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Government Gazette Staatskoerant

Regulation Gazette

No. 6816

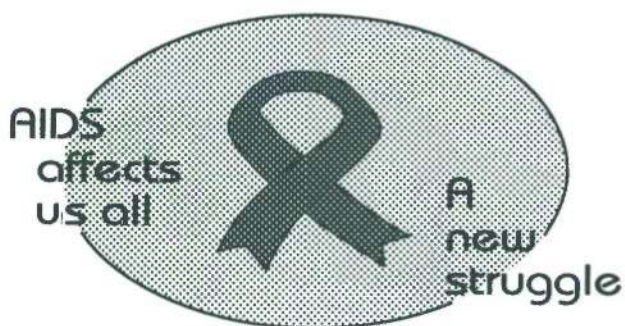
Regulasiekoerant

Vol. 419

PRETORIA, 19 MAY
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No. 21213

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GOVERNMENT NOTICE

ELECTORAL COMMISSION

No. R. 514

19 May 2000

REGULATIONS ON THE CONDITIONS OF SERVICE, REMUNERATION, ALLOWANCES AND OTHER BENEFITS OF THE CHIEF ELECTORAL OFFICER AND OTHER ADMINISTRATION STAFF

Acting in terms of section 23 of the Electoral Commission Act, 1996 (Act no. 51 of 1996), the Electoral Commission has made the regulations set out in the Schedule.

SCHEDULE

Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act, shall have that meaning and, unless the context otherwise indicates-

- (i) "Act" means the Electoral Commission Act, 1996 (Act No. 51 of 1996);
- (ii) "Chief Electoral Officer" means the chief electoral officer appointed in terms of section 12 of the Act as head of the administration of the Commission;
- (iii) "Commission" means the Electoral Commission established in terms of section 3 of the Act;
- (iv) "employee" means the chief electoral officer and any person who is appointed in terms of section 12(4) of the Act as an officer or employee;
- (v) "employer" means the Commission.

Interpretation

2. These regulations must be read in conjunction with any laws of the Republic of South Africa governing employer and employee relations.

Commencement of employment

3. An employee's employment commences on the day stated in a letter of appointment addressed to that employee.

Probation period

4. (1) A specific appointment may be made subject to a probation period not exceeding 12 months.

(2) Within the last month of the probation period, the employer may inform the employee in writing that his or her performance did not meet the expected standards for his or her employment and give such employee notice of termination of employment in terms of regulation 8.

Re-location and re-deployment

5. (1) The employer may, with the agreement or at the request of the employee, relocate an employee to an office of the Commission other than the one in which he or she is then employed.

(2) If the employee moves his or her household or place of abode to the new location, the employee is entitled to be reimbursed in respect of expenses involved on a basis similar to the basis of re-imbursement in the public service, except when the relocation took place at the request of the employee.

Hours and place of work

6. (1) Normal working hours are from 08:30 to 12:30 and 13:00 to 17:00 on every weekday (Monday to Friday) that is not a public holiday in cases where an employee has in writing agreed to accept half an hour lunch break, and from 08:00 to 12:00 and from 13:00 to 17:00 in other cases.

(2) The place of work is at the offices and places determined by the Commission from time to time.

Outside work

7. (1) Employees shall serve the employer in a full-time capacity and at the places and times determined by the Commission.

(2) Employees shall not perform any other remunerated work nor receive any other income in respect of work performed or material produced without the written permission of the employer.

Termination of employment by the employer

8. (1) The employer may terminate the employment of an employee by giving to the employee at least 30 days notice of termination and the reason for the termination must be stated in the notice.

(2) If the reason for the termination of employment is the abolishment of the post in which the employee has been serving, or the reduction of staff, or the fact that the employee has reached the age of 65, the minimum period of notice to be given in terms of subregulation (1) is increased by 15 days for every period of 12 months that the employee has been in the service of the employer.

(3) The employer may decide to pay to the employee in lieu of the required minimum period of notice or part thereof, the remuneration the employee would have been entitled to for that period or part thereof.

(4) When the employer terminates the employment for a reason mentioned in subregulation (2), the employee may demand, and is entitled to be paid the remuneration mentioned in subregulation (3) in lieu of the required minimum period of notice.

Termination of employment by employee

9. (1) The employee may terminate his or her employment by giving to the employer at least 30 days notice of resignation.

Limited term of employment

10. (1) The employer and employee may enter into a written agreement that the employment will terminate at the latest on a specified future date.

(2) In such a case, and unless the employment is terminated before that date in terms of regulation 8 or 9, the employment terminates on that date.

