RESOLUTION 3 OF 2009
OF THE PUBLIC HEALTH AND SOCIAL DEVELOPMENT SECTORAL BARGAINING COUNCIL (PHSDSBC)

OCcupational Specific Dispensation (OSD) For Medical Officers, Medical Specialists, Dentists, Dental Specialists, Pharmacologists, Pharmacists and Emergency Care Practitioners
PUBLIC HEALTH AND SOCIAL DEVELOPMENT SECTORAL BARGAINING COUNCIL (PHSDSBC) RESOLUTION 3 OF 2009

OCCUPATIONAL SPECIFIC DISPENSATION FOR MEDICAL OFFICERS, MEDICAL SPECIALISTS, DENTISTS, DENTAL SPECIALISTS, PHARMACOLOGISTS, PHARMACISTS AND EMERGENCY CARE PRACTITIONERS

1. DEFINITIONS

1.1. Grade progression - the salary movement from one salary grade (scale) to the first salary notch of the next higher salary grade (scale) attached to a post.

1.2. Pay progression - the salary movement from one salary notch attached to a salary grade (scale) to the next higher salary notch attached to the same salary grade (scale).

1.3. Salary grade (scale) - the set of salary notches attached to a particular salary grade (scale).

1.4. Non-clinical - the employees of the Employer employed in terms of the Public Service Act, 1994, as amended, in a full-time capacity as managers on salary levels 11, 12, SMS grade A and SMS grade B, who occupy a post on the establishment of a public health facility where it is an inherent requirement of the post to maintain continuous registration with the relevant health professional Councils as set out in paragraph 3.2.1, 3.2.2 and 3.2.3.

2. OBJECTIVES

The objectives of this agreement are:

2.1. To give effect to paragraph 4 of PSCBC Resolution 1 of 2007.

2.2. To introduce an occupational specific remuneration and career progression dispensation (OSD) for:

2.2.1. Medical Officers, Medical Specialists, Dentists, Dental Specialists, and identified categories of Clinical Managers (Medical and Dental) (herein referred to as Medical and Dental Practitioners);

2.2.2. Pharmacists, Managers of Pharmaceutical Services and Pharmacist Assistants; and

2.2.3. Emergency Care Practitioners, Emergency Managers and Emergency Care Lecturers employed at Emergency Care Training Colleges.

2.3. To provide within the OSD for:

2.3.1. Career pathing opportunities based on competencies, experience and performance;

2.3.2. Pay progression within the limits of the relevant grades based on performance;
2.3.3. Grade progression, where applicable, based on performance;

2.3.4. Recognition of appropriate experience for the purpose of grade progression; and,

2.3.5. Recognition of performance for accelerated progression to higher grades and pay progression within a salary grade.

2.4. To introduce differentiated salary scales for identified categories of professionals based on a new remuneration structure.

2.5. To incorporate the existing scarce skills allowances where payable to such professionals, into salary.

2.6. To provide for translation measures to facilitate the implementation process.

2.7. To pay a once-off non-pensionable gratuity with effect from 1 July 2008.

2.8. To pay an annual non-pensionable lecturing allowance of 10% of the basic annual pensionable salary (or part thereof (pro rata) for short term assignments) to those Emergency Care Practitioners who occupy posts of Lecturer, Course Co-ordinators, Vice-principal or Principal of an Emergency Medical Services (EMS) College with effect from 1 July 2009.

2.9. To introduce a change in the pensionable composition of the total cost to employer packages applicable to health professionals covered by this agreement.

3. SCOPE

This agreement binds:

3.1. The Employer;

3.2. The employees of the Employer employed in terms of the Public Service Act, 1994, as amended, either in a part-time or full-time capacity, who are members of the trade union parties to this agreement and who occupy a post in a clinical and non-clinical field where continuous registration with one of the following health professional councils is an inherent requirement of the post:

3.2.1. The Medical and Dental Board of the Health Professions Council of South Africa (HPCSA) as Medical or Dental Practitioners, or, Medical or Dental Specialists;

3.2.2. The South African Pharmacy Council (SAPC) as Pharmacists or Pharmacist Assistants;

3.2.3. The Professional Board for Emergency Care Practitioners of the HPCSA as Basic Ambulance Assistants, Ambulance Emergency Assistants, Paramedics, Emergency Care Technicians or Emergency Care Practitioners; and
3.3. The employees of the Employer employed in terms of the Public Service Act, 1994, as amended, either in a part-time or full-time capacity, who are not members of any trade union parties to this agreement, but who fall within the registered scope of the Public Health and Social Development Sectoral Bargaining Council (PHSDSBC) and who occupy a post in a clinical and non-clinical field where continuous registration with one of the health professional councils as indicated in paragraph 3.2.1, 3.2.2 and 3.2.3 above is an inherent requirement of the post.

