

Friday, 30 April 2021 30/04/21

[NEWSLETTER](#) | [SUPPORT US](#)

LOG IN WITH STEADY

Toggle navigation

- [HOME](#)
- [NEWS & ANALYSIS](#)
- [COMMENT](#)
- [POLITICS](#)
- [DOCUMENTS](#)
- [iSERVICE](#)

Search

Search

- [BULLARD](#)
- [GORDIN](#)
- [GROUSE](#)
- [KANE-BERMAN](#)
- [MAJOZI](#)
- [RW JOHNSON](#)
- [STRAIGHT TALK](#)
- [SINGAPORE REVISITED](#)
- [WSM](#)

DOCUMENTS



Faith Muthambi: The PSC's report

Public Service Commission |

06 March 2019

Former minister did not comply with regulations in case of a number of employees in her office

FINAL REPORT ON AN INVESTIGATION INTO THE HIRING PRACTICES AND COMPOSITION OF THE FORMER MPSA'S PRIVATE OFFICE

FEBRUARY 2019

1. Introduction

1.1 On 02 February 2018, the PSC received a request from the DA Shadow Minister of Public Service and Administration (MPSA), Ms van der Walt, to investigate the hiring practices and composition of the private office of the former MPSA (**Annexure A**). On 6 February 2018, receipt of the request from Ms van der Walt was acknowledged (**Annexure B**).

1.2 Terms of Reference (ToR) of the investigation were **to investigate the hiring practices and composition of the former MPSA's private office.**

1.3 In accordance with existing protocol, on 05 March 2018, the PSC informed the MPSA of the request and the investigation (**Annexure C**).

2. The Mandate of the PSC

2.1 In terms of Section 196(2) of the *Constitution of the Republic of South Africa, 1996, inter alia*, determines that the PSC must exercise its powers and functions in the interest of the maintenance of effective and efficient administration and a high standard of professional ethics in the Public Service.

2.2 Section 196(4) of the *Constitution of the Republic of South Africa, 1996*, determines that the powers and functions of the PSC are –

“either of its own accord or on receipt of any complaint-

(i) to investigate and evaluate the application of personnel and public administration practices and to report to the relevant executive authority and legislature;

(ii) to investigate grievances of employees in the public service concerning official acts or omission, and recommend appropriate remedies;

(iii) to monitor and investigate adherence to applicable procedures in the public service; and

(iv) to advise national and provincial organs of state regarding personnel practices in the public service, including those relating to the recruitment, appointment, transfer, discharge and other aspects of the careers of employees in the public service”.

2.3 Section 10(1) of the *Public Service Commission Act, 1997*, determines that –

“The Commission may conduct an inquiry into any matter in respect of which it is authorized by the Constitution or the Public Service Act to perform any function.”

3. Regulatory framework applicable to the filling of posts

3.1 The regulatory framework applicable to the filling of posts in the offices of EAs is contained in, amongst others, the *Public Service Act, 1994*, as amended (PSA), *Public Finance Management Act, 1999* (PFMA), *Public Service Regulations (PSR) 2016*, and *Ministerial Handbook, 2007*.

3.2 These prescripts are summarised as follows:

3.2.1	PSA:	<p>Section 9: An EA may appoint any person in his or her department in accordance with this Act and in such a manner and on such conditions as may be prescribed.</p> <p>Section 10: No person shall be appointed permanently unless he/she is a South African citizen/permanent resident and a fit and proper person.</p> <p>Section 11: In the making of any appointment in terms of section 9 in the Public Service –</p> <ul style="list-style-type: none"> - all persons who applied and qualify for the appointment shall be considered; and - the evaluation of persons shall be based on training, skills, competence, knowledge and the need to redress, in accordance with the <i>Employment Equity Act, 1998</i>, the imbalances of the past to achieve a Public Service broadly representative of the South
-------	-------------	--

		<p>African people, including representation according to race, gender and disability.</p> <p>Section 14: Transfers within Public Service</p> <p>“(1) Subject to subsections (2), (3) and (4), any employee of a department may be transferred –</p> <p>(a) within the department, by its executive authority;</p> <p>(b) to another department by the executive authorities of the two relevant departments”.</p>
3.2.2	PFMA:	<p>Section 38: The Accounting Officer (AO) for a department is responsible for the effective, efficient, economical and transparent use of resources.</p>
3.2.3	PSR, Chapter 1 PSR, Chapter 4	<p>Regulation 4: The Minister may-</p> <p>(a) under justifiable circumstances, authorize a deviation from any regulation; and</p> <p>(b) if necessary, authorise a deviation contemplated in paragraph (a) with retrospective effect for purposes of ensuring equality.</p> <p>Regulation 40: Before creating a post for any new job, or filling any vacancy, an Executive Authority (EA) shall-</p> <p>(b) in the case of a new job, evaluate the job in terms of the job evaluation and job grading system referred to in Regulation 41 (1), except in the case of jobs determined in terms of an OSD, or graded by the Minister in terms of Regulation 41(2)(d), in which case the grade indicated in the OSD or as determined by the Minister shall be utilized.</p> <p>Regulation 44(1) Subject to subregulation (2) to (4) an executive authority may set the salary of an employee above minimum notch of the salary indicated by the job-</p> <p>(a) if he or she has evaluated the job;</p> <p>(b) if he or she requires to retain or recruit an employee with the necessary competencies; and</p> <p>(c) if he or she shall record the reason why the higher salary was awarded</p> <p>Regulation 44(3): The setting of a higher salary notch, as contemplated in subregulation (1) to recruit an employee shall only take place on the first day of the month following the date of approval, if –</p> <p>(a) the executive authority has complied with the process contemplated in regulation 64;</p> <p>(b) the employee occupied an equally graded post immediately before the date of appointment;</p>

(c) the higher salary shall not exceed that of the employee immediately prior to appointment.

(d) The higher salary shall not exceed the salary level of the post, unless such employee has been awarded a higher salary attached to the grade of the post in terms of any other provision of Act.

Regulation 57(3): Before making a decision on an appointment of a person additional to the establishment, an EA shall –

(a) satisfy himself or herself that the person qualifies in all respect for the position and that his or her claims in his or her application for the position have been verified; and

(b) record that verification in writing.

Regulation 57(4): The employment of a person additional to the establishment shall not exceed 12 consecutive calendar months unless otherwise directed by the Minister.

Regulation 64 (1) An executive authority shall determine and record composite requirements for employment in any post on the basis of the main objectives, core functions and the inherent requirements of the job.

Regulation 66(1): An EA may only fill vacancies in the Office of an EA by means of –

(a) an appointment in terms of section 9 of the Act for –

(i) the term of office of the incumbent EA which will terminate at the end of the first month after the month in which the term of that EA terminates for any reason; or

(ii) a period not exceeding three years;

(b) transfer in terms of section 14 of the Act.

