



Province of the
EASTERN CAPE
SOCIAL DEVELOPMENT

SECONDMENT POLICY

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DEFINITIONS OF TERMS

No	Terms	Definitions
1.	Conditions of Service	Means any service benefit, remunerative allowance or compensation paid or granted in accordance with the applicable provisions in the Public Service to an employee over and above the employee's salary.
2.	Critical Occupation	<p>Means occupations or sub-categories within an occupation:</p> <ul style="list-style-type: none"> a) In which there is a scarcity of qualified and experienced persons currently or anticipated in the future, either because such skilled persons are not available, or they are available but do not meet the applicable employment criteria. b) For which persons require advanced knowledge in a specified subject area or science or learning field and such knowledge is acquired by a prolonged course or study and/or specialized instruction. c) Where the inherent nature of the occupation requires consistent exercise of discretion and is predominantly intellectual in nature, and d) In respect of which a department experiences a high degree of difficulty to recruit or retain the services of employees.
3.	Critical Skills	Means the operational or generic abilities needed within existing occupations that are required, or the top up skills that are required, to fill a skills gap to enable employees to competently perform the roles/ tasks associated with such occupations. Critical skills include transversal skills (hard 'skills like project management skills or soft skills like conflict management or communications skills) and functional skills associated with particular jobs or particular occupational categories.
4.	Department	Means the Department of Social Development and Special Programmes as a Public Service department listed in Schedule 1, 2 and 3 of the Public Services Act, 1994.
5.	Employee	Means an employee as defined in Section 1 of the Public Service Act, 1994 who are to be seconded or who are already seconded.
6.	Executive Authority	Means the member of the Executive Council (MEC).
7.	Inclusive costs of secondment	Means a monetary value of the following expenses, incurred where applicable, by the Department during the period of the employee's secondment:

		<ul style="list-style-type: none"> a) The basic salary plus conditions of service paid by the Department to the employee. b) The monetary value of any annual leave that the employee is entitled to during the period of his or her secondment. c) The State's contributions in respect of the employee to a pension or similar fund. d) The State's contributions in respect of the employee to a medical scheme. e) Any compensation paid by the Department or the State to the employee if he or she obtains an injury or contracts an illness that originates from the performance of his or her duties during the period of secondment.
8.	Minister	Means the Minister for the Public Service and Administration.
9.	Open Scheme	Other medical Schemes besides Government Employees Medical Scheme (GEMS).
10.	Public Service	Means the departments, offices of the Premiers and government components listed in Schedules 1, 2 and 3 of the Public Service Act, 1994.
11.	Recipient Organizations	Means the other government, institution established by a law than that governing the employee 's employment, or other body or person to which an employee is seconded or is to be seconded.
12.	Secondment	Means an employee is, with his or her consent, placed at the disposal of another government, an institution established by another law than that governing the employee's employment, or any other body or person for a particular service or for a stated period, which placement may either be in the RSA or abroad.
13.	Treasury	<p>Means:</p> <ul style="list-style-type: none"> a) The Minister of Finance or a duly authorized officer in the National Treasury. b) The member of an Executive Council of a Province responsible for the execution of the treasury functions in the province or a duly authorized officer in his or her office or department.

ACRONYMS

1.	NEPAD	New Partnership for Africa's Development
2.	RSA	Republic of South Africa
3.	PSR	Public Service Regulation
4.	GEMS	Government Employees Medical Scheme
5.	HR	Human Resource

LEGISLATIVE FRAMEWORKS

1. Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996)
2. Public Service Act, 1994
3. Public Service Regulations 2001,
4. The Foreign Service Dispensation applicable to employees in terms of the Public Service Coordinating Bargaining Council Resolution 8 of 2003 and Resolution 1 of 2008.
5. Cabinet decision of 11 June 2008.
6. National Policy on the Secondment of South African Public Service Employee,2009
7. The Protection of Personal Information Act 4 of 2013
8. The Promotion of Access to Information Act 2 of 2000
9. Employment Equity Act, 1998 (Act 55 of 1998)
10. Skills Development Act, 1998 (Act No. 97 of 1998)
11. The Basic Conditions of Employment Act, 1997 (Act No.75 of 1997)
12. Labour Relations Act, 1995 (Act 65 of 1995)
13. Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)
14. Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000)
15. The Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No.4 of 2000) (PEPUDA)
16. The South African Qualifications Authority (SAQA).

1.PREAMBLE

The secondment by department is the temporary lateral movement of an employee to perform functions of a position that already exists or to take on a special project. In a case of secondment, the employee shall maintain substantive position in the home department and is paid by the home department.

