

Submissions on the PSA Bill [B31-2006]

Stakeholder	Clause	Concern	Proposal
SAPS National Commissioner	2(2A)	The MPSA having powers to determine conditions of service and employment practices: SAPS a unique service	MPSS and SAPS Act 68 of 1995 address these issues
	3	Objection: The SAPS Act empowers NC to determine SAPS structure and establishment	Accept only if the MPSS determines these, and not the MPSA
	7(d)(6)(b)	The MPSA would unilaterally implement SSSBC offers made on behalf of the employer	The MPSS is best placed to perform on SSSBC agreements
		The MPSA would investigate any alleged non-compliance with agreements	
		The MPSA would take any steps to correct consequences of non-compliance	
	14	Personnel appointments by the MPSA unconstitutional per Section 207(1) of the Constitution	Appointment of the NC/head of department is made by the President
	17	Extension of contract of the HOD/NC by the executing authority	President should extend contract or the NC must be excluded from this arrangement.
	19	NC has authority to appoint or transfer employees on probation: Section 28 of Police Act	SAPS should be excluded from the provision
	22	Powers to transfer and second employees by the MPSA and an executive member	NC to have these powers or reject clause
	24	Termination of contract of the NC by an executive authority or the MPSA unconstitutional	President should terminate contract: Section 207(1) of the Constitution

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Mr MDS Motshumi	N/A	Irrelevant submission: Satanism issues	N/A
Mr Sunil Gopal, a public servant	20	"Public interest" overriding consent to accept or refuse transfer or secondment	Sufficient debate on the Clause and the Bill itself. Protect employees against sanction
Mr Stan Davis, Knysna	N/A	Amalgamation of the public service	Different spheres of government provided for in the Constitution Single public service will not improve service delivery
	N/A	Incompatible positions/ranks in spheres of government: labour disputes	Implied rejection of the proposed public service
	N/A	Implied rescission/annulment of local government legislation	Implied rejection of the proposed public service
Mr SJ Cupido, Red Door Atlantis	N/A	Irrelevant submission: Personal issue on the fishing and tourism industry	N/A
Mr Shadrack Mabitsela, a public servant	N/A	Irrelevant submission: Personal matter on post upgrade	N/A
The PSC	3.8	Meaning of "formerly employed in the public service" not clear	Clarity on who has the mandate to attend to the grievance (is it the PSC or executive authority?)
	7(4) and (7)	"A functionary"	A definition of "functionary"
	7(8)	Investigation of alleged non-compliance with the PS Act by the MPSA	Duplication of powers of the PSC by the MPSA needs to be addressed
	7A	Would agencies fall under the jurisdiction of the PS Act?	Clarity sought

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		Is transfer a collective bargaining issue or not?	DPSA response
	25	Termination for absence without leave exceeding 10 days	Re-look into the issue
	26	Other remunerative work by employees	Do not target only junior employees but also highly skilled and senior employees
IMATU	7A	Creation of government agencies gives President legislative and executive powers	Re-look into the issue
		Government agencies will have extensive and unrestricted powers	Re-look into the issue
		Tenure and term of office of GAs unlimited	Re-look into the issue
MEC NW Province	10 (Section 7A)	Administrative reporting and accounting lines between accounting officer of a GA and HOD	DPSA response
		Assignment of powers by an executive authority to a GA <i>vis-à-vis</i> the Constitution and Legislatures	DPSA response
	24 (Sec16B (1))	Input/re-consideration of sanction imposed by DC chairperson	Provide for this option
	24 (Sec16B (4))	Employer remedies on employee resigning before DC proceedings	Clarity
	31 (Sec 35)	Grievances by HOD directly sent to the PSC	Compel HOD to first submit to the Premier (provincial HOD) and/or to President (national HOD)
	32 (Sec 36)	Participation of employees in political elections as candidates	Provide guidelines for governance

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Stakeholder	Clause	Concern	Proposal
	N/A	Single public service: How will it be phased in?	DPSA response
		Handling of refusal to transfer or be seconded	DPSA response
		Request	Presentation to the PC on PSA