

RESOLUTION NO 2 OF 2018

**AGREEMENT ON THE INCLUSION OF AN ADDENDUM TO RESOLUTION 2 of 2009 - OCCUPATIONAL
SPECIFIC DISPENSATION (OSD) FOR CORRECTIONAL SERVICES OFFICIALS**

1. SCOPE:

This agreement applies to and shall bind:

- 1.1. the employer;
- 1.2. the employees of the employer who are members of the trade union parties to this agreement;
and
- 1.3. the employees of the employer who are not members of any trade union party to this
agreement, but who fall within the Scope of the Council;

2. NOTING:

- 2.1. Noting Resolution 2 of 2009, clause 11 provides for the recognition of experience for phase 2
implementation of the OSD.
- 2.2. Further noting that the Departmental Bargaining Chamber (DBC) has reached a settlement
agreement on the implementation of clause 11 of the said agreement.

3. PURPOSE:

The purpose of this agreement is to;

- 3.1. Replace clause 11 of Resolution 2 of 2009 with the attached addendum.

4. AGREEMENT:

- 4.1. Parties therefore agree to the replacement of clause 11 of Resolution 2 of 2009 with the
addendum attached.

All correspondence must be addressed to the General Secretary

Public Services Bargaining Centre
260 Basden Avenue, Lyttelton, 0176
PO Box 16663, Lyttelton, 0140

tel: +27 12 644 8132 Fax: +27 12 664 8749



5. DISPUTE RESOLUTION:

- 5.1. If there is a dispute about the interpretation or application of this agreement any party may refer the matter to the Council for resolution in terms of the dispute resolution procedure of the Council.

THIS DONE AND SIGNED AT CENTURION ON THIS 27TH DAY OF
JUNE 2018.

ON BEHALD OF THE EMPLOYER PARTY

	Name	Signature
State as Employer	Ronnie Pather	

ON BEHALD OF THE TRADE UNION PARTIES

Trade Union	Name	Signature
NEHAWU		
POPCRU	NKOSINATHI THELWANI	
PSA	Fannie Oosthuizen	

All correspondence must be addressed to the General Secretary,

Public Services Bargaining Centre
265 Baines Avenue, Lyttelton 6176
PO Box 10663, Lyttelton, 6140

Tel: +27 12 664 8132 Fax: +27 12 664 6746
Web: www.gosbc.org.za

DEPARTMENTAL BARGAINING CHAMBER (DBC) SETTLEMENT AGREEMENT 1 OF 2016

AGREEMENT ON THE IMPLEMENTATION OF CLAUSE 11 OF GENERAL PUBLIC SERVICE SECTOR BARGAINING COUNCIL (GPSSBC) RESOLUTION 2 OF 2009: RECOGNITION OF EXPERIENCE (PHASE 2) OF THE OCCUPATION SPECIFIC DISPENSATION (OSD) FOR CORRECTIONAL SERVICES OFFICIALS.

1. DEFINITIONS

"Basic salary" refers to the remuneration / salary package of the official excluding benefits such as allowances, service bonus, pension and medical fund employer contributions.

"Correctional Officials" refers to persons employed by the Department in terms of the Correctional Services Act 111 of 1998 as amended.

"Employer" is the Department of Correctional Services referred to in Schedule 1 of the Public Service Act, 1994 (as amended).

"Experience" for the purposes of this Agreement refers to experience in the Department of Correctional Services as at 30 June 2009.

"Qualifying Correctional Officials" for the purposes of this Agreement refers to Correctional Officials who were in the employ of the Department of Correctional Services on 1 July 2009 and to whom Clause 11 of GPSSBC Resolution 2 of 2009 is applicable i.e. who were on salary levels 3 to 8 on 30 June 2009.

2. SCOPE OF APPLICATION

This agreement is applicable and binding on the employer and the employees respectively who fall within the scope of Clause 4.1 of GPSSBC Resolution 2 of 2009.