Regulation 66(2): Subject to the appointment criteria set out in regulation 67(5)(b) to (d), an EA may fill a post in the Office of the EA in terms of subregulation (1) without complying with regulation 65(1); (3) and (4) (i.e. the EA may fill a post without advertising the post).

Regulation 67(5): Selection committees shall make recommendations on the suitability of candidates after considering, amongst others, –

(a) information based on valid methods, criteria or instruments for selection that are free from any bias or discrimination;

(b) the inherent requirements of the post; and

(c) the department's employment equity plan.

Regulation 67(9): Before making a decision on an appointment of a person additional to the establishment, an EA shall –

(c) satisfy himself or herself that the person qualifies in all respect for the position and that his or her claims in his or her application for the position have been verified; and

		(d) record that verification in writing.
3.2.4	Ministerial Handbook (<i>guideline of administrative and support services to be rendered to, amongst others, Ministers</i>)	<p>Chapter 8: The number of core staff that may be utilized by EAs as a guideline for establishing private offices in support of EAs is 10. The core staff will be determined by the relevant EA who may decide on the creation and grading of posts based on proven needs and provided that sufficient funds are available.</p> <p>Furthermore, EAs may utilise for this purpose staff appointed -</p> <ul style="list-style-type: none"> - on contract linked to the political term of office of the EA concerned; or - as full-time public servants, provided the JE system is utilised and sufficient funds are available.

3.3 In order to assess the regularity of the processes followed by the DPSA during the filling of the relevant posts, supporting documentation were requested and obtained from the DPSA. These were analysed to determine adherence to the regulatory framework highlighted in paragraph 3 above. Interviews were further conducted with affected parties. A discussion in respect of the filling of the relevant posts, as well as findings and recommendations, are provided below.

4. Discussion

4.1. In accordance with the regulatory framework summarized in paragraph 3 above, and with due regard to the stipulations of Regulation 66 (1) of the PSR, 2016, an EA may only fill vacancies in the Office of an EA by mean of –

4.1.1 an appointment in terms of section 9 of the PSA for

- (a) the term of office of the incumbent EA; or
- (b) for a period not exceeding three years; or

4.1.2 transfer in terms of section 14 of the PSA.

4.2 There is no obligation on an EA to advertise such vacant posts, Regulation 57(3) of the PSR, 2016, requires that before making a decision on an appointment of a person additional to the establishment, an EA shall-

- (a) satisfy him/herself that the person qualifies in all respect for the position and that his or claim in his or her application has been verified; and
- (b) record that verification in writing.

4.3 The regulatory framework alluded to above is supported by Chapter 8 of the Ministerial Handbook stipulating that –

4.3.1 the core staff will be determined by the relevant EA who may decide on the creation and grading of posts (based on proven needs and provided that sufficient funds are available); and

4.3.2 EAs may utilise for this purpose staff appointed –

- on contract linked to the political term of office of the EA; or
- as full-time public servants, provided the Job Evaluation System is utilised and sufficient funds are available.

4.4 On 1 April 2017, the former President of the Republic of South Africa, the Hon. Mr Jacob Zuma, announced that Ms Faith Muthambi is appointed as the MPSA. The appointment of the new EA therefore necessitated the appointment of staff to assist the functioning of the Office of the MPSA.

4.5 In addressing the needs of the Office of the former MPSA, the following approved post establishment as at 31 January 2018 (**Annexure D1**), supplemented by the information at **Annexure D2**, applied:

Ministerial Services

	<i>Post</i>	<i>Grade level</i>	<i>Incumbent</i>	<i>Note</i>	<i>Annexures</i>
1	Chief of Staff	14	<i>Vacant</i>	<i>Vacated by LS Afilaka on 24/10/'17</i>	D2
2	Branch Coordinator	11	MI Tshisikule	Contract: 14/6/'17 to 13/6/'20	1 & D2
3	Personal Assistant	7	<i>Vacant</i>	<i>Vacated by DP Chauke on 9/6/'17</i>	D2
Total: 3 Vacant: 2					
Private Office of the MPSA(POM)					
4	Director (Private Secretary)	13	M Setai	Contract (wef 1/11/'17)	2 & D2
5	DD (Private Secretary)	11	ST Maumela	Contract: 1/6/'17 to 31/3/'20	3, 4 & D2
6	Appointment Secretary	9	<i>Vacant</i>	-	-
7	Appointment Secretary	9	M Bonga	Contract: 1/6/'17 to 31/3/'20	3, 5 & D2
8	Driver/Messenger	4	K Munyai	Contract: 1/6/'17 to 31/3/'20	3, 6 & D2
9	Food Service Aid	3	AM Mudau	Contract: 18/12/'17 to 31/3/'18)	1, 7 & D2
10	Food Service Aid	3	T Mudau	Contract: 2/5/'17 to 30/10/'17	D2
Total: 6 Vacant: 1					
Directorate: Administrative Support (AS)					

	<i>Post</i>	<i>Grade level</i>	<i>Incumbent</i>	<i>Note</i>	<i>Annexures</i>
11	Director (Admin Secretary)	13	NE Makamu	Contract: 1/6/'17 to 31/3/'20	3, 8 & D2
12	Assistant Admin Secretary	9	OGM Mosedi	Contract: 9/6/'17 to 31/3/'20	3, 9 & D2
13	Senior Admin Officer	10	DT Moswane	Contract: 1/6/'17 to 31/3/'20	3, 10 & D2
14	Senior Admin Officer	10	KC Mashige (<i>Ramabulana</i>)	3 year contract	11 & D2
15	Assistant Director	10	NI Mndaweni	Contract: 1/6/'17 to 31/3/'20	12 & D2
16	Ministerial Secretary	6	VT Munene	Contract: 4/8/'17 to 31/5/'19	13 & D2
17	Administrator	6	TP Bongo	Contract: 18/12/'17 to 31/3/'18	1, 14 & D2
18	Administrative Assistant	5	L Motsoeneng	Contract: 10/5/'17 to 9/5/'18	15 & D2
19	Administrative Assistant	5	O Nkashe	Contract: 10/5/'17 to 9/5/'18	16 & D2
20	Administrative Assistant	5	TK Mogaladi	Contract: 10/5/'17 to 9/5/'18	17 & D2
21	Administrative Assistant	5	K Kone	Contract: 4/8/'17 to 3/8/'19	13 & 18
22	Registry Clerk	5	PD Mothobi	Contract: 12/7/'17 to 31/3/'18)	19 & D2
23	Ministerial Receptionist	5	C Bopape	Contract: 18/12/'17 to 31/3/'18	1, 20 & D2
24	Ministerial Clerk (Driver)	4	MTE Matidze	Permanent: Transfer from DoC	3, 21 & D2
	Total: 14				
	Directorate: Parliament Liaison and Research Analysis (PL&RA)				

