

## Victory for PSA members: Department of Correctional Services

### Ncome Management Area

On 30 November 2021, a fire broke out in the Transport section at Ncome Management Area and, consequently, five state-owned cars burnt. After an investigation, one member was charged with eight counts of misconduct and six alternative charges arising from the investigation. On the day of the hearing, the PSA raised some preliminary issues, which included the fact that the alleged act of misconduct happened in 2021 and that the Department therefore became aware of the incident in 2021 but was only charging the member in 2023, which is two years later. Furthermore, some of the charges included an issue that does not form part of the terms of reference for the investigation since most of the issues, according to the charge sheet, happened from 2015. The PSA raised the fact that the Department has taken too long to charge the member and that it had waived its right to charge him as, according to the DCS Disciplinary Code and Procedure, discipline should be applied in a prompt, fair, consistent, and progressive manner. The Department failed to defend its lateness in instituting a disciplinary hearing only now, and as a result, the member was acquitted on all charges.

### Pietermaritzburg Management Area

Two members were charged with an act of misconduct where they were accused of dereliction of duties and failing to ensure that the receipt and the issuing of rations to the kitchen were administered and maintained in line with the Logis System Manual, Chapter 3: Receipt and issuing of Inventory and Services and the logistical services and the Logistical Administration and Policy Procedure Manual, which resulted in a shortage in stock received in the 2019/20-financial year. The PSA raised the fact that this matter had been investigated three times before and the Department failed to charge anyone, and that the Department had noticed that it did not comply with time constraints prescribed in the Disciplinary Code and Procedure. The PSA further raised the issue of the waiver as the Department was aware of the allegations since 2016 before the members were appointed in those positions. According to the investigation, there were three people who were to be charged for misconduct and the third one was not charged, which is a clear indication of selective discipline. The Presiding Officer had no choice but to acquit the two members.

GENERAL MANAGER