

ANNEXURE I

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PART I. PRELIMINARY

A. SHORT TITLE AND COMMENCEMENT

A.1 These rules are called the National Health Laboratory Service Personnel Rules and come into operation on 1 July 2003.

B. SCOPE OF APPLICATION

B.1 These Rules apply to all persons employed, and to institutions governed, by the Service in terms of the Act.

C. NON-DELEGATABLE RULES

C.1 Rules V I.1; V I.2; VII E.1; VII G.4.1 and VIII G.1 may not be delegated by the Board.

D. REPLACEMENT OF RULES AND TRANSITIONAL ARRANGEMENTS

D.1 Any Rule made and in force under a directive or provision in the SAIMR or the Public Service insofar as it affects the employees of the Service is hereby replaced in so far as it is inconsistent with any provision of these Rules or any collective agreement binding between the Service and its employees.

E. MATTERS OF MUTUAL INTEREST

E.1 The Labour Relations Act, 1995 and collective agreements shall regulate matters of mutual interest between the Service and its employees.

F. EXCEPTIONAL CASES

F.1 If circumstances develop which justify deviation from the provisions and measures in a particular Rule in these Rules concerning the careers

of employees, the Board may under exceptional circumstances make determinations, issue directives or approve alternative provisions and measures to be applied. Such alternative provisions and measures shall first be approved by the Minister.

G. COMMUNICATION WITH THE BOARD AND THE MEDIA

G.1 If an Executive Manager needs to communicate with the Board on a matter that falls within the Board's powers and duties, she or he shall communicate through the Chief Executive Officer and may conduct correspondence in any official language.

G.2 An employee of the Service must direct any enquiry on a matter that falls within the Board's powers and duties to her or his manager.

G.3 An Executive Manager must submit for prior consultation to the Chief Executive Officer any draft policy document or procedure manual that impacts on the powers or duties of the Board.

G.4 The Chief Executive Officer must establish and manage policy on how employees in the Service may communicate with the printed or other media.

PART II. DELEGATIONS, AUTHORISATIONS AND RESPONSIBILITIES

A. PRINCIPLES

To enable the Chief Executive Officer to manage the service effectively and efficiently, the Board must provide the Chief Executive Officer with appropriate powers and authority. For the same purpose the Chief Executive Officer must empower employees in the Service by means of appropriate delegations and authorisations, where necessary.

B. DELEGATIONS AND AUTHORISATIONS

B.1 The Board or Chief Executive Officer must record a delegation or authorisation it, she or he has made in writing and may incorporate it in an employment contract of the employee.

B.2 Any delegation, whether of the Board or the Chief Executive Officer must be signed by the employee to whom the delegation has been given as acknowledgement, one copy of the delegation letter must be filed in his or her personnel file and a copy given to the employee.

B.3 Withdrawal of any delegation, whether by the Board or by the Chief Executive Officer must be signed by the employee from whom the delegation is being withdrawn, as acknowledgement, one copy of the withdrawal of delegation letter must be filed in his or her personnel file and a copy given to the employee.

C. RESPONSIBILITIES

C.1 The Board may not require or permit the Chief Executive Officer or any other employee to engage in an activity or take a decision in breach of these Rules.

C.2 The Chief Executive Officer must;

- a. ensure that the employees in the Service comply with these Rules, collective agreements and any other statutory obligations; and
- b. deal immediately and effectively with any breach thereof.

C.3 The Chief Executive Officer must ensure that prior approval is obtained from the Board for any personnel decision that involves unbudgeted expenditure.

D. CONFLICT OF INTEREST

D.1 Where a possible conflict of interest arises in the making of any decision relating to employment, the Chief Executive Officer or any other employee to whom any power or duty has been delegated or assigned, must perform the act or make the decision only after considering a recommendation of an independent panel appointed by the Board consisting of at least two persons.

D.2 Where the Chief Executive Officer or the employee to whom a power or duty has been delegated or assigned, deviates from the panel's recommendations, she or he must record the reasons for the deviation in writing.

D.3 The Chief Executive Officer or employee must not accept or seek benefit of any kind from an employee or a prospective employee in return for performing an act or making a decision relating to employment.

E. HANDLING OF OFFICIAL INFORMATION

E.1 An employee must not under any circumstances destroy any official documentation unless she or he has the necessary authority.

E.2 An employee must not under any circumstances release official information unless she or he has the necessary authority.

PART III. PLANNING, WORK ORGANISATION AND REPORTING

A. PRINCIPLES

The Board must, in order to provide services with the best value for money, set measurable objectives for the Service, optimally utilise the

Service's human and other resources and apply fair labour practices. Within available funds, it must, based on the Service's service delivery objectives and mandates, plan to execute functions with an efficient and effective internal organisation and well developed human resources. To permit oversight by the public, the Board must publish an annual personnel report giving key information on the personnel of the Service.

B. STRATEGIC PLANNING

B.1 The Chief Executive Officer must prepare a strategic human resource plan for the Service, and review and revise the plan annually.

The plan must;

- a. state the Service's core objectives, based on legislative mandates, functional mandates and the service delivery improvement programme;
- b. describe the core and support activities necessary to achieve the core objectives, avoiding duplication of functions;
- c. specify the functions the Service will perform internally and those it will contract out;
- d. describe the goals or targets to be attained on the medium term;
- e. set out a programme for attaining those goals and targets; and
- f. specify information systems to enable the Board to monitor the progress made towards achieving those goals, targets and core objectives.

B.2 Based on the strategic plan of the Service, the Chief Executive Officer must;

- a. propose the Service's organisational structure in terms of its core and support functions;
- b. grade proposed new jobs according to the job evaluation system referred to in Part V;

- c. define the positions necessary to perform the relevant functions while remaining within the current budget and medium-term expenditure framework of the Service, and the positions so defined will constitute the Service's approved establishment; and
- d. engage in the human resource planning with a view to meeting the resulting human resource needs.

B.3 The Board must review, revise and adopt the strategic human resource plan annually and authorise the implementation of the organisational structure or any major organisational amendment.

