

Navrae Enquiries (Mibuzo) **LABOUR RELATIONS**
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Wes-Kaap Onderwysdepartement

Western Cape Education Department

ISebe leMfundo leNtshona Koloni

CIRCULAR: 0101/2002
EXPIRY DATE: NONE

TO: CHIEF DIRECTORS, DIRECTORS (HEAD OFFICE AND EMDCs), CIRCUIT MANAGERS, CURRICULUM ADVISORS AND HEADS OF EDUCATIONAL INSTITUTIONS

BRIEF SUMMARY: *Delegation of less serious misconduct cases involving CS educators and Public Service Act personnel to the heads of institutions or offices and line managers.*

SUBJECT: LESS SERIOUS MISCONDUCT DISCIPLINARY ISSUES

In terms of Item 4, Schedule 2 of the Employment of Educators Act, Act 76 of 1998 (hereinafter referred to as the Act), the Head of Education delegated the function to deal with less serious misconduct to the head of the institution or office where the educator is employed, or to the immediate superior of the educator, where the educator concerned is the head of the institution or office. This circular serves to inform the said delegation of less serious misconduct cases. Instances of less serious misconduct involving Public Service Act personnel must be dealt with in terms of the Disciplinary Code and Procedure for the Public Service (Resolution 2/99).

The specific acts of misconduct to be dealt with are referred to in the enclosed framework. This arrangement was extensively discussed at the training sessions for heads of institutions and offices and line managers on progressive discipline. **All heads of institutions and all supervisory staff must offer a workshop to all staff members under their control and advise them of this process and their rights in this regard.**

Please note that since the training, certain sections of the Act have been amended in terms of the Education Laws Amendment Act, 2001 (Act 57 of 2001). The amendments that have a direct bearing on progressive discipline as contained in Schedule 2 of the Act are as follows: [_ indicates the new insertion]

- Item 4 paragraph (f) of subitem 4 "If during the six month period, the educator is subjected to disciplinary action, the written warning and the written objection or additional information contemplated in paragraph (g) may be taken into account in deciding on an appropriate sanction."
- Item 4 paragraph (f) of subitem 5 "If during the six month period, the educator is subject to disciplinary action, the final written warning and the written objection or additional information contemplated in paragraph (g), may be taken into account in deciding on an appropriate sanction."

MELD ASSEBLIEF VERWYSINGSNOUMERS IN ALLE KORRESPONDENSIE / PLEASE QUOTE REFERENCE NUMBERS IN ALL CORRESPONDENCE /
NCEDA UBHALE IINOMBOLO ZESALATHISO KUYO YONKE IIBALELWANO

GRAND CENTRAL TOWERS, LAER-PARLEMENTSTRAAT, PRIVAATSAK N9114, KAAPSTAD 8000
GRAND CENTRAL TOWERS, LOWER PARLIAMENT STREET, PRIVATE BAG N9114, CAPE TOWN 8000


WEB: <http://wced.wcape.gov.za>

- Amended Form A (written warning) and Form B (final written warning) of Schedule 2 of the Act are also enclosed.

The above-mentioned amendments came into operation on 5 December 2001. In this regard you are also referred to Circular 0010/2001.

Please bring the contents of this circular to the attention of all employees, who must then sign acknowledgement and understanding of its contents.

Your co-operation will be appreciated.

for 
HEAD: EDUCATION
DATE: 2002.08.20

FORM A [Retype on School Letterhead]

WRITTEN WARNING

Name of employee
Persal no
Personal details of the employee

This a written warning in terms of the disciplinary procedure. Should you engage in further misconduct, this written warning may be taken into account in determining a more serious sanction.

The written warning will be placed in your personal file and will remain valid for a period of six months from the date of the written warning.

If you object to the warning or wish to furnish additional information, you may lodge a written objection or additional information which will be filed together with this warning.

The nature of the misconduct is :

SIGNATURE OF THE REPRESENTATIVE OF EMPLOYEE
DATE :

SIGNATURE OF EMPLOYEE
DATE :

SIGNATURE OF WITNESS (if applicable)
DATE :

FORM B [Retype on School Letterhead]

FINAL WRITTEN WARNING

Name of employee
Persal no
Personal details of the employee

This is a final written warning in terms of the disciplinary procedure. Should you engage in further [transgressions] misconduct it could lead to formal misconduct proceedings being instituted against you.

This final written warning will be placed in your personal file and will remain valid for a period of six months from the date of the written warning.

Should you wish to do so, you may lodge a written objection to this final warning, or provide additional information which will be filed together with this final warning.

The nature of the misconduct is :

SIGNATURE OF THE REPRESENTATIVE OF EMPLOYEE
DATE :

SIGNATURE OF EMPLOYEE
DATE :

SIGNATURE OF WITNESS (if applicable)
DATE :

SCHEDULE OF TRANSGRESSIONS : CS-EDUCATORS AND PUBLIC SERVICE ACT PERSONNEL

NATURE OF TRANSGRESSION	PROPOSED ACTION					COMMENTS AND/OR POLICY GUIDELINES
	THE PROPOSED ACTION SHOULD NOT AUTOMATICALLY BE IMPOSED					
	THE NATURE AND CIRCUMSTANCES OF EACH INDIVIDUAL CASE SHOULD BE TAKEN INTO CONSIDERATION PRIOR TO MAKING A DECISION. THEREFORE, THE PROPOSED CODE SERVES ONLY AS A GUIDELINE					
	FIRST TRANSGRESSION	SECOND TRANSGRESSION	THIRD TRANSGRESSION	FOURTH TRANSGRESSION	FIFTH TRANSGRESSION	
SERIOUS TRANSGRESSIONS						
1. Misuse of official property for private purposes	Disciplinary hearing or final written warning	Disciplinary hearing if final written warning has been issued				With regard to the first offence the usual disciplinary action will consist of a final written warning. The nature and circumstances of the case may, however, warrant a disciplinary hearing.
2. Sleeping on the job	Disciplinary hearing or final written warning	Disciplinary hearing if final written warning has been issued				-do-
3. Absence from work place while on duty, without permission of supervisor	Disciplinary hearing or final written warning	Disciplinary hearing if final written warning has been issued				-do-
4. Driving government vehicle or any mobile equipment without authority	Disciplinary hearing or final written warning	Disciplinary hearing if final written warning has been issued				-do-

NATURE OF TRANSGRESSION		PROPOSED ACTION					COMMENTS AND/OR POLICY GUIDELINES
<p style="text-align: center;">THE PROPOSED ACTION SHOULD NOT AUTOMATICALLY BE IMPOSED THE NATURE AND CIRCUMSTANCES OF EACH INDIVIDUAL CASE SHOULD BE TAKEN INTO CONSIDERATION PRIOR TO MAKING A DECISION.</p> <p style="text-align: center;">THEREFORE, THE PROPOSED CODE SERVES ONLY AS A GUIDELINE</p>		FIRST TRANSGRESSION	SECOND TRANSGRESSION	THIRD TRANSGRESSION	FOURTH TRANSGRESSION	FIFTH TRANSGRESSION	
		5	Misuse of government vehicle or any other mobile equipment	Disciplinary hearing or final written warning	Disciplinary hearing if final written warning has been issued		
6	Attempting to bring, or causing the name of the WCED be brought into disrepute	Disciplinary hearing or final written warning	Disciplinary hearing if final written warning has been issued			-do-	
7	Gross negligence with serious or potentially serious consequences for the WCED, its staff or the public	Disciplinary hearing or final written warning	Disciplinary hearing if final written warning has been issued			-do-	
8.	Revealing confidential information to unauthorised persons (Revealing confidential information shall mean unauthorised presentations, discussions, press releases, publications and/or any communication whatsoever on any matter that could embarrass or harm the PAWC and or its personnel)	Disciplinary hearing or final written warning	Disciplinary hearing if final written warning has been issued			-do-	

		PROPOSED ACTION					
THE PROPOSED ACTION SHOULD NOT AUTOMATICALLY BE IMPOSED		THE NATURE AND CIRCUMSTANCES OF EACH INDIVIDUAL CASE SHOULD BE TAKEN INTO CONSIDERATION PRIOR TO MAKING A DECISION.					
THEREFORE, THE PROPOSED CODE SERVES ONLY AS A GUIDELINE		FIRST TRANSGRESSION	SECOND TRANSGRESSION	THIRD TRANSGRESSION	FOURTH TRANSGRESSION	FIFTH TRANSGRESSION	COMMENTS AND/OR POLICY GUIDELINES
9.	Loss of WCED's property or the property of other staff members as a result of carelessness	Verbal warning	Written warning	Final written warning	Disciplinary Hearing		-do-
10.	Private activities during official working hours	Written warning	Final written warning	Disciplinary Hearing			
11.	Performing private work without the necessary written permission	Written warning	Final written warning	Disciplinary Hearing			The nature and circumstances of the case may, however, warrant a disciplinary hearing
12.	Be the cause of serious disruptions in interpersonal relationships	Written warning	Final written warning	Disciplinary Hearing			-do-
13.	Unauthorized and/or uncommunicated absenteeism unless the employee offers a reasonable and legitimate excuse for his absence (the onus being on the employee to justify his absenteeism)	Verbal warning	Written warning	Final written warning	Disciplinary hearing		-do-
14.	Misuse of official phones, cell phones and fax machines for private purposes, without authorisation	Verbal warning	Written warning	Final written warning	Disciplinary hearing		-do-

		PROPOSED ACTION					
NATURE OF TRANSGRESSION		THE PROPOSED ACTION SHOULD NOT AUTOMATICALLY BE IMPOSED THE NATURE AND CIRCUMSTANCES OF EACH INDIVIDUAL CASE SHOULD BE TAKEN INTO CONSIDERATION PRIOR TO MAKING A DECISION. THEREFORE, THE PROPOSED CODE SERVES ONLY AS A GUIDELINE					COMMENTS AND/OR POLICY GUIDELINES
		FIRST TRANSGRESSION	SECOND TRANSGRESSION	THIRD TRANSGRESSION	FOURTH TRANSGRESSION	FIFTH TRANSGRESSION	
15	Misuse of official information technology apparatus such as desktop or laptop computers and printing devices	Written warning	Final written warning	Disciplinary hearing			-do-
16	Flagrant disregard of safety standards	Written warning	Final written warning	Disciplinary hearing			-do-
LESS SERIOUS TRANSGRESSIONS							
1	Neglect of duty or carelessness, unless such neglect or carelessness constitutes a major offence owing to the nature thereof	Counseling or verbal warning	Written warning	Final written warning	Disciplinary Hearing		With regard to the first offence the usual disciplinary action will consist of counseling. The nature and circumstances of the case may, however warrant a verbal warning
2	Poor time-keeping, eg not clocking when leaving, coming late	Counseling or verbal warning	Written warning	Final written warning	Disciplinary Hearing		-do-
3	Disregarding safety regulations where contravention is minor	Counseling or verbal warning	Written warning	Final written warning	Disciplinary Hearing		-do-
4	Smoking in a area where it is prohibited	Counseling or verbal warning	Written warning	Final written warning	Disciplinary Hearing		-do-
5	Gambling on company premises	Verbal warning	Written warning	Final written warning	Disciplinary Hearing		-do-

PROPOSED ACTION

THE PROPOSED ACTION SHOULD NOT AUTOMATICALLY BE IMPOSED

NATURE OF TRANSGRESSION

THE NATURE AND CIRCUMSTANCES OF EACH INDIVIDUAL CASE SHOULD BE TAKEN INTO CONSIDERATION PRIOR TO MAKING A DECISION.

THEREFORE, THE PROPOSED CODE SERVES ONLY AS A GUIDELINE

	FIRST TRANSGRESSION	SECOND TRANSGRESSION	THIRD TRANSGRESSION	FOURTH TRANSGRESSION	FIFTH TRANSGRESSION	COMMENTS AND/OR POLICY GUIDELINES
6. Posting, and/or distributing and/or displaying, and/or fixing notices, posters, stickers etc. on WCED premises or soliciting of any kind without the WCED's written permission	Counseling or verbal warning	Written warning	Final written warning	Disciplinary Hearing		With regard to the first offence the usual disciplinary action will consist of counselling. The nature and circumstances of the case may, however, warrant a verbal warning.