The secondment of employees is a Human resource management strategy that applied to enhance skills levels of employees by exposing them to particular jobs and work environments at other employers or entities. Secondment shall be applied for career development purposes to gain breadth of knowledge and experience and to help strengthen capacity in the core public administration. There is a strong need for department to deliver services to the people efficiently.

2.PURPOSE

The purpose of this policy is to add value within the department and with other public sectors and Institutions, where there is deficit in capacity and the seconded official provides such expertise.

3. OBJECTIVES

- a) To ensure the secondment is regulated, and line managers, employees and HR Practitioners follow the proper processes.
- b) To promote the effective and efficient service delivery.
- c) To ensure secondment process is initiated when an administrative need has been identified.
- d) To enhance internal and external skills levels of employees by exposing them to jobs and work environments at other employers or entities.

4. SCOPE OF APPLICABILITY

This policy applies to all employees within the department that are employed in terms of the Public Services Act of 1994 as amended.

5. PRINCIPLES AND VALUES

The following principles shall inform the secondment process:

a) National Interest

A secondment shall not be for personal benefits for employee involved, the secondment of an employee shall further South Africa's National Interest and that of the department.

b) Voluntarism

A secondment shall be subject to the employee's consent.

c) Contractual Binding

The duties performed by employees during secondment shall on aggregate equip them with skills and competencies that put to good use in the department and the public service at large. Seconded employees shall in the discretion of the department be contractually bound to continue employment in the department or public service after expiry of the term of secondment.

d) Suitability

The determination of an employee's suitability shall be based on the inherent requirements attached to the duties to be performed, the capacity building needs of the employee and the loyalty that employee has displayed to department.

e) Skills Enhancement

A decision to second an employee shall be taken with due regard to the need for enhancing the relevant employee's skills.

f) Representativity

All decisions regarding the nomination of an employee for secondment shall take into account the need to reflect the representativity or Employment Equity targets of the department.

g) Service Delivery

An employee's secondment shall not compromise service delivery in the department or in the public service at large.

h) Cost – Effectiveness

An employee's secondment shall be affected on a basis that maximizes the output/benefits achieved in relation to the input made.

i) **Fairness**

The selection of employees for secondment shall take place in an objective, fair and transparent manner.

6. POLICY STATEMENT

- a) Section 15 (3) of the Public Service Act,1994 provides that the executive authority of a department shall, after consultation with the Provincial Treasury, place an employee with consent at the disposal of another government, any council, institution or body or person.
- b) In terms of Regulations 62 (1)(b) of Public Service Regulations (PSR), 2016, "Secondments shall be internal (within the Department of Social Development) or external (outside the Department) and shall not exceed twelve (12) months. Unless, due to operational reasons determined otherwise by the Delegated Authority; and an agreement has been concluded between the receiving and seconding department, organ of state, other government, or any other body"

7. POLICY PROVISIONS

7.1 Relationship between the employee and department

- a) The employee shall remain subject to the employment conditions and entitled to the conditions of service that apply to employees in the department and the Public Service.
- b) The maintenance of career incidents and secondment conditions of employee shall remain the responsibility of the department subject to the secondment agreement.
- c) The department shall during the secondment maintain on a regular basis contact with the employee to ensure proper monitoring of secondment arrangements to keep the employee abreast of departmental and other developments concerning employee's employment.
- d) The maintenance of career incidents and secondment conditions of employee shall remain the responsibility of department.

7.2 Initiation of Secondment

- a) The department or employee shall initiate secondment, provided the principles and values underpinning this policy are upheld.
- b) When the needs arise, other institutions or entities shall be approached to second officials to the department for specific task and period.
- c) In terms of PSR 2016, reg 62, 15 (2) or (3) of the Act shall take place if:
 - (i) the employee being seconded has the necessary competency.
 - (ii) the period of secondment shall not exceed 12 calendar months, unless due to operational reasons, determined otherwise by the Delegated Authority and
 - (iii) an agreement shall be concluded between the receiving and seconding department, organ of state, other government, or any other body.
- d) Any such arrangements shall be reduced in writing indicating the duties and responsibilities of the position and signed by the two department or institutions and the incumbent to be seconded.

7.3 Responsibility for cost and the payment of remuneration and condition of services.

- a) The recipient department, organ of state, other government, or any other body shall bear the inclusive of secondment, unless the seconding department, organ of state, other government or any other body agree otherwise.
- b) Unless arranged otherwise between the department and the recipient organization, the department shall continue the payment of the employee's salary and conditions of service and the deduction of monies during the period of secondment.
- c) The expenditure incurred by department in respect of the salary and conditions of service paid to the employee during secondment shall, if applicable, be recovered from the recipient organization on the basis of the appointment.