B.4 In implementing the strategic human resource plan, the Chief Executive Officer must;

- a. promote the efficient, economic and effective use of resources as to improve the functioning of the Service; and
- b. to that end, apply working methods such as the re-allocation, simplification and co-ordination of work, and eliminate unnecessary functions.

C. SERVICE DELIVERY IMPROVEMENT PROGRAMME

C.1 The Chief Executive Officer must establish and sustain a service delivery improvement programme for the Service. The programme must:

- a. specify the main services to be provided to the different types of actual and potential customers, as identified by the Service;
- b. contain consultation arrangements with the Service's actual and potential customers;
- c. show due regard to the customer's means of access to the services and the barriers to increased access thereof, specifying the mechanisms or strategies to be utilised progressively to remove the barriers so that access to services is increased;

- d. indicate standards for the main services to be provided;
- e. contain general information about the services rendered by the Service; and
- f. stipulate a system or mechanisms for complaints.

C.2 The Board must publish an annual statement of service commitment which will set out the Service's service standards that patients and customers can expect and which will serve to explain how the Service will meet each of the standards.

D. HUMAN RESOURCE PLANNING

D.1 The Chief Executive Officer must;

- a. assess the human resources necessary to perform the Service's functions with particular reference to;
 - i. the number of employees required;
 - ii. the competencies which those employees must possess; and
 - iii. the capacities (whether permanent or temporary) in which those employees will be appointed;
- b. assess existing human resources by race, gender and disability as well as by occupational category, organisational component and grade with reference to their;
 - i. competencies;
 - ii. training needs; and
 - iii. employment capacities;
- c. plan within the available budgeted funds, including funds for the remaining period of the relevant medium-term expenditure framework, for the recruitment, retention deployment and

development of human resources according to the Service's requirements determined in terms of Rule III D.1(a), which plan must, as minimum, include:

- i. realistic goals and measurable targets for achieving representativeness, taking into account Rule III D.2; and
 - ii. targets for the training of employees per occupational category and of specific employees, with specific plans to meet the training needs of persons historically disadvantaged; and
- d. address the position of employees affected by the abolition of unnecessary positions and retrench employees only in accordance the Labour Relations Act, 1995 and collective agreements as the last resort.

D.2 The Chief Executive Officer must develop and implement an employment equity programme, which will contain, as a minimum, the following:

- a. a policy statement that sets out the Service's commitment to employment equity, and how that policy will be implemented;
- b. numeric and time-bound targets for achieving representativeness;
- c. annual statistics on appointment, training and promotion within each grade of each occupational category, of persons historically disadvantaged; and
- d. a plan for redressing numeric under-representativeness and supporting the advancement of persons historically disadvantaged.

D.3 The Chief Executive Officer must report the outcome of planning referred to in Rule III D.1 and of the affirmative action programme referred to in Rule III D.2 to the Board and make it known within the Service.

E. INFORMATION RESOURCES PLANNING

E.1 The Chief Executive Officer must establish;

- a. an information plan for the Service that supports the planning process and objectives referred to in Rule III B.1 and the reporting requirements in Rule III J;
- b. an information technology plan that supports the information plan; and
- c. an operational plan that enables the implementation of the information technology plan and information management.

F. ABOLITION, CREATION AND FILLING OF POSITIONS

F.1 Before creating a position on the approved establishment for any newly defined job, or before filling any vacancy, the Chief Executive Officer must;

- a. confirm in writing that she or he requires the position to meet the Service's objectives;
- b. in the case of a newly defined job, evaluate the job in terms of the job evaluation system;
- c. in the case of a vacant position evaluate the job unless the specific job has been evaluated previously; and
- d. ensure that sufficient budgeted funds, including funds for the remaining period of the medium-term expenditure framework, are available for filling the position.

F.2 Before abolishing a position the Chief Executive Officer must;

- a. confirm in writing that she or he no longer requires the position to meet the Service's objectives, specifically those in Rule III D.2.

G. ADDITIONAL EMPLOYMENT

G.1 The Chief Executive Officer may, within the relevant budget, employ persons additional to the approved establishment where;

- a. the incumbent of a position is expected to be absent for such a period that her or his duties cannot be performed by other personnel; or
- b. a temporary increase in work occurs; or
- c. it is necessary for any other reason to temporarily increase the staff of the Service, and
- d. must specify the capacities of additional employee (i.e. temporary, full-time, part-time) conditions of additional employment (i.e. flexi hours, work on calls) and also state the contract period of this employment provided that such period is not longer than 12 calendar months.

H. TRANSFER OF FUNCTIONS BETWEEN BRANCHES AND COMPONENTS

H.1 If the Board, upon recommendation of the Chief Executive Officer, makes a determination regarding the transfer of functions between Branches and Components in order to amend the organisational structure:

- a. all concomitant resources, including personnel, will be transferred to the receiving branch or component from the relinquishing branch or component;
- b. the responsible manager of the relinquishing branch or component will retain accountability for matters originating prior to the date of transfer; and

- c. the transfer of personnel will take place with due regard to the requirements of the Labour Relations Act, 1995..

I. JOB DESCRIPTIONS, TITLES AND GRADES

I.1 For each position or group of positions, the Chief Executive Officer must establish a generic job description and a generic job title that indicate, with appropriate emphasis on service delivery;

- a. the main objectives of the position or positions in question;
- b. the inherent requirements of the job; and
- c. the requirements for progression of salary, in accordance with a relevant career path.

I.2 At least once every three years, the Chief Executive Officer must review generic job descriptions and titles and, where necessary, redefine them to ensure that they remain appropriate and accurate.

I.3 The Board:

- i must determine a grading system for all jobs; and
- ii may determine that a career ladder system be developed for the core service generic jobs (for example, but not limited to pathologist, medical technologist, medical scientist, and medical technician) in place of a traditional grading system.

I.4 For each grade or career ladder, the Chief Executive Officer may provide advice on;

- a. the possible jobs that should be included in the grade or ladder;
- b. the necessary and desirable core competencies for the grade or ladder;
- c. indicators of those competencies; and

- d. desirable characteristics for employment and advancement within the occupation.