	<i>Post</i>	<i>Grade level</i>	<i>Incumbent</i>	<i>Note</i>	<i>Annexures</i>
25	Director	13	JL Matlala	Contract: 18/12/'17 to 31/3/'18	1, 22 & D2
26	Parliamentary Officer	10	AD Melton	Permanent: Transfer date: 1/10/'15	23 & D2
27	Administrator	6 (8)	NS Hlaso	Contract: 16/05/'17 to 15/05/'20	24 & D2
	Total: 3				
	Directorate: Cabinet and Parliamentary Liaison (C&PL)				
28	Director	13	JT Makhafula	Contract: 15/1/'18 to 31/3/'18	25 & D2
29	ASD (Parliamentary Officer)	9	VM Mafana	Permanent: Transfer from Presidency	26 & D2
	Total: 2				
	Strategic Communication Management and Cabinet Support (SCMCS)				
30	Chief Director	14	MJ Rantete	Contract: 1/6/'17 to 3/6/'20	27 & D2
	Total: 1				
	Directorate: Media Liaison (ML)				
31	Director (Media Spokesperson)	13	P Maduguma	Contract: 5/9/'17 to 3/9/'20	28 & D2
32	DD (Media Liaison Officer)	11	ND Mandiwana	Contract: 22/5/'17 to 21/5/'20	3, 29 & D2
	Total: 2				
	Directorate: Stakeholder Management (SHM)				

	<i>Post</i>	<i>Grade level</i>	<i>Incumbent</i>	<i>Note</i>	<i>Annexures</i>
33	Director	13	RE Mofokane	Contract: 1/6/'17 to 31/5/'20	30 & D2
34	Deputy Director	12	KD Mauba	Contract: 3/5/'17 (resigned: 31/1/'18)	31 & D2
	Total: 2				

Note: The establishment at Annexure D1 excludes Adv TC Nematswerani appointed on a three year contract from 18 July 2017 to 16 July 2020 (Annexure D2).

4.6 In terms of the Ministerial Handbook the core staff that may be utilized for the private office of the ministers is 10. On 26 November 2013, the former MPSA Ms Lindiwe Sisulu approved the following structure of the office of the Minister (**Annexure D3**):

- Media Liaison
- Appointments/ Secretarial Support
- Secretary/ Reception
- Parliamentary Support
- Registry
- Driver/ Messenger

4.7 In accordance with the approved post establishment in paragraph 12 dated 31 January 2018 –

4.7.1 35 posts/positions were provided for of which, –

- 32 were filled, and
- 3 were vacant

4.8.2 of the 32 posts/positions that were filled, –

- 3 employees were appointed permanently in that they were transferred to the MPSA in terms of section 14 of the PSA (i.e. MTE Matidze, AD Melton and VM Mafana); and
- 29 employees were appointed on contract in terms of regulation 66 (1) (a) of the PSR 2016 (alluded to in paragraph 7.3 above).

4.8.3 The period of the appointment of the 29 employees on contract differed from one another, ranging from a year to three year contracts (some linked to the term of office of the MPSA). These are summarized as follows:

Employees appointed on contract for a period-

<i>up to 12 months</i>	<i>in excess of 12 months, but less than 3 yrs</i>	<i>of 3 yrs</i>
- L Motsoeneng - O Nkashe - TK Mogaladi	- VT Munene - K Kone	MI Tshisikule M Setai (<i>linked to term of office of MPSA</i>) ST Maumela M Bonga K Munyai AM Mudau (<i>linked to term of office of MPSA</i>) T Mudau (<i>permanent wef 1/11/'17</i>) NE Makamu OGM Mosedi DT Moswane KC Mashige (Ramabulana) NI Mndaweni TP Bongo (<i>linked to term of office of MPSA</i>) PD Mothobi (<i>linked to term of office of MPSA</i>) C Bopape (<i>linked to term of office of MPSA</i>) JL Matlala (<i>linked to term of office of MPSA</i>) NS Hlaso JT Makhafula (<i>linked to term of office of MPSA</i>) MJ Rantete (<i>linked to term of office of MPSA</i>) P Maduguma ND Mandiwana RE Mofokane

Employees appointed on contract for a period-		
<i>up to 12 months</i>	<i>in excess of 12 months, but less than 3 yrs</i>	<i>of 3 yrs</i>
		KD Mauba TC Nematswerani

4.9. In accordance with the information reflected as per the approved post establishment at **Annexure D1**, the following employees were appointed on contract **additional to the establishment**:

4.10. In accordance with the information reflected as per the approved post establishment at **Annexure D1**, the following employees were appointed on contract **additional to the establishment**:

No	Name	Salary level	Designation	Annexures
1	AM Mudau	3	Food Service Aid	18/12/2017 to 31/05/2019 1yr, 7months
2	DT Moswane	10	Senior Admin Officer	01/06/2017 to 31/03/2020 2yrs 9months
3	NI Mndaweni	10	Assistant Director	01/06/2017 to 31/03/2020 2yrs 9months
4	L Motsoeneng	5	Administrative Assistant	10/05/2017 to 09/05/2018 12months
5	O Nkashe	5	Administrative Assistant	10/05/2017 to 09/05/2018 12months
6	TK Mokgaladi	5	Administrative Assistant	10/05/2017 to 09/05/2018 12months
7	K Kone	5	Administrative Assistant	01/08/2017 to 03/08/2018 12months

No	Name	Salary level	Designation	Annexures
8	KD Mauba	12	Deputy Director	Three years, 02/05/2017 resigned 31/01/2018
9	NG Mandiwana	11	Deputy Director	01/06/2017 to 31/03/2020 2yrs, 9months

4.11 In terms of regulation 57 (4) of the PSR, 2016, the employment of a person additional to the establishment in terms of sub-regulation (2) (a) or (b) shall not exceed 12 consecutive calendar months unless otherwise directed by the Minister.

4.12 The following employees were appointed for a period of 12 months in line with the above mentioned regulation:

- L Motsoeneng
- O Nkashe
- TK Mokgaladi
- K Kone

4.13 The following employees were appointment for a period exceeding the 12 consecutive calendar months as required by Regulation 57 (4) of the PSR 2016.

- DT Moswane
- NI Mndaweni
- NG Mandiwana
- KD Mauba

4.14 As highlighted above, Regulation 57(3) of the PSR, 2016, read in conjunction with Regulation 67(9), require that before making a decision on an appointment of a person additional to the establishment, an EA shall-

(a) satisfy him/herself that the person qualifies in all respect for the position and that his or her claim in his or her application has been verified; and

(b) record that verification in writing.

