



the dpsa

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**TO ALL HEADS OF NATIONAL/PROVINCIAL DEPARTMENTS AND
PROVINCIAL ADMINISTRATIONS**

DPSA CIRCULAR 3 OF 2008

INTERPRETATION OF GPSSBC RESOLUTION 1 OF 2008 AND PSCBC RESOLUTION 3 OF 2008 READ TOGETHER WITH THE OCCUPATION SPECIFIC DISPENSATION FOR LEGALLY QUALIFIED PERSONNEL

1. Since the Minister for the Public Service and Administration's determination was communicated to departments by DPSA circular dated 29 April 2008 the dpsa received numerous inquiries and request for assistance to departments regarding the translation of employees to the Occupation Specific Dispensation (OSD) for legally qualified employees.
2. Most of the difficulties experienced by departments are in terms of the translation measures for Legal Administration Officers, and the translation of current members of the Senior Management Service (SMS) in legal positions to the OSD.
3. Therefore, in order to assist departments in the interpretation and application of the OSD further clarity on some of the translation measures are provided. It should, however, be noted that the updated provisions does not constitute any deviation from the respective agreements (General Public Service Sector Bargaining Council (GPSSBC), Resolution 1 of 2008 and Public Service Coordinating Bargaining Council (PSCBC), Resolution 3 of 2008).

Application of translation measures: Legal Administration Officer

4. (PSCBC) Resolution 3 of 2008 only extended the dispensations for Legal Administration Officer and State Law Advisors to all Departments within the scope of the PSCBC.

5. The current decentralised Human Resource framework allows departments to give a post any designation whilst the OSD specifically prescribes post designations. This is further exacerbated by the fact that an Executive Authority could evaluate and grade posts, resulting in inconsistent application of the Job Evaluation system. This resulted in departments experiencing difficulties in applying the translation measures of the OSD and it is of great concern that a number of departments indicated their intention to translate legal officers to the State Law Advisor's dispensation.
6. The scope of the post of State Law Advisor differ from that of a Legal Administration Officer, as the State Law Advisor generally deals with government wide activities on national level involving the relationship of Government as a body with its populace and/ or other governments, whilst the Legal Administration Officer in general provides legal advise on departmental level and related to the specific departmental issues.
7. It should therefore be noted that the positions of State Law Advisor are only found in the offices of the Chief State Law Advisor, the Office of the Presidency, Department of Justice and Constitutional Development, the Department of Foreign Affairs, and in some Offices of the Premier. This implies that other legally qualified employees in all other departments, should be translated to the OSD as follows:
 - a. All posts graded on salary level 10 and below, irrespective of the designation, shall translate to the post of Legal Administration Officer (MR-1 to MR-5) with effect from 1 July 2007.
 - b. All posts graded on salary levels 11 and 12, irrespective of designation, shall translate to the post of Senior Legal Administration Officer (MR-6), with effect from 1 July 2007.
8. Senior Legal Administration Officers are currently appointed by departments on salaries ranging from levels 9 to 12. Therefore the need to provide appropriate translation measures for Senior Legal Administration Officers. It should, however, be noted that the affected employees will not be negatively affected by this, and will translate to the same salary notch/package due to the overlap between MR-5 and MR-6. Appropriate updated 1st phase translation measures are attached as Annexure A.

Application of first phase translation measures for State Law Advisors

9. In terms of PSCBC Resolution 3 of 2008 it was agreed that State Law Advisors, on salary level 12 shall be translated to LP-7 and LP-8 and that departments, when the need for a more advanced post is identified, the post norms should be established, created, advertised and filled.

10. As departments however, employ State Law Advisors on salary levels 11 and Senior State Law Advisors of salary level 12, the relevant translation measures for State Law Advisors on salary level 11 and 12 are attached as Annexure B.

Translation of legally qualified employees on SMS level

11. In terms of the OSD State Attorneys, Family Advocates and State Law Advisors on SMS levels who perform at least 80% and more production work shall translate to the Specialist Stream in the OSD (LP-10). Regrettably, the translation measures previously provided erroneously reflected the SMS salary scales on 1 January 2008 and not the applicable scales as on 1 July 2007. Furthermore, the need has been identified to also allow State Law Advisors on salary level 14 to translate to the specialised post, provided that the candidate meets the specified criteria. The Minister has therefore determined the translation of these production specialists (State Attorney, Family Advocate and State Law Advisors) on salary level 14, provided that they meet the criteria, to the OSD with effect from 1 July 2007. The appropriate translation measures are attached as Annexure C.
12. Departments should, however, note that all other legally qualified employees, in departments other than those mentioned in paragraph 7 above and who are on salary level 13 and higher will remain in management positions on the SMS dispensation and will, therefore, not be translated to the OSD.

General

13. Due to erroneous translations and the overpayment of employees the dpsa had no other choice as to request National Treasury (PERSAL) to close the relevant codes on PERSAL for translation purposes until further notice. In this regard national workshops are also planned and the dpsa will communicate the detail in due course.
14. Departments are informed not to deviate from the provisions of GPSSBC Resolution 1 of 2008, PSCBC Resolution 3 of 2008 and the Minister's determination in this regard. Where departments have erroneously translated and adjusted employees' salaries such translations and adjustments will be regarded as incorrectly granted remuneration and departments must recover the overpayment, in terms of the provision of Public Service Act, 1994 section 38, from the affected officials.

