

RESOLUTION NO.2 OF 2005

**AGREEMENT IN ADMINISTERING DISCIPLINARY
HEARINGS IN TERMS OF RESOLUTION 1/2003 OF THE
PSCBC**

[Handwritten signatures]

Objective

1. The objective of this agreement is to develop a fee structure for the administration of the disciplinary hearings in terms of the PSCBC's Resolution 1/2003.

Scope

2. This agreement binds:
 - (a) the employer;
 - (b) the employees of the employer who are members of the trade union parties to this agreement; and
 - (c) 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.

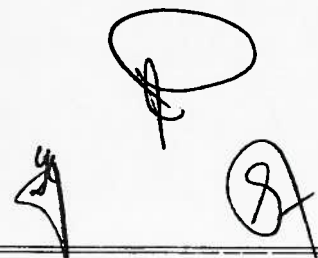
Noting

3. Noting that -
 - (a) clause 7.3 (c) of the said resolution, the Employer and the Employee may agree to request the relevant Sectoral Council to appoint an Arbitrator to chair the hearing.

Agreement

Parties agree to the following:

4. ~~the Employer will be liable for costs of an Arbitrator~~ inclusive of R350.00 administration fee.
5. panellists' costs for the arbitration process will be charged at a daily rate of R 1 500.00 as per the PHWSBC Panellists' Fee Policy, including R650.00 for an arbitration award.
6. invoicing of the Employer by the Council will be effected before proceedings could resume, as contemplated in s188A of the LRA as amended.




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Dispute Resolution

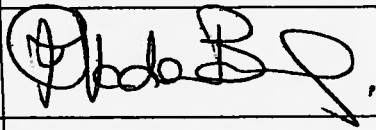
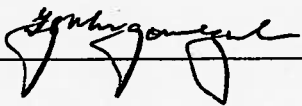
- 7. If there is a dispute about the interpretation or application of this agreement any party may refer the matter to the Council for resolution in terms of the dispute resolution procedure of the Council.
- 8. The Council will monitor the implementation of this agreement.

DONE AND SIGNED AT CENTURION ON THIS THE 14TH DAY OF JUNE 2005

ON BEHALF OF THE STATE AS EMPLOYER

Name	Signature
JAMES T. CORNWALL	

ON BEHALF OF EMPLOYEE PARTIES

EMPLOYEE PARTY	NAME	SIGNATURE
NEHAWU	J.P. VAN DEN BERG	
DENOSA	T. MNGOMEZULU	
PSA		
HOSPERSA		
NUPSAW		

FEE POLICY ON ADMINISTRATION OF THE DISPUTES AND/OR DISCIPLINARY HEARINGS IN TERMS OF RESOLUTION 1/2003 OF THE PSCBC

Introduction

The purpose of this document is to develop a fee structure for the administration of the disciplinary hearings in terms of the PSCBC's resolution 1/2003.

In terms of clause 7.3 (c) of the resolution, the Employer and the Employee may agree to request the relevant Sectoral Council to appoint an Arbitrator to chair the hearing. The Employer will be liable for payment of the costs of the Arbitrator.

The resolution is silent on the amount to be paid and/or the process to be followed. The current rate at the CCMA for pre – dismissal arbitrations is R3000.00 per day excluding VAT. To ensure sound administration of these disputes, the Council will have to develop a clause in its dispute procedures in the Constitution or come up with a relevant agreement.

Application

- The Employer will submit the relevant application form (CCMA modeled) to the Secretary of Council.
- The Secretary of Council and/or the Manager: Dispute Resolution will ensure that the application is in line with the prescripts in the Resolution
- The Secretary of Council and/or the Manager: Dispute Resolution will allocate an Arbitrator to the matter.
- The Dispute Resolution Officer will open a file to the matter.
- The DRO will liase a date with parties involved and prepare a set down notice informing parties of the date, time and venue of the hearing.
- The arbitrator will hear the matter and provide Council with a written award **within five (5) days**.
- The hearing must be mechanically recorded.
- The Council will collect all relevant documents, exhibits and mechanical recordings for compliance with the Labour Court rules should a matter be taken on review.

Fee Structure

The following fees payable to Council are as per Panellists Fee Policy:

- * Arbitrator's daily fee: R 1 500.00
- * Award Fee: R 650.00
- * Administration Fee: R 350.00

TOTAL FEE

R 2 500.00

- Note that this total fee is only payable for a one (1) day's hearing.
- Further note that additional days for hearing, i.e. where there has been postponements, will be charged at a rate of R 2 500.00 per day.
- The Council will issue an invoice to Departments for payments
- Fees for additional days if applicable must be paid before the submission of the ruling to the parties.
- Fees should be paid directly into Councils bank account or by a guaranteed cheque.