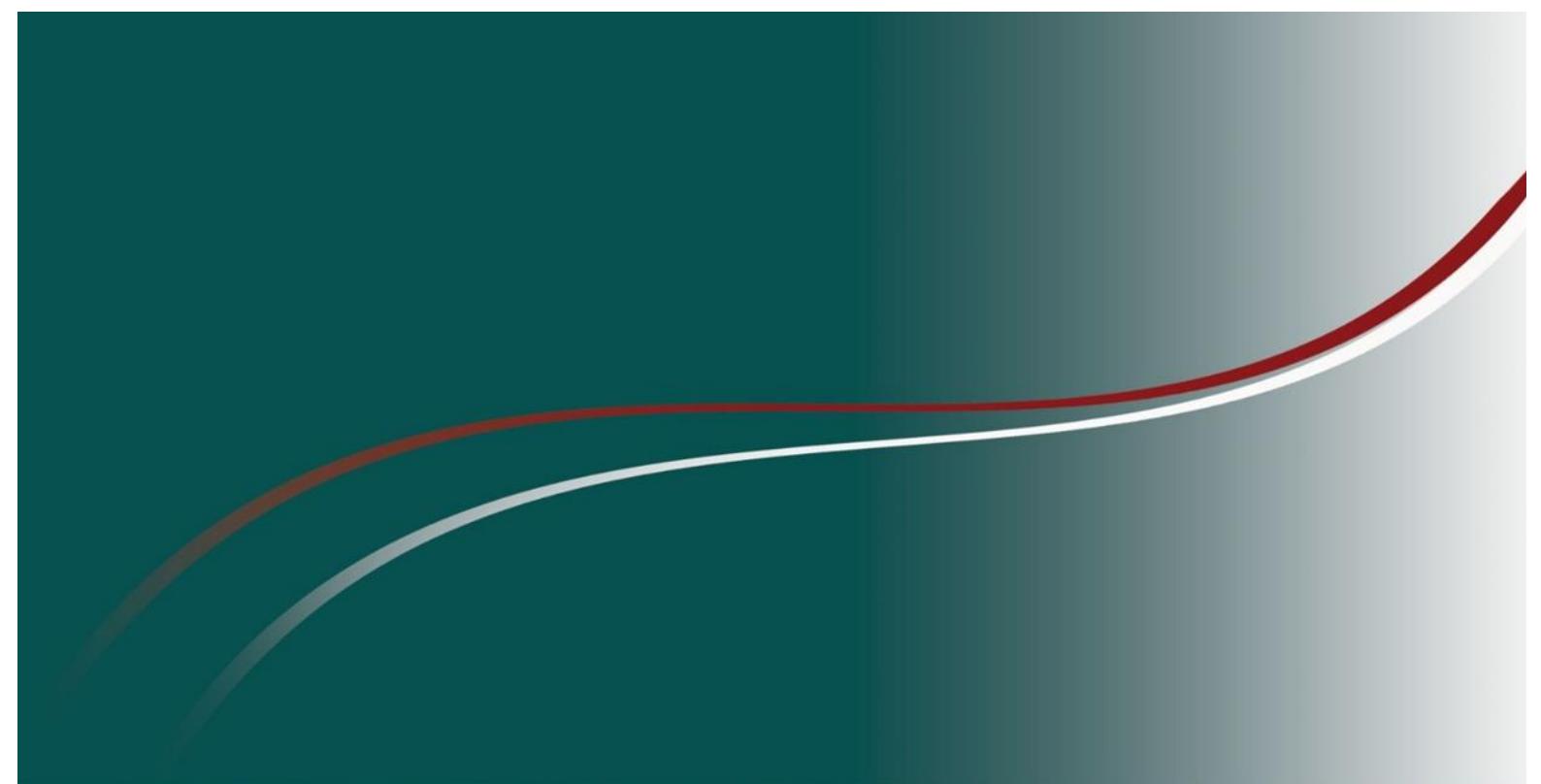




**REPORT TO THE PORTFOLIO  
COMMITTEE ON PUBLIC SERVICE  
AND ADMINISTRATION,  
PERFORMANCE MONITORING AND  
EVALUATION ON THE NATIONAL  
MACRO ORGANISATION OF  
GOVERNMENT**

