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20020408-0033



Wes-Kaap Onderwysdepartement

Western Cape Education Department

ISebe leMfundo leNtshona Koloni

OMSEND BRIEF: 0045/2002

VERVALDATUM:

AAN: HOOFDIREKTEURE, DIREKTEURE, OBOS-DIREKTEURE, SENIOR
KRINGBESTUURDERS, KRINGBESTUURDERS, HOOFDE VAN
ONDERWYSINRIGTINGS EN VOORSITTERS VAN BEHEERLIGGAME

KORT OPSOMMING: Hierdie omsendbrief gee 'n uiteensetting van die beleid van die WKOD met betrekking tot die betaling van waarnemingstoelaes aan opvoeders

ONDERWERP: VUL VAN OPVOEDERSPOSTE IN 'N WAARNEMENDE HOEDANIGHEID EN BETALING VAN WAARNEMINGSTOELAES AAN OPVOEDERS

1. Ingesluit is 'n afskrif van Resolusie 8/2001, soos aanvaar deur die nasionale Raad op Arbeidsverhoudinge in die Onderwys (RAVO), die inhoud waarvan selfverklarend is. Hierdie resoluksie het op 1 Januarie 2002 in werking getree.
2. Die volgende maatreëls geld ingevolge die bogenoemde resoluksie:
 - 2.1. Die benoeming van 'n opvoeder om in 'n hoër pos waar te neem, word deur die beheerliggaam van die inrigting en in die geval van kantoorgebonde opvoeders, deur die betrokke hoofdirekteur gedoen.
 - 2.2. In gevalle waar daar slegs een kandidaat beskikbaar is om in die vakante hoër pos waar te neem, word daardie persoon genomineer. Indien die enigste kandidaat nie geskik is om in die hoër pos waar te neem nie, moet volledige motivering ingedien word. Voorafverkreë toestemming moet verkry word indien daar 'n behoefte bestaan vir 'n uitsonderlike waarnemende aanstelling. Die maatreëls en voorwaardes met betrekking tot uitsonderlike waarnemende aanstellings word in paragraaf 2.6 van hierdie omsendbrief uiteengesit.
 - 2.3. As gevolg van die verskeidenheid van poste en uiteenlopende behoeftes van Hoofkantoor en OBOS'e, bly die huidige werkswyse met betrekking tot die identifisering en benoeming van opvoeders om in hoër poste waar te neem, van krag.

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

GRAND CENTRAL TOWERS, LAER-PARLEMENTSTRAAT, PRIVAATSAK X9114, KAAPSTAD 8000
GRAND CENTRAL TOWERS, LOWER PARLIAMENT STREET, PRIVATE BAG X9114, CAPE TOWN 8000


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

- 2.4. Beheerliggame (of hoofdirekteure) moet by wyse van 'n kennisgewing op die inrigting of kantoor se kennisgewingsbord die vakante hoër pos intern adverteer indien daar meer as een kandidaat beskikbaar is om in die hoër pos waar te neem, in welke geval slegs aansoekers om die intern geadverteerde pos vir die waarnemende aanstelling oorweeg word.
- 2.5. Alle aanstellings in 'n waarnemende hoedanigheid is onderhewig aan die goedkeuring van die WKOD.
- 2.6. Die bevoegdheid om 'n **normale waarnemende aanstelling**, dit is waarneming in 'n pos wat een posvlak hoër is as die pos wat die betrokke opvoeder beklee (sien item 2 van die resolušie), goed te keur, setel in die geval van onderwysinrigtings in die bekleër van 'n posvlak 5-pos verbonde aan die OBOS in die bedieningsgebied waarin die inrigting geleë is. In die geval van kantore (Hoofkantoor en OBOS'e) setel die bevoegdheid in die verantwoordelike hoofdirekteur.
- 2.6. Die bevoegdheid om 'n **uitsonderlike waarnemende aanstelling**, dit is waarneming in 'n pos wat meer as een posvlak hoër is as die pos wat die betrokke opvoeder beklee (sien item 4 van die resolušie), goed te keur, setel in die geval van onderwysinrigtings in die direkteur verbonde aan die OBOS in die bedieningsgebied waarin die inrigting geleë is. In die geval van kantore (Hoofkantoor en OBOS'e) setel die bevoegdheid in die verantwoordelike hoofdirekteur.
- 2.7. Hoofdirekteure moet verseker dat kantoorgebonde opvoederposte wel befonds is alvorens waarnemende aanstellings in die poste oorweeg word.
- 2.8. Alle vakante poste verbonde aan onderwysinrigtings word geag befonds te wees.
3. Die volgende dokumentasie moet by die Direktooraat: Personeelbestuur (Opvoeders) ingedien word vir die betaling van waarnemingstoelaes aan opvoeders:
- Volledig voltooide vorms A2 en A3
 - Die skriftelike goedkeuring van die gedelegeerde bevoegdheid