J. MANAGERIAL REVIEW AND OVERSIGHT

J The Board will publish an annual report in compliance with the Public Finance Management Act, 1999 for the information of the national and provincial legislatures, the media and the public. Besides the financial requirements, as a guideline, the following information will be included:

J.1 Planning and service delivery

- a. The core mandates, functions and objectives of the Service.
- b. The service standards for major objectives and the results achieved in meeting standards.
- c. Comment on the nature and extent of the social, transformational policies and practices.

J.2 Organisation

- a. The Service's organisational structure and a collated table of the approved establishment.
- b. The number of employees and of vacancies, per component, grade and nature of employment.
- c. The employment number of persons employed additional to the approved establishment (contracts and secondments).

J.3 Job evaluation

- a. By grade, occupation and career ladder, the number of positions evaluated, upgraded and downgraded.
- b. The number of employees whose grading changed as a result of positions that were upgraded, according to race, gender and disability.

- c. The number of employees whose remuneration exceeds the grade determined by job evaluation and the reasons for each deviation, by grade and career ladder.

J.4 Remuneration

- a. The percentage of the budget spent on:
 - i. total personnel costs;
 - ii. administrative expenditure; and
 - iii. outsourced special services.
- b. The personnel costs in intervals of R20 000, by race, gender, disability, grade and career ladder.
- c. The percentage of total personnel costs spent on the executive management service.
- d. The costs of overtime, allowances and benefits as a percentage of total personnel costs.

J.5 Employment Equity, recruitment, promotions and termination of services

- a. The progress made in implementing the employment equity programme referred to in Rule III D.2.
- b. The number of employees recruited per grade and career ladder, indicated according to race, gender and disability.
- c. The number of employees whose salaries were advanced per grade and career ladder, indicated according to race, gender and disability.
- d. The number of employees per grade and career ladder, whose services were terminated, indicated according to race, gender and disability.
- e. The number, occupations and grades of foreign appointees.

J.6 Performance management and skills development

- a. Employees who received rewards for performance, indicated according to grade, career ladder, race, gender and disability.
- b. The targets for training in the training plan, and the progress made in attaining those targets according to grade, career ladder, race, gender and disability.
- c. The allocation for training in the Service's budget, and the actual amounts spent on each training target.
- d. The number, (i) externally and (ii) internally, and the type of training programme implemented.

J.7 Sick leave

- a. The average number of days sick leave taken by employees in the Service indicated according to their grades and career ladders.
- b. The total number of days sick leave taken by employees in Service.
- c. The estimated cost to the Service of the leave so taken.
- d. The number of employees who took more than 15 continuous days sick leave in the year under review.

J.8 The number and nature of incidents of injury, illness and death occurring in the course of official duty or in the work environment.

J.9 A description of practices reflecting a commitment to reduction of workplace accidents, fatalities and health and occupational safety incidents against stated measurement targets and objectives, specifically the nature and extent of the strategy, plan and policies adopted to address and manage the potential impact of HIV/AIDS on the Service.

J.10 The number of employees discharged due to ill-health.

J.11 The number and subject matter of collective agreements entered into.

PART IV. JOB EVALUATION

A. PRINCIPLES

A.1 To ensure that work of equal value is remunerated equally, the Service will use job evaluation;

- a. to assist in achieving cost-effective work organisation; and
- b. to determine appropriate remuneration.

B. RESPONSIBILITIES

B.1 The Chief Executive Officer will determine;

- a. a job evaluation system or systems that will be utilised in the Service;
- b. a range of job weights derived from the system or systems for each salary range in a grade and for each career ladder; and
- c. a job or category of jobs that the Executive Committee must evaluate.

B.2 The Board may:

- a. review the application of job evaluation in the Service;
- b. issue directives on the application of the job evaluation system or systems;
- c. evaluate any job; and/or
- d. direct the Chief Executive Officer to take measures to enhance the quality of the system, including the re-evaluation of jobs, the

restructuring of the component responsible for job evaluation and/or further training of employees responsible for job evaluation in the Service, and

- e. evaluate the performance of the Chief Executive Officer.

PART V. COMPENSATION FOR EMPLOYEES

A. PRINCIPLES

A.1 Remuneration in the Service will aim, within fiscal constraints, to support-

- a. efficient and effective service delivery and provide appropriate incentives for employees; and
- b. equal pay for work of equal value and other labour standards.

A.2 In determining an employee's salary, the Chief Executive Officer will take into account-

- a. relevant collective agreements;
- b. available funding;
- c. the results of job evaluation, if available;
- d. the employee's performance; and
- e. the need to recruit and retain personnel with appropriate competencies.

B. DETERMINATION OF SALARY RANGE AND ALLOWANCES

B.1 The Board will determine a salary range or ranges and allowances for employees who fall within the ambit of the Service's collective bargaining process.

C. GRADING AND REMUNERATION

C.1 The Chief Executive Officer will determine the grade of a position to correspond with its job weight and set the commencing salary of an employee on a level in the salary range attached to the relevant grade that is commensurate with the evaluated experience of the employee.

C.2 If the job weight demonstrates that a filled position is overgraded or undergraded, the Chief Executive Officer will either effect changes to the work organisation or regrade the position according to the job weight and the relevant collective agreements, as provided in Rule V C.3 and C.4.

C.3 The Chief Executive Officer may increase the salary of a position to a higher salary than the maximum in the salary range of the grade in order to accord with the job weight, if;

- a. the job weight as measured by the job evaluation system indicates that the position was graded incorrectly; and
- b. the Service's budget and the medium-term expenditure framework provide sufficient funds.

C.4 If the Chief Executive Officer determines that the salary range of an occupied position exceeds the range indicated by the job weight, she or he must;

- a. if possible:
 - i. redesign the job to equate with the job grade; or
 - ii. transfer the incumbent to another job on the same salary range; and
- b. abide by relevant legislation and collective agreements.

C.5 As far as is possible, the Chief Executive Officer must set the salary of a part-time, seasonal or temporary employee proportional to the salary of an equally graded full-time employee.

D. SALARY RANGE PROGRESSION

D.1 The Service will budget for the advancement of employees within the salary range of grades and career ladders.

