**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 3899**

**DATE OF QUESTION: 6 DECEMBER 2018**

**DATE OF SUBMISSION: 12 DECEMBER 2018**

**Adv T E Mulaudzi (EFF) to ask the Minister of Justice and Correctional Services:**

Whether, with reference to the reply of the Minister of Public Service and Administration to question 141 for oral reply on 7 September 2018, his department and the entities reporting to him implemented the Public Service Coordinating Bargaining Council resolution that all persons employed in the Public Service as Assistant Directors must have their salary level upgraded from level 9 to level 10, and that all Deputy Directors must have their salary level upgraded from level 11 to level 12; if not, why not; if so, what are the relevant details?

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**REPLY:**

1. The Department of Justice and Constitutional Development implemented Resolution 3 of 2009. In implementing the Resolution, the Department confined itself to the condition set in paragraph 3.6.3 which deals with accelerated grade progression for salary levels 9-10 and 11-12 respectively. To this end, all employees from salary levels 9-10 and 11-12 who meet the below mentioned qualifying criteria are accordingly progressed/upgraded:
2. Twelve (12) years continuous service and should have at least obtained above satisfactory rating on his performance assessment; and
3. Fifteen (15) years of continuous service and should have at least obtained above satisfactory rating on his performance assessment
4. The National Prosecuting Authority implemented PSCBC Resolution 1 of 2012 in conjunction with the Department of Public Service and Administration (DPSA) Circular 16/P dated 25 February 2013. All posts that were filled on salary levels 9 and 11 after the implementation of PSCBC, Resolution 3 of 2009 were re-graded according to the DPSA’s Implementation Directive. All employees who occupied those posts were thus upgraded into the salary levels 10 and 12 respectively.
5. Employees of Legal Aid South Africa are not appointed under the Public Service Act, 1994 but are employed in terms of Legal Aid SA Act 39 of 2014. Persons who are employed at salary level 9 and those employed at salary level 11 can be progressed to salary level 10 and salary level 12 respectively subject to the scope of pay progression of the job grading of a position and on condition that an employee’s annual performance review is good and scored at 80% and above.
6. Neither PSCBC Resolution 3 of 2009 nor Resolution 1 of 2012 has been implemented in the Special Investigating Unit (SIU). The pay progression model being referred to is not in use in the SIU as the SIU has its own grading system in place.