4.15 In order to determine adherence to the afore-mentioned, information regarding the post/position requirements, *vis-à-vis* the qualifications and experience of the incumbent, is summarized as follows:

No	Incumbent	Post/position requirements	Incumbent's -		Annexures
			qualifications	experience	

No	Incumbent	Post/position requirements	Incumbent's -		Annexures
			qualifications	experience	
1	MI Tshisikule Branch Coord. (level 11)	Qualification: NQF 5 Experience: 3 to 5 yrs	ND: Public Management	6½ yrs: SAPS 9 mths: Administration	1 & D2
2	M Setai Director (level 13)	Qualification: NQF 7 Experience: 5 yrs	ND: Public Admin BA Degree	2 yrs: Communications 9 yrs: Communications	2 & D2
3	T Maumela Deputy Director (level 11)	Qualification: Secretarial Diploma Experience: 3 – 5 yrs adm	ND: PR Management NQF 6	4 yrs: Marketing 7 yrs: Media monitoring 2 yrs: Registry Clerk	3, 4 & D2
4	M Bonga Appointm Sec (level 9)	Qualification: Secretarial Diploma Experience: 1 – 2 yrs adm	Gr 12 NQF 4	5½ years: Secretarial 11 mths: Administration	3, 5 & D2
5	K Munyai Driver/Messenger (level 4)	Qualification: Gr 12 Experience: None	BA Degree (Social Sc) NQF 7	Sales (duration not clear) Retail (duration not clear)	3, 6 & D2
6	AM Mudau Food Serv Aid (level 3)	Qualification: Gr 10 Experience: 1 – 2 yrs	Gr 12 NQF 4	None	1, 7 & D2
7	T Mudau Food Serv Aid (level 3)	Qualification: Gr 10 Experience: 1 – 2 yrs	Gr 11	None	D2

No	Incumbent	Post/position requirements	Incumbent's -		Annexures
			qualifications	experience	
8	NE Makamu Director (level 13)	Qualification: NQF 7 Experience: 5 yrs	Gr 12 Master Degree NQF 8	7 yrs: Secretarial 1 yr: Administration	3, 8 & D2
9	OGM Mosedi Ass Admin Sec (level 9)	Qualification: B Degree or equivalent Experience not specified	Gr 12 N4 (Marketing)	2 yrs: Personal Assistant 6 yrs: Secretarial	3, 9 & D2
10	DT Moswane Snr Adm Officer (level 10)	Qualification: NQF 5 Experience not specified	ND: Engineering NQF 6	3 yrs: Project Cons/admin 3½ yrs: Lecturer 1 yr, 2 months: Snr Lect 1 yr: Private Secretary	3, 10 & D2
11	KC Mashige (Ramabulana) Snr Adm Officer (level 10)	Qualification: NQF 5 Experience not specified	ND: Public Relation Management NQF 6	1 yr: Receptionist 14 yrs: Administration 10 mths: Accounts Exec	11 & D2
12	NI Mndaweni ASD (level 10)	Qualification: NQF 5 – National Diploma Experience: 3 – 5 yrs in office administration	ND: Media Studies NQF 6	2½ yrs: Administration 3 yrs: Communication 1½ yr: Receptionist	12 & D2
13	VT Munene Min Secretary (level 6)	Qualification: Gr 12 + 1 yr Certificate	Gr 12 NQF 4	12 yrs; Secretarial	13 & D2

No	Incumbent	Post/position requirements	Incumbent's -		Annexures
			qualifications	experience	
14	TP Bongo Administrator (level 6)	Qualification: NQF 5 Experience: 3 – 5 yrs office administration	Bachelor of Law Degree NQF 7	10 mths: Candidate Attorney	1, 14 & D2
15	L Motsoeneng Admin Assist (level 5)	Qualification not specified Experience: None	BA Degree (Public Management) NQF 7	None	15 & D2
16	O Nkashe Admin Assist (level 5)	Qualification: NQF 4 – Gr 12 Experience: None	BA Degree (International Studies) (NQF 7)	None	16 & D2
17	TK Mogaladi Admin Assist (level 5)	Qualification not specified Experience: None	B Tech Degree (Journalism) (NQF 7)	1½ yr: Journalism 1 yr: Media Production	17 & D2
18	K Kone Admin Assist (level 5)	Qualification: Gr 12 (NQF 4), Experience: None	ND: Public Relations (NQF 6)	Admin (duration not clear)	13, 18 & D2
19	PD Mothobi Registr Clerk (level 5)	Qualification: Gr 12 (NQF 4) Experience: 1 – 2 yrs	Gr 12 (NQF 4)	Sport & Recreation (duration not clear) 2 yrs: Laboratory	19 & D2
20	C Bopape Min Reception (level 5)	Qualification: Gr 12 with typing (NQF 4) Experience: 1 yr	Gr 12 (NQF 4) Certificate Comm	2 yrs: Sales 1 mth: Messenger 1 yr, 5 months: Comm	1, 20 & D2

No	Incumbent	Post/position requirements	Incumbent's -		Annexures
			qualifications	experience	
21	MTE Matidze Min Clerk (level 4)	Qualification: Gr 12 (NQF 4) Experience: 3 yr	Gr 12 (NQF 4)	4 yrs: Educational Programme Producer 2yrs: Logistic Manager 3 yrs: Messenger	3, 21 & D2
22	JL Matlala Director (level 13)	Qualification: NQF 7 Experience: 6 - 10 yrs	Dip in Public Management (NQF 7)	20 yrs Management Media liaison Chairperson of Standing Committee Deputy Chief Whip	1, 22 & D2
23	NS Hlaso Administrator (level 10)	Qualification: NQF 5 Experience: 3 - 5 yrs in office administration	B Tech Degree: Public Management	2 yrs: Sec (Parliament) Admin (duration not clear)	24 & D2
24	JT Makhafula Director (level 13)	Qualification: NQF 7 Experience: 5 yrs	Bachelor of Arts Bachelor of Arts (Honours)	5 yrs: Producer/Presenter 1 yr, 4 mths: Media Officer 1 yr, 3 mths: Producer 5 yrs: Communication 8 yrs: Group Executive	25 & D2
25	VM Mafana ASD (level 9)	Qualification: NQF 6 Experience: 3 - 5 yrs in management	Gr 12 NQF 4	12 yrs: Receptionist 10 yrs: Typist (Presidency)	26 & D2

No	Incumbent	Post/position requirements	Incumbent's -		Annexures
			qualifications	experience	
26	MJ Rantete Chief Director (level 14)	Qualification: 3 yr Degree or equivalent Experience: 3 – 5 yrs in management	M A in Political Science	2 yrs: Coordinator 1 yr: Manager 4 yrs: HoD (Housing, Limp) 4 yrs: Consultation 4 yrs: DG (Public Works)	27 & D2
27	P Maduguma Director (level 13)	Qualification: NQF 7 Experience: 5 yrs	Gr 12 Bachelor of Arts B Comm: Accounting	4 yrs: Tax practitioner 13½ yrs: Presenter/Prod 7 mths: Group Risk Off 3 yrs: Op Specialist	28 & D2
28	N Mandiwana Dep Director (level 11)	Qualification: 3 yr degree (NQF 7) Experience: 3 - 5 yrs	Gr 12 (NQF 4)	Communication (duration not clear)	3, 29 & D2
29	R Mofokane Director (level 13)	Qualification: NQF 7 Experience: 5 yrs	Gr 12 (NQF 4) Diploma NQF 5 (Advanced Man)	8 yrs: Planning 3½ yrs: Senior Manager 2 yrs: Paarl Officer	30 & D2
30	KD Mauba Dep Director (level 12)	No qualification and experience specified on the job description form	Gr 12 (NQF 4)	11 yrs: Ward Councilor 2 yrs: Councilor 5½ yrs: Assistant to Mayor	31 & D2

