



OFFICE OF HEAD OF DEPARTMENT

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HUMAN RESOURCE MANAGEMENT AND DEVELOPMENT CIRCULAR 3 OF 2022

FROM: HEAD OF DEPARTMENT

TO: ALL EMPLOYEES OF THE DEPARTMENT

MEASURES OF DEALING WITH EMPLOYEES WHO HAVE BEEN ELECTED TO THE PUBLIC OFFICE AFTER 1 NOVEMBER 2021 LOCAL GOVERNMENT ELECTIONS.

1. The Department has discovered that some of its employees have been successfully elected into Municipal Councils either on full-time or part time basis following local government elections held in November 2021.
2. The Department is inviting all those employees who have been elected to follow the guidelines for assuming responsibility as public office bearers namely:
 - i. An employee elected as a part-time Municipal Councillor may continue as employee, but must seek approval in terms of section 30 of the Public Service Act, 1994, from his or her executive authority (Minister or MEC) to receive remuneration.
 - ii. If an employee is elected and assumes office without prior approval from the relevant Minister or MEC, such an employee will be deemed to have discharged him/ herself from the public service with effect from the date immediately before the date he or she assumes office as a full-time Municipal Councilor.
 - iii. An employee must not later than the next working day after he or she is issued with a certificate in terms of section 31(3) of the Electoral Act, 1998, inform his or her department in writing that he or she is a candidate for election.

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- iv. The employee must furnish a copy of the certificate to his or her department.
 - v. The employee will be deemed to be on annual leave (unpaid annual leave in the case of insufficient annual leave) from the date the certificates are issued until the election results are finalized.
3. The guidelines in this regard are clear and unambiguous and therefore, as a legal obligation, require all Public Servants in such positions to abide by the prerequisite of the law (Section 30 of the Public Service Act, 1994) before assuming such responsibility).
 4. **In view of the aforementioned requirement, all employees who have been elected are advised to comply and failure to comply will result in the Department instituting disciplinary and financial recovery processes. It is important to state that failure to adhere to these provisions prejudice the Department financially and also affects service delivery.**
 5. Should you have any queries pertaining to the contents of this circular please do not hesitate to contact Mr Sihle Mnguni Acting Deputy Director General for Corporate Services on 083 324 4388 or Mr Q Luthuli Acting Chief Director: Human Resource Management and Development on 072 307 8358.

Yours in quality education.

DR N MBUDE

HEAD OF DEPARTMENT: EASTERN CAPE EDUCATION

04/02/2022

DATE