**Public Service Commission**

**2022**



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# **REPORT TO THE PORTFOLIO COMMITTEE ON PUBLIC SERVICE AND ADMINISTRATION, PERFORMANCE MONITORING AND EVALUATION ON THE NATIONAL MACRO ORGANISATION OF GOVERNMENT**

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## **LIST OF ACRONYMS**

AO	Accounting Officer
DG	Director – General
DPSA	Department of Public Service and Administration
DPW	Department of Public Works
EA	Executive Authority
GCIS	Government Communication and Information System
HoD	Head of Department
MPSA	Minister for Public Service and Administration
NT	National Treasury
NMOG	National Macro Organisation of Government
PSC	Public Service Commission
SUOS	Start Up Organisational Structures

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## **1. INTRODUCTION**

This is a report of the Public Service Commission on the National Macro Organisation of Government (NMOG). The report is submitted to the Portfolio Committee and Public Service and Administration, Performance Monitoring and Evaluation.

In September 2019, the Portfolio Committee on Public Service and Administration, Performance Monitoring and Evaluation directed the Public Service Commission to monitor the matching and placing as well as transformation and secondment of officials in the Public Service so that fairness and consistent application of the law is upheld. The directive from the Portfolio Committee came subsequently to the Committee having received a briefing by the DPSA on the NMOG.

In undertaking the task assigned by the Portfolio Committee, the PSC engaged first with the DPSA in order to understand the process and to agree on information-sharing arrangements. There was an agreement that DPSA will update the PSC from time to time and that the DPSA will issue a detailed closeout report once it has consolidated all data from the various streams and departments that are affected.

## **2. BACKGROUND ON NMOG**

The National Macro Organisation of Government (NMOG) project was first announced by President Cyril Ramaphosa during the State of the Nation Address in February 2018. In his address, the President noted that it was “critical that the structure and size of the state is optimally suited to meet the needs of the people and ensure the most efficient allocation of public resources”. Therefore, a process will be initiated to review the configuration, number and size of national government departments<sup>1</sup>.

This announcement was followed by a further commitment by the Minister for Public Service and Administration (MPSA) in the 2018 Budget Vote Speech when she promised to ensure a fit for purpose state machinery, focusing on the work that they had completed around the center of government project, as envisaged in the embryonic 1998 Presidential Review Commission<sup>2</sup>. The Minister further promised, in line with a call from the President, to restructure government in order to enhance service delivery by removing superfluous functions and structures, which would lead to a reduced executive and a clearly defined role of the National Administration within national

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<sup>1</sup> South Africa. State of the Nation Address. February 2018.

<sup>2</sup> Department of Public Service and Administration. MPSA Budget vote speech, 2018.

government.

This work culminated in the President announcing a reviewed Cabinet structure in May 2019, which was reduced from the previous one as well as a reorganisation of government which initiated the NMOG project. In announcing the new Cabinet, the President submitted that in order to promote greater coherence, better coordination and improved efficiency, the following portfolios have been combined, thereby reducing the number of Ministers from 36 to 28<sup>3</sup>.

- Trade and Industry was combined with Economic Development;
- Higher Education and Training combined with Science and Technology;
- Environmental Affairs was combined with Forestry and Fisheries;
- Agriculture was combined with Land Reform and Rural Development;
- Mineral Resources was combined with Energy;
- Human Settlements combined with Water and Sanitation;
- Sports and Recreation combined with Arts and Culture; and
- Communications combined with Telecommunications and Postal Services, though this already been done prior to the announcement.

The President further decided to add responsibility for Infrastructure to the Public Works portfolio and Employment to the Labour portfolio. This announcement effectively signalled the beginning of the NMOG Project in order to realign the structure of government with the Executive.