No	Incumbent	Post/position requirements	Incumbent's -		Annexures
			qualifications	experience	
31	TC Nematswerani Director (level 13)	NQF 7 Experience not specified	LLB BIUR (NQF 7)	3yrs: Charge office 2yrs: Warrant Officer 4yrs: Captain 1yr: Superintendent 6 months: Provincial Legal Administrative Officer 3yrs: Senior Superintendent 3yrs: Senior Legal Administrative Officer 3yrs: provincial section head	D2 & D2

4.16. It is indicated that a request was made and approved as per submission 2017-04-07/0111 (**Annexure 3**) in terms of Regulation 4 of the PSR, 2016, to deviate from Regulation 66(2) "... which indicates that employees must have the inherent requirement of the post" for the following employees who did not meet the minimum requirements for the posts:

- Mr Mofokane
- Ms Mosedi
- Ms Bonga
- Ms T Moswane
- Mr K Mauba
- Mr NG Mandiwana

4.17. In the same submission at **Annexure 3** a further request was made to deviate from Regulation 43(2)(b) of the PSR, 2016, stipulating that an EA shall set the commencing salary of an employee on the minimum notch of the salary level attached to the relevant grade, unless a higher salary is awarded in terms of Regulation 44.

4.18. In accordance with Regulation 44, an EA may set the salary of an employee above the minimum notch of the salary level indicated by the job weight in order to retain or recruit an employee. **Regulation 44(3)**: The setting of a higher salary notch, as contemplated in subregulation (1) to retain an employee shall only take place on the first day of the month following the date of approval, if –

- the executive authority has complied with the process contemplated in regulation 64;
- employee occupied an equally graded post immediately before the date of the appointment;
- the higher salary shall not exceed that of the employee prior to the appointment; and

- the higher shall not exceed the salary level of the post, unless such employee has been awarded a higher salary attached to the grade of the post in terms any other provision of the Act.

4.19 The request to deviate in the appointment of employees who do not meet the inherent requirements of the post and the awarding of higher salaries where there were no employment offers was not supported by the DDG: Administration.

4.20 The DG also indicated that “*Deviations should be kept to a minimum and under justifiable circumstances only, otherwise a dangerous precedent will be created*”,

4.21 The request to deviate on the awarding of higher salaries to the following employees was on 3 May 2017 approved by the MPSA:

No	Name	Rank	Salary level –		Annexures
			prior to deviation	after deviation	
25.1	Mr R Mofokane	Director	Level 13, notch 6	Level 13, notch 7	30
25.2	Mr T Maumela	Registry Clerk	Level 5	Level 11	3 & 4
25.3	Ms T Moswane	Senior Admin Officer	Level 8	Level 10	3 & 10
25.4	Mr K Munyai	Messenger	Level 4	Level 5	3 & 6
25.5	Ms A Mudau	Food Services Aid	Level 3	Level 4	7

4.22 In a submission dated 07 April 2017, (**Annexure 3**) former Minister indicated that “the position of Mr Mauba is the merger of the Ministerial Secretary (6) position + Administrator (6) merged to form level (12)”. Mr Mauba’s position was at a level of Deputy Director. Mr Mauba has since resigned with effect from 31 January 2018.

4.23 The above merged positions were occupied by Mr Munene as the Ministerial Secretary and Ms Bonga as the Administrator. They have since left the organization as their terms were linked to that of the Minister’s Office.

4.24 On 25 July 2017 (**Annexure 13**), the MPSA approved that Mr Munene be appointed in a vacant and funded post of Ministerial Secretary at salary level 5. The afore-mentioned was based on the fact that Mr Munene did not meet the appointment requirements in respect of the post of Ministerial Secretary (salary level 6) stated in the submission as “... a Matric plus at least 1 year certificate...” since he was in possession of only a Matric Certificate. However, the appointment letter to Mr Munene was issued at a salary level 6.

4.25 On 19 July 2018, former Minister Ms Muthambi was invited for an interview with regard to the process followed in the hiring practices and composition of her previous office.

4.26 The following are the questions posed to and response from Ms Muthambi:

Question

- Former Minister, the complaint received by the PSC states that there were 40 Officials appointed in your Ministry Office. Please confirm if this was true.

Answer

> The former Minister indicated that she followed the structure that was there before she became the minister. This is the approved structure signed by her predecessor. She indicated that she had to query the structure as there were too many people. She also indicated that she was told that the ministerial handbook was just a guide.

Question

- If the answer above is more than 10. The PSC's understanding is that in terms of the Ministerial Handbook, Ministers are allowed to appoint 10 Ministerial Staff. Please give us a brief background on the process followed in appointing the Ministerial staff when you were the Minister for Public Service and Administration.

Answer

> The former Minister indicated that she was informed that the ministerial handbook was just a guide and that the structure that she appointed people to is the approved structure that she found there. She indicated that when she joined the department the DG had already written letters to everybody informing them of the termination of contract and some had already left the department and those remaining behind had been placed to positions in the department. These are employees who were appointed on permanent positions.

> She indicated that when she joined the department there was resistance from day one and she could see that the people did not want to work with her. She was also advised that she could appoint people additional to the establishment. She inherited the department that has no working culture. She needed a team to work with.

Question

- In a submission dated 07 April 2017, it is stated that "in the current circumstances; the regulations do not authorise the awarding of higher salaries as requested, however the Minister may in terms of Regulations 4 authorize a deviation from any regulation under justifiable circumstances".

Answer

> The former Minister indicated that she never requested any deviation as indicated. She indicated that she did not know who made the request.

- The DDG: Administration in the same submission dated 07 April 2017 indicated that proposal 4.4 and 4.5 of the submission referred to above was not supported by herself and the former DG Diphofa also indicated that "deviations should be kept to a minimum and under justifiable circumstances only. Otherwise a dangerous precedent will be created".

> The former Minister indicated that what the former DG indicated is that you can do it but you must not go overboard it must be kept at minimum. She indicated that this was the advice from DG of Public Service and Administration who has been in the department for quite some time and he is knowledgeable of this subject. She indicated that she even went to the extent of reducing the number of staff indicating that these people are so many somebody can do the job of two people.

> The former Minister requested the PSC to compare the structure during her tenure and that of her predecessor. She indicated that she had minimal people as compared to the others (ministers).

> There has been an anomaly, this is the department that must lead by example. The former Minister also indicate that the handbook should be tightened people should not do as they wish. She mentioned that PA's of other ministers are at a level of DDG she gave example of the Agriculture Ministry.

- Can Ms Muthambi provide clarity as to circumstances that justified the awarding of the higher salaries to the following 5 officials?