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DIRECTOR-GENERAL

DATE: 21/10/2008

ANNEXURE A: TRANSLATION MEASURES FOR LEGALLY QUALIFIED EMPLOYEES ON SALARY LEVELS 11 AND 12 AND WHO ARE EMPLOYED IN TERMS OF THE PUBLIC SERVICE ACT, TO SENIOR LEGAL ADMINISTRATION OFFICER, MR-6

<u>Designation:</u>	Senior Legal Administration Officer, Senior Legal Advisor, Deputy Director: Legal Services	Senior Legal Administration Officer MR-6, SUPERVISION	Senior Legal Administration Officer MR-6, SUPERVISION
<u>Salary Scale:</u>	311,358 X Prog -360,909 Pre-OSD	198,402 x Prog- 484,422 Wef 1 July 2007	219,234 x Prog- 535,287 1 July 2008
Salary Level 11	311,358	333,870	368,925
	314,439	338,880	374,463
	317,544	343,962	380,079
	320,685	343,962	380,079
	323,859	349,122	385,779
	327,063	354,360	391,569
	330,297	354,360	391,569
	333,564	359,673	397,440
	336,867	365,070	403,401
	340,200	365,070	403,401
	343,563	370,548	409,455
	346,962	376,107	415,599
	350,400	376,274	415,599
	353,871	381,747	421,830
	357,372	387,471	428,154
360,909	387,471	428,154	
Salary Level 12	369,000	405,168	447,711
	372,654	405,168	447,711
	376,347	411,243	454,425
	380,076	417,411	461,238
	383,844	417,411	461,238
	387,645	423,672	468,159
	391,485	430,029	475,182
	395,367	430,029	475,182
	399,285	436,479	482,310
	403,242	443,028	489,546
	407,238	443,028	489,546
	411,276	449,673	496,890
	415,353	456,420	504,345
	419,469	456,420	504,345
	423,630	463,263	511,905
427,836	470,211	519,582	

ANNEXURE B: TRANSLATION MEASURES FOR STATE LAW ADVISOR ON SALARY LEVEL 11 and 12 TO STATE LAW ADVISOR GRADES 1,2 OR SENIOR STATE LAW ADVISOR

1 State Law Advisor Salary Level 11 Total Cost Package	State Law Advisor, Grade 1		State Law Advisor, Grade 2	
	LP-7 Total Cost Package		LP-8 Total Cost Package	
	1 July 2007	1 July 2008	1 July 2007	1 July 2008
311,358 X Prog - 360,909	324,078 x Prog- 349,122	358,107 xProg- 385,779	381,471 x Prog- 537,639	421,830 xProg- 594,090
311,358	333,870	368,925		
314,439	338,880	374,463		
317,544	343,962	380,079		
320,685	343,962	380,079		
323,859	349,122	385,779		
327,063			381,747	421,830
330,297			381,747	421,830
333,564			381,747	421,830
336,867			381,747	421,830
340,200			381,747	421,830
343,563			381,747	421,830
346,962			381,747	421,830
350,400			381,747	421,830
353,871			381,747	421,830
357,372			387,471	428,154
360,909			387,471	428,154
2 State Law Advisor Salary Level 12 Total Cost Package	State Law Advisor LP-8 Total Cost Package			
	1 July 2007	1 July 2008		
369,000 X Prog - 427,836	381,471 x Prog- 537,639	421,830 xProg- 594,090		
369,000	405,168	447,711		
372,654	405,168	447,711		
376,347	411,243	454,425		
380,076	417,411	461,238		
383,844	417,411	461,238		
387,645	423,672	468,159		
391,485	430,029	475,182		
395,367	430,029	475,182		
399,285	436,479	482,310		
403,242	443,028	489,546		
407,238	443,028	489,546		
411,276	449,673	496,890		
415,353	456,420	504,345		
419,469	456,420	504,345		
423,630	463,263	511,905		
427,836	470,211	519,582		

ANNEXURE C: FIRST PHASE TRANSLATION MEASURES FOR STATE ATTORNEY, FAMILY ADVOCATE AND STATE LAW ADVISORS ON SALARY LEVELS 13 AND 14 TO THE OCCUPATION SPECIFIC DISPENSATION FOR LEGALLY QUALIFIED EMPLOYEES, PROVIDED THAT THE POST MEETS THE CRITERIA AND AT LEAST 80% PRODUCTION WORK IS PERFORMED

Designation:	State Attorney, Family Advocate and State Law Advisor	Production Specialist (State Attorney, Family Advocate or State Law Advisor), LP-10	
	Salary Scale: 502,725 X Prog -541,284 1 July 2007 (pre OSD)	545,703 x Prog- 827,961 1 July 2007 (OSD)	603,003 x Prog- 914,898 1 July 2008 (OSD)
Salary Level 13	502,725	545,703	603,003
	510,210	545,703	603,003
	517,806	545,703	603,003
	525,519	545,703	603,003
	533,343	545,703	603,003
	541,284	553,890	612,048
Post/Rank:	State Attorney, Family Advocate and State Law Advisor	Production Specialist (State Attorney, Family Advocate or State Law Advisor), LP-10	
	Salary Scale: 591,510 X Prog -636,939 1 July 2007 (pre OSD)	545,703 x Prog- 827,961 1 July 2007 (OSD)	603,003 x Prog- 914,898 1 July 2008 (OSD)
Salary Level 14	591,510	605,649	669,243
	600,330	614,733	679,281
	609,279	623,958	689,475
	618,366	633,318	699,816
	627,582	642,819	710,316
	636,939	652,461	720,969