Remuneration structures

11. (1) The total of the annual remuneration packages payable to employees, is not more than the amount set out below. The remuneration packages are based on public service salaries and benefits and includes, where applicable, pension contributions, car allowances, medical aid contributions and housing allowances:

(a)	chief electoral officer	-	R634 529-00;
(b)	deputy chief electoral officer	-	R536 950-00;
(c)	senior manager	-	R449 575-00;
(d)	manager	-	R374 763-00;
(e)	deputy manager	-	R240 386-00;
(f)	assistant manager	-	R172 291-00;
(g)	senior administrative officer	-	R142 277-00;

- (h) administrative officer - R117 301-00;
- (i) assistant administrative officer - R 99 793-00;
- (k) senior administration clerk - R 72 593-00;
- (l) administration clerk - R 58 740-00; and
- (l) messenger, cleaner, labourer - R 53 134-00.

(2) Whenever there is an increase in public service remuneration packages, the employer may grant not more than comparable increases in the remuneration packages of its employees.

(3) Where a post requires skills not readily available within the remuneration structures referred to in subregulation (1), the Commission may approve a higher remuneration package in respect of that specific post.

Overtime

12. The Commission may require an employee to do work outside the normal working hours.

Travel, Accommodation and Subsistence

13. If an employee is required to perform duties away from his or her office, such employee is entitled to be reimbursed in respect of travel, accommodation and subsistence expenses on the basis of and at the nearest comparable rates applicable in the public service.

Vacation leave

14. (1) An employee is entitled to 21 normal working days vacation leave on full remuneration, per year of employment calculated on an annual leave cycle which commences immediately following an employee's commencement of employment or the completion of that employee's prior annual leave cycle.

(2) An employee may accumulate and transfer not more than 15 days vacation leave from one annual leave cycle to future leave cycles.

(3) Vacation leave is taken on days agreed upon between the employer and the employee.

Sick leave

15. (1) An employee is entitled to 60 days sick leave on full remuneration during every 36 months of employment, but an employee will only be entitled to one day's paid sick leave for every 26 days worked during the first six months of employment.

(2) An employee must submit a certificate from a medical practitioner or any other proof substantiating absence from work on grounds of illness when applying for sick leave for more than two consecutive days or when required to do so by the employer.

(3) In the case of serious illness confirmed by a written medical report, the employer in its discretion, may in addition grant to the employee a further period of not more than sixty days of sick leave at half pay during every 36 months of employment.

Maternity leave

16. (1) An employee is entitled to four consecutive months' maternity leave.

(2) An employee may take maternity leave-

- (a) at any time from four weeks before the expected date of birth; or
- (b) from a date which a medical practitioner or a midwife certifies that it is necessary for the employee's health or that of her unborn child to take such leave.

(3) At least four weeks prior to the commencement of maternity leave, an employee must notify the employee in writing of the date from which the employee intends to take maternity leave.

Special leave

17. (1) An employee who has been in employment for longer than four months may be granted special leave on full remuneration for a continuous period of three days during every annual vacation leave cycle-

- (a) when the employee's child is born;
- (b) when the employee's child is sick; or
- (c) in the event of the death of the employee's spouse or life partner, parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling.

(2) An employee who has been in employment for longer than four months may be granted special leave with full remuneration when the employee needs to write a formal qualification examination and such special leave may not be more than two days in respect of each examination paper.

Leave of absence without remuneration

18. The employer may at its discretion, grant an employee unpaid leave of absence for any period of time not exceeding twelve months, subject to regulation 7.

Conflict of interest

19. Where a possible conflict of interest arises or where an employee has an interest, whether financially or otherwise, or obtains an interest in a company or firm with which the employer enters into business transactions, or where the interest is of such nature that it may influence the outcome of any decision or benefit any person or company or firm, such interest must be disclosed in writing to the employer

as soon as it arises and the employee must refrain from participation in any way in related business dealings.

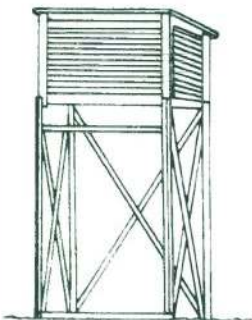
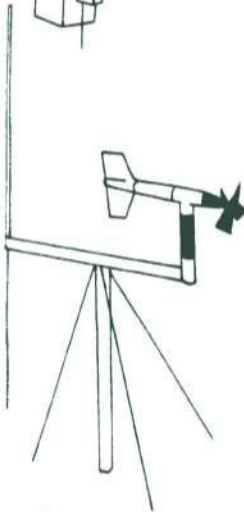
Gifts or benefits

20. (1) An employee must in writing disclose to the employer any gifts or benefits of a value of R200-00 or more offered to him or her by or on behalf of a person or organisation with whom the employer has, or may enter into, a business relationship and any gifts or benefits that may be intended to or may be perceived to influence him or her in the performance of his or her functions.

