



health

Department of Health
NORTHERN CAPE

Draft Policy on the Remunerative Work Outside the Public Service (RWOPS)

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Definitions of Abbreviations

“RWOPS” means Remuneration Work Outside Public Service.

“State” for the purpose of the policy refers to government institution

1. Policy Aim

- 1.1. The aim of this policy is to regulate and provide a framework within which the employees of the Northern Cape Department of Health perform remunerative work outside their employment in line with the Public Service Act and Regulations as amended.

2. Policy Scope

- 2.1 This policy is applicable to all employees of the Northern Cape Department of Health.

3. Policy Statement

- 3.1. It is the policy of the Northern Cape Department of Health that:
 - 3.1.1. Any employee wishing to undertake RWOPS must seek for approval annually (beginning of financial year, April) from the Member of Executive Council (MEC) for Health.
 - 3.1.2. The MEC shall decide whether or not to grant permission within 30 working days after the receipt of request from the employee in question. Should the MEC fail to make a decision within the 30 days period, it would be deemed that such application is granted.
 - 3.1.3. Any such permission may be reviewed at any time throughout the year by the MEC.
 - 3.1.4. Permission for RWOPS will not exceed 32 hours per month (average of 8 hours per week).
 - 3.1.5. RWOPS shall not be performed during normal contracted hours (7h30am - 16h00pm, Monday-Friday) nor during scheduled overtime (including commuted overtime).
 - 3.1.6. Employees in training posts shall not be allowed to undertake RWOPS.
 - 3.1.7. The proposed RWOPS must under no circumstances result in a conflict of interest between the department and such employment, nor bring the department in disrepute.

3.1.8. The proposed RWOPS activities must not be undertaken in such a way that they may jeopardise the employees State activities (i.e. a medical officer undertaking that may, on rare occasions, over-run, or may result in a private emergency call out when working for the State), and must not work in single practices, meaning must have a partner that will manage the practice.

3.1.9. The only exceptions where RWOPS may be performed during contracted hours and scheduled overtime is for the following activities requested and scheduled by the employer. In both instances, the employee must fully identify the time taken for the private practice, deduct it from their scheduled overtime claims, and have it approved by the immediate supervisor.

3.1.10. Scheduled activities:

3.1.10.1. Medical assessments following referral by SASSA

3.1.10.2. Private practice in the Northern Cape Department of Health facilities and where the department is able to claim a facility fee and the cost of consumables/medications from the patient or medical schemes.

3.1.10.3. Additional clinical duties for an agency contracted by the State

3.1.11. All authorization granted will be valid for only one (1) year unless the Head of Department delegated authority prescribes a shorter period. An employee will be required to re-apply annually at the start of the financial year for renewal of his/her application. The onus will rest on the employee to ensure that his/ her approved RWOPS does not lapse.

3.2. **Unauthorised Remuneration**

3.2.1. If an employee is found to be performing RWOPS without approval, he/ she shall in terms of section 31.1 (a) of the Public Service Act, 1994:

3.2.1.1. Pay into the provincial revenue an amount equal to the amount received as remuneration or;

3.2.1.2. Pay into the provincial revenue the value determined by the Head of the Department if it does not consist of money within six (6) months period.

3.2.2. If the employee fails to pay an amount or value into revenue, the Head of Department has to recover it from the employee by way of legal proceedings and pay it into the Provincial Revenue Account.

3.2.3. An employee performing RWOPS without permission shall also be subjected to disciplinary action.

3.2.4. An employee may appeal to the Executive Authority against the determination of the Accounting Officer within 30 days of denial. (Annexure B: Appeal form).

4. Roles and Responsibilities

4.1. The **Head of Department** is the ultimate owner of all policies and delegates custodianship to the relevant responsible manager.

4.2. The **Ethics and Integrity Unit** shall:

4.2.1. Monitor adherence to legislation and provide advice

4.2.2. Investigate existence of all applicants businesses to eliminate discrepancies

4.2.3. Scrutinise all applications before submission to the MEC for approval

4.3. The **Human Resource Manager (Conditions of Service)** shall:

4.3.1. Receive applications and renewals for RWOPS from employees within their facilities and maintain a register of all applications and status thereof.

4.3.2. Submit RWOPS applications to the Office of the MEC for approval.

4.3.3. Inform the applicants of the outcome of their applications within 30 days from receipt of the application.

4.3.4. Monitor compliance of this policy in all health facilities throughout the province.

4.3.5. Draw quarterly reports on all employees granted RWOPS and communicate to affected Programme Manager.

4.3.6. Complete annual audits on RWOPS, by comparing records with affected personnel.

4.4. The **Chief Executive Offices / District and Hospital Managers** shall:

4.4.1. Ensure that service delivery is not negatively affected in the facilities, offices or components by employees performing RWOPS.

4.4.2. Ensure that RWOPS is not performed during any period when employees should be on duty in fulfilment of the 40 hour week, overtime and standby obligations or during sick leave days.

4.5. The Employees / Applicant shall:

- 4.5.1. Employees must obtain prior approval for RWOPS and renew application for RWOPS thirty (30) days before they intend to commence or continue with RWOPS. Employees must submit individual application forms for each type of RWOPS that they intend to perform. Should there be any material changes in the current RWOPS, employee should submit a new application form for approval.
- 4.5.2. Ensure that RWOPS, once approved, is performed in accordance with the application made and that the performance of normal duty, any period of overtime and standby is not negatively affected by performance of RWOPS.
- 4.5.3. Not perform RWOPS during their normal working hours and periods of overtime and standby.
- 4.5.4. Notify the supervisor when RWOPS is being discontinued.
- 4.5.5. Not use departmental resources in the performance of RWOPS.
- 4.5.6. Declare and pay all remuneration received in connection with the performance of his / her work in Public Service, into Provincial revenue fund, an amount equal to the remuneration or reward within six (6) months.

4.6. The Immediate Supervisor shall:

- 4.6.1. Will complete quarterly assessments and ensure employee has a stable performance.
- 4.6.2. Keep records of all remunerative work outside public service and ensure that all supporting documents are in place.
- 4.6.3. Monitor and report on the impact of employees RWOPS.

5. Review and Distribution

- 5.1. The **Director for Security Management** is the responsible manager for this policy and for ensuring it is reviewed and updated
- 5.2. This Policy will be reviewed after (3) years but not later than 5 years from the publishing date. If necessary an updated version will be issued, if not a formal cover letter will be issued (providing a date indicating that the policy was reviewed).
- 5.3. The Director for Policy and Planning will distribute updated versions to:

5.3.1. Member of the Executive Council for Health

5.3.2. Head of Department of Health

5.3.3. All Chief Directors, Directors and Deputy Directors (who will in turn distribute to their staff as appropriate)

6. Acknowledgements & Sources

6.1. Public Services Act 1994, as amended. Section 30 and 31

6.2. Chapter 10 of the Constitution of the Republic of South African

6.3. Chapter 2 of Public Service Regulations, 2001

6.4. Basic Conditions of Employment Act, 75 of 1997 as amended

6.5. Public Finance Management Act, 1999 as amended

6.6. Treasury Regulations

6.7. Health Professions Council Amendment Act, 29 of 2007

6.8. Labour Relations Act, 66 of 1995

6.9. Employment Equity Act, 55 of 1998

Approved by Head of

Department

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Date

25/05/2016

Ms GE Matlaopane