



education

DEPARTMENT: EDUCATION
MPUMALANGA PROVINCE

Private Bag X 11341
Nelspruit 1200
Government Boulevard
Riverside Park
Building 5
Mpumalanga Province
Republic of South Africa

Litiko leTemsfundvo Umnyango weFundo Departement van Onderwys Umnyango wezeMfundo

MEMORANDUM

TO : ALL OFFICIALS
DEPARTMENT OF EDUCATION

FROM : MRS MOC MHLABANE
HEAD OF DEPARTMENT

SUBJECT : PROVINCIAL POLICY FRAMEWORK ON REMUNERATIVE WORK
OUTSIDE EMPLOYMENT

Attached herewith please receive a self explanatory policy framework from the Office of the Premier regarding remunerative work outside employment.

All officials are hereby requested to comply with the requirements of this policy with immediate effect.

Hope you will find the above in order.

Kind regards,

MRS MOC MHLABANE
HEAD OF DEPARTMENT
DATE: 04/09/2011

MPUMALANGA PROVINCIAL GOVERNMENT

Number 7
Government Boulevard
Riverside Park
Ext 2
Nelspruit
1200
South Africa



Private Bag X 11291
Nelspruit, 1200
Tel: (013) 766 0000
Int: +27 13 766 0000

Office of the Premier

Lihovisi la
Ndvunankhulu

I-Ofisi Lika
Ndunakulu

Kantoor van die
Premier

Enq: ME Maelane
Tel: 013 766 2451

TO : HEADS OF DEPARTMENTS
MPUMALANGA PROVINCIAL GOVERNMENT

FROM : MR JS MGIDI
DEPUTY DIRECTOR-GENERAL
INSTITUTIONAL DEVELOPMENT

DATE : 18 AUGUST 2011

SUBJECT : APPROVED POLICY FRAMEWORK ON REMUNERATIVE WORK
OUTSIDE EMPLOYMENT

The above subject has reference.

Kindly find the approved policy framework on Remunerative Work Outside Employment for implementation by all departments.

The policy framework shall be applicable to all employees at all levels within the Provincial Government.

Hope you will find this in order.

MR JS MGIDI
DEPUTY DIRECTOR-GENERAL
INSTITUTIONAL DEVELOPMENT

Date 25/08-23



MPUMALANGA PROVINCIAL GOVERNMENT

POLICY FRAMEWORK ON REMUNERATIVE WORK OUTSIDE EMPLOYMENT (RWOE)

1. PREAMBLE

- 1.1 In terms of section 30(b) of the Public Service Act, 1994, employees shall ensure that they place the whole of their time at the disposal of the employer to perform the work appointed for in compliance with the service delivery agreements.
- 1.2 Furthermore provision do exist for employee to perform remunerative work outside the public service, however, the performance of such should be monitored and controlled to ensure effective and efficient management of the regulation and control.
- 1.3 The Provincial Government has thus deemed it necessary to develop a policy to provide framework for members, wishing to perform remunerative work outside employment, with guidelines in obtaining the necessary permission before commencing with the work.
- 1.4 The Public Service Act and Regulations also stipulates that no ex post facto approval shall be granted and that, any remuneration received by an employee for which no prior approval has been obtained, such remunerations shall be recovered in accordance with section 31 of the Public Service Act and paid into revenue.

2. PURPOSE

The purpose of this Policy Framework is to provide measures/guidelines to be utilized in regulating and considering applications by employees to perform remunerative work outside employment.

3. AUTHORISATION

The mandate of this Policy Framework is found in the following HRM Prescripts:

- 3.1 Section 30 and 31 of the Public Service Act, 1994 as amended; and
- 3.2 Chapter 2 of the Public Service Regulations, 2001.

4. REGULATORY FRAMEWORKS

The following regulatory framework guided the development also:

- 4.1 Chapter 10 of the Constitution of the Republic of South Africa:
- 4.2 Labour Relations Act,

- 4.3 Employment Equity ACT, 55 Of 1998; and
- 4.4 Conditions of Employment Act.

5. IMPLEMENTATION OF THE POLICY

It is the responsibility of every employee requiring to perform remunerative work outside employment to obtain prior approval for RWOE.

In all instances, employees performing remunerative work outside his or her employment shall comply with section 30 of the Public Service Act, 1994, irrespective of the designation, position held, salary level or type of remunerative work so performed.

The Act further stipulates that employees shall place the whole of their time at the disposal of the employer unless it is otherwise provided for in their conditions of employment.