D.2 An employee shall be eligible for progression of his or her salary only if;

- a. she or he has the competencies required to perform the additional duties;
- b. the weight of her or his job increases to equate to a higher salary in the salary range; and
- c. she or he has received consistently satisfactory performance assessment ratings in the year of assessment.

E. OVERTIME

E.1 The Board will determine rates of compensation for overtime through the collective bargaining process.

E.2 The Chief Executive Officer may compensate an employee for overtime work where;

- a. the employee does not belong to the executive management, except in those cases mentioned in Rule V E.3;
- b. the Service has a written policy on overtime;
- c. written authorisation has been given in advance for the work; and

- d. except in exceptional circumstances, the monthly compensation for overtime constitutes less than 30 per cent of the employee's monthly salary.

E.3 No employee may authorise overtime for her or himself.

E.4 The Board will establish an overtime policy in accordance with collective agreements, which may determine;

- a. categories of employees that may not receive compensation for overtime due to the nature of their work and responsibilities;
- b. the circumstances under which a supervisor may authorise overtime work for an individual employee;
- c. if an employee shall receive payment or time off as compensation for authorised overtime;
- d. how much overtime an employee may work in a given period;
- e. how a supervisor should record authorisation for overtime; and
- f. other control measures, if necessary.

F. SERVICE BENEFITS, COMPENSATORY PRACTICES AND WORK FACILITY PRACTICES

F.1 The Board will determine service benefits, compensatory practices, work facility practices and allowances for employees through the collective bargaining process, and in the case of employees who fall outside the bargaining unit, directly.

F.2 The Board may make a determination regarding;

- a. special daily allowances for visits abroad by employees; and
- b. the application of a service benefit, compensatory practice, work facility practice or allowance.

F.3 Subject to the terms of a relevant collective agreement, the Board may provide the cash equivalent of benefits received by permanent employees to employees on fixed-term contracts.

G. LEAVE

G.1 The Board will determine leave categories and policies subject to the terms of a relevant collective agreement.

G.2 The Chief Executive Officer must-

- a. encourage an employee to fully utilise her or his vacation leave in the year earned;
- b. record all leave taken by an employee accurately and in full; and
- c. ensure that an employee does not abuse sick leave.

H. INFORMATION ON REMUNERATION

H.1 At least on an annual basis, the Board must publish and issue to employees the salary ranges used in the Service.

H.2 In dealing with personnel matters and the remuneration of an individual employee, a manager must respect the employee's right to privacy.

H.3 During the week preceding an employee's salary pay day the Chief Executive Officer must provide her or him with the following information in writing:

- a. the Service's name and address;
- b. the employee's name;
- c. the employee's salary number;
- d. the employee's job title and grade or career ladder;
- e. the salary scale of the relevant grade;

- f. the employee's salary level;
- g. any other form of compensation that the Service pays directly to the employee on a monthly basis;
- h. the period for which payment is made;
- i. the amount and purpose of any deductions; and
- j. the actual amount paid to the employee.

I. PRIVATE REMUNERATIVE WORK

I.1 The Board may develop, implement, monitor and reserve the right to amend or withdraw a policy on private remunerative work by employees.

I.2 In any such policy the Board may make different determinations for different employee categories or for different types of private remunerative work.

PART VI. WORKING ENVIRONMENT

A. PRINCIPLES

The working hours and conditions of the Service must support effective and efficient service delivery while, as far as possible, taking employees' personal circumstances, including disability, into account.

B. WORKING HOURS

B.1 The Chief Executive Officer must determine:

- a. the work week and daily hours of work for employees; and
- b. the opening and closing times of places of work under her or his control, taking into account-

- i. the needs of the clients in the context of the Service's service delivery improvement programme; and
- ii. the needs and circumstances of employees, including family obligations and transport arrangements.

C. EMERGENCY WORK

The Chief Executive Officer may require an employee to perform work outside normal working hours if the work must be performed without delay owing to circumstances which are beyond the control of the Chief Executive Officer and for which she or he could not reasonably have been expected to make provision.

D. HEALTH AND SAFETY

The Chief Executive Officer must establish and maintain a safe and healthy work environment for employees of the Service.

PART VII. PROCEDURES FOR APPOINTMENT, PROMOTIONS AND TERMINATION OF SERVICE

A. PRINCIPLES

Employment practices will ensure employment equity, fairness, efficiency and the achievement of a representative personnel complement.

Affirmative actions will be used to ensure the attainment of a representative and equitable personnel complement and to give practical support to those who have been previously disadvantaged by unfair discrimination to enable them to fulfil their maximum potential.

Employment practices will maximise flexibility, minimise administrative burdens on both employer and employee, and generally prevent waste and inefficiency.

B. CONDITIONS FOR APPOINTMENT

B.1 General

The Chief Executive Officer;

- a. may appoint employees to the approved establishment on a permanent or temporary basis, either full-time or part-time;
- b. may, where the employment is temporary, appoint an employee under a special contract, on a casual basis or on a session basis;
- c. may not appoint any person under the age of 16 years;
- d. will determine the health requirements for incumbency of a post in any case where it is in the requirements of the post;
- e. may appoint a casual employee for a period not exceeding 12 months; and
- f. will ensure that each employee upon appointment, is provided with a written contract of employment, including the terms and conditions of her or his service.

B.2 Employment contracts for Executive Managers

B.2.1 The Board may appoint employees to executive management positions.

B.2.2 The Board will draft and enter into a contract with an Executive Manager (including the Chief Executive Officer) in terms of section 13 of the Act. In addition to the matters contemplated in section 27 (b) of the Act, the contract may specify the main delegations or authorisations to the Executive Manager necessary in order to manage her or his responsibility, and a provision stating that a delegation or authorisation may be added to or removed from the contract.

B.3 Re-appointment of former employees

B.3.1 The Chief Executive Officer may not re-appoint a former employee, either part-time, full-time or as an independent contractor, where-

- a. the former employee left the Service earlier on the condition that she or he would not accept or seek re-appointment;
- b. the original grounds for termination of service militate against re-appointment; or
- c. the former employee left the Service due to ill health and cannot provide recent and conclusive evidence of recovery.