7.4 Remuneration and condition of services

7.4.1 General

- a) An employee shall be seconded with retention of salary and other conditions of service applicable to employee.
- b) An employee shall, subject to prior approval by department, retain any additional remuneration and/or conditions of service granted by the recipient organization. The recipient organization shall, by agreement with department, pay or provide such additional remuneration and conditions of service directly to the employee or through the department.
- c) The employee shall inform the department of any additional remuneration and conditions of service paid directly by the recipient organization.
- d) On completion or expiry of secondment, if received an additional remuneration, an employee's salary scale shall be taken back to the original salary scale before seconded.

7.4.2 Pension Benefits

- a) If an employee becomes a member of a provident or pension fund of the recipient organization, shall not affect the employee's membership to the Government Employees Pension Fund. The department shall not pay any contributions to such a provident fund or pension fund of the recipient organization.
- b) Contributions to the Government Employees Pension Fund during the period of secondment shall continue at the prescribed rate.

7.4.3 Medical Aid

7.4.3.1 Government Employees Medical Scheme (GEMS) members:-

- a) Employees stationed within the Republic of South Africa (RSA), remain members of GEMS and shall continue to be subsidized in accordance with the medical subsidy policy applicable to employees of department and the employees of the South African Public Service. If the Scheme not interface with the payroll systems of the recipient organizations and members shall be required to sign a monthly debit order for the full membership fee if their remuneration is paid directly by the recipient organization.

- b) International or additional medical cover shall be arranged for employees who shall be stationed abroad and to whom the provisions of the foreign service dispensation, shall not apply. Such medical cover shall include the dependants of the employee who shall remain within the RSA for duration of the secondment.
- c) Members of GEMS who receive supplementary medical assistance under the foreign service dispensation shall remain members of GEMS and the existing arrangement between the scheme and the department of Foreign Affairs (that medical claim of the employee shall be paid by the relevant South African embassy where after it is submitted to GEMS that reimburses the department of Foreign Affairs), shall apply.

7.4.3.2 Members of open Schemes: -

- a) The onus shall be on the employee to decide whether employees stays a member of current medical aid scheme and becomes a member of the recipient organization's scheme during the secondment period. The employee shall inform the department accordingly.
- b) No state contribution shall be made in respect of membership fees payable for participation in the Recipient Organization's scheme.

7.4.4 Leave

- a) During the period of secondment, the employee's leave of absence entitlements shall be maintained and accumulate at the rate prescribed by the Minister of Public Administration.
- b) The employee shall utilize absence of leave days entitlements in consultation with the department and the recipient organization.
- c) The recipient organization shall be responsible for leave pay-out in the event where the employee could not use annual leave due to operational requirement during the leave cycle or extended grace period of six (6) months.
- d) Any additional leave of absence benefits granted by the recipient organization shall be utilized by the employee as arranged with the department. Any liability at the termination of the employee's secondment in respect of the pay – out of annual leave not used within the prescribed period, shall form part of the secondment agreement.

7.4.5 Housing Allowance

The recipient organization shall bear the cost of housing allowance paid to employee during secondment.

7.4.6 Service Bonus

The recipient organization shall on a basis proportionate to the term of secondment, bear the costs of the service bonus paid to the employee during secondment.

7.4.7 Occupational Injuries and Diseases

- a) The provisions regarding the compensation in respect of injury on duty shall remain applicable to an employee. If an employee is seconded to a workplace outside the RSA for longer than 12 months, the Compensation Commissioner shall be informed according prior to an employee's secondment.
- b) In the event of the employee's death, injury on duty, incapacity or illness attributable to the performance of official duties during the term of secondment, the recipient organization shall, depending on the agreement fund all the payments to which the employee shall be entitled in terms of the Compensation for Occupational Injuries and Diseases Act, 1993 and in terms of Government Employee Pension Law, 1996 if employees services terminated as a result of such injury or illness or if employee die during or after the period of secondment.

7.4.8 Passports

- a) An employee shall, if is seconded to a workplace outside the RSA, travel on an official passport for purposes of secondment. Employees to whom diplomatic passport have been issued shall retain such passports during the secondment period. An employee attached to a South African mission abroad seconded, the employee shall retain the diplomatic passport during the secondment period.

