



the dpsa

Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

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TO ALL HEADS OF NATIONAL DEPARTMENTS, OFFICES OF PREMIER, PROVINCIAL DEPARTMENTS AND GOVERNMENT COMPONENTS

CIRCULAR: AMENDMENTS REGARDING SIGNING OF PERFORMANCE AGREEMENTS AND FILLING OF POSTS FOR MEMBERS OF SENIOR MANAGEMENT SERVICE (SMS)

Introduction

1. To monitor service delivery against departmental strategic objectives, it is imperative that all posts in the SMS cadre are filled appropriately and that SMS members sign performance agreements with clear deliverables.
2. As part of improving good governance in the Public Service, Cabinet approved at its January 2009 Extended Meeting that departments must in future report in their annual reports on -
 - 2.1 their compliance with the regulatory provisions for concluding performance agreements and the filling of SMS posts; and
 - 2.2 the corrective and disciplinary measures taken in the event of non-compliance.

Concluding Performance Agreements

3. The Minister for the Public Service and Administration has in terms of regulation 4/III/B.3 of the Public Service Regulations, 2001, read with section 41(3) of the Public Service Act, 1994, amended the Directive on Performance Management and Development System for members of the SMS set out in Chapter 4 of the SMS Handbook, as follows:

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- 3.1 With effect from 1 April 2009, all members of the SMS must conclude and sign their performance agreements within the first two months of the financial year, i.e. by 31 May of each year;
 - 3.2 In the event of a national and provincial election occurring within the first three months of any financial year all members of the SMS must conclude and sign their performance agreements for that financial year within three months following the month in which the elections took place¹; and
 - 3.3 Members of the SMS who do not comply with the above-mentioned directive shall not qualify for any performance incentive, including pay progression for the relevant performance cycle.
4. Subject to paragraph 5 below, if SMS members and/or their supervisors do not conclude, sign and file their performance agreements (without showing good cause) with their human resource management components (Office of the Public Service Commission for heads of department) as set out in paragraph 3 above, it should be noted that the relevant executive authority or head of department is obliged to immediately take appropriate disciplinary steps in terms of section 16A(1) or (2) of the Public Service Act and report annually on relevant action taken.

Grievance Procedure

5. In instances where there is no agreement between a member of the SMS and his/her supervisor the necessary processes should be followed to resolve the disagreement. However, if the disagreement is not resolved:
- 5.1 After following all the processes in terms of the PMDS, the supervisor must instruct the SMS member to sign the agreement, after attaching his/her own signature, prior to the date prescribed for concluding performance agreements as set out in paragraph 3 above.
 - 5.2 A member of the SMS who does not agree with the content of the signed performance agreement must indicate in writing on the performance agreement the fact and nature of the disagreement.
 - 5.3 The executive authority / head of department must, within 30 days of the date referred to in paragraph 3 above, consider all disagreements and make a final decision. This decision is binding on both the employee and supervisor. The executive authority may delegate this responsibility to the head of department. The head of department may delegate this responsibility to another employee or employees within the department.
 - 5.4 Such SMS member retains the right to lodge a grievance.

¹ All members of the SMS must for the 2009/10 financial year, conclude their performance agreements by 31 July 2009

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Filling of SMS positions

6. In terms of regulation 1/VII/C.1A.2, read with regulation 4/1/C.3 of the Public Service Regulations, all funded vacant SMS posts must be advertised within six months after becoming vacant and be filled within 12 months after becoming vacant. In the event of non-compliance with this regulation, the relevant executive authority or head of department must take appropriate disciplinary steps in terms of section 16A(1) or (2) of the Public Service Act.
7. Notwithstanding paragraph 6, Government's Programme of Action also provides that departments must endeavour to fill funded vacant SMS posts within six (6) months and report thereon.
8. Your attention is also drawn to regulation 1/VII/C.1A.3 of the Public Service Regulations which provides that if a department does not comply with the time frames for filling funded vacant posts the reasons for non-compliance must be recorded in writing.

Reporting on Signing of Performance Agreements and Filling of Posts for SMS in Departments' Annual Reports

9. The Minister has, in terms of regulation 1/IIIJ.3 and J.4, of the Public Service Regulations, determined that the annual report of a department shall include the information on the signing of performance agreements by SMS members and the filling of SMS posts, and in the format, set out in Annexure A to this Circular with 2008/09 being the first reporting cycle and thereafter for each financial year, as follows:
 - 9.1 For the 2008/09 financial year (publication of annual report by September 2009) –
 - (a) Signing of performance agreements with information as on 30 September 2008; and
 - (b) Filling of SMS posts with information as on 31 March 2009.

