

# OFFER BY EMPLOYER

## GENERAL PUBLIC SERVICE SECTORAL BARGAINING COUNCIL:

### RESOLUTION NO OF 2007

#### AGREEMENT ON THE IMPLEMENTATION OF AN OCCUPATION SPECIFIC DISPENSATION (OSD) FOR LEGALLY QUALIFIED CATEGORIES OF EMPLOYEES

#### 1. INTRODUCTION

PSCBC Resolution 1 of 2007 provides for the development and implementation of an Occupational Specific Dispensation (OSD) for qualified legal professionals with effect from 1 July 2007.

#### 2. OBJECTIVES

To introduce an occupational specific remuneration and career progression system for legally qualified professionals as defined in this agreement, that provides for –

- 2.1 a unique salary structure;
- 2.2 career-pathing opportunities based on competencies, experience and performance;
- 2.3 adequate pay progression and accelerated pay progression;
- 2.4 Grade progression based on performance;
- 2.5 recognition of appropriate experience;
- 2.6 increased competencies;
- 2.7 the creation of specialist dispensation(s); and
- 2.8 the introduction of differentiated salary scales for identified based on a new remuneration structure;
- 2.9 a change in the pensionable composition of the total cost package which will now be a 70/30 split.

#### 3. SCOPE

- 3.1 This agreement binds –
  - 3.1.1 the Employer;
  - 3.1.2 the Employees of the Employer who are members of trade unions parties to this agreement; and  
the employees of the Employer who are not members of any trade union party to this agreement, but who fall within the registered scope of Council; and

**3.1.3 Employees who falls within the following occupation categories:**

- State Attorney
- Family Advocate
- State Law Advisor
- Legal Administration Officer
- Master
- Registrar
- Maintenance Officer
- Estate Controller

**4. PARTIES THEREFORE AGREE**

**4.1 The OSD for legally qualified professionals will provide for the following:**

**4.1.1 Unique Remuneration Structure.**

The introduction of a unique remuneration structure for the legal profession with 1.5% increments between notches.

**4.1.2 Different Career Stream**

Introduction of 4 work streams to enhance career pathing, namely entry level production, advanced production level, specialist production and supervisory. The different work streams are as set out in the table hereunder.

## 4.1.3 Work Streams In The OSD: DJCD

No	WORK STREAM	OSD BAND	OCCUPATIONAL GROUPS INCLUDED
	A	B	C
1	Training	LP-1, LP-2	Candidate Attorney
2	Production	LP-3, LP-4	Assistant State Attorney
		LP-7, LP-8	Family Advocate
		LP-7, LP-8	State Law Advisor
		EC-1 to EC-4	Estate Controller
		MR-1 to MR-5	Assistant Master, Maintenance Officer, Legal Administration Officer, Registrar
3	Advanced Production	LP-5, LP-6	Senior Assistant State Attorney
		LP-9	Senior Family Advocate
		LP-9	Senior State Law Advisor
4	Specialist	LP-10	Principal State Law Advisor
5	Supervision	MR-6	Deputy Master, Chief Registrar, Senior Legal Administration Officer

- 4.2 The production specialist stream was created to assist the Departments to recruit and retain specialists in the legal profession who have gained at least 10 years' active legal court experience and who are still actively involved in litigation/court work or legislative services. The number of posts created will be subject to norms to be determined by the Departments.

## 5. REQUIREMENTS FOR APPOINTMENT AND PROMOTION

- 5.1 Appointment and promotion requirements for each category are indicated in Annexure A.
- 5.2 Promotion to a higher posts will further be subject to:
- 5.2.1 the employee meeting the appointment requirements (ie, possessing the relevant qualification(s), prescribed years of experience, etc.) and;
  - 5.2.2 availability of posts; and
  - 5.2.3 after appointment the employee must perform the functions of the new post (job).

## 6. PAY PROGRESSION

- 6.1 The relevant qualifying periods and criteria for pay and grade progression is prescribed for each stream and post.
- 6.2 Annual pay progression opportunities of 1.5% will apply on condition that the relevant employee has maintained a satisfactory level of performance as set out in the performance management system that will be applicable at the time when such employee becomes eligible for pay progression.
- 6.3 Accelerated pay progression will be introduced to the top performers on the identified grades (LP-4, LP-6, LP-8, LP-9, LP-10, EC-4, MR-5 and MR-6).
- 6.4 A maximum of 20% of employees on these grades may be awarded 2 notches (good performance) and 10% may be awarded 3 notches (excellent performance)
- 6.5 Annual pay progression will be awarded with effect from 1 July of the year in which the employee has complied with the prescribed requirement for such pay progression.

~~6.6 The new annual pay progression system in terms of the OSD shall be 1 July 2008.~~

~~6.7 No pay progression will be paid in the current financial year 2007/2008.~~

## 7. IMPROVEMENT IN CAREER PATHS

- 7.1 Career paths will be improved for the various categories through the introduction of a set of salary grades attached to the posts in each category.
- 7.2 The salary grades will display longer career progression opportunities, as part of the defined career path, in order to both recruit and retain legal professionals.
- 7.3 The OSD will also provide for career paths that facilitate progression to other categories, subject thereto that the requirements and conditions for such progression are being met.

