

Victory achieved for PSA members

Department of Justice

- A member PSA was dismissed on account of misconduct for gross misconduct and gross dereliction of duties in that he was alleged to have refused to obey a lawful instruction to give a reinstated employee duties and conclude a performance agreement. The PSA argued that though the instruction was lawful it was unfortunately unreasonable for the member to implement owing to a history of a poor relationship between himself and the employee. The panelist found that the member did not commit any act of misconduct, though also not coming with clean hands, the member was reinstated without back pay.
- Another member was dismissed in 2013 for fraud in that she allegedly created fictitious bail receipts for monies, as well as negligence for allegedly processing payments for fictitious maintenance beneficiaries. These allegations followed the member's reports to her supervisor regarding anomalies in payment of maintenance monies by a colleague who was paying monies into a personal banking account when a new financial system was introduced. The member took her dispute to the Council through the PSA. An award was issued in her favour for reinstatement, however, the Department took the award on review. The Court reverted the dispute back to the Council by another panelist. At the second arbitration, the PSA successfully argued that the conduct of the member did not constitute misconduct for fraud and conceded to negligence, which she reported to the supervisor. The panelist found that the member did not commit fraud and that the negligence was not gross and ordered reinstatement without back pay and payment of the member's salary for 12 months. The employer applied for variation on the basis that the 12 months' salary was equivalent to backpay and cannot run concurrently with reinstatement. The panelist ruled that the member be reinstated on the same terms and conditions that applied before and struck out the order of reinstatement without back pay.

Department of Health

A member was facing allegations of corruption and gross misconduct in that she processed procurement of services whilst certifying that funds are available for the procurement of such goods or services whilst funds were not available. The PSA argued on behalf of the member that the member checked the budget and found that funds were available in some instances and in some, funds were not available. It was further argued that the employer did not exercise due diligence in investigating the allegations in that

even the supervisor of the member was never involved. The Chairperson found the member not guilty on all allegations.

Limpopo Provincial Treasury

Two senior officials were charged with allegations of gross misconduct in that they processed the appointment of a successful candidate without the signature of the other panel members. It was argued by the PSA that in the first place the employer failed to adhere to the MPSA Directive in dealing with misconduct cases in that the allegations were not investigated, and the supervisors of the members were not afforded an opportunity to assess and investigate the matter and assess whether or not the members should be subjected to a disciplinary hearing. The Chairperson found that the members were not guilty as alleged.

The PSA will do everything in the Union's power to protect members' rights and promote their interests as practicing service excellence is an important value of the PSA. Members needing assistance with their cases can contact the PSA acting Provincial Manager at phillip.maponya@psa.co.za / *WhatsApp* on 082 880 8967.

Employees who wish to join the PSA can contact Lawrence Muvhango - Lawrence.muvhango@psa.co.za / 082 880 8995 and Paulina Moloto - Paulina.moloto@psa.co.za / 082 880 8957.

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