4. IN GIVING EFFECT TO PARAGRAPH 4 OF PSCBC RESOLUTION 1 OF 2007, PARTIES TO COUNCIL AGREE TO THE FOLLOWING:

4.1. OCCUPATIONAL SPECIFIC DISPENSATION (OSD)

An OSD for employees who occupy a post in a clinical and non-clinical field where registration as indicated in paragraph 3.2 above is an inherent requirement of such a post is introduced with effect from 1 July 2008. The OSD will provide for the following:

4.1.1. PAYMENT OF A ONCE-OFF NON PENSIONABLE GRATUITY

4.1.1.1. The Employer will pay professionals covered by this agreement and who were in employment on 30 June 2009 a once-off non-pensionable gratuity for the period 1 July 2008 to 30 June 2009.

4.1.1.2. The non-pensionable gratuity will be calculated as 5% of the basic annual pensionable salary as on 30 June 2009, and will be paid within three (3) months from the date of conclusion of this agreement.

4.1.2. UNIQUE REMUNERATION STRUCTURES

The introduction of unique remuneration structures per occupational category.

4.1.3. DIFFERENT CAREER STREAMS

The introduction of different career streams for the respective categories of professionals to enhance career mobility.

4.1.4. DIFFERENTIATION IN SALARY SCALES

The introduction of differentiated salary scales for the respective categories of professionals as reflected in Annexures A1, A2 and A3.

4.1.5. REQUIREMENTS FOR APPOINTMENT AND SALARY/ GRADE/ CAREER PROGRESSION

The introduction of appointment requirements, grade and career progression requirements for these categories as determined by the Employer, subject to any statutory requirements determined by the relevant health professional council.

PUBLIC HEALTH AND SOCIAL DEVELOPMENT SECTORAL BARGAINING COUNCIL (PHSDSBC)
RESOLUTION 3 OF 2009
4.1.6. PAY PROGRESSION

4.1.6.1. The introduction of a system of biennial pay progression based on 3% of basic salary where provided for in the dispensation and as reflected in the salary scales contained in Annexures A1, A2 and A3 of this agreement, or, annual pay progression of 1.5% of basic salary where such progression is catered for in the relevant salary scales contained in the above-mentioned Annexures within the limits of the relevant salary scale, 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.

4.1.6.2. The 1st annual pay progression cycle commenced on 1 April 2009 and will run until 31 March 2011 regarding the granting of 3% pay progression and 31 March 2010 regarding the granting of a 1.5% pay progression as provided for in the agreement.

4.1.6.3. The actual pay progression will be awarded with effect from 1 July in the year in which the professional has complied with the prescribed requirements for such pay progression.

4.1.7. IMPROVEMENT OF CAREER PATHS

4.1.7.1. The improvement of career paths for the various categories through the introduction of a set of salary grades attached to posts in each category. The salary grades will display longer career progression opportunities, as part of the defined career path, in order both to recruit and retain the professionals in the relevant areas of need and also to cater for the retention of such professionals in clinical practice for longer periods.

4.1.7.2. The OSD will also provide for career paths that facilitate progression to other job categories subject to the requirements and conditions for such progression being complied with.

4.1.8. 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, as contained in Annexures A1, A2 and A3.

4.1.9. CONSOLIDATION OF SCARCE SKILLS ALLOWANCE

The Scarce Skills Allowance payable to Medical and Dental Practitioners and Pharmacists in terms of Public Health and Welfare Sectoral Bargaining Council (PHWSBC) Resolution 1 of 2004, shall be terminated upon implementation of the new dispensation. The scarce skills allowance has
already been incorporated into the remuneration with effect from 1 July 2009.

4.1.10. GRADE PROGRESSION

4.1.10.1. Creation of posts in the identified occupations as a single post per career stream, with the linking of more than one salary grade (scale) to the post to facilitate grade progression.

4.1.10.2. Progression to the next salary grade (scale) attached to the post, provided that candidates meet all the requirements to progress to the relevant higher grades as indicated in Annexures A1, A2 and A3.

4.1.10.3. A system of differentiated periods for grade progression, as indicated in Annexures A1, A2 and A3 based on performance, to enable professionals who have distinguished themselves from their peers in terms of performance, to progress faster to higher grades attached to the post.