<i>Name</i>	<i>Rank</i>	<i>Salary level –</i>	
		<i>prior to</i>	<i>after deviation</i>

		<i>deviation</i>	
		<i>prior to deviation</i>	<i>after deviation</i>
<p>Mr Mofokane</p> <p>Response by former Minister</p> <p>Former Minister indicated that she left her Chief of Staff at Department of Communications as the new Minister Dlodlo requested that she leave the Chief of Staff behind to take her through she will release her after 3 months. Mr Mofokane was doing the dual role. His position is Director Stakeholder. Hence she said he must be given a notch from 6 to 7. She indicated that she understood other responsibilities he was doing. He was transferred at salary level 13. He was managing the whole Ministry. She indicated that the person who was managing the office of the former Minister Ramathodi was at a level of DDG. She further indicated that Mr Mofokane was not liked in that department as he was doing everything she asked him to do. That is why when she left as MPSA she had to ask Minister Molewa to take Mr Mofokane.</p>	Director	Level 13, notch 6	Level 13, notch 7
<p>Mr Maumela</p> <p>Response by former Minister</p> <p>Ms Muthambi indicated that Mr Maumela came as a Registry Clerk at salary level 8 when he was transferred from the Department of Communications. Mr Maumela was not at salary level 5 as indicated; he was at salary level 8. She indicated that she promoted him to the post of Deputy Director level 11 Private Secretary as provided for in the structure of Private Office of the Minister. Mr Maumela is a hard worker; he deserved that. He is very supportive. Mr Maumela had to create filing system from scratch.</p> <p>Mr Maumela was qualified to do the work he was able to provide former Minister with any file that she wanted. Former Minister indicated that the filling system was terrible. There were stack and stack of documents from provinces unattended. She indicated that she had to deal with backlog dating as back as 2011.</p>	Registry Clerk	Level 5	Level 11
<i>Name</i>	<i>Rank</i>	<i>Salary level –</i>	
		<i>prior to deviation</i>	<i>after deviation</i>
Ms Moswane	Senior Admin	Level 8	Level 10

<p>Response by former Minister</p> <p>The former Minister informed that she got an advice that she was able to appoint people additional to the establishment. Ms Moswane was appointed against the position that is on the organogram. She is appointed as Senior Admin Officer at salary level 8 not level 10 as indicated in the memorandum. Ms Moswane is also playing the role of the PA as this post was vacant.</p>	Officer		
<p>Mr Munyai</p> <p>Response by former Minister</p> <p>Former Minister indicated that the reason he moved Mr Munyani from salary level 4 to level 5 is that he was not just a messenger. He was also doing the bookings, requisition, filing, indexing, and registry in addition to being the messenger. He was also acting as a record manager.</p> <p>Former Minister indicated that she did not understand why the submission (dated 07 April 2017) already had a new salary level next to the name of the employees when there was a request for approval. She raised her concern that she was given the submission by the DDG: Administration and DG and she felt that they were hell bend to mislead her. She indicated that these are the people that needed to be trusted in the functionality environment. The former Minister indicated that the submission has lot of discrepancies.</p>	Messenger	Level 4	Level 5
<p>Ms Mudau</p> <p>The former Minister indicated that Ms Mudau was not given a higher salary as the position is benchmarked at salary 4</p>	Food Services Aid	Level 3	Level 4

Question

In a submission dated 07 April 2017 (submission: 2017-04-07/011), the Minister wrote that “the position of Mr Mauba is the merger of the Ministerial Secretary (6) position + Administrator (6) merged to form level (12)”.

How did the process of merging the two positions unfold?

Answer

> The former Minister did not answer this question as she indicated that she was going to respond to the question in detail in writing as she has to get documents to enable her to respond to the information.

Question

Is there anything else the Minister would want to share with the investigating team to enrich the process?

Answer

> The former Minister did not answer this question as she indicated that she was going to respond to the question in detail in writing.

4.27. The PSR 2016 is clear on the process to be followed in awarding a higher salary to an employee. The former Minister when awarding the higher salaries to the above mentioned employees in paragraph 21, the Minister awarded the salary based on the fact that, for example employees are hard workers doing what the former Minister has asked them to do is not in accordance with Regulation 44, 2016. In terms of Regulation 44, 2016, an EA may set the salary of an employee above the minimum notch of the salary level indicated by the job weight in order to retain or recruit an employee with the necessary competencies and he or she shall record the reason why the higher salary was awarded.

4.28. The Department was engaged for clarity on the issue of the merging of the two posts of Ministerial Secretary (6) + Administrator (6) as the former Minister was unable to respond to the question as she was faced with the challenge of obtaining documents from the Department. The Department indicated that the two posts were not merged as proposed by the former Minister. However, because of the calculations done, the merger of the two posts would not amount to a level 12 post. Instead the Department used the savings from vacant and funded posts to fund the level 12 post of Deputy Director in which Mr Mauba was appointed (**Annexure 31**).

4.29. The Department was also requested to provide proof of the document used to benchmark the post of Food Service Aid at level 4. There is an official (Ms Mojela) who has been with the Department since 2005 in a Food Service Aid position at salary level 3. According to the submission dated 07 April 2017 requesting deviation on the salary levels, the Department indicated that the Food Service Aid post is benchmarked at salary level 4. The Department responded that the level 4 benchmarking was incorrect, it should be level 3 (**Annexure 32**).

4.30 The comparison of the post establishments of the four recent MPSAs is summarised as follows (for comparative purposes attention is drawn to the fact that the number of posts proposed by the Ministerial Handbook in respect of the private offices in support of EAs is 10):

No	Names	Structure as at –	Number of approved posts –			Annexures
			filled	vacant	TOTAL	
1	Mr RL Padayachie	1 April 2012	13	13	26	E
2	Ms LN Sisulu	30 June 2013	28	7	35	F
3	Mr OC Chabane	31 October 2014	15	9	24	G
4	Adv NA Ramatlhodi	31 March 2017	18	5	23	H
5	Ms AF Muthambi	31 January 2018	32	3	35	D1

4.31 The full depiction of the employees appointed in the office of the five recent Ministers is attached at **Annexure I**.