In June 2019, the Department of Public Service and Administration announced a Steering Committee to manage the NMOG Project. The Committee was to be chaired by the Director-General (DG) in the Presidency and comprised Directors-General (DGs) of the Department of Public Service and Administration (DPSA), National Treasury (NT), Government Communication (GCIS), Public Works (DPW) and the affected departments. The NMOG Project Team and Secretariat was located within the DPSA.

Six work streams were set up and these included the human resource management, organisational design, labour relations and change management; infrastructure; finance; information and communication technology; legal and communications. These structures were also cascaded at departmental levels to ensure seamless processes in implementation.

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<sup>3</sup> The Presidency. Statement on the appointment of members of the National Executive, May 2019.

### **3. THE PROCESS OF NMOG**

As stated above, six work streams were set up to facilitate implementation. The request of the Portfolio Committee fell largely within Work Stream One: Human Resource Management, Organisational Design, Labour Relations and Change Management. The role and function<sup>4</sup> of this work stream was defined as follows:

- Identify functions and conduct an analysis of the content of the functions to be transferred in terms of their mandates.
- Analyse the post establishment to determine which posts are filled, vacant, funded and unfunded. Unfunded posts should be abolished and not considered to determine the affected posts.
- Identify the posts/staff devoted to the affected functions to determine the nature and number of human resources to be transferred.
- Identify and capture staff details in a schedule.
- Develop a new macro-organisational structure for the affected departments (both the relinquishing and recipient departments). Full scale organizational review was avoided because the final organisational structure must be aligned with the new strategic plan that at the time were still to be determined and approved. The results of the analysis pertaining to the splitting of functions, functions to be transferred, the ring-fencing of budgets and staff, and the macro-organisational structure will have to be submitted through a joint submission to the Minister for Public Service and Administration (MPSA). The joint submission must be signed by the Accounting Officers (AOs) and Executive Authorities (EAs) of the affected departments.
- After concurrence by MPSA, EAs approved the macro organisational structures of their departments for implementation. Functions for transfer/ receipt identified.

To facilitate the implementation of NMOG, a consultation process ensued between government and representatives of organised labour. This process resulted in an agreement between the parties captured in Resolution 1 of 2019<sup>5</sup>. Key objectives of this resolution were to give effect to the changes and re-configuration of the National Executive as well as national and provincial departments for the 6<sup>th</sup> Administration as announced by the President. Most importantly, to provide guidelines on the identification, transfer and placement of staff in a transparent, fair and inclusive

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<sup>4</sup> Department of Public Service and Administration. 1st NMOG Project Team Meeting Terms of Reference. Secretariat presentation. Available at:

[http://www.dpsa.gov.za/dpsa2g/documents/nmos/Secretariat%20\(Sec\)/TOR%20NMOG%202019%2011%20June%202019.pdf](http://www.dpsa.gov.za/dpsa2g/documents/nmos/Secretariat%20(Sec)/TOR%20NMOG%202019%2011%20June%202019.pdf)

<sup>5</sup> Public Service Coordinating Bargaining Council. Resolution 1 of 2019.

manner that allows meaningful participation and consultation with all stakeholders.<sup>6</sup>

The agreement covered the following key elements:

### *2.1 Principles that governed the process*

The principles affirmed that the process is governed by the Public Service Act, 1994, and all transfers shall be in terms of Section 14 of the Act and functions transfers in terms of Section 3(4) and 3A as well as Regulation 32 of the Public Service Regulations, 2016. Further, the principles affirmed that, amongst others,

- Relevant Labour Relations Act provisions shall be applicable in the process,
- Employment security a priority,
- Only funded posts are to be ring-fenced and transferred,
- The process must be underpinned by fairness, transparency and consensus in decision making,
- The principle that staff follows function shall be applicable,
- Those in acting positions shall have no right to those positions in the new departments,
- Contract staff shall transfer with the same conditions of contracts,
- No automatic upgrades to higher positions, and
- No voluntary service packages (VSPs) shall be considered under this process.

