



KWAZULU NATAL DEPARTMENT OF EDUCATION

REMUNERATIVE WORK OUTSIDE THE KZN DEPARTMENT OF EDUCATION

Approving Authority

Head of Department, KwaZulu Natal Department of Education

POLICY IMPLEMENTATION DATE: 01 JANUARY 2012



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HEAD OF DEPARTMENT, KZN-EDUCATION

Date: 2011 12 20



KWAZULU NATAL DEPARTMENT OF EDUCATION



REMUNERATIVE WORK OUTSIDE THE KZN DEPARTMENT OF EDUCATION

1. DEFINITIONS

For the purposes of this policy, the following definitions have been used:

Code of Conduct: refers to the Codes of Conduct for Public Service and Educators

Department: KwaZulu Natal Department of Education

Director or Manager: For the purposes of this policy, shall mean persons employed at Salary Level 13 up to Salary Level 16

Employee: All employees employed at the Department in terms of the Employment of Educators Act, Public Service Act and other applicable acts

Remuneration: Any benefits received in cash or kind

Remunerative work outside the Department: 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 duty and for which the employee will receive compensation in the form of a salary, wage, allowance, honoraria, or any other reward



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2. INTRODUCTION

In terms of applicable legislation, employees of the Department may undertake remunerative work outside the Department, with the necessary approval. The circumstances and the conditions under which such remunerative work can be performed have not been clearly defined and communicated within the Department. Therefore there is a need to develop and implement a policy to effectively regulate the performance of remunerative work by employees of the Department.

3. PURPOSE

The purpose of this policy is to provide measures in terms of which employees of the Department may perform remunerative work outside the Department. The onus lies on the employee to obtain prior approval to conduct remunerative work outside their Department responsibilities.

This policy replaces previous Departmental guidelines relating to outside remunerative work. Those officials who were granted authorization will need to reapply for approval in line with this policy.

4. OBJECTIVE

The objectives of this policy are to indicate the:

- a) Conditions under which permission for performance of remunerative work outside the Department will be granted; and



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- b) Actions to be taken in the event of the performance of remunerative work outside the Department without permission.

5. RATIONALE (PRINCIPLES)

The rationale for this policy is that every employee of the Department is expected to-

- o act at all times during his/her employment with the Department with utmost good faith towards the Department and to ensure that the administration, discipline and efficiency of the Department or any Office of the State is not unjustifiably prejudiced;
- o devote his/her full time and attention to the business of the Department and to refrain from being involved in any work for compensation for another person or organization, either during or outside working hours without the express and written approval of the executing authority or his delegated authority.

By requesting permission to conduct outside remunerative work, employees protect themselves from potential challenges at a later time as well as helping the Department maintain good governance and upholding its reputation.

6. APPLICABILITY

This policy applies to all employees who are employed at the Department in terms of the Public Service Act, 1994 (as amended), the Employment of Educators Act, 1998 and other relevant legislation



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7. AUTHORISATION & LEGISLATIVE FRAMEWORK

- Constitution
- Public Finance Management Act, 1999
- Treasury Regulations 2001
- Public Service Act, 1994
- Public Service Regulations, 2001
- Employment of Educators Act, 1998
- Regulations regarding the terms and conditions of employment of Educators
- Labour Relations Act

8. POLICY PROVISIONS

8.1 Conditions for the performance of outside remunerative work

Applications for outside remunerative work will be considered on the following conditions:

8.1.1 The work must be performed outside the employee's prescribed working hours, hours of standby and any period of overtime that the employee has agreed to work in the Department.

8.1.2 The work must be performed outside the KZN Department of Education.

8.1.3 The work must be of such a nature that it will not bring the Department or the Public Service as a whole into disrepute.

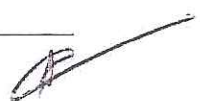


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- 8.1.4 There must be no conflict of interest between the work that will be performed outside the Department and the person's duties within the Department. In the event of there being a conflict of interest, permission for outside work will be withdrawn.
- 8.1.5 The work must in no way interfere with, or impede the effective and/or efficient performance, of the employee's functions within the Department.
- 8.1.6 An employee may not use government letterheads, personnel, equipment, supplies, or other resources for a non-departmental purpose and to conduct outside remunerative work.
- 8.1.7 The Department reserves the right to review each application on its merit, and apply any other conditions it deems relevant in assessing an application.