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DEPARTMENTAL BARGAINING CHAMBER (DBC) SETTLEMENT AGREEMENT 1 OF 2016

3. PRINCIPLES OF THE SETTLEMENT AGREEMENT

WHEREAS the Employer and the Employee Representatives (the "Parties"), recognise the importance of giving effect to Clause 11 of GPSSBC Resolution 2 of 2009 in its entirety in providing for the implementation of the Second Phase of the OSD for Correctional Services Officials; and

WHEREAS the Parties recognise and appreciate the financial constraints of the Department in effecting the implementation of this Clause and consequently the impact that this agreement will have on the funding and filling of posts; and

WHEREAS the Parties have entered into engagements with regard to the implementation of the Second Phase of the OSD for Correctional Services Officials; and

RECOGNISING that the wording of Clause 11.1 has resulted in different interpretations as to how Clause 11 in its entirety should have been effected.

NOW THEREFORE the Parties agree to the following:

3.1 Clause 11.1 of GPSSBC Resolution 2 of 2009 makes provision for recognition of experience "in addition to the experience required for appointment" on that level. For the purposes of determining the "experience required for appointment on that level", it is agreed that the following shall be regarded as the experience required for appointment on the various pre-OSD salary levels:

3.1.1 For salary levels 3-5: nil (0) years of experience;

3.1.2 For salary level 6: three (3) years' experience;

3.1.3 For salary level 7: five (5) years' experience; and

3.1.4 For salary level 8: seven (7) years' experience.

F.A. ^{W.M.²}


DEPARTMENTAL BARGAINING CHAMBER (DBC) SETTLEMENT AGREEMENT 1 OF 2016

- 3.2 The years of experience listed in Clauses 3.1.1 to 3.1.4 shall be deducted from a qualifying correctional official's total years of experience in DCS, and the remaining years will be the years used for the purpose of calculation of the correct OSD Second Phase notch calculated from the new notch of the OSD that the qualifying correctional official was translated to during the implementation of the first phase of the OSD.
- 3.3 Officials who are on personal notches or who will reach personal notches because of the OSD Second Phase translation will not be excluded from such translation; however, they shall be dealt with in terms of a separate dispensation. Once translated the principles related to pay progression will apply. The process to accommodate the translations of qualifying officials on personal notches, or qualifying officials who will reach personal notches as a result of the translations, shall be finalised on or before 30 June 2017.
- 3.4 Qualifying correctional officials who were promoted or changed occupations or moved to another salary dispensation during the period 1 April 2010 to 31 October 2016 shall be paid a pro-rated amount for the period that they qualified for the OSD Second Phase translation, depending on their date of promotion or change of occupation or move to another salary dispensation.
- ### 4. PAYMENT
- 4.1 All qualifying correctional officials currently in the employ of the Department who were on salary levels 3 to 8 in DCS as at 30 June 2009 shall be placed on their correct notches they would have been on as at 1 October 2016, had they been translated to their correct Second Phase OSD notches on 1 April 2010.
- 4.2 The back pay for the period from 1 April 2010 to 30 September 2016 shall be dealt with by means of staggered payments which shall constitute 30% of the basic salary back pay the qualifying correctional officials would have received had they been placed on their notches on 1 April 2010 until the termination of their services, or until 30 September 2016, whichever is the later.

P.A. 

DEPARTMENTAL BARGAINING CHAMBER (DBC) SETTLEMENT AGREEMENT 1 OF 2016

- 4.3 The staggered payments of basic salary back pay amounts shall be made in lieu of all allowances and benefits that would have been paid related to the OSD Second Phase notches for the period 1 April 2010 to 30 September 2016. No further payments (in terms of remunerative allowances or benefits) or adjustments to service records related to the OSD Second Phase shall be made for this period.
- 4.4 The staggered payment of the 30% of the basic salary back pay amount shall be effected as follows:
- 4.4.1 17% of the basic salary back pay shall be paid in the financial year 2016/17.
 - 4.4.2 6% of the basic salary back pay shall be paid in the financial year 2017/18.
 - 4.4.3 4% of the basic salary back pay shall be paid in the financial year 2018/19.
 - 4.4.4 3% of the basic salary back pay shall be paid in the financial year 2019/20.
- 4.5 In view of the staggered payment percentages referred to in paragraphs 4.4.1 to 4.4.4 above, a total of 30% of the basic salary back pay shall be paid by the end of the financial year 2019/20.
- 4.6 All qualifying officials that have already been translated in terms of the previous interpretation of Clause 11 of GPSSBC Resolution 2 of 2009 shall also be translated in accordance with the interpretation of this settlement agreement.
- 4.7 The Department shall develop an implementation plan for the staggered payments of the basic salary back pay, which plan shall prioritise qualifying correctional officials who are no longer in the employ of the Department or the beneficiaries of the qualifying correctional officials where the officials terminated their services due to death. Such payments shall be made in line with the payments of other DCS officials depending on the availability of the qualifying officials or their beneficiaries.
- 4.8 Should an official terminate his / her services prior to 31 March 2020, the percentage payments of basic salary back pay shall still be paid in the financial years as referred to in paragraphs 4.5.