### *2.2 Criteria for ring fencing and transfer of staff*

The criteria specified that the separation of core functions must be guided by departments' mandates and strategic plans on the basis of which posts need to be identified and quantified. The incumbents of the posts will then be transferred to the recipient departments. Departments must determine the proportion of support posts, staff and concomitant resources compared with the functions for transfer to the recipient departments.

### *2.3 Matching and placing criteria*

The matching and placing (M&P) criteria agreed to were to be used to place and match all employees from the old structures to the newly approved structures. The criteria specified amongst others the following provisions:

- Matching and placing must happen against a post at the same salary level the employee occupies,
- The employer must use job descriptions to match an employee to a post on a new structure,
- Where the employee's job function relates to two or more posts in the new structure, he or she will be given an opportunity to choose the preferred post,

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<sup>6</sup> Ibid.

- Where more than one employee's profile matches a particular post, the principle of seniority will apply first, followed by the relevant principles of the employment equity act. Should there still be more than one person for the post, the department can consider the years of service in the Public Service,
- All posts that remain vacant after the process has been completed were to be advertised, and
- Employees who remain unmatched after the process is completed, are to be placed additional to the establishment until they can be placed following a different process.

#### *2.4 Employees additional to the establishment*

The agreement provided that employees who were ultimately unmatched to position in the new establishments shall be placed additional to the establishment and should be informed of the process to be followed in attempting to suitably accommodate them. The employer needed to apply measures to facilitate and enhance redeployment which would include training for these employees to meet the requirements of vacant positions.

A list of all employees who are placed additional to the establishment would be created and then all funded vacancies will be advertised and filled according to the recruitment and selection processes of departments.

#### *2.5 Others*

The agreement also provided for structures at a national level that would be created to facilitate implementation. It further provided for conduct expected from all parties involved and the dispute resolution mechanism.

### **4. THE ENQUIRY BY THE PUBLIC SERVICE COMMISSION**

Having considered the directive of the Portfolio Committee, the PSC engaged formally with the DPSA to get clarity on the process and to receive an update from time to time. A number of meetings were held in this regard and DPSA also availed themselves to brief a Plenary Session of the PSC towards the finalisation of the NMOG process. The DPSA also shared with the PSC its closeout report<sup>7</sup> at the end of the process, which outlines the process nationally and the overall outcomes.

The PSC further engaged directly with departments that were affected by the NMOG process to

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<sup>7</sup> Department of Public Service and Administration. National Project Team and Secretariat. Closeout Report, March 2020.

establish how they were impacted by the process and how they dealt with specific issues in terms of the transfer of staff and functions as a result of the NMOG.

#### **4.1 NMOG overall outcomes**

The NMOG Closeout Report was published by DPSA in March 2020. Its purpose was to provide progress on the implementation of the NMOG on expected outputs/outcomes, state of readiness and timelines of the project.

In relation to issues that are specific to and/or related to the enquiry by the PSC, the report highlighted the following issues:

- The Presidency, under the leadership of the Director-General and Secretary of the Cabinet, led the reconfiguration of the Executive and departments within a period of ten months (June 2019 to March 2020).
- There were 23 departments affected by the President's pronouncement, with ten departments being merged into five.
- As a matter of principle, the Departmental Project Teams (DPTs) as policy content owners, drove their work areas under the guidance of the National Project Team (NPT) to support departmental work streams.
- The DPTs attended to functional separation and posts identified for transfer to recipient departments.
- The DPSA provided an oversight and advisory role to recipient and relinquishing departments' role by holding bi-lateral meetings with affected departments.
- Request for determinations on the transfer of functions, with effect from 1 April 2020, for all affected departments have been finalised. Concurrence by the MPSA in respect on the start-up structures for all affected departments was also obtained.
- The transfer of seven Heads of Departments to affected departments have been finalised. Outstanding placements of Directors-General will be facilitated by the Minister for the Public Service and Administration and the relevant executive authority for the President's approval.
- A workshop was convened with all affected departments to discuss change management principles. A targeted Communication Plan was developed to identify, address, and reduce resistance throughout the life of the project and to engage officials in a structured way to provide information and encouraging feedback in a consistent manner.
- On the transfer of functions, the MPSA determinations on the transfer of all affected functions have been concluded, with a few identified to vests outside the scope of the NMOG because greater work is required to determine sector roles and responsibilities.