8.2 Applications for permission to perform outside remunerative work

- 8.2.1 All applications for outside work must be made using *Annexure A : Application to perform Outside Remunerative Work*. The application form must be accompanied by a motivation from the employee's immediate supervisor (*Annexure B: Motivation*).
- 8.2.2 An employee is required to submit individual application forms for each type of outside remunerative work the employee intends performing. Should there be any material changes in an employee's current outside remunerative work interests, the employee must submit a new application form.



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8.2.3 Applications must be submitted personally by the applicant to their relevant director or manager.

8.2.4 An employee must be advised by the relevant director or manager within 30 days of receipt of his/her application of the outcome of that application failing which it will be deemed that permission has been granted.

8.2.5 The receipt date of applications submitted to the Department is recognised as that date on which receipt of the application is acknowledged by the relevant director or manager.

8.2.6 On expiry of 30 day period, should the director or manager have reason to believe that the employee's application is not correct and valid, the Department reserves the right to revoke the approval.

8.2.7 The original form will be forwarded to Head Office, HR component. Four copies will be submitted as follows :

- One copy to the employee
- One copy to be retained by the relevant Director or Manager
- One copy to service centre HR to be filed in employee's personnel file
- One copy to the Office of the Head of Department, Education-KwaZulu Natal

8.2.8 The permission to perform outside remunerative work shall be valid for a period of





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3 years from date of approval.

8.3. Applications for Renewal of Permission to perform Outside Remunerative Work

8.3.1 All renewal of applications to perform outside remunerative must be in writing, using *Annexure A : Application to perform Outside Remunerative Work*.

8.3.2 No renewal of application for remunerative work outside the Department may exceed 3 years.

8.3.3 The application for renewal must be submitted in accordance with Paragraph 8.2 above.

9 CESSATION OF OUTSIDE REMUNERATIVE WORK

9.1 Should an employee no longer perform remunerative work outside the Department, a written notice indicating the date on which outside work ceased should be provided by the employee to the relevant Manager or Director and must be forwarded to Head Office, HR component. Three copies will be retained as follows :

- Once copy to be retained by the relevant Director or Manager
- One copy to service centre HR to be filed in the employee's personnel file
- One copy to the Office of the Head of Department, Education-KwaZulu Natal



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10 PERFORMANCE OF OUTSIDE REMUNERATIVE WORK WITHOUT PERMISSION

- 10.1 An employee should not perform outside remunerative work without written permission from the Department's relevant authority.
- 10.2 Should an employee be found to be performing outside remunerative work without approval, he/she shall pay into revenue any remuneration or reward received, or the value thereof where the remuneration or reward does not consist of money.
- 10.3 If the employee fails to pay into revenue the amount or value relating to the outside remunerative work, the Head of Department shall recover it from him/her by way of legal proceedings and pay it into revenue.
- 10.4 An employee performing outside work without permission shall be subject to disciplinary action.

11 APPEALS

- 11.1 An employee may appeal against a decision not to be allowed to perform outside work by lodging an appeal in writing.
- 11.2 Appeals must be lodged with the office of the MEC within 14 working days of being informed of the non-approval of outside remunerative work using *Annexure C: Appeal Form*.



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12 NON-COMPLIANCE WITH POLICY

12.1 If conditions of this policy are not being complied with by the employees granted permission to perform outside work, the Department reserves the right to withdraw the permission to perform outside work, subject to consulting with the employee.

13 RESPONSIBILITIES

13.1 The following responsibilities are allocated:

13.1.1 Immediate supervisors of units, components or institutions where employees were granted permission to perform outside work must monitor the performance of employees, to ensure that service delivery is not compromised. The necessary corrective action should be taken should service delivery be compromised and a breach of the conditions have occurred.

13.1.2 The employee's immediate supervisor will be responsible for recommending if their employees should be granted permission to conduct outside remunerative work.

13.1.3 The relevant Directors or Managers will receive and approve applications for outside work, maintain a register of all applications received and the status thereof which will be submitted to Human Resource Management at Head Office.





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14 REVIEW PERIOD

The policy will be monitored, reviewed and updated regularly to maintain consistency with applicable national and provincial legislation.

15 CONSEQUENCES OF NON-COMPLIANCE

Any employee who fails to accurately disclose or willfully provides incorrect or misleading information can be charged with misconduct, and disciplinary action instituted in this regard.