B.4 Secondments

B.4.1 The Chief Executive Officer may, with the agreement of the employee concerned, second the employee to another component in the Service, to any company in which the Service is a share-holder, to any institution of higher learning or to a government department for a particular service or for a period of time.

B.4.2 The Board may, with the agreement of the employee concerned, second the employee to another government service of a foreign government for a particular service or for a period of time.

B.4.3 If the Board seconds an employee to another government service of a foreign government, in terms of Rule VII B.4.2, the Board may determine additional benefits and conditions that may apply in respect of the period of the secondment.

B.5 Acting In higher position

B.5.1 The Chief Executive Officer may compensate an employee for acting in a higher vacant position on the basis of an agreement reached in the collective bargaining process provided that the additional

compensation does not result in a total compensation that exceeds the compensation that would be payable for the vacant position in question.

B.5.2 The Chief Executive Officer may also compensate an employee for acting in a position due to the actual incumbent of the position acting in a higher vacant position, provided that no more than two employees may simultaneously be compensated as a result of a single vacancy.

B.5.3 An employee may not act in a higher vacant position for an uninterrupted period exceeding 12 months.

B.5.4 Where an employee has received additional compensation for acting in a higher position in terms of Rule VII B.5.1 or VII B.5.2 such additional compensation will cease with effect from the date, as notified by the Chief Executive Officer in writing, that the employee is no longer required to act in the position in question.

C. RECRUITMENT

C.1 Determination of requirements for employment

C.1.1 The Chief Executive Officer will determine composite requirements for employment in any position on the basis of the inherent requirements of the job.

C.1.2 The Chief Executive Officer will;

- a. record the inherent requirements of a job;
- b. ensure that the requirements for employment do not discriminate against persons historically disadvantaged; and
- c. comply with any statutory requirement for the appointment of employees.

C.2 Advertising

C.2.1 The Chief Executive Officer will ensure that vacant positions in the Service are so advertised as to reach, as efficiently and effectively as possible, the entire pool of potential applicants, especially persons historically disadvantaged.

C.2.2 An advertisement for a position will specify the inherent requirements of the job, the job title and core functions.

C.2.3 Any vacant position for an executive management position will be advertised nation-wide.

C.2.4 The Chief Executive Officer will advertise any other vacant position within the Service as a minimum, but may also advertise such position elsewhere either nation-wide or locally.

C.2.5 The Chief Executive Officer may fill a vacant position without complying with Rule VII C.2.3 and C.2.4 if;

- a. the Service can fill the position from the ranks of staff employed additional to the approved establishment of equal grading;
- b. the Service can absorb into the position an employee who was appointed under an employment equity programme, if she or he meets the requirements of the position; or
- c. the Service plans to fill the position as part of a programme of laterally rotating or transferring employees to enhance organisational effectiveness and skills.

C.2.6 The Chief Executive Officer (or the Board in the case of vacant executive management positions) may utilise an appropriate agency to identify candidates for positions, as long as the advertising and selection procedures comply with Rules VII C and D.

D. SELECTION

D.1 The Chief Executive Officer must appoint a selection committee to make recommendations on appointments to all positions except the executive management positions. The selection committee must consist of at least three members who are employees of a grading (or career ladder level as the case may be) equal to or higher than the grading (or career ladder level) of the position to be filled or suitable persons from outside the Service or in which both such an employee or employees and such a person or persons are represented: Provided that:

- a. the chairperson of the selection committee, who must be an employee of the Service, must be of a grading (or career ladder level) higher than the position to be filled;
- b. in the event that the manager of the component within which the vacant position is located, is graded lower than the vacant position, such a manager may be a member of the selection committee; and
- c. where a position that is being filled will require the incumbent to perform duties associated with an institution of higher learning that has an agreement with the Service, at least one appropriate representative of that institution must be a member of the selection committee.

D.2 The Board must appoint the selection committee for an executive management position provided that a selection committee constituted for the appointment of a member of the Executive Committee must include, in the case of;

- a. the Chief Executive Officer, at least three members of the Board;
and
- b. any other member of the Executive Committee, the Chief Executive Officer and at least one other member of the Board.

D.3 A selection committee must, where possible, include adequate representation of historically disadvantaged persons.

D.4 A selection committee must include a majority representation of the profession where the position is for a core profession post (pathologist, medical technologist, medical scientist, and medical technician), and the chairperson of such selection committee must be a registered member of that profession.

D.5 Employees of a grading (or career ladder level) which is lower than the grading (or career ladder level) of the position to be filled may provide secretarial or advisory services during the selection process, but may not form part of the selection committee.

D.6 The selection committee must make a recommendation to the Chief Executive Officer or the Board, as the case may be, on the suitability of a candidate after considering;

- a. information based on valid methods, criteria or instruments for selection that are free from any bias or discrimination;
- b. the training, skills, competence and knowledge necessary to meet the inherent requirements of the position;
- c. the needs of the Service for developing human resources;
- d. the representativeness of the component where the position is located; and
- e. the Service's employment equity programme.

D.7 A selection committee must record the reasons for its decision with reference to the criteria mentioned in Rule VII D.6.

D.8 When the Chief Executive Officer or the Board, as the case may be, does not approve a recommendation of a selection committee, s/he or it must record the reasons for the decision in writing.

E. PROBATION

E.1 The Board may determine that a probation period must be served for any Executive Manager position.

E.2 The Chief Executive Officer may determine any position or job category for which a probation period must be served provided that employees who are employed for a period not exceeding one year, do not serve a probationary period.

E.3 A supervisor of a probationer must ensure that-

- a. the probationer, at the commencement of the probationary period, knows the performance and other requirements for obtaining confirmation of probation;
- b. the probationer, on a quarterly basis, receives written feedback on her or his performance and compliance with other requirements;
- c. if necessary, the probationer receives training, counselling or other assistance to meet the requirements for confirmation;
- d. the probationer receives written confirmation of appointment at the end of the probationary period if she or he has been found suitable for the relevant position; and
- e. when dismissal as a result of poor performance is considered, the probationer is afforded the opportunity to state her or his case, during which process the probationer may be assisted by a colleague or a trade union representative.