The report further identified challenges that were encountered during the process of NMOG. With regards to the enquiry by the PSC, the following are highlighted:

- Departmental work streams were working in silos. For example, the departmental finance and human resources work streams in some departments have been working independently, yet their roles are interdependent and inter-related.
- Due to the ongoing negotiations between organised labour and government, and while negotiations were underway, there was limited space for communication.
- DPTs experienced challenges due to inconsistent attendance of officials in meetings. In some decision-making forums, junior staff members were sent. There was also poor attendance at required meetings. Uncoordinated teams resulted in delays and indecisiveness.
- Departments did not seriously consider the legal implications and tight deadlines required for budget allocations and the operationalisation of plans.
- Departments were reluctant to release funded and/or duplicate posts, they attempted to retain the compensation budget attached to the posts.
- Due to frequent changes when creating new departments, the transfer of functions between departments and the merging of departments over the last two decades, the size of Programme 1 that is responsible for Administrative support has become bloated and costly. Most departments (73% or 31 national departments) spend 30% or more of their total compensation budget on cost of employees (was) on Programme 1.

The NMOG project came to its conclusion on 31 March 2020. The affected departments then became operational as of April 2020 with budget allocations. The transfer of employees in the departments that were affected began on 1 April 2020. Post this process, departments started implementing the collective agreement and finalising any residual matters.

## 4.2 Departmental assessments

Following the conclusion of the NMOG process, which included the transfer of functions and creation of new structures/departments, the transfer of staff began in earnest. No specific timeframes were set but it was understood that departments will finalise the process of transfers expeditiously and move to advertise those positions that were still left vacant after the process.

In October 2020, the DPSA issued Circular 36/2020<sup>8</sup>, which deals with employees not placed on the fixed establishments when the NMOG process concluded. The Circular impressed upon DGs to

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<sup>8</sup> Department of Public Service and Administration. Circular 36/2020. NMOG: Employees not placed on fixed establishments.

ensure that affected employees are informed formally about their status. All these employees were to be included in a list that would be accessed by all departments who have vacancies to fill.

In January 2021, the PSC wrote letters to the four departments that went through mergers to solicit their inputs with regard to the NMOG process, the challenges encountered and how they were addressed specifically in relation with issues of staff transfers. Responses were received from three departments. No response was received from the Department of Sports, Arts and Culture. In terms of the specific issues dealt with, each department reflected as follows:

#### *4.2.1 Department of Minerals and Energy*

This department was constituted after the merger of Minerals and Energy Departments. With regard to the enquiry by the PSC, the department responded as follows:

- Staff were matched and placed in terms of the criteria set in PSCBC Resolution 1 of 2019.
- Objections were dealt with at the Departmental Task Team (DTT) meeting held in November 2020. After the meeting the Task Team was disbanded and the Chairperson declared the matching and placing process finalised.
- No further disputes have been received by the department on the outcome of the matching and placing. It can be assumed here that whatever disputes that were lodged, they dealt with to the satisfaction of the parties involved.
- A total of 17 employees were declared in excess by the department at the end of the DTT meeting. Eleven (11) of the employees were from the former Minister and Deputy Ministers' Offices whilst the other 6 are SMS members.
- There was clear communication with all excess employees on the way forward, including possible placements within the departments. Their names were also captured on PERSAL as required by the DPSA.
- Concerns by the department were around the low staff morale of the excess staff, particularly the SMS members. There was also an issue of the cost of carrying the excess staff at the time when the department is extremely under capacitated with a huge mandate and expected to play a vital role in the revival of the country's economy.