4.1.11. RECOGNITION OF RELEVANT EXPERIENCE FOR SERVING EMPLOYEES OR ON APPOINTMENT FROM OUTSIDE THE PUBLIC HEALTH SECTOR WITH EFFECT FROM 1 JULY 2009

4.1.11.1. Translation from the existing dispensation to appropriate salary scales attached to the OSD will be based on the principle that no person’s salary position (notch or package) will be less favourable with the implementation of the revised salary and career progression dispensation.

4.1.11.2. The salary position of a serving employee is protected against that of a new appointee. Accordingly, after minimum translation measures referred to in clause 7.2.1, the salaries of serving officials who have been translated to the following OSD post levels, with the following identified minimum levels of service/experience after complying with the registration requirements for the respective OSD post levels as on 30 June 2009, shall be re-calculated. The recalculation is done to ensure that their final salaries are not less than what a new appointee from outside the Public Service, with a similar experience profile, would qualify for. The details of the recalculation are as follows:

a. Medical Officer
   i. At least 5 years service/experience – minimum of Grade 2
   ii. At least 10 years service/experience – minimum of Grade 3

b. Dentist
   i. At least 7 years service/experience – minimum of Grade 2
   ii. At least 12 years service/experience – minimum of Grade 3
c. Medical and Dental Specialist (General Specialty)
   i. At least 5 years service/experience – minimum of Grade 2
   ii. At least 10 years service/experience – minimum of Grade 3

d. Pharmacologist
   i. At least 5 years service/experience – minimum of Grade 2
   ii. At least 10 years service/experience – minimum of Grade 3

e. Pharmacist Assistant (Post basic)
   i. At least 5 years service/experience – minimum of Grade 2
   ii. At least 13 years service/experience – minimum of Grade 3

   * This also includes appropriate experience gained as Specialised Auxiliary Services Officer prior to the date on which statutory registration as Pharmacist Assistant (Post-Basic) became effective

f. Pharmacist
   i. At least 5 years service/experience – minimum of Grade 2
   ii. At least 13 years service/experience – minimum of Grade 3

g. Pharmaceutical Specialist
   i. At least 15 years service/experience – minimum of Grade 2

h. Paramedic/ EMS Lecturer (Paramedic)
   i. Registered as Paramedics
      1. At least 7 years service/experience – minimum of Grade 2
      2. At least 14 years service/experience – minimum of Grade 3
      3. At least 24 years service/experience – minimum of Grade 4

   ii. Registered as Emergency Care Practitioners
      1. At least 7 years service/experience – minimum of Grade 3
      2. At least 17 years service/experience – minimum of Grade 4

4.1.12. SALARY RECOGNITION UPON APPOINTMENT

4.1.12.1 All professionals who are covered by this agreement and who are promoted to a higher post, shall gain at least one (1) notch on such appointment.

4.1.12.2 Where a Medical Practitioner, Clinical Manager (Medical), Dentist or Clinical Manager (Dental) is already on a package higher than the maximum of the scale attached to a Registrar, he/she will retain the scale attached to his/her existing post for duration of study.

4.1.12.3 Where a Specialist (General Specialty) is already on a package higher than the maximum of the scale attached to a Senior Registrar, he/she will retain the scale attached to his/her existing post for duration of study.
4.1.13. APPLICATION OF THE DISPENSATION FOR SENIOR MANAGERS IN THE PUBLIC SERVICE

Senior Professionals employed in posts where registration with a health professionals council as indicated in paragraph 2.3 above is an inherent requirement of the posts they occupy and who are remunerated according to the salary dispensation for Senior Managers in the Public Service (SMS grades A to C) are with effect from 1 July 2009 no longer part of the SMS dispensation and their career and salary progression will be determined by the measures applicable in terms of this agreement.

4.2. The details of the OSD for the respective occupational categories are as follows:

4.2.1. MEDICAL AND DENTAL PRACTITIONERS: Annexure A1

4.2.2. PHARMACISTS AND PHARMACIST ASSISTANTS: Annexure A2

4.2.3. EMERGENCY CARE PRACTITIONERS: Annexure A3

5. STRUCTURING OF SALARY PACKAGES

5.1. The pensionable income of the cost-to-employer salary package, where applicable, for all the categories covered by this agreement constitutes 70% of the basic salary.

5.2. The measures for the structuring of salary packages will be similar to those of the Middle Management and Senior Management Services.

6. DATE OF IMPLEMENTATION

The agreement will be implemented as follows:

6.1. Within three months of achieving majority signature: The payment of the once-off non-pensionable gratuity as a percentage of the basic annual pensionable salary as on 30 June 2009.

