



the dpsa

Department:
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TO ALL HEADS OF NATIONAL/PROVINCIAL DEPARTMENTS AND PROVINCIAL ADMINISTRATIONS

CIRCULAR NO. 28 OF 2022

TERMINATION OF PAYMENT OF NON-PENSIONABLE CASH ALLOWANCE FOR MEMBERS OF SENIOR MANAGEMENT SERVICE, SPECIAL ADVISERS AND MEMBERS OF THE PUBLIC SERVICE COMMISSION

INTRODUCTION

1. Paragraph 6 of the DPSA Circular No. 13 of 2022 provides that *"The MPSA approved the non-pensionable cash allowance for the period 1 April 2021 to 31 March 2022, effective from 1 April 2021....."*.
2. Paragraph 17 of the DPSA Circular No. 13 of 2022 provides that *"Departments must inform SMS members in writing of their revised TCE packages, the manner in which the adjustment is implemented, that errors will be rectified, and that any amounts that may have been overpaid or underpaid will be adjusted"*.
3. During the implementation of the DPSA Circular No. 13 of 2022, the allowance code 0708 was created on PERSAL without the end date against the provision of paragraph 6 of the Circular. Due to the above, the members of the Senior Management Service (SMS) were overpaid in terms of the payment of the non-pensionable cash allowance for the month of April 2022.
4. Section 38(1) of the Public Service Act stipulates that *"If an incorrect salary, salary level, salary scale or reward is awarded to an employee, the relevant executive authority shall correct it with effect from the date on which it commenced"*.
5. Departments must inform members of the SMS in writing that errors will be rectified in terms of the overpayment of non-pensionable cash allowance and that amounts that may have been overpaid will be recovered. This must be in compliance with section 33(1)(e) of the Basic Conditions of Employment Act, 1997.

6. Departments are further advised to invoke provisions of Basic Conditions of Employment Act, 1997, in particular section 34 in recovering the overpayments. Each Department must receive each member of SMS' written consent agreeing to the deduction in respect of the overpayment.
7. The period to recover the overpayment must not exceed a period of three (3) months from the date of this Circular.
8. The recovering of overpayment also applies to:
 - 8.1 the Special Advisers since their remuneration structure including payment of non-pensionable allowance is linked to the inclusive remuneration of the members of the SMS in the Public Service.
 - 8.2 the Commissioners to the Public Service Commission (PSC), i.e. Chairperson, Deputy Chairperson and the Commissioners of the PSC.

GENERAL

9. Departments must inform SMS, Special Advisers and Commissioners to the Public Service Commission in writing that errors will be rectified, and that any amounts that may have been overpaid or underpaid will be adjusted.
10. Should any problems arise with the implementation of this Circular, Departments must approach the DPSA for assistance.
11. Further to paragraph 10 above, the provisions of the Public Service Regulations and specifically Regulation 6(2) provide that an employee **shall direct to his or her head of department** any enquiry on a matter that falls within the functions of the Minister for the Public Service and Administration. Departments must please ensure that employees are made aware of this provision in the Regulations. Furthermore, employees must be reminded to direct their enquiries to their departments for assistance. Where departments are not able to assist employees, the departments may approach the DPSA through their **Director-General's** for assistance.

Kind regards,



Ms. Yoliswa Makhasi

Director-General: Department of Public Service and Administration (ACT)

Date: 29/4/2022