The department confirmed it is engaging with the DPSA on the refinement of the Start Up Organisational Structure (SUOS) to address capacity gaps and to ensure that excess employees add value to the department while being gainfully employed.

#### *4.2.2 Department of Agriculture, Land Reform and Rural Development*

The new Department of Agriculture, Land Reform and Rural Development (DALRRD) is a merger from the previous Department of Agriculture, Forestry and Fisheries and Rural Development and

Land Reform. However, the Forestry and Fisheries functions were transferred to the new Department of Environment, Forestry and Fisheries.

Regarding the PSC's enquiry, the department responded as follows:

- The designing of the SUOS was limited to the realignment of the macro organisational structure and excluded restructuring. There will be a future restructuring process that will focus on the alignment with the new strategic plan and government priorities.
- The organisational design of the new SUOS encapsulated the following:
  - The alignment, reconciliation, rearrangement and consolidation of functions from effected departments into the new functional organisational structure.
  - The new functional organisational structure indicates purposes, functions and senior management levels of organisational units.
  - Funded posts aligned to PERSAL.
  - Reduction in the number of programmes.
  - The principle of repurposing of supernumerary posts to address critical functional areas in the new department was applied.
- The approach entailed the following:
  - Functional analysis and functional groupings.
  - Individual information gathering sessions with senior management.
  - Integrated senior management work sessions.
  - Interrgation of the proposed SUOS by the Executive Management.
  - Final draft SUOS for the department.
- A letter of concurrence on the SUOS (SMS level) was issued by the MPSA in November 2020. After concurrence, the process to align microstructures, which consist of 8943 posts, from the two departments, was undertaken.
- For Forestry and Fisheries, the required posts, staff and concomitant resources were identified and were to be transferred with their existing conditions of service.
- For the DALRARD, the ring fencing of staff and staff audits were done. Staff and concomitant resources with existing conditions of service will be completed with the finalisation of microstructures.
- The DTT undertook the matching and placing of staff in line with Resolution 1 of 2019 for senior management. A total of 359 SMS members were matched and placed. Only 17 SMS members were declared in excess and consultations were undertaken.
- The matching and placing of lower level employees into microstructures was still underway.
- No disputes had been lodged at the SMS levels and for the lower levels the process was still ongoing.

#### *4.2.3 Department of Communications and Digital Technologies*

The Department of Communications and Digital Technologies (DCDT) was a merger between the Departments of Communications (DoC) and Telecommunication & Postal Service (DTPS). The Government Communication and Information System (GCIS) and the Media Development and Diversity Agency (MDDA) as well as Brand SA were transferred to The Presidency.

Regarding the PSC's enquiry, the department responded as follows:

- The SUOS was approved and all the DoC and DTPS employees including the concomitant resources were transferred to the DCDT with effect from 1 April 2020 in line with Resolution 1 of 2019.
- Following the implementation of the matching and placing criteria, seven (7) employees could not be placed and remained additional to the establishment of the DCDT.
- A list of the additional employees was submitted to the General Public Service Sectoral Bargaining Council (GPSSBC) and thereafter they were included in the DPSA Circular to all government departments for possible placement in the Public Service. The employees that was sent have in the meantime, been directed to perform other duties in the Department.
- There is a process of reviewing the SUOS and it is the intention of the Department to place these employees in the reviewed organisational structure.
- There were no disputes received during the implementation of the NMOG process in the Department.

## **5. OBSERVATIONS BY THE PSC**

The Closeout Report by DPSA provided an account of the process followed in detail in terms of coordination, guidance and overall outcome of the process as reported by each of the affected departments. The Closeout Report is a high level document and does not deal with specifics in each of the departments that were involved.

The departments that responded to the enquiry by the PSC provided a perspective from those that were impacted by the entire NMOG process . Given all these inputs, the PSC was able to make the following observation on the process:

### *5.1 Coordination*

A number of structures were set up at the very beginning of the process. These structures ensured that there was good coordination within departments and amongst the departments, DPSA and the bargaining council. The DPSA Closeout Report did note certain weaknesses in terms of meeting attendance and some structures working in silos, however the process proceeded smoothly and

all departments successfully managed the reconfigured structures, realigned budgets, get the necessary approvals from MPSA and National Treasury within a period of ten months.