NOTA

'n Vakante pos is 'n pos wat geen permanente bekleër het nie en wat geadverteer moet word met die oog op permanente vulling. 'n Pos is dus nie vakant as die permanente bekleër met verlof, van watter aard ook al, afwesig of gesekondeer is nie.

4. Bring asseblief die inhoud van hierdie omsendbrief onder die aandag van alle opvoeders en lede van beheerliggame en laat hulle dit parafeer en dateer.


 WND. HOOF: ONDERWYS
 DATUM: 2002.04.11.

**EDUCATION LABOUR RELATIONS
COUNCIL**

Established in terms of the LRA of 1995 as amended



elrc

EDUCATION LABOUR
RELATIONS COUNCIL

RESOLUTION 8 OF 2001

13 DECEMBER 2001

**PAYMENT OF ACTING ALLOWANCE FOR
AN EDUCATOR ACTING IN A HIGHER
VACANT AND FUNDED POST**

[Handwritten signatures]

EDUCATION LABOUR RELATIONS COUNCIL

RESOLUTION NO 8 OF 2001

PAYMENT OF ACTING ALLOWANCE FOR AN EDUCATOR ACTING IN A HIGHER VACANT AND FUNDED POST

1. PURPOSE OF THIS AGREEMENT

The purpose of this agreement is to determine a policy on acting allowance and compensation to be paid to an educator appointed to act in a higher vacant and funded post.

2. PARTIES TO COUNCIL NOTE AS FOLLOWS:

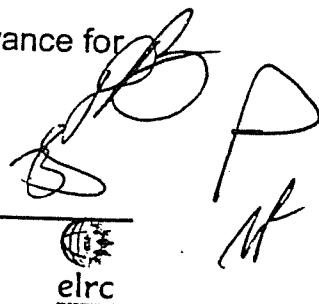
2.1 The absence, over the years, of payment of acting allowances to educators.

2.2 The provision of clause 5.1. of the Public Service Co-ordinating Bargaining Council Resolution No 9 of 2001 provides that an employee appointed by the Executing Authority or his/her delegated nominee, shall be paid an acting allowance to act in that post, provided that the post is a vacant and funded post and the period of appointment is longer than six weeks.

2.3. The policy on acting allowance and compensation to be paid to an employee appointed to act in a higher vacant and funded post must be determined at the Education Labour Relations Council within one month of the signing of Public Service Co-ordinating Bargaining Council Resolution No 9 of 2001.

3 THE PARTIES TO COUNCIL THEREFORE AGREE AS FOLLOWS.

3.1 To the attached document (Annexure A) entitled, "Acting Allowance for an Educator acting in a higher vacant and funded post."

Handwritten signatures and initials in black ink, including a large signature and the letters 'A' and 'M'.

