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How MEC was *irregularly* *catapulted* to the top

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Critics of Free State MEC of Public Works and Infrastructure Dibeole Mance have said that her allegedly unlawful appointment as the director of youth development in the department of social development in 2018 had been a deliberate strategy to prepare her for the office she currently holds.

Insiders said Mance was illegally appointed to the position as the start of her rise to the top. "At the time she was appointed to the position, she was also recommended to serve in the National Assembly. This was to ensure she had enough knowledge and experience, as she was being prepared for the position of being an MEC," said a source.

Six years after serving as the director of youth development, Mance - who was using her married surname of Mahlesi - has become the talk of the town because of alleged attempts by the department of social development to cover up its wrongdoing.

The National Education, Health and Allied Workers' Union (Nehawu), which challenged her appointment, has claimed that there were cover-ups and persistent efforts to purge staff members.

Nehawu officials in the Central West Office in the Free State accused the head of the department of social development, Tsimelo Phahlo, of being one of the central figures in the cover-ups.

Phahlo, who was a human resources representative and one of the interview panel at the time Mance was appointed, was fingered as the person who signed Mance's appointment.

The allegedly illegal Mance appointment came after the then head of department and chairperson of the interviewing panel, Mokone Nthopha and the then MEC Limakatso Mahasa, had already endorsed it and sent an appointment letter to a different candidate, Dipuo Mapelle.

After receiving the appointment letter, Mapelle was told to wait for the "day letter" indicating when she could commence her responsibilities. However, the letter allegedly never arrived, because Mance had already started working.

This resulted in Mapelle reporting the matter to Nehawu, which challenged it at the public health and social development sectoral bargaining council in 2019.

According to documents seen by City Press, the bargaining council discovered evidence of fraud, irregularities and nepotism in Mance's appointment to the position.

The documents confirmed that Mapelle's appointment letter had been signed by Mahasa on 16 April 2018 before she was rebuffed two months later.

"At the time of the signature of the letter, Mahasa had the power to appoint her and she believed the appointment letter to be authentic. She believed that the first respondent [the department] had committed an unfair labour practice against her in that the second respondent [Mance] had been appointed in the post while she [the applicant] was awaiting the structuring of her remuneration package by human resources," read the bargaining council ruling.

Upon learning of Mance's appointment, Nehawu submitted a grievance, stating that it had been malicious.

The union argued that the motivation for recommending Mance for the post had been manipulated.

"On page 91a, it appears that the approval of the recommendation was signed by Butana Komphela, MEC for Social Development, on 14 May 2018. The recommendation document was initiated by Tl Phahlo, chief director of corporate services, on 20 March 2018 and was also signed by MME Nthopha, head of the department of social development, on 22 March 2018. Thus the document was generated on 20 March 2018, at which time the MEC for Social Development was still Mahasa. Yet the document reflected the MEC as Komphela, who was only appointed as such on 1 May 2018 when he joined the department of social development. It therefore appears that the official document had been tampered with and was not a true reflection of the proceedings," read the document.

The bargaining council also discovered that the recommendation for the appointment of Mance had been signed by Phahlo, two days before the chairperson of the panel signed

the motivation for the recommended candidate.

"This shows that the second respondent [Mance] had been favoured for the post and the documents had been manipulated. The papers show that the second respondent rapidly progressed from a level seven post on 1 April 2017 to a level 10 post on 1 July 2017, then to a level 12 post on 1 August 2017 and again to the post in question on level 13 on 1 November 2018. According to the Amended Directive on Compulsory Capacity Development, Mandatory Training Days and Minimum Entry Requirements for Members of the Senior Management Service, the requirement for entry level 13 was five years' experience at a middle or senior managerial level," read the documents.

The bargaining council also discovered that Mance had not been in middle management for five years. "The advertised requirement for the post in terms of experience was a minimum of five years' recognisable experience in community development as a deputy director. The second respondent had been in support services in 2017, thus nowhere near community development. She therefore also did not qualify in that regard. "It recently became known that the second respondent was deployed as a Member of Parliament by the ANC. It thus seems that her political background influenced her appointment to the post," read the bargaining council documents.

The council also discovered several glaring irregularities in the documentation issued during the recruitment, selection and appointment processes that were pointed out by the applicants during the arbitration proceedings.

The department representatives could not provide "acceptable explanations for the many irregularities relating to the said documentation".

The department could not explain why the MEC for Social Development was recorded as Komphela on the motivation for the recommended candidate, which was generated on 20 March 2018, while Komphela was only appointed as MEC for Social Development in May 2018.

"All of the other signatures on the document signed on 20 or 22 March 2018, while the MEC only signed on 14 May 2018," read the documents.

The bargaining council stated that it was not in dispute that Mance pursued a political career and that she was at the time deployed as an MP by the governing party.

Documents indicated that the department could not dispute that Mance had been busy pursuing her political career, even during the time she had occupied the post.

"Looking at the irregularities in the recruitment and selection process, considering the fact that the applicant's score was inexplicably left out of the motivation for the recommended candidate, as well as the fact that the second respondent occupied the post for less than a year prior to being deployed to Parliament by the ruling party, it indeed seems probable that the first respondent acted in a corrupt way and arbitrarily favoured the second respondent, to the prejudice of the applicant," read the papers.

The bargaining council concurred that the conduct of the department had been malicious.

"The evidence also showed that the first respondent deviated from its own recruitment and selection policy in that the representative trade union was not allowed to observe the interview process and Mahlatsi was not excused from the procedure," read the documents.

The department was found to have committed an unfair labour practice towards the applicant by appointing Mance to the post of director of youth development.

"The appointment of the second respondent is hereby set aside, with effect from 1 November 2018. The first respondent is ordered to promote the applicant to the post of director of youth development, with effect from 1 November 2018," read the documents.

The union officials said the department had refused to take responsibility for the matter, as cadre deployment continued to be applied against qualifying people.

At the time of going to print, neither Mance and Phahlo commented, despite undertaking to do so.



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Dibeole Mance
PHOTO: JEFFREY ABRAHAMS / GALLO IMAGES

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