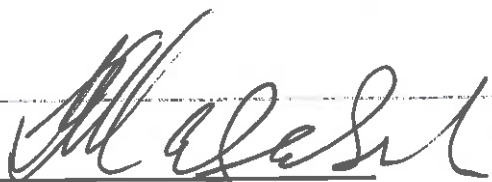


# KWAZULU NATAL PROVINCIAL TREASURY



## POLICY FRAMEWORK ON REMUNERATIVE WORK OUTSIDE THE PUBLIC SERVICE

<b>Signed:</b>	 <b>MR LS MAGAGULA</b>
<b>Designation:</b>	<b>HEAD OF DEPARTMENT</b>
<b>Date:</b>	<b>24/01/2017</b>

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## **1. INTRODUCTION**

In terms of Chapter VIII, Section 30 and 31 of the Public Service Act, employees shall not perform remunerative work outside the Public Service without permission from the Executing Authority. To ensure that the remunerative work outside the Department is regulated, it necessitated that the KwaZulu-Natal Provincial Treasury adopt and implement the Provincial Policy Framework on remunerative work outside the Public Service.

## **2. PURPOSE**

The purpose of this policy is to provide a framework within which KwaZulu-Natal Provincial Treasury employees may perform remunerative work outside of the Public Service.

## **3. OBJECTIVES**

The objectives of this policy are to indicate the:-

- a) Conditions under which the Department shall grant permission for remunerative work outside the public service; and
- b) Action to be taken in the event of the performance of remunerative work outside the public service without permission.

## **4. AUTHORISATION**

The authorization of this policy framework is in accordance with Section 30 and 31 of the Public Service Act, 1994, as amended and the **Public Service Regulations, 2016**.

## **5. APPLICABILITY**

This policy applies to all full time employees who are employed in terms of the Public Service Act, 1994, as amended and those who are employed in a temporary capacity at KwaZulu-Natal Provincial Treasury.

## **6. DEFINITION OF TERMS**

For the purposes of this policy framework and unless the context refers otherwise:

**6.1 Communal association**

Means a group of people, not necessarily all from one family, sharing living accommodation and living expenses.

**6.2 Employee**

Means an employee as defined in the Public Service Act, 1994, as amended.

**6.3 Public Service Act**

Herein referred to as the Public Service Act 103 of 1994, as amended by Act 30 of 2007.

**6.4 Remunerative work outside the Public Service – “RWOPS”**

Means any activity that is performed outside the period during which an employee must report for duty for purposes of fulfilling the prescribed work week or a period of overtime that an employee has agreed to perform or a period of standby, and which the employee will receive compensation in the form of a salary, wage, allowance, honorarium or reward.

**7. POLICY PROVISIONS**

**7.1 Conditions under which applications for performance of remunerative work outside the public service will considered:**

- a) The work must not be performed with any organ of state e.g. lecturing at a state university such as UNISA.
- b) The work must be performed outside the employee’s prescribed working hours, hours of standby and any period of overtime that the employees has agreed to work.
- c) The work must be of such a nature that it will not cause embarrassment to the public service.
- d) There must be no conflict of interest between the work that will be performed outside the public service and the person’s duties within the public service. In the event of a conflict of interest, permission for remunerative work outside the public service will be withdrawn immediately.
- e) The work must in no way hamper the performance of an employee’s official duties such as orders and deliveries of Tupperware, Cosmetic Houses and Golden products etc.

- f) The general availability of persons outside the public service to undertake the work to be performed (except in the case of work of an educational, cultural or physical recreational nature or work which is in the interest of the State or of a specific community or where the employee concerned possesses special qualifications, talents or abilities which will make it either difficult or impossible to replace him or her by a person outside the public service).
- g) The nature and extent of the work and the relation thereof to normal duties which the employee performs in the public service.
- h) The remunerative work must not in any way rely on state resources or government property or equipment or require utilization of such.
- i) The maximum remunerative time to be worked by the applicant per week including normal working hours, overtime and RWOPS may be prescribed by the executive authority or his/her designee, taking into account the possible impact on the employee's duties and overall performance in the department.
- j) The applicant agrees that his/her first commitment is to meet the operational objectives of the department.