F. CAREER ADVANCEMENT

F.1 The Chief Executive Officer may advance an employee to a vacant position on a higher grade in the approved establishment of the Service if-

- a. sufficient budgeted funds, including funds for the remaining period of the relevant medium-term expenditure framework, are available for filling the vacancy; and
- b. the vacancy has been advertised and the candidate selected in accordance with Rules VII C and D.

F.2 The appointment to the new position will take effect on the first day of the month following the month during which the advancement was approved.

F.3 Employees in any career ladder may be advanced in their occupied positions a maximum of twice in any one year and may not advance more than three steps in the ladder in any single advancement.

F.4 No employee has any right to advancement to a vacant position until the advancement has been approved in writing by the Chief Executive Officer.

G. TERMINATION OF SERVICE

G.1 Retirement age

G.1.1 The Board will determine the age of retirement of employees and may determine a policy on early retirement after considering any applicable collective agreement.

G.2 Resignation

G.2.1 The Chief Executive Officer must prescribe the manner in which an employee must submit her or his resignation.

G.2.2 The Chief Executive Officer must record the reasons given by the employee for her or his resignation.

G.2.3 An employee may resign from the Service, and for that purpose, unless otherwise agreed with the Board, must;

- a. in the case of any employee paid monthly, give at least one month written notice of resignation;
- b. in the case of any casual employee who has been employed for less than four weeks; give at least one week's notice of resignation;
or
- c. in the case of any casual employee who has been employed for more than four weeks, give at least two weeks' notice.

G.3 Ill-health

G.3.1 The Chief Executive Officer may on the basis of medical evidence, consider the discharge of an employee on account of ill-health. To this end, the Chief Executive Officer may require an employee to undergo a medical examination by a registered physician.

G.3.2 A discharge on account of ill-health must occur with due regard to item 10 of Schedule 8 to the Labour Relations Act, 1955.

G.4 Operational requirement

G.4.1 The Board may discharge employees for operational reasons if the discharge complies with;

- a. sections 189 and 190 of the Labour Relations Act; and
- b. any applicable collective agreement that determines benefits for employees to be so discharged.

G.5 Termination of probation

G.5.1 When the services of an employee on probation are terminated in terms of section 13 of the Labour Relations Act, 1995 due regard must be had to item 8 of Schedule 8 of the said Act.

H. EMPLOYEE RECORDS

H.1 The Chief Executive Officer must keep a record of each employee reflecting, as a minimum, the following particulars with regard to the employee:

- a. Full names;
- b. Date of birth;
- c. Identity number (or work-permit/residence number in the case of a non-citizen);
- d. Citizenship;
- e. The employee's status, as self-defined, for purposes of monitoring representativity, according to race, gender and disability, with race defined as African, Coloured, Indian, White, or Other (specified);
- f. Home address and telephone number;
- g. Date of joining the Public Service, a university or the SAIMR (if applicable);
- h. Details of other previous relevant employment;
- i. Date of joining the Service;
- j. Nature of employment;
- k. Job title attached to the position;
- l. Occupation;
- m. Current and previous positions (and ranks where applicable), with date of entry and authorisation for entering each position (or rank);
- n. Details of formal educational qualifications (certified copies checked);
- o. Accreditation received for training and skills;
- p. Details of remuneration and performance awards;

- q. Details of pension, medical assistance and other benefits;
- r. Details of leave authorised for any purpose;
- s. All other particulars required for determining benefits and remuneration, including particulars as to marital status and dependants; and
- t. Proven cases of misconduct.

PART VIII. PERFORMANCE MANAGEMENT AND DEVELOPMENT

A. PRINCIPLES

The Service will manage performance in a consultative, supportive and non-discriminatory manner in order to enhance organisational efficiency and effectiveness, accountability for the use of resources and the achievement of results. Performance management processes will link to broad and consistent plans for staff development and align with the Service's strategic goals. The primary orientation of performance management will be developmental but will allow for effective response to consistent inadequate performance and for recognising outstanding performance. Performance management procedures must minimise the administrative burden on supervisors while mainlining transparency and administrative justice.

B. SYSTEMS FOR PERFORMANCE MANAGEMENT AND DEVELOPMENT

B.1 The Chief Executive Officer will determine a system for performance management and career development for employees in the Service, other than employees who are members of the Executive Management Committee, consistent with these rules.

B.2 The Board will manage the performance of the members of the Executive Management Committee in accordance with the provisions of their performance contracts.

B.3 For each employee, other than an employee who is a member of the Executive Management Committee, the Chief Executive Officer will designate in writing;

- a. the period in respect of which performance is to be assessed (the performance cycle);
- b. an annual date for assessment of performance; and
- c. the supervisor responsible for monitoring, supervising and assessing the employee's performance.

B.4 The supervisor must;

- a. as far as possible, meet on a regular basis with the employee to discuss the basic objectives of her or his component and the employee's role in the success or failure in achieving those objectives;
- b. before the assessment cycle commences or within one month after appointment or advancement to a position or in a career ladder, explain the performance assessment procedure to the employee; and
- c. inform the employee of the criteria used for her or his performance assessment.

B.5 The employee's supervisor must monitor the employee's performance on a continuous basis and give the employee feedback on her or his performance;

- a. at least four times a year;

- i. orally, if the employee's performance is satisfactory; and
 - ii. in writing, if the employee's performance is unsatisfactory;
- b. at least twice during the six months preceding the employee's annual formal performance assessment date; and
- c. in writing, on the annual formal performance assessment date.

C. PERFORMANCE ASSESSMENT

C.1 The Chief Executive Officer may establish separate performance assessment instruments for different occupations or levels of work; but when assessing an individual employee, a single assessment instrument shall be used in order to assist in deciding on probation, rewards, promotion and skills development of the employee.

C.2 Assessment must be based only on the information contained in the designated performance assessment instrument. However, where an appeal is lodged against an assessment, the information furnished in connection with the appeal, must also be considered.

C.3 Before utilising a performance management and development system referred to in Rule VIII B.1, the Chief Executive Officer must;

- a. pilot the system on groups of employees in all occupations sufficiently to enable reasonable validity; and
- b. consult with employee organisations in the Service.