The functional coordinating structures enable the effective flow of communication to address a number of issues and receive feedback from departments going through NMOG. Workshops were arranged to discuss specific areas with affected departments. Overall, eight workshops were conducted. There was an NMOG Communication Strategy that was developed and an inter-departmental communications steering committee representing communicators of all affected departments was established to drive the strategy and action plan. This seems to have worked well and DPSA managed to assist with technical support to departments. Feedback from individual departments suggests that there was good communication with DPSA and the structures set up to implement NMOG.

### *5.2 Advanced selection criteria, consultation and transparency*

The matching and placing criteria were agreed to at the PSCBC by all parties involved in NMOG. These were to be used to match and place all employees from the old structures to the newly approved structures. Although there were objections and queries that departments have had to deal with once the transfer of employees began, no department has reported formal grievances by employees as a result of the NMOG process.

Agreeing on a set of criteria in advance with all the parties involved was a good practice in as far as the arrangements for staff transfers are concerned. In its lesson learnt the DPSA noted that this should have been done much earlier for departments to be better prepared. However once this was done, the process seems to have unfolded smoothly without many glitches. Almost all departments that responded to the PSC enquiry did have staff that could not be placed and have been declared excess. All the excess staff are placed additional to the establishment. It is truly an achievement that none of the departments have had to deal with grievances from the affected employees and organised labour. This can only be as a result of the open and transparent process put in place and clear criteria that must be followed in the process.

### *5.3 Lack of timeframes to place excess employees*

Almost all departments that responded to the enquiry by the PSC reported to have had a number of employees declared in excess and placed additional to the establishment. Departments did confirm that measures were implemented to accommodate more of these employees either in their own establishments or in the Public Service broadly. These include further reviews of the approved structures, retraining of employees and forwarding the names of staff in excess to the PSCBC to ultimately be included in the DPSA list to be accessed by other departments.

The DPSA for its part issued a Circular to all departments outlining a process to be followed when filling vacancies so that, where possible, employees in the excess list can be placed in those posts. For departments that were affected by the NMOG process, they should first consider the excess list before advertising any post, whilst other departments were encouraged to access the list in terms of the Circular.

The concern with the Circular is the fact that no timeframes are set to ensure that people do not permanently stay on the excess list. This concern is informed by existence of employees who are in permanent employment but placed additional to the establishment in a number of departments in the Public Service. Some of the employees came from previous reorganisation processes of government and endless restructuring of departments over the years.

## **6. INPUT BY THE PRESIDENCY**

The Presidency formed part of the Steering Committee that overseen the entire process of NMOG. The DG in the Presidency chaired the Steering Committee. Following observations made by the PSC, the Chairperson instructed that the findings and observations be shared with the DG in The Presidency for her noting and inputs.

The DG in The Presidency first welcomed the observations by the PSC. Whilst The Presidency was not directly affected by the NMOG process, the DG indicated that three public entities were transferred to The Presidency and these are the MDDA, Brand SA and Stats SA. The Presidency further undertook to consider the excess list from the departments affected by NMOG in future appointments. In order to accommodate the oversight work on the three public entities and deal with the risk of working in silos and duplication, an internal reconfiguration process to align the mandate and functions of various departments / units will be undertaken.

The DG in The Presidency further committed to ensure that all engagements with organised labour are reported on and taken on board in order to avert the unintended consequences that may arise if proper consultative processes are not followed.

## **7. CONCLUSION**

Most of the departments have dealt with the matching and placing of staff in line with the collective agreement. This has averted conflict and no department has reported dealing with grievances. There are still a number of staff members who have been declared in excess and departments have indicated that they are implementing a number of initiatives to have them absorbed or placed in posts in those departments or generally in the Public Service. To this end, the PSC will continue to monitor progress in the placement of employees who are still placed additional to the establishment.

-End-