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- 9.2 For the 2009/10 financial year (publication of annual report by September 2010) –
- (a) Signing of performance agreements with information as on 31 July 2009 (thereafter 31 May of each reporting year or within 3 months following the month in which national or provincial elections took place); and
 - (b) Filling of SMS posts with information as on 30 September 2009 (thereafter 30 September of each reporting year).
 - (c) Filling of SMS posts with information as on 31 March 2010 (thereafter 31 March, end of each reporting year).

Information to be provided by 30 September 2009

10. The SMS Handbook will be amended accordingly in the near future taking cognisance of all other policy changes..
11. For purposes of reporting to Cabinet, please furnish the Department of Public Service and Administration with the following information also in the format set out in Annexure A for annual reports by 30 September 2009:
- 11.1 For the 2008/09 Financial Year –
- (a) Signing of performance agreements with information as on 30 September 2008 (Table 1.1); and
 - (b) Filling of SMS posts with information as on 31 March 2009 (Tables 2.1 and 2.3).
 - (c) Disciplinary action taken in the event of non-compliance (Tables 1.2; 1.3; 2.4 and 2.5).
- 11.2 For the 2009/10 Financial Year –
- (a) Signing of performance agreements with information as on 31 July 2009 (Table 1.1).
 - (b) Filling of SMS posts with information as on 30 September 2009 (Tables 2.2 and 2.3).
 - (c) Disciplinary action taken in the event of non-compliance (Tables 1.2; 1.3; 2.4 and 2.5).
- 11.3 The name and contact particulars of the responsible person in your Department with whom the dpsa can liaise on the matter as soon as possible.

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12. An electronic template of Annexure A has been posted on the website of the dpsa at the following address <http://www.dpsa.gov.za/> for easy reference.

13. The information set out in paragraph 11 should be emailed or faxed to Mr Chris van der Vyver of my department and he can be contacted at:
Email: chrisVDV@dpsa.gov.za or SMS@dpsa.gov.za
Tel. No. 012 336 1485 Fax. No. 086 618 8712 or 086 618 8628

15. Your co-operation is appreciated.



DIRECTOR-GENERAL

DATE: 5/6/09

INFORMATION REGARDING SIGNING OF PERFORMANCE AGREEMENTS AND FILLING OF POSTS FOR SMS MEMBERS AND FORMAT THEREOF IN ANNUAL REPORTS OF DEPARTMENTS AS DIRECTED BY THE MINISTER FOR THE PUBLIC SERVICE AND ADMINISTRATION

DEPARTMENT OF.....(Fill in name of Department

DEPARTMENT OF.....**PROVINCE OF**.....
(Fill in name of Department and Province)

1. Departments must in their Annual Reports, with effect from the 2008/09 financial year, under the main heading "Human Resource Management" include the following Headings:
 - 1.1 Signing of Performance Agreements by SMS Members.
 - 1.2 Filling of SMS Posts

INFORMATION AND REPORTING FORMAT

1. **Signing of Performance Agreements by SMS Members** (This new heading must be inserted in the Annual Report before the heading "Performance Rewards" and paragraphs must be numbered accordingly)

Sub Par. No. 1.1... **TABLE No. 1.1 - Signing of Performance Agreements by SMS Members as on**²

SMS Level	Total Number of Funded SMS Posts Per Level	Total Number of SMS Members Per Level	Total Number of Signed Performance Agreements Per Level	Signed Performance Agreements as % of Total Number of SMS Members Per Level
Director- General / Head of Department				
Salary Level 16, but not HOD				
Salary Level 15				
Salary Level 14				
Salary Level 13		Calculation Example: 90	80	80/90=0.888 89%
Total				

² Fill in date of applicable information i.e., 30 September 2008, 31 July 2009, 31 May of each following financial year or within 3 months following the month in which national and provincial elections took place

INFORMATION REGARDING SIGNING OF PERFORMANCE AGREEMENTS AND FILLING OF POSTS FOR SMS MEMBERS AND FORMAT THEREOF IN ANNUAL REPORTS OF DEPARTMENTS AS DIRECTED BY THE MINISTER FOR THE PUBLIC SERVICE AND ADMINISTRATION ON

Sub Par. No. 1.2 **TABLE No. 1.2 - Reasons for not having concluded Performance Agreements for all SMS members as on**³

1.
2.
3.
4.

Departments must indicate good cause or reason for not having concluded and filed signed performance agreements for all SMS members. See paragraphs 4 and 5 of Circular.

