recommendations forward, a G & A task team regarding a single public service was established in June 2003 and one of the team's key outputs was the development of a policy framework with a view to facilitate staff mobility.

The rationale for the above derives from the fact that:

1. the current provisions of the Public Service Act, 1994 (PSA), as amended and the Public Service Regulations, 2001 (PSR) cannot be used to facilitate the transfer of employees to the local government institutions, as the Act and the PSR is only applicable to national/provincial sphere of government; and
2. the existing legislative frameworks within the local government is not adequate for the transfer of employees from local government to the public service sector, as well as for transfers from national departments to the local government.


As can be seen from the inadequacies of the existing regulatory frameworks, as highlighted above, staff mobility between the public service sector and the local government sector is extremely limited and cumbersome which is undesirable considering the need for interdependence, co-operative governance and integrated service delivery.

For this reason the Minister for the Public Service and Administration (MPSA) has, in terms of Section 3(3)(e) of the PSA, issued the attached Transfer Framework, effective from 1 July 2004, as a directive to provide the parameters within which personnel mobility between the public service and local government institutions will be dealt with. The MPSA has also approved the attached amendment to the PSR to enable the issuing of a directive applicable to the transfer of personnel to the public service.

Departments involved in the transfer of personnel to and from local government are urged not to enter into any collective agreement with employee organizations regarding remuneration or conditions of service matters before consulting with the this Department.

For matters regarding remuneration and conditions of service please contact the Chief Directorate: Remuneration and Conditions of Service (Ms. B. Rankin, 314 7100).

For matters relating to collective bargaining and labour relations please contact the Chief Directorate: Negotiations and Labour Relations (Mr. K. Govender, 314 7045) of this Department.


ACTING DIRECTOR-GENERAL
DATE: 25/06/2004

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No.**GOVERNMENT NOTICE****Public Service and Administration, Department of***Government Notice*

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GOVERNMENT NOTICE**DEPARTMENT OF PUBLIC SERVICE AND ADMINISTRATION****No. R. 785****28 June 2004****AMENDMENTS OF PUBLIC SERVICE REGULATIONS, 2001**

The Minister for the Public Service and Administration has, under section 41 of the Public Service Act, 1994 (promulgated under Proclamation No. 103 of 1994) and with effect from 1 July 2004, amended the Public Service Regulations, 2001 (published under Government Notice No. R.1 of 5 January 2004), as amended, by the insertion after regulation G.4.2 of Part VII of Chapter 1 thereof, of the following regulation:

"G.4.3 If personnel is transferred from an entity outside the public service to a department, the executing authority shall comply with section 197 of the Labour Relations Act."

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