7.4.9 Performance Management during the period of secondment: -

- a) The employee shall during the period of secondment be subject to the performance management, assessment and reward system applied by department.
- b) The responsibilities, performance areas and the outputs, for which the employee is responsible, shall be clearly identified prior to concluding the secondment

agreement. The responsibilities, key performance areas and outputs required shall form part of a performance agreement entered with the employee both the department and the recipient organization.

- c) If according to the judgment of the department circumstances dictate otherwise, the performance management, assessment and reward system of the recipient organization shall apply to the employee. In such instance, the department shall ensure that the performance management process is conducted jointly with the recipient organization.
- d) If an employee's performance does not meet the required standard, secondment shall, depending on the circumstances, be terminated. A decision to this effect shall be taken jointly by the recipient organization and the department, with due regard to the performance assessment results and any representations made by the employee concerning continued secondment.
- e) If secondment started in the middle of the year, the assessment from previous shall be taken into consideration.

7.4.10 Conduct at the Recipient Organization: -

The employee shall at all times during the period of secondment, adhere to the operational and workplace arrangements determined by the recipient organization. Failure to do so shall, depending on the circumstances, lead to the termination of the employee's secondment, which decision shall be taken jointly by the recipient organization and the department, with due regard to any representations made by the employee concerning continued secondment.

- a) The employee shall for the duration of period of secondment, remain subject to the disciplinary code and procedure applied by the department.
- b) The recipient organization shall bring any alleged transgressions by the employee to the attention of the Department. The department shall take disciplinary action against the employee if it is deemed appropriate.
- c) The employee shall, subject to agreement between the department and recipient organization, utilize the grievance procedure applied by the recipient organization.

7.4.11 Premature Termination of Secondment: -

The employee 's secondment shall be terminated:

- i. due to inefficiency or misconduct on the part of the employee,
- ii. due to a change in the operational needs of the recipient organization or the department.
- iii. due to the personal circumstances of the employee.
- iv. Due to expiry of the secondment

A decision to terminate a secondment in the circumstances referred to the policy shall be taken jointly by department and the recipient organization.

7.4.12 Contractual Obligations

The services rendered by the employee during the period of secondment shall be deemed as actual services for purposes of redeeming any contractual obligations in terms of which the employee is required to remain in the service of department or public service.

7.4.13 Contractual Binding: -

- a) If an employee is seconded upon request the relevant executive authority shall bind to continued employment in the relevant department or another department immediately after the secondment for a period not exceeding the period of secondment.
- b) In the case of an employee not complying with the requirement to continue employment, shall be required to repay the department an amount equal to the additional conditions of service (i.e. those conditions of service that relate directly to the secondment) received during the period of secondment, reduced proportionally by the period employee served after expiry of the secondment.
- c) The measure in subparagraph (b) above applies in cases of voluntary resignation and dismissals related to misconduct and incapacity (excluding incapacity due to all ill- health or injury on duty).

7.4.14 Secondment Agreement with the Recipient Organization: -

The conditions and arrangements applicable to an employee's secondment shall be recorded by means of a written agreement between the recipient organization and the department. The agreed upon terms and conditions shall be consulted with the Provincial Treasury.

On project-based project, an employee shall be de-seconded if the project is completed before the time of the agreement between the recipient organization and the department.

7.4.15 Secondment Agreement with the Employee

The secondment of an employee shall be affected by means of a written agreement between the department and the employee. The generic agreement shall be used for this purpose.

7.4.16 Security Vetting

An employee to be seconded to another department, Multilateral organization and another country shall before and after secondment be subjected to security vetting and counselling. The responsibility for the costs of vetting shall be incurred by the recipient organization.

7.4.17 Training on Diplomatic Protocol

An employee shall, in the case of secondment to another country or to a multilateral organization, receive training on diplomatic protocol prior to his or her secondment.

8. MONITORING MECHANISMS

The Chief Director: Corporate Services shall be responsible for the continuous administration and monitoring of this policy and any inputs or amendments to this policy document shall be directed in writing.

9. ENFORCEMENT

Violation or non-compliance to this policy shall result into a disciplinary action which shall lead to dismissal.

10. REVIEW OF THE POLICY

This policy will be reviewed after three years of its effective date and change in legislation.

11. POLICY APPROVAL

RECOMMENDED / NOT RECOMMENDED



MR. M. MACHEMBA
Head of Department
Dept. of Social Development

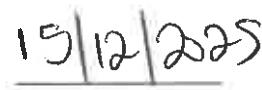


Date

APPROVED/ NOT APPROVED



MS. B. FANTA
Member of Executive Council
Dept. Of Social Development



Date