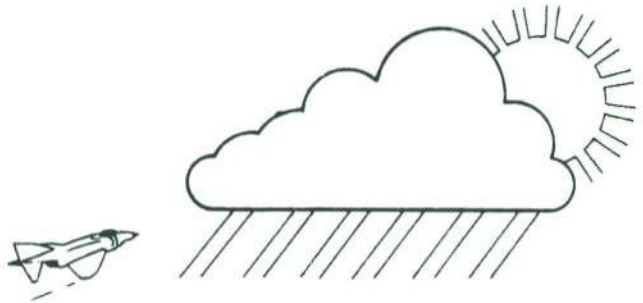
(2) An employee may not accept any such gift or benefit or any other gifts or benefits offered to him or her as an officer or employee of a value of R200 or more, without prior consultation with the employer and the employer reserves the right to order non-acceptance of such gifts or benefits.

Repeal of regulations

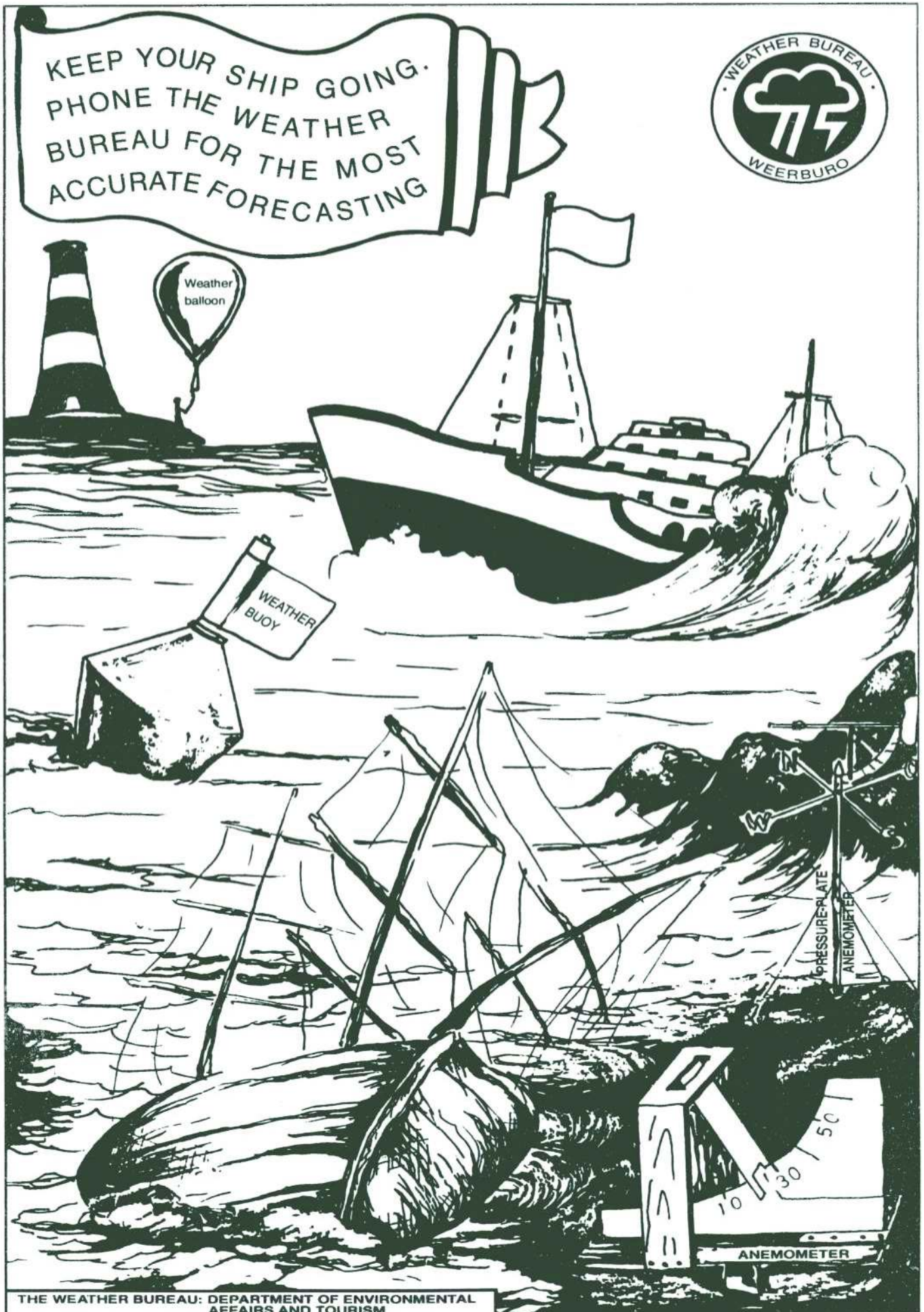
21. The Regulations on the Conditions of Service, Remuneration, Allowances and other Benefits of the Chief Electoral Officer and other Administrative Staff (Government Notice No. R. 848 dated 26 June 1998), are hereby repealed.