Failure by managers and supervisors to discharge responsibilities laid down in this policy may be regarded as non-performance under the Performance Management and Development System and may also render them liable to a charge of inefficiency or misconduct.

16 CONFIDENTIALITY

The information will be confidentially maintained by all persons as designated / delegated by the Department for the effective implementation of this policy.

17 DISCLAIMER

The Department will not be held responsible for any contractual or delictual claims arising out of the employee's conduct in relation to the performance of remunerative work outside public service.



APPLICATION TO PERFORM REMUNERATIVE WORK OUTSIDE THE DEPARTMENT

- 1 The form must be completed and submitted prior to undertaking outside remunerative work
A motivation from the employee's immediate supervisor must be attached to the application, failing which the application will
- 2 not be considered
- 3 The employee must personally deliver the form and motivation to their relevant director or manager
- 4 An employee will be notified within 30 days of the outcome of their application

A. PERSONAL PARTICULARS

NAME: _____

RANK: _____

INSTITUTION: _____

PERSAL NUMBER: _____

B. DETAILS OF REMUNERATIVE WORK OUTSIDE THE DEPARTMENTInstitution/Organisation/Site where outside work will be performed:-

ii) Describe nature of duties to be performed:-

iii) Indicate the periods during which outside work will be performed [day(s) of the week and starting and finishing times]:

iv) Indicate remuneration to be received [hourly/weekly/monthly]:-

C. DECLARATION BY APPLICANT

I understand and accept that:-

- i) The additional work will in no way hamper me in or adversely affect the performance of my official duties
- ii) The additional work will be performed entirely outside my prescribed hours of duty or overtime which I have agreed to perform
- iii) The additional work will not cause embarrassment to the Department or Public Service in any way
- iv) Should there be a conflict of interest between the work that will be performed outside the Department & my duties within the Public Service, authority to perform the outside work will cease
- v) Authority to perform outside work, if granted may be withdrawn at any time if it is found that the above conditions are not being adhered to
- vi) I will not use government letterheads, personnel, equipment supplies or other resources to conduct outside remunerative work
- vii) The Department reserves the right to review each application on its merit, and apply any other conditions it deems relevant

Signature of Applicant:	
Date of application	
DATE OF RECEIPT BY DEPARTMENT	

APPLICATION TO PERFORM REMUNERATIVE WORK OUTSIDE THE DEPARTMENT

PERSONAL PARTICULARS

NAME: _____

RANK: _____

INSTITUTION: _____

SAL NUMBER: _____

D. RECOMMENDED / NOT RECOMMENDED

REASONS	
Name of official :	
Signature:	
Rank:	
Date:	

APPROVED / NOT APPROVED

REASONS	
Name of official :	
Signature:	
Rank:	
Delegation:	
Date	



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**MOTIVATION LETTER : REMUNERATIVE WORK OUTSIDE THE KZN
DEPARTMENT OF EDUCATION**

Date : _____

APPLICATION FOR OUTSIDE WORK: EMPLOYEE NAME _____

PERSAL NUMBER _____

The above employee has requested permission to conduct remunerative work outside his employment at the KZN Department of Education.

I have considered the application and recommend / do not recommend the application for the following reasons :

Signature _____

Name of Official _____

Title/Rank _____

Date _____

OFFICE STAMP:



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APPEAL FORM IN RESPECT OF REMUNERATIVE WORK OUTSIDE THE DEPARTMENT

- 1 The form must be completed and submitted prior to you undertaking outside remunerative work
- 2 The relevant documentation in support of the appeal must be attached and forwarded to the relevant authority
- 3 You will be notified of the outcome of the appeal

A. PERSONAL PARTICULARS

NAME: _____

RANK: _____

INSTITUTION: _____

PERSAL NUMBER: _____

B. DETAILS OF REMUNERATIVE WORK OUTSIDE THE DEPARTMENT

The application form to undertake outside remunerative dated _____, together with the motivation letter submitted on _____ to the _____ has been declined.

I hereby appeal against the decision on the following grounds :

REASONS FOR APPEAL (SUPPORTING DOCUMENTATION ATTACHED)

Signature of Applicant:

Date of application

ACKNOWLEDGEMENT OF RECEIPT BY DEPARTMENT

Name of official :

Signature:

Rank:

Delegation:

Date of receipt