## 8. GRADE PROGRESSION

- 8.1 The production streams allow for a single post to be linked to more than one salary grade (scale) to facilitate grade progression.

8.2 Progression to the next higher salary grade (scale) is subject to the candidates meeting all the promotion/ appointment requirements for the relevant higher grades.

## **9. ACCELERATED GRADE PROGRESSION**

The OSD provides for differentiated levels of grade progression based on performance, to enable legal professionals, who have distinguished themselves from their peers in terms of performance, to progress faster through the salary scales attached to higher grades.

## **10. COMPETENCY REQUIREMENTS**

The employer will prescribe the competency requirements (generic, functional and experiential) per post level to provide for appropriate salary recognition and grade progression.

## **11. RECOGNITION OF RELEVANT EXPERIENCE ON APPOINTMENT FROM OUTSIDE THE PUBLIC SERVICE**

To enhance the recruitment of legally qualified professionals the employer will introduce a basis for salary recognition for relevant experience on appointment from outside the public service in production posts.

## **12. RECOGNITION OF RELEVANT EXPERIENCE OF SERVING MEMBERS ON TRANSLATION TO THE OSD**

12.1 The recognition of relevant experience of employees who were in service on 30 June 2007, and who are translated to production posts in the OSD, is contained in Annexure B.

12.2 The recognition of relevant experience not reflected on the existing personnel record will be based on verified proof of such experience. The verification will be undertaken at departmental level.

## **13. TRANSLATION MEASURES**

13.1 Translation will be subject to:

- 13.1.1 the employee meeting the appointment requirements (ie, possessing the relevant qualification(s), prescribed years of experience, etc.) and
  - 13.1.2 availability of posts; and
  - 13.1.3 the employee must perform the functions of the post (job).
- 13.2 Employees will translate to the appropriate salary scales in accordance with the posts that they currently occupy.
- 13.3 Translation measures to facilitate translation from the existing dispensation to the appropriate salary scales attached to the OSD are based on the following principles:
- 13.3.1 No person will receive a salary (notch or package) that is less than what he/she received prior to the implementation of the OSD.
  - 13.3.2 Translation will be done in two phases (steps)
    - 13.3.2.1 1<sup>st</sup> Phase  
This phase requires a minimum translation to the appropriate salary scale attached to the posts (and grades in respect of production levels).
    - 13.3.2.2 2<sup>nd</sup> Phase  
Re-calculation of relevant experience obtained by a person who occupies a post on a production level after registration in the relevant legal category, based on full years' service/experience as on 31 March 2007, in order to award a higher salary at a production level subject to the limits of the measures for such recognition.
  - 13.3.3 Employees who are translated to total cost packages, will have their benefits protected (employees will not be worse off)
  - 13.3.4 Total cost packages will constitute a 70/30 split: (70% pensionable salary)

#### **14. GENERAL PROVISIONS**

The employer shall ensure that an appropriate Performance Management and Development System will be in place that will amongst

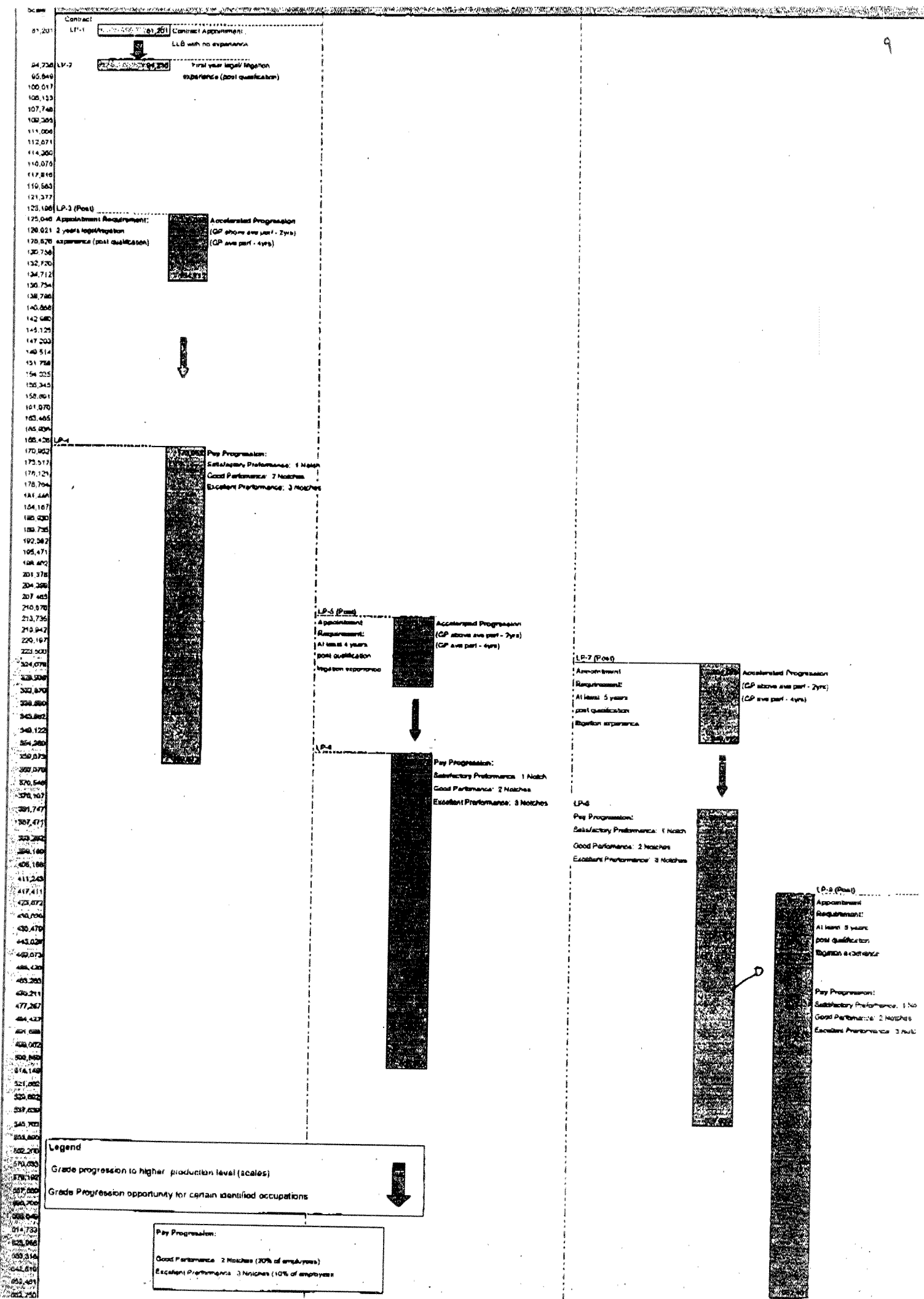
others, facilitate the assessment of employees for purposes of pay progression, grade progression and accelerated grade progression.

