



the dpsa

Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

**DETERMINATION ON OTHER CATEGORIES OF
DESIGNATED EMPLOYEES TO DISCLOSE THEIR
FINANCIAL INTERESTS
AND
DIRECTIVE ON THE FORM, DATE AND FINANCIAL
INTERESTS TO BE DISCLOSED**

**ISSUED BY THE MINISTER FOR THE PUBLIC SERVICE AND
ADMINISTRATION**

Table of contents

DEFINITIONS..... 2

1. INTRODUCTION..... 3

2. PURPOSE..... 3

3. AUTHORISATION..... 4

4. SCOPE OF APPLICATION 4

5. STATUTORY FRAMEWORK 4

6. OTHER CATEGORIES OF DESIGNATED EMPLOYEES 4

7. PERIOD TO DISCLOSE FINANCIAL INTERESTS BY OTHER CATEGORIES OF DESIGNATED EMPLOYEES AND VERIFICATION OF SUCH DISCLOSURE 5

8. PERIOD TO BE COVERED WHEN DISCLOSING FINANCIAL INTERESTS 6

9. FINANCIAL DISCLOSURE FORM 6

10. THE ROLE AND RESPONSIBILITIES OF THE HOD IN THE MANAGEMENT OF CONFLICT OF INTEREST .. 7

11. NON-COMPLIANCE AND REPORTING 7

12. OTHER MATTERS..... 7

13. DATE OF IMPLEMENTATION 8

14. DEVIATIONS..... 8

ANNEXURE A: FINANCIAL DISCLOSURE FORM

ANNEXURE B: DETAILS OF EMPLOYEES IN SUPPLY CHAIN MANAGEMENT AND FINANCE UNITS BELOW SALARY LEVEL 11 AND 12

ANNEXURE C: ETHICS OFFICER AUTHORISATION FORM

ANNEXURE D: AUTHORIZATION FORM – DEPARTMENT ADMIN

ANNEXURE E: REQUEST FORM FOR PASSWORD RESET

DEFINITIONS

In this Determination and Directive, unless the context indicates otherwise, any word shall have the meaning assigned to it in the Act and the PSR, 2016.

“EA” means an Executive Authority as defined in section 1 of the Public Service Act;

“Department” means a national department, a national government component, the Office of a Premier, a provincial department or a provincial government component;

“Form” means a printed or electronic form contemplated in regulation 18;

“HOD” means the incumbent of a post mentioned in Column 2 of Schedule 1, 2 or 3 and it includes any employee acting in such post;

“MPSA” means Minister for the Public Service and Administration;

“the Act” means Public Service Act, 1994;

“the PSR, 2016” means the Public Service Regulations, 2016; and

“this Determination and Directive” means the Determination on Other Categories of Designated Employees to disclose their financial interests and the Directive on the form, date and financial interests to be disclosed.

1. INTRODUCTION

- 1.1 The objective of the Financial Disclosure Framework (the Framework), as introduced in 2001, was to assist Executive Authorities to identify and manage conflict of interest among employees in Senior Management positions.
- 1.2 It was one of the tools used to promote just and fair administrative actions by senior officials in government and to promote open and accountable government as espoused in section 195(1) of the Constitution of the Republic of South Africa, 1996.
- 1.3 While it is not feasible to identify all possible forms of conflict of interest in advance, there is a growing public expectation for strengthening the integrity of government officials and prevent corruption in government institutions.
- 1.4 The risk to good governance arising from the conflict of interest does not face employees in senior management positions only. Decision-making powers are often decentralised to lower level employees who may also face a conflict of interest situations in discharging their duties and responsibilities. Disclosure of financial interests should, therefore, not be limited to employees in senior management positions but extended to other categories of employees who may be at risk of unethical behaviour arising from the conflict of interest situations and/or corruption.
- 1.5 In recognition of this factor, the PSR, 2016 empowers the MPSA to designate other employees or categories of employees to disclose their financial interests. This will be done in a phased-in approach and ultimately all public service employees will be compelled to disclose their financial interests.

2. PURPOSE

- 2.1 The purpose of this Determination and Directive is to give effect to Regulation 16(c), 17(2) and 18(3) of the PSR, 2016 by:
 - 2.1.1 Designating other categories of employees to disclose their financial interests; and
 - 2.1.2 Prescribing a date, the form to disclose financial interests, and the period to be covered when making the financial disclosure.

3. AUTHORISATION

- 3.1 This Determination and Directive is issued by the MPSA in terms of section 41(3) of the Act, read with the PSR, 2016.

4. SCOPE OF APPLICATION

- 4.1 This Determination and Directive applies to all departments and its employees employed in terms of the Act and to members of the services, educators, and members of the Intelligence Services only in so far as the provisions of the Determination and Directive are not contrary to the laws governing their employment.