The policy implementation shall be founded on the following principles:

5.1 General principles

The public servants shall not seek to engage in outside employment if such employment:

- 5.1.1 would indeed conflict with their official duty hours;
- 5.1.2 is likely to affect their efficiency in the performance of their official duties
- 5.1.3 if the employment will not strike a balance between the interest of state and an employer and the rights of the customers;
- 5.1.4 is in a company receiving government assistance;
- 5.1.5 is in a company which its primary purpose is to lobby public servants

5.2 Application procedure for RWOE

- 5.2.1 An employee shall apply using the application form Annexure A attached to obtain approval first;
- 5.2.2 Applications shall be made well in advance with the HRM, at least a month before;
- 5.2.3 Completed application forms should be submitted 1 month before the commencement period;
- 5.2.4 The application must be accompanied by a motivation and the benefits to the employee and service delivery;
- 5.2.5 The nature of the work to be performed by the applicant should be clearly described and the total remunerative hours applied for may not exceed 48 hours per month.

5.3 Conditions to be considered for the application

The following conditions shall be strictly adhered to considering applications to perform remunerative work outside employment:

- 5.3.1 Clear description of the type of work to be performed, hours of work and the duration of the intended remunerative work;
- 5.3.2 The remunerative work to be undertaken by the employee shall in no way hamper him/her in the performance of his/her official duties;
- 5.3.3 The work shall to be performed will entirely be done outside the prescribed hours of employees' work;
- 5.3.4 The possibility that the nature of the work and the extent of it in relation to the employee's normal duties hours shall not create conflict of interest;
- 5.3.5 The nature and extent of the remuneration;
- 5.3.6 Impact of specific times of absence during specific official hours;
- 5.3.7 State facilities are not going to be used; and
- 5.3.8 The work is of such a nature that the Public Service Employer or the Government shall not be embarrassed in any way.

5.4 Role clarification

5.4.1 The Accounting Officer/Head of Department shall:

- 5.4.1.1 Approve the application for remunerative work on careful consideration of the conditions in compliance with the HRM prescripts;
- 5.4.1.2 Approve on condition that the accompanying questionnaire Annexure "A" has been completed, signed by the employee and Sectional Head or Supervisor first; and
- 5.4.1.3 Approve if application is made and reach his/her office for approval within 30 days to enable informed decision making.

5.4.2 The manager shall ensure that:

- 5.4.2.1 All remunerative work outside employment is recorded;
- 5.4.2.2 The employee performing such work had obtained permission;
- 5.4.2.3 The necessary supporting documents and were submitted and hours to be performed stipulated;
- 5.4.1.4 Impact of involvement of employee in RWOE is not negative to other staff members;
- 5.4.1.5 The performance of the employee remains stable following monitoring.

5.4.2 Employee shall:

- 5.5.1 Obtain permission prior to the performance of remunerative work outside employment;
- 5.5.2 Perform the work entirely during outside normal duty hours;
- 5.5.3 ensure that performing the work will not cause conflict of interests;
- 5.5.4 Comply with all the provisions of section 30 and 31 of the Public Service Act, 1994; and
- 5.5.5 Declare and pay all remuneration received in connection with the performance of his/her work in the Public Service, into the Provincial Revenue fund, an amount equal to the remuneration or reward.

6 MONITORING

It is the responsibility of all employees in the Mpumalanga Provincial Government to abide by the policy and ensure compliance with the Human Resource Management Prescripts and processes.

7 SCOPE OF APPLICATION

The policy shall be applicable to all employees in the Mpumalanga Provincial Government in its various departments.

8 AMENDMENT OF POLICY

This policy shall be amended as and when necessary and it shall follow the initial process of policy development.

APPROVED ON 04 August 2011



**MR JM RABODILA: DIRECTOR-GENERAL
MPUMALANGA PROVINCIAL GOVERNMENT**

ANNEXURE A

Application for permission to perform remunerative work: I _____ hereby apply, as set out below, to perform remunerative work outside the Public Service whilst being employed in the Public Service:

1. State your official working hours and the location of your permanent work station:

2. Nature, scope and extent of work in respect of which permission is being applied for to be performed outside the Public Service:
 - 2.1 Exact nature of such work: _____

 - 2.2 Exact scope, level, nature and role of yourself in respect of such work (e.g. Director / Sales consultant etc.): _____

 - 2.3 Time to be spent on performing such work during the whole period for which permission is being applied for (per day / week / month): _____

3. Period for which permission is being applied for (not exceeding one calendar year):
 From: _____ to: _____
4. Name of institution, place or entity where work will be performed (including physical business address):

5. Reason why it is necessary to perform such remunerative work: _____

6. Indicate the approximate amount / value of such remuneration which will accrue to yourself in performing such remunerative work outside your employment in the Public Service, for the period in respect of which permission is being applied for:

