

Victory for PSA members in Limpopo

Department of Justice and Constitutional Development

A member was appointed to the post of Court Manager and did not disclose his criminal record on the application form, was charged with misconduct. When he applied for the position, he was under the impression that the criminal record had expired in accordance with section 271 A of the *Criminal Procedure Act 51 of 1977*, which directs that certain convictions fall away as previous convictions after expiration of ten years. However, the member did not consider that if the criminal record still appeared as a criminal record, a person must through written application to be expunged of the criminal record. It was found that when he applied for the post, he was not honest when he completed a Z83 form and did not divulge his criminal record. It was found that indeed the employer had a compelling case, and the evidence was overwhelming against the member, which could have resulted in dismissal. The PSA representative and the member agreed to plead guilty, and the PSA managed to avoid dismissal as the member was sanctioned with one month's suspension plus a final written warning. In the instance where members have criminal records older than ten years, they are advised to apply for expungement of the criminal record, which must be approved by the Head of Department.

Department of Correctional Services

- A member was charged for insolence because of using vulgar words towards a colleague. This is regarded as serious misconduct, which warrants dismissal, if found guilty. Although the member has been diagnosed with Post-Traumatic Stress Disorder (PTSD), which led to a mental disability, it was found that the person whom he swore at, was not communicating with him when the incident took place, which was an aggravating factor. Before the incident, the member approached the PSA, seeking intervention in that he had PTSD and that the employer was not assisting. The PSA subsequently addressed a letter to the Area Manager, requesting a meeting during which the recommendation was that the member be referred to Employee Wellness, which unfortunately did not happen. During the disciplinary hearing, the member pleaded not guilty and stated that he did not recall the incident for which he is charged. Preliminary issues were raised in that prior to the employer initiating allegations of misconduct, the employer should have referred the member for assistance through the Department's Employee Wellness section where a report about the member's condition should have been issued. Regardless, the member was found guilty and sanctioned with a final written warning. It must be borne in mind that the member was charged with a serious allegation but noting the employer's failure and the PSA's argument, the Chairperson was persuaded and opted for lenient sanction.

- A member was charged with misconduct regarding dereliction of duty for failing to disclose that he made double payments for a service rendered. Although the member had a compelling case to prove his innocence in that he was working in Procurement and not Finance and that he did not process two payments, he elected to plead guilty and received a sanction of final written warning. Although the PSA believed that the sanction was unfair and wanted to appeal the same, the member advised against this and accepted the sanction.

The PSA will do everything in its 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 Provincial Manager at john.teffo@psa.co.za or WhatsApp to 079 513 9856.

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

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GENERAL MANAGER