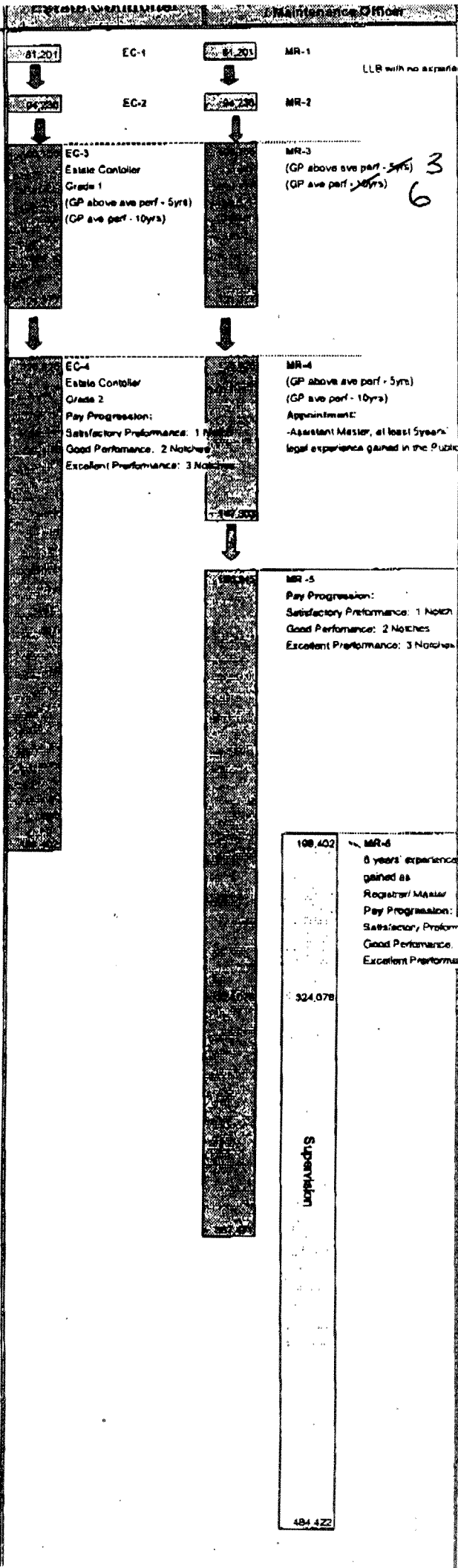
**15. DATE OF IMPLEMENTATION**

The provisions of this Agreement shall take effect on date of signing, with backdated implementation to the 1 July 2007.

**16. DISPUTE RESOLUTION**

Should there be 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.





Appointment:  
4 years' litigation experience  
SU-1  
Pay Progression:  
Satisfactory Performance: 1 Notch  
Good Performance: 2 Notches  
Excellent Performance: 3 Notches

Appointment:  
5 years' litigation experience  
SU-2  
Pay Progression:  
Satisfactory Performance: 1 Notch  
Good Performance: 2 Notches  
Excellent Performance: 3 Notches

GM-1	417,411
Appointment: 8 years' legal experience of which at least 4 years court experience	
Pay Progression: Satisfactory Performance: 1 Notch Good Performance: 2 Notches Excellent Performance: 3 Notches	
Court Manager	

10