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3/3/2/4/12
Enquiries: Call Centre

Strategic People Management Minute: 0001/2017

To: Deputy Directors-General; Chief Directors; Directors; Deputy Directors; Circuit Managers; Managers: Strategic Information, Governance and People Management; Heads: District Curriculum Support; Heads: District Learner Support; Principals and all Public Service Staff

Subject: The importance of educators and public servants applying for permission to perform remunerative work outside the public service and conducting business with an organ of state

1. Section 33 of the Employment of Educators Act, 1998 (Act 76 of 1998), section 30(b) of the Public Service Act, 1994 (Act 103 of 1994), and section 13(c) of the Public Service Regulations, 2016, inform all employees of their obligation to apply for permission from the Head of Department if they wish to perform remunerative work outside the public service.
2. Employees who have not yet sought approval to perform remunerative work outside the public service, as well as those who intend to perform remunerative work outside the public service, must immediately submit their applications to perform such work. Approvals are granted per financial year (01 April to 31 March of the following year) and therefore employees must apply annually in advance.
3. To obtain permission, the attached (revised) application form must be completed and submitted to the following address:
Head: Education
For attention: Director: Strategic People Management
Western Cape Education Department
Private Bag X9114
Cape Town
8000
4. Paragraph 13(c) of Part 1, Chapter 2 of the Public Service Regulations, 2016, which came into effect on 01 August 2016 states that an employee shall:

“not conduct business with any organ of state or be a director of a public or private company conducting business with an organ of state, unless such employee is in an official capacity a director of a company listed in schedule 2 and 3 of the Public Finance Management Act”. This provision is *mutatis mutandis* applicable on employees appointed in terms of the Employment of Educators Act, 1998 (Act 76 of 1998).

5. The Department of Public Service and Administration issued transitional arrangements for the implementation of paragraph 13(c) as reflected above, which indicates: An employee who conducts business with an organ of state or is a director of a company which conducts business with the organ of state must declare as such by no later than 31 January 2017 on the attached disclosure form.
6. An organ of state is defined as, among other things, all government departments, local governments and parastatals.
7. An employee who conducts business with an organ of state or is a director of a company which conducts business with the organ of state shall:
 - (i) cease conducting business with the organ of the state by 31 January 2017 or resign as an employee;
 - (ii) resign as a director of a company that conducts business with an organ of state by 31 January 2017 or resign as an employee.
8. If the employee does not resign by the aforementioned date, the employee must submit proof that the employee has ceased conducting business or has resigned as a director of a company that conducts business with an organ of the state by no later than 28 February 2017.
9. Employees whose personal particulars are attached to a private company on the Companies and Intellectual Property Commission's Register and who are no longer involved in remunerative work outside the public service are kindly requested to ensure that they are duly deregistered.
10. Failure to adhere to the conditions stipulated in this minute may result in disciplinary action.
11. Employees for whom additional remuneration is provided by the Western Cape Education Department relating to, among other things, matric exam markers, trainers/facilitators, teachers performing supervisory duties at hostels, do not need to comply with the directive in paragraph 5 as additional payments are warranted in terms of existing legislative provisions.

12. Please bring the contents of this minute to the attention of all staff under your supervision.

SIGNED: BK SCHREUDER

HEAD: EDUCATION

DATE: 2017-01-21