## **7.2 Application for renewal to perform remunerative work outside the public service**

- a) All applications for remunerative work outside the public service must be in writing making use of **Annexure A**.
- b) The outcome of the application/ reapplications must be made known within 30 days of receipt of the application/reapplication.
- c) Should the executive authority not consider the request within 30 days, the approval is deemed to be granted.
- d) The employee's position and the state of the work in the Department, office or section in which the officer or employee is employed must be provided.
- e) Authorisation is valid for a period of twelve (12) months only.
- f) Where possible, all applications for RWOPS must be obtained in advance, except in exceptional circumstances.
- g) Non-compliance with any of the conditions, monitoring or control measures pertaining to the performance of RWOPS may lead to disciplinary action. The normal disciplinary measures apply and in no way are superseded by the permission or withdrawal to perform RWOPS.

**7.3 Application for renewal of permission to perform remunerative work outside the public service**

- a) All renewals of applications to perform remunerative work outside the public service must be in writing, using **Annexure B**.
- b) No renewal of application for remunerative work outside the public service may exceed twelve (12) months.
- c) All applications for remunerative work outside the public service must be renewed annually.
- d) The outcome of the renewal must be made known within 30 days of receipt of the renewal of application.

**7.4 Notwithstanding the stipulation in the subsection 7.1(b) an employee may be authorized to perform remunerative work outside employment in the public service:-**

- a) During official hours of attendance, not exceeding 10 hours per week, provided that the work is of an educational nature or in the interest of the public service, or
- b) For the purpose and the periods for which leave has been granted for practical work required as pre-requisite for registration in a particular profession and to receive remuneration thereon.

**8. CESSATION OF REMUNERATIVE WORK OUTSIDE THE PUBLIC SERVICE**

Should an employee no longer perform remunerative work outside the Public Service, a written notice indicating the date on which the remunerative work outside the public service ceased, must be given to the immediate supervisor.

**9. PERFORMANCE OF REMUNERATIVE WORK OUTSIDE THE PUBLIC SERVICE WITHOUT PERMISSION.**

- 9.1 No employees shall perform or engage himself or herself to perform remunerative work outside his or her employment in the Department, except with the written permission of the executive authority or his /her designee.
- 9.2 Should an employee be found to be performing remunerative work outside the public service without approval he/she shall pay into revenue any remuneration, allowance or reward or value thereof where the remuneration allowance or reward does if it does not consist of money, the value thereof as determined by the Head of Department.

9.3 If the employee fails to pay into the revenue the amount or value, the said head of department shall recover it from him/her by way of legal proceedings and pay it into revenue.

9.4 An employee performing RWOPS without permission will also be subject to disciplinary action.

## **10. ROLES AND RESPONSIBILITIES**

### **10.1 Head of department**

(a) Grants approval for application to perform remunerative work outside public service.

### **10.2 Human Resources**

(a) Update and maintain a register (**Annexure C**) of all employees performing remunerative work outside public service even if the Executing Authority fails to make a decision within 30 day period, where after it would be deemed that permission had been granted, that is, by default.

(b) Monitor the timely renewal of RWOPS applications.

### **10.3 Manager/Supervisor**

(a) Monitor the work of an employee to ensure that RWOPS does hamper his/her performance.

(b) Give recommendation for application/renewal of application to perform remunerative work outside public service.

### **10.4 Employee**

(a) Apply for approval to perform remunerative work outside public service

(b) Apply for renewal of the application to perform remunerative work outside public service.

## **11. MONITORING, EVALUATION AND REVIEW**

11.1 The **Directorate: Human Resources** is responsible for the development of and regular review of this policy document.

11.2 Any inputs or amendments regarding this policy can be directed to the abovementioned component for the attention: **Director: Human Resources**.

**12. COMMUNICATION**

- 12.1 The **Directorate: Human Resources** is responsible for the communicating this Policy to all employees within the Department.



**Annexure A**

**APPLICATION TO PERFORM REMUNERATIVE WORK OUTSIDE THE PUBLIC SERVICE [RWOPS]**

**A: PERSONAL PARTICULARS**

Name: \_\_\_\_\_ Persal Number: \_\_\_\_\_

Institution/work station: \_\_\_\_\_ Rank: \_\_\_\_\_

Level: \_\_\_\_\_ Contact No: \_\_\_\_\_

---

**B: DETAILS OF RWOPS**

[a] Institution/Organization/Place where RWOPS will be performed:-

\_\_\_\_\_

[b] Describe the nature of duties to be performed:-

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

[c] Indicate the periods during which RWOPS will be performed [the day(s) of the week and starting and finishing times]

\_\_\_\_\_

\_\_\_\_\_

[d] Indicate the amount of remuneration that will be received.

