

Navrae N SOLOMONS
Enquiries K ENGEL
IMibuzo

Telefoon (021) 467-2507
Telephone (021) 467-2505
IFoni

Faks
Fax (021) 467-2996
IFeksi

Verwysing 7/8/3/B
Reference 20020408-0033
ISalathiso



Wes-Kaap Onderwysdepartement

Western Cape Education Department

ISEbe leMfundo leNtshona Koloni

CIRCULAR: 0045/2002

EXPIRY DATE:

TO: CHIEF DIRECTORS, DIRECTORS, EMDC-DIRECTORS, SENIOR CIRCUIT MANAGERS, CIRCUIT MANAGERS, HEADS OF EDUCATIONAL INSTITUTIONS AND CHAIRPERSONS OF GOVERNING BODIES

BRIEF SUMMARY: Informing all educators of the WCED's policy with regard to the payment of acting allowances to educators.

SUBJECT: **FILLING OF EDUCATOR POSTS IN AN ACTING CAPACITY AND THE PAYMENT OF ACTING ALLOWANCES TO EDUCATORS**

1. Enclosed is a copy of Resolution 8/2001, as accepted by the national Education Labour Relations Council (ELRC), the contents of which are self-explanatory. The resolution is effective from 1 January 2002.
2. The following measures apply in terms of the resolution:
 - 2.1 The nomination of an educator to act in a higher post is done by the governing body of the institution and, in the case of office-based educators, by the relevant chief director.
 - 2.2. In the case where there is only one candidate available to act in the vacant higher post, that individual must be nominated. However, should the only candidate not be regarded as suitable to act in the higher post, then full reasons must be submitted. Prior approval must be obtained should there be a need for an exceptional acting appointment. The terms and conditions applicable to exceptional acting appointments are stipulated in paragraph 2.6 of this circular.
 - 2.3. Because of the variety of posts and the diverse needs of Head Office and EMDC's, the present methods pertaining to the identification and nomination of educators to act in higher posts remain in force.

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. In cases where there are a number of candidates available to act in the higher post, governing bodies (or chief directors) shall advertise the vacant higher post internally by means of an advertisement on the notice board of the institution or office, in which case only applicants for the internally advertised post will be considered.
- 2.5 All appointments in an acting capacity are subject to the approval of the WCED.
- 2.6 The authority to approve a **normal acting appointment**, that is acting in a post which is one post level higher than the post occupied by the educator concerned (see item 2 of the resolution), is, in the case of educational institutions, vested in an official at post level 5 attached to the EMDC in the service district in which the institution is situated. In the case of offices (Head Office and EMDCs) the authority is vested in the responsible chief director.
- 2.7 The authority to approve an **exceptional acting appointment**, that is acting in a post which is more than one post level higher than the post occupied by the educator concerned (see item 4 of the resolution), is, in the case of educational institutions, vested in the director attached to the EMDC in the service district in which the school is situated. In the case of offices (Head Office and EMDCs) the authority is vested in the responsible chief director.
- 2.8 Chief directors are responsible for ensuring that office-based educator posts are funded before considering acting appointments to these posts.
- 2.9 All vacant posts attached to educational institutions are considered as funded.
3. The following documentation must be submitted to the Directorate: Personnel Management (Educators) for the payment of acting allowances to educators:
- Completed A2 and A3 forms
 - The written approval of the delegated authority

NOTE:

A vacant post is a post which does not have a permanent incumbent and which must be advertised with a view to filling it permanently. A post is therefore not vacant if the permanent incumbent is absent with leave, or seconded.

4. Please bring the contents of this circular to the attention of all educators and members of governing bodies, who must be asked to initial and date it.


for. ACTING HEAD: EDUCATION
DATE: 2002.04.24.

**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:

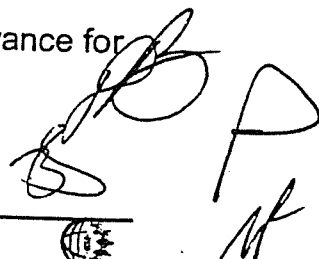
2.1 The absence, over the years, of payment of acting allowances to educators.

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."



- 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

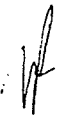

- 6.1. "SMS" means employees on Senior Management System referred to in Regulation IB1 of Chapter 4 of the Public Service Regulations as contained in Government Gazette No: 21951 of 5 January 2001.

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> |