7. Please provide the VAT registration number / SARS registration number as well as the Company or other registration number of all corporate entities / businesses /

consultancies etc. at / for which you intend performing such remunerative work (please attach copies of such registration certificates / documents to this application):

8. Are you currently, in any way, involved with, or tasked with any function relating to the Provincial Supply Chain Management System? If so, please provide details of your level of involvement and responsibilities in this regard:

9. Are you (or any corporate entity / business / consultancy etc. you intend performing remunerative work for) currently performing, or have you during the past five years performed any work for or on behalf of any National or Provincial Government Department, or Municipality? If so, please provide particulars (i.e. name of Government Institution, type of work, duration and value of contract/s, etc.):

10. Please provide a short summary of the qualifications / skills / experience / competencies that you possess:

11. Are you currently, or have you during the past 12 months, performed any overtime (whether remunerated or not) in your official capacity? If so, please provide particulars (i.e. frequency, number of hours worked, functions performed, whether you received official remuneration for such overtime, the amount so received, etc.):

I, _____, hereby certify that the above-mentioned information is true and correct, that all supporting documents as required have been attached and that any false,

misleading or incorrect information supplied by myself in support of this application will, upon the discovery thereof, result in the immediate withdrawal of any permission granted to myself, and may also result in disciplinary proceedings being instituted against myself. I hereby acknowledge that the permission granted to perform remunerative work outside the Public Service will immediately lapse should any of the above-mentioned information change or be altered in any respect. I further acknowledge that, in such instance, should I wish to continue performing remunerative work outside my employment in the Public Service, I will have to re-apply for permission to perform such remunerative work outside the Public Service, which re-application will have to be based on, and reflect, such changed or altered information.

UNDERTAKING:

I, _____, am fully aware of the provisions of sections 30 and 31 of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as well as the relevant provisions of the Code of Conduct for the Public Service which states, *inter alia*, that –

- (a) Every Government employee shall place the whole of his or her time at the disposal of the State;
- (b) No employee shall perform or engage himself or herself in remunerative work outside his or her employment in the Public Service without permission granted by the relevant Executing Authority or an officer to whom this power has been delegated;
- (c) If any remuneration, allowance or other reward is received by an employee in connection with the performance of his or her work in the Public Service, otherwise than in accordance with the relevant statutory prescripts, that employee shall pay into the Provincial Revenue Fund, an amount equal to the amount of such remuneration, allowance or reward.

I hereby acknowledge that the Mpumalanga Provincial Government reserves the right to recover any unauthorized remuneration, allowance, reward or gift received by myself, by means of legal proceedings or in such other manner as the Provincial Treasury may approve, and be paid into revenue.

12.2 Terms and Conditions

Should my application to perform remunerative work outside the Public Service be approved, I undertake to fully abide by the following terms and conditions of such approval:

- (a) I will avail myself at all times to effectively, efficiently and expeditiously fulfill the requirements of my Department;
- (b) I will not, under any circumstances, utilize my Department's infrastructure or resources (i.e. computers (including the internet), copiers, faxes, stationery, libraries, or any other labour saving devices or office equipment), to execute or perform any work outside my official duties as an employee of the Mpumalanga Provincial Government;
- (c) The work performed by myself outside the Public Service will not, in any way, interfere with the performance of my official duties during official Office hours;
- (d) The work performed by myself outside the Public Service will not, in any way, embarrass or bring my Department into disrepute;
- (e) I will not, under any circumstances, use my position in the Mpumalanga Provincial Government to unduly advance my or any other business entity's interests;
- (f) The work performed by myself outside the Public Service will be conducted in strict compliance with the statutory prescripts and regulatory framework applicable to that specific field of work;
- (g) I accept that any permission granted to myself to perform remunerative work outside the Public Service is a privilege and not a right, and that such permission may, at any time, be withdrawn by the State as my employer.

I understand and fully agree with the terms and conditions as set out above, and I further accept that any deviation by myself from the above-mentioned terms and conditions will lead to the immediate withdrawal of any permission granted to myself to perform remunerative work outside the Public Service.

I also accept that any such deviation by myself of the above-mentioned terms and conditions may lead to disciplinary proceedings being initiated against myself.

Signature of applicant

Date: _____

Application for permission to perform remunerative work outside the Public Service supported / not supported / as amended.

Signature of Sectional Head or, in the instance of Sectional Heads, the immediate supervisor.

Date: _____

Application for permission to perform remunerative work outside the Public Service DENIED / GRANTED for the period _____ to _____, subject to the submission of the relevant VAT, SARS and other registration certificates / documents required in terms of paragraph 7, as well as the following additional conditions (if any):

Signature of Executive Authority

Date: _____