D. INFORMATION ON ASSESSMENT RESULTS

D.1 The employee's supervisor must inform the employee in writing of the outcome of the assessment and if the employee's performance is unsatisfactory, of the reasons for that assessment.

D.2 An employee who is not satisfied with the outcome of her or his assessment, may refuse to sign it.

D.3 The employee's supervisor must clearly identify the appeals route for an employee who is not satisfied with the outcome of her or his assessment.

D.4 At any appeal against the outcome of her or his assessment, the employee may be assisted by a fellow employee or a representative of her or his trade union.

D.5 The Chief Executive Officer must not communicate the outcome of an employee's performance assessment to a person not employed in the Service unless the employee has consented thereto in writing.

E. MANAGING UNSATISFACTORY PERFORMANCE

E.1 In the case of unsatisfactory performance, the Chief Executive Officer must;

- a. provide systematic remedial or developmental support to assist the employee to improve her or his performance;
- b. if the performance is so unsatisfactory and the desired improvement cannot be effected, consider steps to discharge the individual for unfitness or incapacity to carry out her or his duties.

F. INCENTIVES FOR GOOD PERFORMANCE

F.1 If the Service's budget and the medium-term expenditure framework provide adequate funds, the Chief Executive Officer may establish a financial incentive scheme for employees or any category of those employees.

F.2 To establish a financial incentive scheme, the Chief Executive Officer must;

- a. in writing determine the nature, rules and control measures of the scheme in advance;
- b. communicate the nature and rules of the scheme equitably to all employees; and
- c. ensure that employees who implement the quality and quantity control measures of the scheme are not entrusted with the implementation of that scheme in relation to themselves.

G. SUGGESTIONS, IMPROVEMENTS AND INNOVATIONS

G.1 If an employee makes a suggestion, improvement or invention of exceptional value to the Service;

- a. the Service will have the right of use of any such suggestion, improvement or invention; and
- b. the Board may reward the employee through;
 - i. any non-monetary reward;
 - ii. a non-pensionable cash award; or
 - iii. such a non-monetary reward as well as such a cash award,
- c. provided that the provisions of section 17 of the Act are complied with insofar as they are applicable to the invention or improvement.

H. MISCONDUCT AND DISCIPLINE

H.1 The Board may, with due regard to the Labour Relations Act, 1955 develop and implement a policy regarding the discipline of employees, including, but not limited to;

- a. matters that will constitute misconduct;
- b. mechanisms for managing misconduct; and
- c. appropriate responses to misconduct.

I. GRIEVANCES

I.1 The Board may, with due regard to the Labour Relations Act, 1955 develop and implement a policy regarding the management of grievances of employees, including, but not limited to;

- a. matters that will constitute a formal grievance; and
- b. mechanisms for managing employee grievances.

PART IX. TRAINING AND EDUCATION

A. PRINCIPLES

Employees should have ongoing and equitable access to training geared towards achieving an efficient, unbiased and representative Service. Training should support work performance and career development. It should become increasingly driven by needs, and link strategically to broader human resource management practices and programmes aimed at enhancing employment equity and representativeness.

B. INSTITUTIONAL ARRANGEMENTS

B.1 The Board may oversee or ensure the participation of the Service in any institution aimed at promoting training, subject to the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995).

B.2 Training may be provided internally or externally.

B.3 A supervisor must provide training opportunities for employees under her or his supervision and control in accordance with the Service's training plan.

B.4 The Chief Executive Officer must budget for the training of employees at all grades.

C. QUALITY OF TRAINING

C.1 The Chief Executive Officer must, where appropriate, utilise institutions that have the accreditation of the South African Qualifications Authority for training personnel of the Service and that the training offered in the Service gains accreditation from the South African Qualifications Authority.

C.2 The Service will issue certificates in respect of internal training when completed successfully.

D. OCCUPATIONAL SPECIFIC COMPETENCIES AND TRAINING

D.1 The Chief Executive Officer may, upon the recommendation of the National Academic Pathology Committee, in addition to the prescripts of professional councils, determine the required competencies of and prescribe training for, various occupations or specific employees in the Service.

E. TRAINING ASSISTANCE

E.1 If it will make a contribution to the performance of the work of the Service, the Chief Executive Officer may, provided she or he has budget for such activities, grant any financial or other assistance for any study, training or research where-

- a. she or he has asked an employee to undertake the study, training or research; or
- b. the employee has requested any such assistance.

E.2 The Chief Executive Officer may develop a policy that will provide for the granting of any financial or other assistance for part-time or full-time activities at, or in association with, either local or international institutions. She or he may also include the granting of assistance for studies and training through training interventions such as short courses, congresses, symposia, seminars, conferences, workshops, lectures and study tours in the policy.

E.3 The Chief Executive Officer may-

- a. grant bursaries for higher education to both serving and prospective employees; and
- b. may allocate bursaries for general education and further education and training only to serving employees; and
- c. not require contractual service in recompense for assistance received by an employee in respect of any general education or further education and training. (See E11).

E.4 The Chief Executive Officer may, from budgeted funds of the Service, defray any genuine expenses associated with study, research or training, but need not cover the full expenses.

E.5 A serving employee may retain her or his salary, which shall count as part of the financial assistance from the Service during any study, research or training.

E.6 The Board may waive the whole or any part of any study debts.

E.7 Where the Service provides a bursary for higher education to an employee or prospective employee;

- a. the bursary holder must enter into a contract with the Service in terms of which she or he;
 - i. in the case of a bursary holder who undertakes full-time study, will redeem the bursary by serving the Service on the basis of one year for each year of study or any part thereof; or
 - ii. in the case of a bursary holder who undertakes part-time study, will redeem the bursary by serving the Service for at least one year after attaining the relevant qualification; and
- b. a bursary holder who undertakes full-time study, must commence serving the Service within one month after she or he has met all the requirements for the attainment of the relevant qualification.

E.8 An employee who fails to complete the relevant qualification must redeem any obligation in terms of the contract either through service, or repayment of the bursary amount, plus interest at a rate determined by the Board.

