



the dpsa

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

**IMPLEMENTATION OF THE OCCUPATIONAL SPECIFIC
DISPENSATION (OSD) FOR LEGALLY QUALIFIED
PERSONNEL**

INTRODUCTION

1. The remuneration policy, processes and systems of any organisation must be dynamic to adapt to continuously changing circumstances. In this regard, the South African Public Service is no exception. Recent studies have shown that the current remuneration framework impacts negatively on the State's ability in attracting and retaining sufficient numbers of employees with the required competencies in certain occupations, and to motivate such employees, with the view to improve service delivery.
2. This required a change in the State's policies toward remuneration, and culminated in an agreement with organised labour (PSCBC Resolution 1 of 2007) for the introduction of new salary scales per identified occupation to attract and retain employees after conclusion of agreements in the sectoral councils of the PSCBC. These dispensations will, amongst others, include –
 - 2.1. Remuneration structure, including number of notches and percentages between notches;
 - 2.2. Benefits and allowances to be consolidated into salaries (if any);

- 2.3. Frequency of pay progression;
 - 2.4. Grade progression opportunities;
 - 2.5. Career pathing;
 - 2.6. Required levels of performance; and
 - 2.7. Translation measures.
3. It is the intention to phase in these dispensations for identified occupations over the next five years.

OCCUPATION SPECIFIC DISPENSATION FOR LEGALLY QUALIFIED PERSONNEL

4. In giving effect to PSCBC Resolution 1 of 2007, Agreements (GPSSBC Resolution 1 of 2008 and PSCBC Resolution 3 of 2008) were concluded in the GPSSBC and the PSCBC, on the implementation of the dispensation called Occupational Specific Dispensations (OSD) for legally qualified personnel with effect from 1 July 2007. The following occupations are included:
 - 4.1. Assistant State Attorney.
 - 4.2. Family Advocate.
 - 4.3. State Law Advisor.
 - 4.4. Estate Controller.
 - 4.5. Master.
 - 4.6. Registrar.
 - 4.7. Legal Administration Officer.
 - 4.8. Maintenance Officer.
5. The OSD for legally qualified personnel is only applicable to employees in the identified occupations (par 4 above), and where it is an inherent job (post) requirement that the incumbent of the job must have obtained the relevant legal qualification (i.e. LLB or as determined by the Minister of Justice and Constitutional Development).

6. The OSD for legally qualified personnel is characterised and underpinned by the following:
 - 6.1. Centrally determined grading structure (work levels and job descriptions). This will ensure consistent application between departments/provinces.
 - 6.2. Scope/description of each occupation.
 - 6.3. Centrally determined competency requirements per post/grade level.
 - 6.4. Unique salary structures that address the specific requirements of the occupations. This entails 1.5% increments between notches and overlaps in salary scales at certain levels. This will facilitate adequate salary progression to employees who choose to remain on production levels instead of aspiring to managerial posts in order to earn a higher salary.
 - 6.5. A centrally determined salary structure to ensure a greater degree of parity in terms of the recognition of experience and remuneration practises.
 - 6.6. Unique total cost salary package dispensation for legally qualified employees, allowing only a 70/30 split in the pensionable composition of the total salary package.
 - 6.7. Pay progression and accelerated pay progression system, for employees who comply with the qualifying criteria.
 - 6.8. Career pathing in terms of grade progression at production levels, based on competencies, experience and performance. Grade progression is not an automatic salary increase, but it is a forward-looking plan to systematically increase salaries after pre-determined periods based on specific criteria such as sustained above average performance, qualifications and experience. This will facilitate adequate progression to employees who choose to remain on production levels instead of aspiring to managerial posts in order to advance their salaries.
 - 6.9. Differentiated levels of grade progression based on performance, to enable legal employees, who have distinguished themselves from their peers in terms of performance to ensure accelerated pay progression.
 - 6.10. Dual career paths in terms of which production specialists (State Attorney, Family Advocate and State Law Advisor) can progress to higher salary levels when entering the specialised dispensation

where they earn salaries that are equal to/or higher than that of managers without moving into supervisory/management posts.

- 6.11. Salary recognition basis for entry level production posts that allows appointing employees from outside the Public Service on higher notches/levels taking into account relevant experience.
 - 6.12. The OSD aims to establish a mechanism that ensures the harmonisation of salaries in the Public Sector and between the Public Sector and the major employers of legally qualified employees. The implementation of this OSD therefore does not entail a general salary increase for employees in these occupations or that all employees will gain the same financial benefit with implementation of the OSD.
 - 6.13. Employees' salaries will not be reduced on translation to the OSD. The pensionable salary of those members previously on total cost packages will be protected upon translation. Provision is also made to ensure that employees previously remunerated on the Senior Management System (SMS) will, upon translation, not be out of pocket in terms of the increased pensionable salary portion.
7. The Minister for the Public Service and Administration's Determination and the implementation thereof, attached to this Circular must be read, interpreted and applied in conjunction with GPSSBC Resolution 1 of 2008 and PSCBC Resolution 3 of 2008. If a particular provision in the Resolutions is not covered by the Minister for the Public Service and Administration's determination or dealt with in this Circular, the relevant provision in the said Resolutions apply, unless departments are informed otherwise.

GENERAL

8. The Minister for the Public Service and Administration's Determination, as attached to this Circular, apply to all those employees who are covered by the scope of the relevant OSD and who are appointed in terms of the Public Service Act, 1994 and the Correctional Services Act, 1998. Therefore, it includes employees in the Departments of Defence, the South African Police Service and Education who are appointed in terms of Public Service Act, 1994.
9. Departments are reminded that funds for implementation of the OSD for the occupations State Attorney, Family Advocate, State Law Advisor, Specialist Litigation/Advisory stream, Estate Controller, Registrar, Master, Maintenance Officer and Legal Administration officer, must be derived from current budget allocations.

10. It is possible that the measures contained in this Circular (or Annexes thereto) may be erroneous or that errors may be made in the implementation of the measures. All affected employees must be informed in writing that errors would be rectified when they become known and that any amounts that has been overpaid or underpaid because of errors will be rectified (paid or recovered).
11. Departments are requested to ensure that these measures are implemented correctly. Should any problems arise with the implementation of these measures, departments should approach the dpsa for assistance.

A handwritten signature in black ink, appearing to be 'G. M. D. H.', written over a horizontal line.

DIRECTOR-GENERAL

Date: 29/04/2008