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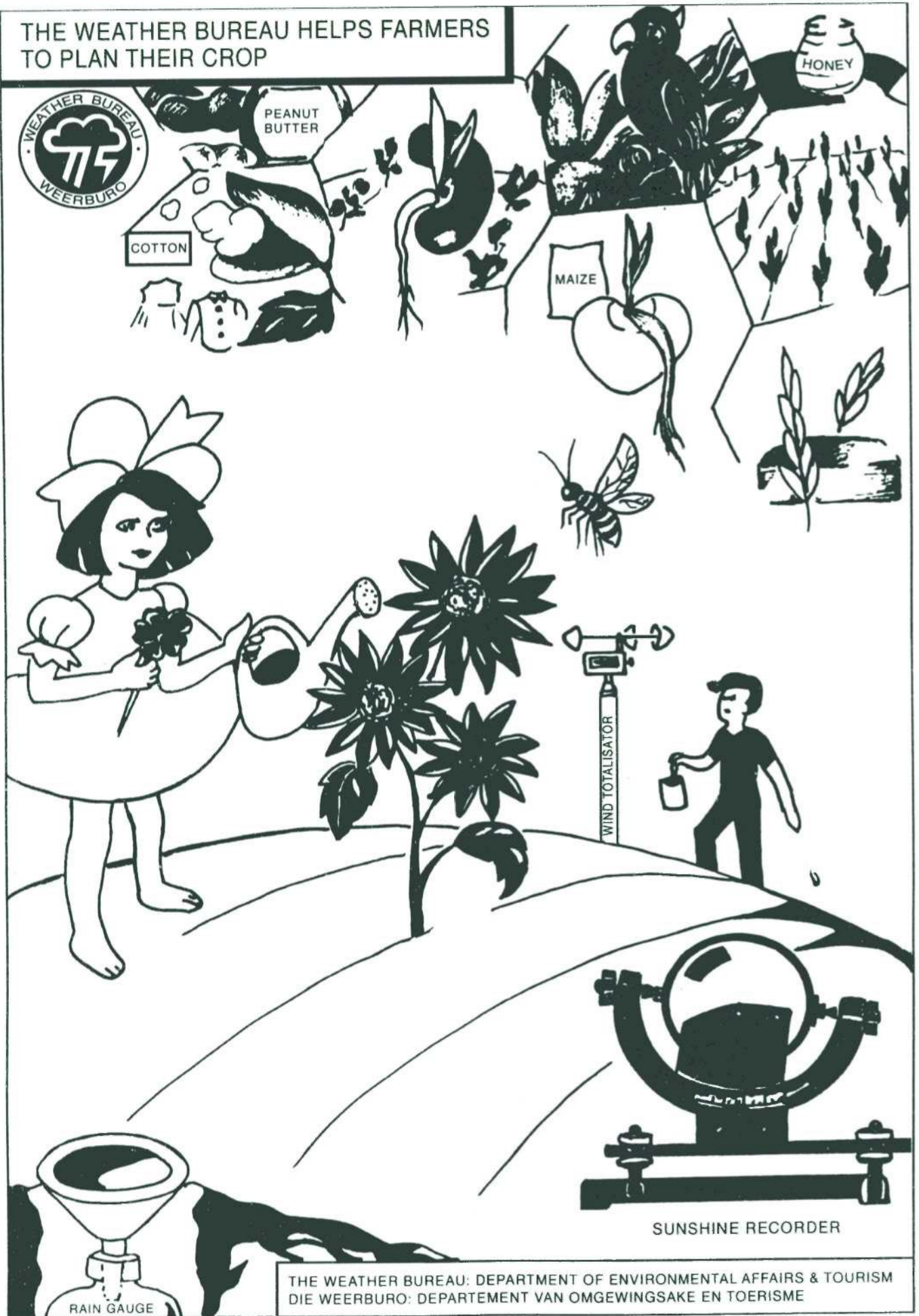
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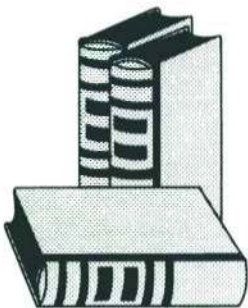
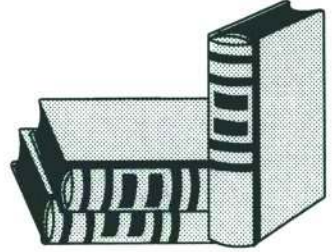
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Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Publications: Tel: (012) 334-4508, 334-4509, 334-4510
Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504
Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737
Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001
Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510
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