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DEPARTMENTAL BARGAINING CHAMBER (DBC) SETTLEMENT AGREEMENT 1 OF 2016

5. DATE OF IMPLEMENTATION

5.1 This Agreement shall take effect on the date of signature by all parties and shall remain in force unless terminated or amended by agreement in writing.

5.2 The Agreement shall take effect on the following dates:

Par	Provision	Target Date
5.2.1	Placing of all qualifying correctional officials currently in the employ of the Department, on the notches they would have been on as at 1 October 2016 had they been translated to their correct Second Phase OSD notches on 1 April 2010.	On or before 15 February 2017 if the agreement is signed on or before 30 November 2016
5.2.2	Payment of 17% of the basic salary back pay for the period 1 April 2010 to 30 September 2016. NB: This excludes qualifying officials who are on personal notches or who will reach personal notches because of the Second Phase OSD Translation.	On or before 31 March 2017
5.2.3	Placing of all qualifying correctional officials who are on personal notches, or who will reach personal notches because of the Second Phase OSD Translation, on the notches they would have been on as at 1 October 2016 had they been translated to their correct Second Phase OSD notches on 1 April 2010.	On or before 30 June 2017
5.2.4	Payment of 17% of the basic salary back pay for the period 1 April 2010 to 30 September 2016 to qualifying correctional officials who are on personal notches or who will reach personal notches because of the Second Phase OSD Translation.	On or before 30 June 2017
5.2.5	Payment of 6% of the basic salary back pay for the period 1 April 2010 to 30 September 2016.	On or before 31 March 2018

P. A. 

DEPARTMENTAL BARGAINING CHAMBER (DBC) SETTLEMENT AGREEMENT 1 OF 2016

Par	Provision	Target Date
5.2.6	Payment of 4% of the basic salary back pay for the period 1 April 2010 to 30 September 2016.	On or before 31 March 2019
5.2.7	Payment of 3% of the basic salary back pay for the period 1 April 2010 to 30 September 2016.	On or before 31 March 2020

6. OVER AND UNDERPAYMENTS

Section 38(1)(a) and (b) of the Public Service Act, 1994 (as amended) shall be applicable where any official has been underpaid or overpaid respectively.

7. SETTLEMENT MADE AN ARBITRATION AWARD

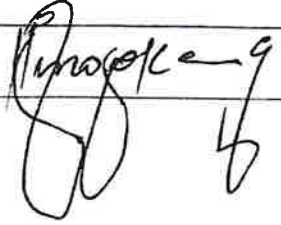
The parties agree that this settlement agreement be made an arbitration award in terms of Section 142A of the Labour Relations Act 66 of 1995, as amended, and shall be a full and final settlement of all disputes related to the implementation of the Second Phase of the OSD for Correctional Services Officials.

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DEPARTMENTAL BARGAINING CHAMBER (DBC) SETTLEMENT AGREEMENT 1 OF 2016

This was done and signed at LESTERION on this 21 day of November 2016 by the following representatives duly mandated by their respective organisations.

SIGNATORIES TO THIS AGREEMENT: ON BEHALF OF THE EMPLOYER

Organisation	Representative	Signature
BCS	MOTOKENG P.D.	

ON BEHALF OF THE LABOUR ORGANISATIONS

Organisation	Representative	Signature
POPCRU	MMS BILWANE	
PSA	J.H. Oosthuizen	