5. Findings

The allegations were investigated by the PSC in accordance with section 196 of the *Constitution of the Republic of South Africa, 1996*, as well as section 10(1) of the *Public Service Commission Act, 1997*, and **the following was found:**

5.1 The former Minister **adhered to** Regulation 67(5) of the PSR, 2016, (stipulating that the selection committee shall make a recommendation on the suitability of the candidate after considering the inherent requirements of the post and the departments equity plan) in that the following employees met the inherent requirement of the post when appointed:

	<i>Incumbent</i>	<i>Post/position requirements</i>	<i>Incumbent's -</i>	
			<i>qualifications</i>	<i>experience</i>
1	MI Tshisikule Branch Coord. (level 11)	Qualification: NQF 5 Experience: 3 to 5 yrs	ND: Public Management (NQF 6)	6½ yrs: SAPS 9 mths: Administration
.2	M Setai Director (level 13)	Qualification: NQF 7 Experience: 5 yrs	ND: Public Admin (NQF 6) BA Degree (NQF 7)	2 yrs: Communications 9 yrs: Communications
3	T Maumela Deputy Director (level 11)	Qualification: Secretarial Diploma Experience: 3 – 5 yrs admin	ND: PR Management (NQF 6)	4 yrs: Marketing 7 yrs: Media monitoring 2 yrs: Registry Clerk
4	K Munyai Driver/Messenger (level 4)	Qualification: Gr 12 Experience: None	BA Degree (Social Sc) (NQF 7)	Sales (duration not clear) Retail (duration not clear)
5	AM Mudau Food Serv Aid (level 3)	Qualification: Gr 10 Experience: 1 – 2 yrs	Gr 12 (NQF 4)	None
6	T Mudau Food Serv Aid (level 3)	Qualification: Gr 10 Experience: 1 – 2 yrs	Gr 11	None
7	NE Makamu Director (level 13)	Qualification: NQF 7 Experience: 5 yrs	Gr 12 (NQF 4) Master Degree (NQF 7)	7 yrs: Secretarial 1 yr: Administration

	<i>Incumbent</i>	<i>Post/position requirements</i>	<i>Incumbent's -</i>	
			<i>qualifications</i>	<i>experience</i>
8	OGM Mosedi Ass Admin Sec (level 9)	Qualification: B Degree or equivalent Experience not specified	Gr 12 (NQF 4) N4 (Marketing)	2 yrs: Personal Assistant 6 yrs: Secretarial
9	DT Moswane Snr Adm Officer (level 10)	Qualification: NQF 5 Experience not specified	ND: Engineering (NQF 6)	3 yrs: Project Cons/admin 3½ yrs: Lecturer 1 yr, 2 months: Snr Lecture 1 yr: Private Secretary
10	KC Mashige (Ramabulana) Snr Adm Officer (level 10)	Qualification: NQF 5 Experience not specified	ND: Public Relation Management (NQF 6)	1 yr: Receptionist 14 yrs: Administration 10 mths: Accounts Exec
11	NI Mndaweni ASD (level 10)	Qualification: NQF 5 – National Diploma Experience: 3 – 5 yrs in office administration	ND: Media Studies (NQF 6)	2½ yrs: Administration 3 yrs: Communication 1½ yr: Receptionist
12	VT Munene Min Secretary (level 6)	Qualification: Gr 12 + 1 yr Certificate	Gr 12 (NQF 4)	12 yrs; Secretarial
13	TP Bongo Administrator (level 6)	Qualification: NQF 5 Experience: 3 – 5 yrs office administration	Bachelor of Law Degree (NQF 7)	10 mths: Candidate Attorney Candidate Attorney (duration not clear)
14	L Motsoeneng Admin Assist (level 5)	Qualification not specified Experience: None	BA Degree (Public Management) (NQF 7)	None

	<i>Incumbent</i>	<i>Post/position requirements</i>	<i>Incumbent's -</i>	
			<i>qualifications</i>	<i>experience</i>
15	O Nkashe Admin Assist (level 5)	Qualification: NQF 4 – Gr 12 Experience: None	BA Degree (International Studies) (NQF 7)	None
16	TK Mogaladi Admin Assist (level 5)	Qualification not specified Experience: None	B Tech Degree (Journalism) (NQF 7)	1½ yr: Journalism 1 yr: Media Production
17	K Kone Admin Assist (level 5)	Qualification: NQF 4, Gr 12 Experience: None	ND: Public Relations (NQF 6)	Admin (duration not clear)
18	PD Mothobi Registr Clerk (level 5)	Qualification: Gr 12 Experience: 1 – 2 yrs	Gr 12 (NQF 4)	Sport & Recreation (duration not clear) 2 yrs: Laboratory
19	C Bopape Min Reception (level 5)	Qualification: Gr 12 with typing Experience: 1 yr	Gr 12 (NQF 4) Certificate Comm	2 yrs: Sales 1 mth: Messenger 1 yr, 5 months: Comm
20	MTE Matidze Min Clerk (level 4)	Qualification: Gr 12 Experience: 3 yr	Gr 12 (NQF 4)	4 yrs: Educational Programme Producer 2yrs: Logistic Manager 3 yrs: Messenger

	<i>Incumbent</i>	<i>Post/position requirements</i>	<i>Incumbent's -</i>	
			<i>qualifications</i>	<i>experience</i>
21	JL Matlala Director (level 13)	Qualification: NQF 7 Experience: 6 - 10 yrs	Dip in Public Management (NQF 6)	20 yrs Management Media liaison Chairperson of Standing Committee Deputy Chief Whip
22	NS Hlaso Administrator (level 10)	Qualification: NQF 5 Experience: 3 - 5 yrs in office administration	B Tech Degree: Public Management (NQF 7)	2 yrs: Sec (Parliament) Admin (duration not clear)
23	JT Makhafula Director (level 13)	Qualification: NQF 7 Experience: 5 yrs	Bachelor of Arts Bachelor of Arts (Honours) (NQF 7)	5 yrs: Producer/Presenter 1 yr, 4 mths: Media Officer 1 yr, 3 mths: Producer 5 yrs: Communication 8 yrs: Group Executive
24	MJ Rantete Chief Director (level 14)	Qualification: 3 yr Degree or equivalent Experience: 3 - 5 yrs in management	M A in Political Science (NQF 9)	2 yrs: Coordinator 1 yr: Manager 4 yrs: HoD (Housing, Limp) 4 yrs: Consultation 4 yrs: DG (Public Works)

	<i>Incumbent</i>	<i>Post/position requirements</i>	<i>Incumbent's -</i>	
			<i>qualifications</i>	<i>experience</i>
25	P Maduguma Director (level 13)	Qualification: NQF 7 Experience: 5 yrs	Gr 12 (NQF 4) Bachelor of Arts B Comm (Acc) (NQF 7)	4 yrs: Tax practitioner 13½ yrs: Presenter/Prod 7 mths: Group Risk Off 3 yrs: Op Specialist
26	TC Nematswerani Director (level 13)	NQF 7 Experience not specified	LLB (NQF 7) BIUR	3yrs: Charge office 2yrs: Warrant Officer 4yrs: Captain 1yr: Superintendent 6 months: Provincial Legal Administrative Officer 3yrs: Senior Superintendent 3yrs: Senior Legal Administrative Officer 3yrs: provincial section head

5.2 Regulation 57 (4) of the PSR, 2016, (stipulating that the employment of a person additional to the staff establishment shall not exceed 12 consecutive months unless directed by the Minister) **was adhered to** in that the former Minister appointed the following employees additional to the establishment in terms of sub-regulation (2) (a) or (b) for a period not exceeding 12 consecutive calendar months :