6.2. 1 July 2009: The implementation of the revised salary scales, career and salary progression measures as contained in Annexures A1, A2 and A3 of the agreement.

6.3. 1 July 2009: Minimum translation from the current salary notch/package to the appropriate post and salary grade and notch as contained in Annexures B1, B2 and B3.

6.4. 1 April 2010: The implementation of the salary/packages in respect of those categories and translation measures contained in Annexure C1 of the agreement.

7. TRANSLATION MEASURES

7.1. Translation from the existing dispensation to appropriate salary scales attached to the OSD based on the principle that no person's salary position (notch or package)
will be less favourable with the implementation of the revised salary and career progression dispensation.

7.2. Translation will be done by means of two steps.

7.2.1 Step One with effect from 1 July 2009

Minimum translation to the appropriate salary scale attached to posts, as contained in Annexures B1, B2 and B3 to this agreement. This implies an implementation adjustment in salary to at least a corresponding or the next higher notch on the salary scale attached to the post to which the employee is translated.

7.2.2. Step Two with effect from 1 April 2010 for Medical and Dental Practitioners

Minimum translation to the appropriate salary scale attached to posts, as contained in Annexure C1 to this agreement.

7.3. New work levels have been introduced through this OSD. Where it is required, the following posts will be created and filled through the normal budgetary and prescribed recruitment and selection processes:

7.3.1 Senior Registrar;
7.3.2 Medical Specialist (Sub-Specialty);
7.3.3 Dental Specialist (Sub-Specialty);
7.3.4 Pharmacy Supervisor;
7.3.5 Senior Pharmaceutical Policy Specialist; and
7.3.6 Emergency Care Technician.

8. ACCELERATED GRADE PROGRESSION

8.1. The OSD provides for the introduction of a system of accelerated grade progression, based on shorter qualifying periods than normal, to higher grades based on above average performance.

8.2. As the accelerated grade progression for employees will be based on above average performance for a cumulative period of 3 years in their respective grades, and also noting that certain departments have not assessed professionals consistently since the introduction of departmental performance management and development systems, the provision for accelerated grade progression will only be effective from 01 April 2012.

8.3. The first performance assessment cycle 1 April 2009 to 31 March 2010, 1 April 2010 to 31 March 2011, and 1 April 2011 to 31 March 2012 will be based on assessment in terms of the Performance Management and Development System.

8.4. Employees on production levels, where grade progression opportunities exist, will in terms of the OSD, first qualify for accelerated grade progression 1 April 2012.
9. FINANCIAL IMPLICATIONS

9.1. The implementation of this agreement will be within the budgeted R 1.9 billion over the current and the next two financial years (2009/10-R900 million; 2010/11-R 500 million and 2011/12-R500 million).

9.2. The total expenditure in terms of year 1 and year 2 of implementation is projected at R 1.946 billion, including the once-off payment.

10. INTERPRETATION AND APPLICATION

10.1. In the event of any conflict between the provisions of this Agreement and any other agreement of the Council, the provisions of this Agreement shall take precedence.

10.2. No amendments to this Agreement shall be of force or effect unless reduced to writing and agreed upon by the parties to the Council as a Resolution of the Council.

11. DISPUTE RESOLUTION

Any disputes about the interpretation or application of this agreement shall be dealt with according to the dispute procedure of the Council.

THIS DONE AND SIGNED AT Boksburg ............ ON THIS THE .......................
DAY OF ........................................ 2009

ON BEHALF OF THE EMPLOYER PARTY

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ON BEHALF OF THE TRADE UNION PARTIES

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PUBLIC HEALTH AND SOCIAL DEVELOPMENT SECTORAL BARGAINING COUNCIL (PHSDBSC) RESOLUTION 3 OF 2009
ADDENDUM TO PHSDSBC RESOLUTION 3 OF 2009 –
OSD FOR DOCTORS, DENTISTS, PHARMACISTS AND
EMS PERSONNEL

1. Parties agree to the inclusion of the paragraphs below, after paragraph 2.9 of PHSDSBC Resolution 3 of 2009:
   a. Parties agree to ring-fence the following categories of employees:
      i. Medical officers (other than interns and community service practitioners) and dentists;
      ii. Junior and senior specialists;
      iii. Pharmacists;
      iv. Paramedics (with a minimum 3-year qualification).
   b. Parties agree to review the agreement for the above ring-fenced categories after a period of six months from the date of signature of PHSDSBC Resolution 3 of 2009.
   c. The outcome of the review shall be subject to negotiations with a view to implementation with effect from 01 April 2010.