E.9 In the case of an employee who studies or undergoes training other than general education for short periods, the Chief Executive Officer may, as a precondition for providing assistance, require the employee to enter into a contract with the Service in terms of which she or he will serve the Service for a commensurable period.

E.10 The Service will provide as many positions as may be determined annually by the Board, after motivation by the National Academic Pathology Committee, on the fixed establishment for the training of

Registrars in the pathology disciplines. The Service will select incumbents in collaboration with the associate university faculties and will enter into Registrar bursary agreements with the incumbents to;

- a. employ the incumbents to these positions on contract for the period of their training;
- b. using the approved grading system;
- c. remunerate the incumbent according to the Service remuneration scales; and
- d. redeem the bursary by requiring the incumbent, upon graduation, to serve the Service on the basis of one year for each year of study or any part thereof.

E.11 For the purpose of Rule IX E;

- a. *"Further education and training"* means further education and training as defined in section 1 of the Further Education and Training Act, 1998 (Act No. 98 of 1998);
- b. *"general education"* means the compulsory school attendance phase as referred to in section 3 of the South African Schools Act, 1996 (Act No. 84 of 1996); and
- c. *"higher education"* means higher education as defined in section 1 of the Higher Education Act, 1997 (Act No. 101 of 1997).

F. SABBATICAL TRAINING FOR ACADEMIC PROFESSIONALS

F.1 The Board may, upon the recommendation of the National Academic Pathology Committee, and after consultation with the associated tertiary education institution;

- i. determine specific posts that will be designated as having academic status by virtue of the teaching and research responsibilities associated with the jobs; and

- ii. adopt and manage a policy and financing mechanisms for sabbatical training for the professionals appointed to these academic posts.

PART X. LABOUR RELATIONS

A. PRINCIPLES

The Board will appoint the Chief Executive Officer and any other employee to manage negotiations, conclude collective agreements and resolve labour disputes in accordance with the Labour Relations Act, 1995. No employee may sign an agreement with fiscal implications unless she or he has an unambiguous written mandate from the Board via the Chief Executive Officer.

B. IMPLEMENTATION OF COLLECTIVE AGREEMENTS

B.1 The Service will implement and enforce any collective agreement signed by an authorised representative of the Service as employer.

C. MANDATING AND MANAGEMENT OF NEGOTIATIONS

C.1 The Chief Executive Officer may enter into an agreement on a matter of mutual interest only if;

- a. she or he has authority from the Board to deal with the matter concerned; and
- b. she or he meets the fiscal requirements contained in Rule X D.

C.2 Collective bargaining will be regulated by the Labour Relations Act, 1995.

C.3 In the established bargaining structure or procedure that deals with matters of the Service the Chief Executive Officer will delegate a person who will manage negotiations on behalf of the Service as employer.

D. MATTERS WITH FISCAL IMPLICATIONS

D.1 Subject to Rule X C, the Service will enter into an agreement in the bargaining structure on any matter that has financial implications only if;

- a. it has a thoroughly considered realistic calculation of the costs involved in both the current and the subsequent fiscal year;
- b. the agreement does not conflict with the Public Finance Management Act, 1999; and
- c. the costs can be covered;
 - i. from the operating portion of the Service's budget; or
 - ii. on the basis of a written commitment from the government to provide additional funds.

PART XI. CODE OF ETHICS

A. PRINCIPLES

The professional environment of the Service requires that the highest ethical standards be maintained at all times. The business environment is that of a public entity managing public funds largely generated from government departments and therefore requires good corporate ethics.

B. DEVELOPMENT OF CODE OF ETHICS

The Service will develop and implement a Code of Ethics for all personnel.

PART XII. TRANSITIONAL ARRANGEMENTS

TRANSITIONAL ARRANGEMENTS

1. Notwithstanding the provisions of Rule I E.1, where the Board has adopted certain personnel measures and applied them, such measures shall be deemed to have been taken in terms of these Rules, provided that;
 - a. the actions are consistent with any valid collective agreement, and
 - b. the purpose of the adoption of the Rules has been to harmonise the application of human resource policy amongst the founding parties.
2. State employees transferred to the Service shall from the commencement date be employees of the Service on the conditions that she or he enjoyed on the date of transfer.
3. Until such time as an employee is informed of a new job title of the Service the job title applicable in the SAIMR or the Public Service, as the case may be, the employee's station and job description remain unaltered.
4. Delegations, authorisations and responsibilities that apply prior to the commencement date will apply in respect of any employee until such time as they are removed and replaced by delegations, authorisations and responsibilities of the Service.
5. From the commencement date any application for early retirement, notice of retirement or termination of service must be made to the Service through executive management.

6. The records of all transferred employees become the property of the Service from the commencement date of these rules.

7. All vacancies advertised before these rules come into operation shall be filled in accordance with the requirements applicable at the time of the advertisement.

8. Subject to any collective agreement, the official forms in use in the public service or the SAIMR immediately before these rules come into operation in relation to public service and personnel matters (and identified by the prefix "Z" in the case of the Public Service) will continue to be used in relation to those matters -

- a. in so far as their use is not inconsistent with the provisions of these Rules or any collective agreement; and
- b. until a date to be determined by the Board by notice to all staff in an internal communication. Such a determination may be made from time to time in respect of any one or more of those forms.

10. Bursaries and other study contracts awarded by the SAIMR or the Public Service and held by employees or any other person will be honoured and the conditions of the bursaries or study contracts will continue to apply in the Service.

11. Outstanding grievances lodged with either the SAIMR or the Public Service must be concluded by the authority with which the grievance was lodged, or, where relevant, officially transferred in writing to the Service by that authority.

12. Outstanding discipline or misconduct procedures must be concluded by the authority that initiated the procedures and the employee will not be transferred to the permanent establishment of the Service until the disciplinary or misconduct process has been concluded. During the process the employee may be seconded to perform gainful work in the Service.

13. Subject to the details of a collective agreement to be reached in consultation with organised labour the performance of every employee will be assessed, using the chosen assessment tool or tools of the Service (see Chapter VIII), within 12 months of the relevant date of commencement and their transfer to the Service.