- L Motsoeneng
- O Nkashe
- TK Mogaladi
- K Kone

5.3 The former Minister **did not comply** with Regulation 57(4) of the PSR, 2016, in that the former Minister approved the appointment of the following employees additional to the establishment for a period exceeding 12 consecutive calendar months. This finding is based on the fact that the following employees were appointed for a three year period:

	<i>Name</i>	<i>Salary level</i>	<i>Designation</i>	<i>period</i>

	<i>Name</i>	<i>Salary level</i>	<i>Designation</i>	<i>period</i>
3.1	DT Moswane	10	Senior Admin Officer	01/06/2017 to 31/03/2020 (3yrs)
3.2	N Mndaweni	10	Assistant Director	01/06/2017 to 31/03/2020 (3yrs)
3.3	KD Mauba	12	Deputy Director	Three year contract, resigned 31/01/2018
3.4	NG Mandiwana	11	Deputy Director	22/05/2017 to 21/05/2020 (3yrs)

5.4 The former Minister **did not comply** with Regulation 57(3) of the PSR, 2016, requiring an EA to satisfy himself/herself that a person to be appointed qualifies in all respect for the position before making a decision on an appointment in that the following employees did not meet the inherent requirements of the job:

	<i>Incumbent</i>	<i>Rank</i>	<i>Incumbent qualification</i>	<i>Inherent requirements</i>
4.1	Mr Mofokane	Chief of Staff level 14	Grade 12 (NQF 4)	NQF level 7
4.2	Ms Mosedi	Assistant Administration Secretary level 9	N4, Certificate in Marketing Management	NQF level 6
4.3	Ms M Bonga	Appointment Secretary level 9	Grade 12 (NQF 4)	NQF level 6
4.4	Ms T Moswane	Senior admin officer level 10	National Diploma in Engineering Field	NQF level 6
4.5	Mr KD Mauba	Administrative assistant level 12	Grade 12 (NQF 4)	NQF level 6
4.6	Mr NG Mandiwana	Deputy Director level 11	Grade 12 (NQF 4)	NQF level 6

5.5 It is found that when approval to deviate from the salary level of the post of Food Services Aid occupied by Ms Mudau was requested, the Department incorrectly indicated that the salary of the post of Food Services Aid was benchmarked at salary level 4 whereas the correct benchmarked salary is at level 3. The former Minister approved the deviation for level 4 as indicated in the submission that the Food Service Aid is benchmarked at

level 4. The correct level of the post is 3 not 4. The approval for deviation from level 3 to level 4 is therefore **irregular**.

5.6 The former Minister approved that Mr Munene be appointed at salary level 5 based on the fact that Mr Munene did not meet the appointment requirements in respect of the post of Ministerial Secretary (salary level 6). It was stated in the submission as "... a Matric plus at least 1 year certificate..." while he was in possession of only a Matric Certificate. However, when the appointment letter to Mr Munene was issued, it reflected salary level 6. The awarding of higher salary level to Mr Munene is **irregular**.

5.7 In the absence of motivation/proof that difficulty was experienced to retain (e.g. external offer of employment received) or recruit (e.g. post was advertised but no candidate of desired quality applied/could be selected), on 3 May 2017 the former Minister approved the deviation from Regulation 44 of the PSR, 2016, resulting in the awarding of salaries above the minimum notch of the salary scale to the following employees:

	Name	Rank	Salary level –	
			prior to deviation	after deviation
1	Mr Mofokane	Director	Level 13, notch 6	Level 13, notch 7
2	Mr Maumela	Registry Clerk	Level 5	Level 11
3	Ms Moswane	Senior Admin Officer	Level 8	Level 11
4	Mr Munyai	Messenger	Level 4	Level 5
5	Ms Mudau	Food Services Aid	Level 3	Level 4

Note: The above should be noted against a previous concern raised in this regard as per the PSC report on the *Assessment of the Implementation of Policy Framework on the Appointment of Ministerial Staff in National and Provincial Departments* "... that Ministry staff are often remunerated on higher salary notches which are not commensurate with the skills and knowledge of employees who are at the equivalent level in departments".

5.8 Furthermore, in order to determine the appropriate salary levels of the above posts to ensure work of equal value is remunerated equally, the posts should have been Job Evaluated. This was not done.

5.9 Analysis of the former Minister's response regarding the awarding of higher salaries to employees mentioned in paragraph 5.7 above is not in line with the requirement of Regulation 44 of PSR, 2016 in awarding of higher salaries.

5.10 Having regard to the above, the PSC finds the awarding of higher salaries to the above mentioned employees **irregular**.

5.11 Based on the comparison of the post establishments of the five recent MPSAs the following is found:

5.11.1 In all instances the number of posts proposed by the Ministerial Handbook in respect of the private offices in support of EAs (i.e. 10 posts) and the approved structure for the office of the Ministers were exceeded by 100 percent or more.

5.11.2 The substantial difference in the number of support staff of the five recent MPSAs (from 23 to 35 posts) exceed the 10 posts proposed by the Ministerial Handbook and all are required to render the same service. This finding is in line with a previous study conducted by the PSC into the *Assessment of the Implementation of Policy Framework on the Appointment of Ministerial Staff in National and Provincial Departments* finding, amongst others, an inconsistency in organizational structures across Ministries giving an impression that some Ministers are superior or more favoured than others.

5.12 Based on the findings in paragraphs 5.1 to 5.11 above, and with due regard to the fact that Ms Muthambi was removed from the portfolio of MPSA, it is recommended that the Department must ensure that thorough quality assurance is done to submissions in order to avoid mistakes of putting incorrect salary levels that ends up misleading ministers when seeking approval.

6 Recommendations

Supplementary to the above, the following recommendations made by the PSC in 2014 as per the report on the *Assessment of the Implementation of Policy Framework on the Appointment of Ministerial Staff in National and Provincial Departments* is reiterated:

6.1 The DPSA should develop a focused policy framework that will regulate the employment practices of persons who provide support and serve in EAs offices.

6.2 A legislation based compliance framework for Ministries should be developed by the DPSA (can be included in Ministerial Handbook).

6.3 The DPSA should review the organizational structures of Ministries according to the size and responsibility of the Ministry.

6.4 With regard to the incorrect awarding of salary level and the consequent incorrect salary payment to Mr Munene, the PSC is not in a position to recommend that Mr Munene should pay the money back as his contract has expired and he has since left the Public Service.

FINAL REPORT ON AN INVESTIGATION INTO THE HIRING PRACTICES AND COMPOSITION OF THE FORMER MPSA'S PRIVATE OFFICE

FEBRUARY 2019

Why sign up as a
POLITICSWEB
subscriber?

Politicsweb depends upon its growing supporter base both to fund its work and secure its independence.

In return our supporters have access to the reader optimised version of the site, with no intrusive in-text adverts, unrestricted access to all our content, and the ability to comment on articles.

If you would like to become a member [please visit](#) our Steady page in order to sign up.