Sub Par. No. 1.3 **TABLE No. 1.3 - Disciplinary steps taken against SMS members for not having concluded Performance Agreements as on**⁴

1.
2.
3.
4.

Departments must indicate what disciplinary steps were taken by its executive authority or head of department in terms of section 16A (1) or (2) of the Public Service Act, 1994 in those cases where SMS members and/or their supervisors do not, without showing good cause, conclude and file performance agreements with their human resource management components. See paragraphs 3, 4 and 5 of Circular.

³ Fill in date of applicable information i.e., 30 September 2008, 31 July 2009, 31 May of each following financial year or within 3 months following the month in which national and provincial elections took place

⁴ Fill in date of applicable information i.e., 30 September 2008, 31 July 2009, 31 May of each following financial year or within 3 months following the month in which national and provincial elections took place

INFORMATION REGARDING SIGNING OF PERFORMANCE AGREEMENTS AND FILLING OF POSTS FOR SMS MEMBERS AND FORMAT THEREOF IN ANNUAL REPORTS OF DEPARTMENTS AS DIRECTED BY THE MINISTER FOR THE PUBLIC SERVICE AND ADMINISTRATION ON

2. Filling of SMS Posts (New Heading in Annual Report)

Sub Par. No. 2.1... **TABLE No. 2.1 - SMS posts information as on⁵**
(31 March of each financial year end)

SMS Level	Total Number of Funded SMS Posts Per Level	Total Number of SMS posts Filled Per Level	% of SMS Posts Filled Per Level	Total Number of SMS posts Vacant Per Level	% of SMS Posts Vacant Per Level
Director-General / Head of Department					
Salary Level 16, but not HOD					
Salary Level 15					
Salary Level 14					
Salary Level 13	Calculation Example: 120	Calculation Example: 100	100/120=0.833 83%	Calculation Example: 20	20/120=0.166 17%
Total					

Sub Par. No. 2.2... **TABLE No. 2.2 - SMS posts information as on⁶**
(30 September of each financial year)

SMS Level	Total Number of Funded SMS Posts Per Level	Total Number of SMS posts Filled Per Level	% of SMS Posts Filled Per Level	Total Number of SMS posts Vacant Per Level	% of SMS Posts Vacant Per Level
Director-General / Head of Department					
Salary Level 16, but not HOD					
Salary Level 15					
Salary Level 14					
Salary Level 13	Calculation Example: 120	Calculation Example: 100	100/120=0.833 83%	Calculation Example: 20	20/120=0.166 17%
Total					

⁵ Fill in date of applicable information i.e., 31 March 2009 or 31 March of each financial year end

⁶ Fill in date of applicable information i.e., 30 September 2009 or 30 September of each financial year (mid-year information)

INFORMATION REGARDING SIGNING OF PERFORMANCE AGREEMENTS AND FILLING OF POSTS FOR SMS MEMBERS AND FORMAT THEREOF IN ANNUAL REPORTS OF DEPARTMENTS AS DIRECTED BY THE MINISTER FOR THE PUBLIC SERVICE AND ADMINISTRATION ON

Sub Par. No. 2.3... **TABLE No. 2.3 – Advertising and Filling of SMS posts as on⁷ (31 March of each financial year end. Information supplied is for the financial year)**

SMS Level	Advertising	Filling of Posts	
	Number of Vacancies Per Level Advertised in 6 Months of Becoming Vacant	Number of Vacancies Per Level Filled in 6 Months After Becoming Vacant	Number of Vacancies Per Level not Filled in 6 Months but Filled in 12 Months
Director- General / Head of Department			
Salary Level 16, but not HOD			
Salary Level 15			
Salary Level 14			
Salary Level 13			
Total			

Sub Par. No. 2.4 **TABLE No 2.4 - Reasons for not having complied with the filling of funded vacant SMS – Advertised within 6 months and filled within 12 months after becoming vacant**

Reasons for vacancies not advertised within six months:
1.
2.
Reasons for vacancies not filled within 12 months:
1.
2.

Departments must indicate good cause or reason for not having complied with the filling of SMS posts within the prescribed timeframes. See paragraph 8 of Circular.

^{7 7} Fill in date of applicable information i.e., 31 March 2009 or 31 March of each following financial year. Information supplied is for the financial year 1 April to 31 March

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Sub Par. No. 2.5 **TABLE No 2.5 - Disciplinary steps taken for not complying with the prescribed timeframes for filling SMS posts within 12 months**

1.
2.
3.
4.

See paragraph 6 of Circular.

Certify correctness of information

3. The above Information is certified as correct

Signature of Head of Department

Name:

Date:.....