5. STATUTORY FRAMEWORK

- 5.1 This Determination and Directive is issued in terms of section 41(3) of the Act, read with Regulation 16(c) and 18(3) of the PSR, 2016.
- 5.2 Regulation 16(c) defines “designated employee” as “any other employee or category of employees determined by the Minister”.
- 5.3 Regulation 18(3) provides that “any other designated employee not contemplated in sub-regulations (1) and (2) shall submit to the relevant head of department, on a date and form directed by the Minister, particulars of all his or her interests for the period as may be directed by the Minister.”

6. OTHER CATEGORIES OF DESIGNATED EMPLOYEES

- 6.1 The following other categories of employees are designated to disclose financial interests:
- 6.1.1 Employees earning the equivalent of salary level 13 and above through the Occupation Specific Dispensation (OSD);
- 6.1.2 Employees appointed at salary levels 11 and 12 including employees earning the equivalent of salary levels 11 and 12 through the OSD;

- 6.1.3 Employees employed in supply chain management units irrespective of their salary level;
- 6.1.4 Employees employed in finance units irrespective of their salary level; and
- 6.1.5 Any employee who is authorised by the MPSA, Executive Authority, Head of the Department (HOD) or the chairperson of the Public Service Commission (PSC) for purposes of record keeping and the effective implementation of Part 2 of Chapter 2 of the PSR, 2016, irrespective of their salary level. This category includes ethics officers, officials with delegated authority on the eDisclosure system and officials who perform verification functions. It is important that employees whose functions include the assessment of a conflict of interest, are themselves cleared of such conflict.

7. PERIOD TO DISCLOSE FINANCIAL INTERESTS BY OTHER CATEGORIES OF DESIGNATED EMPLOYEES AND VERIFICATION OF SUCH DISCLOSURE

- 7.1 Other categories of designated employees determined at paragraph 6 shall disclose their financial interests during the period as per table 1 below.
- 7.2 Table 1 further provides for the period in which such financial disclosures should be verified.

Table 1: Period to disclose financial interests by other categories of designated employees and verification of such disclosure

Other categories of designated employees	Period to disclose financial interest	Period to verify the disclosure
Employees earning an equivalent of salary level 13 and above through the OSD	01 – 30 June of the year in question	By 31 July of the year in question
Employees appointed at salary level 12 including employees earning the equivalent of salary level 12 through the OSD	01 – 30 June of the year in question	By 31 July of the year in question

Other categories of designated employees	Period to disclose financial interest	Period to verify the disclosure
Employees who are authorised by the Minister, EA, HOD, or the chairperson of the Public Service Commission (PSC) for purposes of record keeping and the effective implementation of Part 2 of Chapter 2 of the PSR, 2016	01 – 30 June of the year in question	By 31 July of the year in question
Employees appointed at salary level 11 including employees earning the equivalent of salary level 11 through the OSD	01 – 31 July of the year in question	By 30 August of the year in question
Employees in supply chain management and finance units, irrespective of their salary level	01 – 31 July of the year in question	By 30 August of the year in question
New employees appointed in the above categories	Up to 30 days after assumption of duty	Up to 30 days after disclosure of financial interest is made

8. PERIOD TO BE COVERED WHEN DISCLOSING FINANCIAL INTERESTS

- 8.1 Existing employees who fall within the determined categories must disclose their financial interests for the period 01 April of the previous financial year to 31 March of the financial year in question.
- 8.2 New employees appointed to the determined categories must disclose their financial interests for the period 01 April of the previous financial year to 31 March of the financial year in question.

9. FINANCIAL DISCLOSURE FORM

- 9.1 Subject to 9.2 below, designated employees shall disclose their financial interests using the financial disclosure form attached as **Annexure A**.
- 9.2 The financial disclosure form should be submitted using the eDisclosure system unless written approval has been granted by the MPSA upon a written request

from the relevant EA, indicating reason/s for the request and the number of employees involved.

10. THE ROLE AND RESPONSIBILITIES OF THE HOD IN THE MANAGEMENT OF CONFLICT OF INTEREST

- 10.1 Regulation 21(2)(a) of the PSR, 2016 requires the HODs to verify financial interests of designated employees who are not SMS members.
- 10.2 Where disclosed interest conflicts or is likely to conflict with the execution of any official duty of an employee, the HOD must, within 30 days of being made aware of this situation, consult the employee concerned and, where possible, take appropriate steps to remove the conflict of interest.
- 10.3 If after consultation the employee fails to take appropriate steps to remove the conflict of interest, the HOD shall take disciplinary action against the employee.

11. NON-COMPLIANCE AND REPORTING

In line with section 16A(2) and 16B of the Public Service Act, 1994, the HOD shall:

- 11.1 ensure compliance with this Determination and Directive;
- 11.2 immediately take appropriate disciplinary steps against an employee who does not comply with this Determination and Directive; and
- 11.3 no later than **31 December** of each year report to the MPSA on—
 - (i) the number of employees who failed to disclose their financial interests as stipulated in paragraph 7 of this Determination and Directive, including the description of steps taken against those employees. If no steps were taken, reasons thereof; and
 - (ii) the number of employees who were found to have a conflict or potential conflict of interest, the description of the steps taken to remove the conflict, and if no steps were taken, the reasons thereof.