\_\_\_\_\_

\_\_\_\_\_

**C: DECLARATION**

I understand and accept that:-

[a] The additional work will in no way hamper me in, or adversely affect the performance of my official duties.

[b] The additional work will be performed entirely outside of my prescribed hours of duty, periods of standby or overtime which I have agreed to perform.

[c] The additional work will not cause embarrassment to the department or public service in any way.

[d] Should there be a conflict of interest between the work that will be performed outside the public service and my duties within the public service, authority to perform RWOPS will be withdrawn.

- [e] This application is valid for 12 months only, from the date of approval by the delegated authority and on expiry of this period, a further request for renewal of an application will be necessary if I wish to continue with RWOPS.
- [f] Any authority to perform RWOPS can be withdrawn if it is found that any of the above is not being complied with.
- [g] Should I no longer perform remunerative work outside the public service, I will provide written notice, indicating the date on which the remunerative work outside the public service ceased.

SIGNATURE OF APPLICANT: \_\_\_\_\_ DATE \_\_\_\_\_

**D: RECOMMENDED/ NOT RECOMMENDED**

(If not recommended, please indicate reasons)

\_\_\_\_\_  
\_\_\_\_\_

Signature of Supervisor: \_\_\_\_\_ Date \_\_\_\_\_

**E: APPROVED/ NOT APPROVED**

Signature: \_\_\_\_\_ Rank: \_\_\_\_\_

Date: \_\_\_\_\_

**RENEWAL OF APPLICATION TO PERFORM REMUNERATIVE WORK OUTSIDE  
THE PUBLIC SERVICE [RWOPS]**

**A: PERSONAL PARTICULARS**

Name: \_\_\_\_\_ Persal Number: \_\_\_\_\_

Institution/work station: \_\_\_\_\_ Rank: \_\_\_\_\_

Level: \_\_\_\_\_ Contact No: \_\_\_\_\_

---

**B: DETAILS OF RWOPS**

[a] Institution/Organization/Place where RWOPS will be performed:-

\_\_\_\_\_

[b] Describe the nature of duties to be performed:-

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

[c] Indicate the periods during which RWOPS will be performed [the day(s) of the week and starting and finishing times]

\_\_\_\_\_

\_\_\_\_\_

[d] Indicate the amount of remuneration that will be received.

\_\_\_\_\_

\_\_\_\_\_

[e] Indicate whether this is the first, second, etc renewal of application for RWOPS.

\_\_\_\_\_

\_\_\_\_\_

**C: DECLARATION**

I understand and accept that:-

- [a] The additional work will in no way hamper me in, or adversely affect the performance of my official duties.
- [b] The additional work will be performed entirely outside of my prescribed hours of duty, periods of standby or overtime which I have agreed to perform.
- [c] The additional work will not cause embarrassment to the department or public service in any way.
- [d] Should there be a conflict of interest between the work that will be performed outside the public service and my duties within the public service, authority to perform RWOPS will be withdrawn.
- [e] This renewal of this application is valid for a period of 12 months only, from date of approval by the delegated authority, and on expiry of this period a further renewal of the application will be necessary if I wish to continue RWOPS.
- [f] Any authority to perform RWOPS can be withdrawn if it is found that any of the above is not being complied with.
- [g] Should I no longer perform remunerative work outside the public service, I will provide written notice, indicating the date on which the remunerative work outside the public service ceased.

SIGNATURE OF APPLICANT: \_\_\_\_\_ DATE \_\_\_\_\_

**D: CERTIFICATION FROM SUPERVISOR**

I hereby confirm that the additional work performed by the above named has in no way hampered the performance of his/her official duties and I accordingly recommend that he/she should be given permission to perform RWOPS for further period of one year.

or

The application to perform RWOPS for a further period of one year is not recommended for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_

**E: APPROVED/NOT APPROVED**

Signature: \_\_\_\_\_ Rank \_\_\_\_\_

Date: \_\_\_\_\_