- 3.2 To request the Minister to include the document in the Personnel Administration Measures (PAM) for educators.
- 3.3. That educators employed on post level 6 and as well as those on SMS be excluded from this agreement.
- 3.4. To commit themselves to reach an agreement on payment of acting allowance for an educator acting in a higher post where the permanent incumbent is absent, within three months of the signing of this resolution.

4 SCOPE OF THIS AGREEMENT

This agreement applies to and binds:

- 4.1 The employer, and
- 4.2 All the employees of the employer as defined in the Employment of Educators Act, 1998 (as amended), {excluding employees on post level 6 and as well as those on SMS} whether such employees are members of trade union parties to this agreement or not.

5 ADOPTION AND DATE OF IMPLEMENTATION.

- 5.1 This agreement shall, in respect of parties and non -parties to the ELRC, come into effect on 01 January 2002.

6. DEFINITIONS

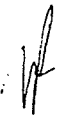

- 6.1. "SMS" means employees on Senior Management System referred to in Regulation IB1 of Chapter 4 of the Public Service Regulations as contained in Government Gazette No: 21951 of 5 January 2001.

ANNEXURE A:

ACTING ALLOWANCE FOR AN EDUCATOR ACTING IN A HIGHER VACANT AND FUNDED POST.

1. An educator, complying with the minimum requirements in paragraph 2 (2) of Chapter B of the Personnel Administration Measures, shall be appointed, in writing, by the employer, to act.
2. An educator may only be appointed to act in a higher vacant and funded post that is one post level higher than his/her current position.
3. Within fourteen days of notification by the employer, a School Governing Body/Council for a Further Education and Training institution shall be requested to recommend to the employer, the educator to be appointed to act in a higher vacant and funded post.
4. In extraordinary circumstances, the employer may deviate from clauses 2 and 3, above (including instances where the School Governing Body/Council for a Further Education and Training Institution fails to make a recommendation).
5. An acting allowance will be paid only to an educator who acts:
 - 5.1. In a higher vacant and funded post; and
 - 5.2. If the period of appointment is longer than six weeks; but limited to a maximum of twelve months.
6. Compensation shall be backdated to the date on which the educator commenced acting provided that the acting is six consecutive weeks or longer.

7. The acting allowance that will apply is the difference between the acting person's current salary (without benefits) and the commencing notch of the higher post (without benefits) that applies to the position in which the person is acting. Where the acting person's current salary (without benefits) equals or exceeds the commencing notch of the higher post (without benefits) that applies to the position in which the person is acting, the acting allowance that will apply is a notch increase.
8. Where the acting is to be performed at an institution or office that is geographically removed from the person's current place of work, an applicable subsistence and travel allowance shall also be paid to him/her.
9. An educator who has been appointed to act in a certain post will be subject to all the responsibilities appropriate to the post for the period during which he/she is appointed.



- 6.2. "Council of Further Education and Training institution" means the Council for Further Education and Training as contemplated in section 1 of the Further Education and Training Act (FET) of 1998.
- 6.3. "School Governing Body" means the governing body as contemplated in section 16(1) of the South African Schools Act, 1996 (SASA).
- 6.4. "Educator" means educator as defined in the Employment of Educators Act, 1998 (EEA).
- 6.5. "Employer" means employer as contemplated in section 1 of the Employment of Educators Act, 1998 (EEA).

7. DISPUTE RESOLUTION

- 7.1 Any dispute arising from the provisioning of this agreement shall be referred to the ELRC for resolution.

Thus done and signed at CENTURION on the 13th day of DECEMBER 2001 by:

ON BEHALF OF THE STATE AS EMPLOYER

DEPARTMENT	NAME	SIGNATURE
EDUCATION	E. BOSHOFF	<i>E. Boshoff</i>

ON BEHALF OF THE EMPLOYEE PARTIES

TRADE UNION	NAME	SIGNATURE
NAPTOSA	D H BANT	<i>D H Bant</i>
SADTU	Edwin. M. Villey	<i>Edwin M. Villey</i>
SAOU	P. DELPORT	<i>P. Delport</i>