12. OTHER MATTERS

- 12.1 The HOD shall forward by no later than 15 May 2017, to the Director-General: Department of Public Service and Administration, the details of employees who are—
 - 12.1.1 employed in supply chain management and finance units who are not appointed at salary levels 11 or 12 using the attached form (**Annexure B**);

- 12.1.1 designated as ethics officers using the attached form (**Annexure C**); and
- 12.1.2 authorised to reset password of users of the eDisclosure system using the attached form (**Annexure D**).
- 12.2 The form to be used for request of password reset by users is attached as **Annexure E**.

13. DATE OF IMPLEMENTATION

- 13.1 The date of implementation of this Determination and Directive is 01 April 2017.

14. DEVIATIONS

- 14.1 The Minister may, under justifiable circumstances, authorise a deviation from any provision of this Determination and Directive.

APPROVED BY THE MINISTER FOR THE PUBLIC SERVICE AND ADMINISTRATION



MS AYANDA DLODLO, MP
MINISTER FOR THE PUBLIC SERVICE AND ADMINISTRATION
2018/ 09 / 21

ANNEXURE A: FINANCIAL DISCLOSURE FORM

Financial Year:

Personal details

Surname	
First Names	
ID Number	
Persal Number	
Job Title	
Salary Level	
Postal Address	
Residential Address	
Name of Department (National / Provincial)	
Cell Number	
E-mail address	

Details of financial interests

1. Shares or any other form of equity in a registered private or public company or any other corporate entity recognised by law:

Number of shares/extent of equity	Nature	Nominal value	Name of company/entity

2. Loan accounts (excluding bond, vehicle finance, and retail accounts)

Name of the financial services provider and account number	Original amount of the loan	Outstanding balance	Term of the loan

7. Other remunerative work outside the employee's department

Name of Employer	Type/nature of business activity	Annual remuneration

NB: Documentary proof of approval to perform other remunerative work must be uploaded to the eDisclosure system or attached to this form.

8. Consultancy and retainerships

Nature of consultancy / retainership	Name of the company / your client in case of retainership	Type/nature of business activity of the company/client	Annual value of remuneration/benefits received

NB: Documentary proof of approval to perform other remunerative work must be uploaded to the eDisclosure system or attached to this form.

9. Sponsorships

Source of assistance/ sponsorship	Description of assistance/ sponsorship	Value of assistance/ sponsorship	Relationship between the sponsor and the department

10. Gifts and hospitality from a source other than a family member

Description of a gift and/or hospitality	Value	Source	Relationship between the giver and the department

NB: If the cumulative value of the gift(s) is R350.00 proof of prior approval from the relevant authority must be uploaded to the eDisclosure system or attached to this form.

ANNEXURE B: DETAILS OF EMPLOYEES IN SUPPLY CHAIN MANAGEMENT AND FINANCE UNITS BELOW SALARY LEVEL 11 AND 12

NAME OF THE DEPARTMENT: _____

NATIONAL / PROVINCE (STATE THE NAME OF THE PROVINCE): _____

No.	Surname	Full name(s)	ID number	Persal number	Salary level	Designation of the post	Cell phone number	Email address
1.								
2.								
3.								
4.								
5.								
6.								
7.								

Name: Head of HR or CFO

Name: Head of Department

Signature

Signature

Date

Date

ANNEXURE C: ETHICS OFFICER AUTHORISATION FORM



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Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

Details of the designated official

1. Surname	
2. Name(s)	
3. Identity Number	
4. Peral Number	
5. Salary level and Rank	
6. Institution / Department	
7. Cell phone number	
8. E-Mail address	

Authorization by the Head of Department / delegated official

..... (surname and name(s) of the designated official) has been designated to perform the functions of the Ethics Officer on the eDisclosure system for the (name of the department or institution).

.....
Name of Head of Department / delegated official

Signature

Date

NB: Kindly inform the Director-General of the DPSA as soon as this authority has been revoked.

ANNEXURE D: AUTHORIZATION FORM – DEPARTMENT ADMIN



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Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

Details of the designated official

1. Surname	
2. Name(s)	
3. Identity Number	
4. Persal Number	
5. Salary level and Rank	
6. Institution / Department	
7. Cell phone number	
8. E-Mail address	

Authorization by the Head of Department / delegated official

I, (surname and name(s) of the HOD/delegated official) hereby designate the employee whose details appear on this form to assist users of the eDisclosure system in the Department of to reset passwords on the eDisclosure system.

Signature of HOD/delegated official

Date

NB: Kindly inform the Director-General of the DPSA as soon as this authority has been revoked.

ANNEXURE E: REQUEST FORM FOR PASSWORD RESET



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Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

Details of the user requesting password reset

Surname	
First Names	
ID Number	
Persal Number	
Job Title	
Salary Level	
Name of Department (National / Provincial)	
Telephone Number (W)	
Cell Number	
E-mail address	

I (surname and name of the user)
confirm that I have requested a password reset.

User's signature

Date:

Name: Designated official

Signature

Date: