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Kort opsomming: *Hierdie omsendbrief stel die Guidelines on the Resettlement of Educators, 2017 bekend.*

Onderwerp: Die Guidelines on the Resettlement of Educators, 2017

1. Die Wes-Kaap Onderwysdepartement verskaf hiermee die volgende riglyne met betrekking tot die hervestiging van werknemers wat ingevolge die Wet op die Indiensneming van Opvoeders, 1998 (Wet 76 van 1998), aangestel is.
2. Hierdie omsendbrief en die aangehegte *Guidelines on the Resettlement of Educators, 2017*, moet met ingang van 01 Julie 2017 geïmplementeer word.
3. Bring asseblief die inhoud van hierdie omsendbrief onder die aandag van alle werknemers.

GETEKEN: PAD BEETS

WAARNEMENDE HOOF: ONDERWYS

DATUM: 2017-07-14



GUIDELINES ON THE RESETTLEMENT OF EDUCATORS, 2017

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1. Definitions

In these guidelines, any word or expression to which a meaning has been assigned bears the same meaning assigned to it and, unless the context indicates otherwise:

"Accident" refers to an accident arising out of and during the course of an employee's employment and resulting in personal injury.

"Calendar month" refers to a period from a particular date in a month to the day before the same date in the next month, both days inclusive.

"Employee" means a person who is promoted or transferred by the employer in a permanent capacity (including permanent but on probation) to a post in the Western Cape Education Department (WCED) in terms of the Employment of Educators Act, 1998 (Act 76 of 1998).

"Household" means spouse/partner, parents and minor children/relatives who live with and are dependent on the employee (including a minor dependent who boards elsewhere to attend an educational institution). Domestic animals are not included as part of the household.

"Interim accommodation" refers to furnished accommodation/dwelling occupied by an employee and his/her household as an interim arrangement whilst awaiting the availability of a temporary or permanent dwelling. Such accommodation may be in a hotel, guesthouse, boarding house, caravan, rented furnished private dwelling or official quarters furnished with basic, essential furniture for which the WCED bears the cost.

"Permanent dwelling" refers to a dwelling at the new station secured by the employee for permanently housing him/herself and his/her household after a transfer.

"Personal effects" refers to the normal contents of a household dwelling, including but not limited to furniture, garden furniture, tools and clothing, but excluding any vehicles, livestock and domestic animals.

"Promotion" in terms of–

- an educator means an appointment to a post on a higher post level than the post the educator occupied (Chapter B.3.1.3 of the Personnel Administrative Measures, 2016). Resettlement costs will not cover appointments into entry level posts i.e. PL1 Educator posts.

- an allied health practitioner (therapist/psychologist) means an appointment to a post on a higher post level.
- a principal means an appointment to a higher graded post e.g. P1 to P2.

"Resettlement" means the relocation of the personal effects and household of an employee who has been promoted or transferred by the employer, retired or died whilst on duty to an area in the vicinity of the new station or place of retirement.

"Retired employee" means a person who is, has legally given notice to be, has been granted authorisation to be, or shall be, retired from holding employment in terms of the Employment of Educators Act, 1998 (Act 76 of 1998) within the WCED. For the purposes of these guidelines, an employee is regarded as retired if the termination of service is governed by any provision or contractual provision, which so directs.

"Retirement" refers to employees–

- who retire upon reaching the normal retirement age or who retire due to continued ill-health;
- who are 50 years and older;
- who accept a severance package; and
- younger than 50 years who accept a severance package and have to vacate official quarters.

"station" refers to a city, town or area where the normal place of work is situated or where an employee wishes to reside upon retirement.

"Subsistence" refers to an allowance (subsistence and travel) to reimburse an employee in respect of reasonable expenses incurred, as pre-approved, during a journey related to his/her resettlement as a result of a promotion or an employer-initiated transfer. This would include travel, accommodation, meals and other related expenses.

"Temporary dwelling" means a dwelling secured by the employee at the new station to be temporarily occupied by him/herself and his/her household upon the date of assumption of duty, or as soon as possible thereafter, where the employee may not have timeously secured a suitable permanent dwelling, or where a secured permanent dwelling may not be timeously available.

"Transfer" constitutes the relocation of an employee from a post at their current station to a post at another station that is initiated by the employer or as a result of a promotion.

2. Legislative framework

Constitution of the Republic of South Africa, 1996

Employment of Educators Act, 1998 (Act 76 of 1998)

Personnel Administrative Measures (PAM), 2016

Public Service Coordinating Bargaining Council (PSCBC) Resolution 3 of 1999 on Remunerative Allowances and Benefits

Regulations regarding the Terms and Conditions of Employment of Educators, 1995

Compensation for Occupational Injuries and Diseases Act, 1993 (Act 130 of 1993)

3. Purpose

3.1 These guidelines are designed to provide clear guidelines with regard to the assistance provided to employees who are relocated and resettled as a result of:

- promotion;
- employer-initiated transfer to another station;
- retirement; or
- in the event of an in-service employee's death (his/her estate),

within the guidelines of the provisions and measures set out in Regulation 90 of the Regulations regarding the Terms and Conditions of Employment of Educators, 1995, and Chapter XV of PSCBC Resolution 3 of 1999.

4. Scope

These guidelines apply to all WCED employees appointed in terms of the Employment of Educators Act, 1998 (Act 76 of 1998).

5. Introduction

5.1 The Western Cape Education Department (WCED) is, through these resettlement guidelines, committed to ensuring consistency with regard to the provision of transfer, resettlement and relocation assistance within the WCED in support of the principles of fairness, as well as prescripts of the Employment of Educators Act, 1998 (Act 76 of 1998), Personnel Administrative Measures, 2016, and all applicable collective agreements and financial guidelines.

- 5.2 The WCED recognises the fact that its employees possess knowledge and skills that are critical for the enhancement and support of teaching and learning. It further notes that the available skills have to be optimally utilised in order to better the living standards of all people in the Western Cape. Strategic human resources have to be placed at critical service delivery points for maximum impact on society, which involves the correct placing and possible resettling of employees. In addition, it is recognised that appropriate skills may have to be sourced from outside the Western Cape and therefore the WCED needs to assist employees with resettlement.

6. Provisions

Unless otherwise provided for in these guidelines, the WCED will not provide any assistance at State expense and/or incur any expenditure and will not be liable for any transfer costs in respect of a transfer requested/initiated by an employee. Such employee will be responsible for all costs resulting from a transfer/resettlement requested/initiated by him/herself and will not be granted any official time off or special leave for such transfer, resettlement, etc.

Subject to the specified conditions and limitations, as indicated hereunder, these guidelines provide for the rendering of the following categories of assistance in terms of resettlement related to a promotion, transfer or termination of service.

6.1 Resettlement due to promotion or employer-initiated transfer

- 6.1.1 The Head of Department (HoD) may pay the reasonable actual costs of resettlement to the new station, provided that the employee and his/her household reside in South Africa. Subject to the specified and applicable general conditions as specified elsewhere in this document, expenditure may include and is limited to the costs of:
- a) a prior visit to the new station;
 - b) the transport, travel and subsistence incurred by the employee and his/her household en route to the new station in order to assume duty;
 - c) the packing, transport, insurance and unpacking of the employee's personal effects;
 - d) special leave for packing and unpacking of personal effects;
 - e) the transport of privately owned vehicles;
 - f) the provision of interim accommodation;
 - g) the storage of personal effects;
 - h) expenses incurred in connection with the purchase of a dwelling;
 - i) sundry/incidental expenses as per the Financial Manual;
 - j) new schoolbooks, uniforms and related costs (as per the national determined tariff).

6.1.2 No further assistance may be provided to an employee who has to be resettled in order to take up an appointment, however, the HoD may provide further assistance in terms of a Scarce Skills Recruitment Plan or an Affirmative Action Plan, provided that such assistance will not be inconsistent with the broader provisions of these guidelines.

6.1.3 **Conditions**

The employee shall agree in writing to repay the employer the pro rata expenditure incurred for the assistance as indicated above if he/she should leave the public service on his/her own accord (including misconduct but excluding medical incapacity and death) within a year from the date of assumption of duty (contract attached as Annexure A).

6.2 **Resettlement upon retirement or death**

6.2.1 **Assistance upon retirement**

The HoD may pay the reasonable actual costs of the resettlement of a retired employee to a place of retirement in South Africa. Subject to the specified and applicable general conditions, expenditure may include the reasonable actual costs of the packing, transport, insurance and unpacking of a retired employee's personal effects.

6.2.2 **Assistance upon death**

In the event of an employee dying whilst on duty, the HoD shall provide assistance for the transport of the body to an appropriate facility in the region of the residence of the household of the deceased employee, including the preparation of the body for its safe transport, as may be required by law. The HoD may pay the reasonable actual costs of the transport of the personal belongings of a deceased employee from his/her working location to the residence of his/her household and resettlement of the household of a deceased employee to a place of retirement in South Africa.

Subject to the specified and applicable general conditions, expenditure may include the reasonable actual costs of the packing, transport, insurance and unpacking of the employee's household.

7. Conditions and limitations

7.1 General conditions

The following general conditions apply in the granting of resettlement assistance:

- 7.1.1 Assistance for resettlement may only be considered after formal acceptance of the appointment, transfer or retirement by the employee as well as the formal agreement by all parties concerned of the date of assumption of duty/retirement. The employee will follow the leave application processes at the old station in respect of any time off and/or special leave to be granted. The employer at the old station is expected to reasonably consider such an application to assist the outgoing employee through the resettlement process.
- 7.1.2 Should the employee withdraw his/her acceptance of the transfer, the costs incurred in relation to any assistance already utilised by the employee will be recovered from the employee. The employee shall agree in writing to repay the employer the pro rata expenditure incurred for the assistance as indicated above if he/she should leave the WCED on his/her own accord (including misconduct but excluding medical incapacity and death) within a year from the date of assumption of duty.
- 7.1.3 The onus is upon the employee to lodge an application for the assistance required, as may be considered in terms of the applicable provisions of point 6 above. The application will be restricted to the most cost-effective arrangements and in accordance with the conditions contained herein. The HoD's approval of the assistance to be granted must be obtained before any arrangements are made, any expenditure incurred or any funds committed. In considering the assistance to be granted, the HoD may approve alternative arrangements that may be more cost effective and/or more appropriate, provided that the applicant for such assistance is consulted and such alternative arrangements are not inconsistent with the broader provisions of these guidelines.
- 7.1.4 The employee's agreed date of assumption of duty may not coincide with any leave except sick leave or family responsibility leave. The date for assumption of duty should be set after the utilisation of leave which may have been granted at the old station, likewise, leave for a period after the date of assumption of duty will only be considered at the new station and only after the physical assumption of duty.
- 7.1.5 Any interim accommodation utilised for purposes relating to the resettlement of an employee may not exceed a three-star classification in the case of hotel/guesthouse accommodation.

7.1.6 The onus is upon the employee to provide documentary evidence, as may be required by the HoD, in order to substantiate any application for assistance or claim for expenses incurred.

7.2 **Specific conditions**

The specific conditions and limitations applicable to each type of assistance are as follows:

7.2.1 **Prior visit to the new station**

- a) The HoD may meet the reasonable actual costs, which an employee may incur for travel and subsistence, for one (1) visit to the area of the new station prior to the date of assumption of duty. One (1) member of his/her household may accompany the employee at State expense. The purpose of such visit is to enable the employee to familiarise him/herself with the area where the new station is situated, to find and secure a permanent (or temporary) dwelling for occupancy by his/her household upon assuming duty (or as soon as possible thereafter), to note the arrangements required to travel between their home and place of work, and to make arrangements for the schooling of minor dependents, etc.
- b) The employee may be reimbursed for subsistence and travel expenses, in respect of him/herself as well as the member of his/her household who may be accompanying them at State expense, as provided for in terms of the subsistence and travel provisions applicable in the WCED and in respect of a period not exceeding three (3) days and two (2) nights in total.
- c) In conducting such prior visit, the employee will be regarded as on duty for all intents and purposes, including any injuries that may result from an accident related to such visit and its purpose.
- d) However, the employer will not be liable for any injury or loss sustained by the member of his/her household who may be accompanying them at State expense. Should the employee extend the visit by way of the utilisation of annual leave, incorporating a weekend, etc., the employee does so at his/her own risk.
- e) It is obligatory for the employee to secure either a permanent or temporary dwelling for occupancy upon assuming duty (or as soon as possible thereafter) by his/her household prior to the date of assumption of duty at the new station. The employee will confirm his/her arrangements in this respect with the HoD prior to the date of assumption of duty. It is the employee's prerogative to choose whether a permanent or temporary dwelling should be secured.

7.2.2 Transport, travel and subsistence costs incurred by the employee and his/her household en route to the new station in order to assume duty

- a) The HoD may meet the reasonable actual costs, which an employee may incur for transport, travel and subsistence, in respect of him/herself and his/her household travelling to the new station in order to assume duty.
- b) The employee may be reimbursed for subsistence expenses, in respect of him/herself as well as his/her household, as provided for in terms of the subsistence and travel provisions applicable in the WCED and in respect of a period not exceeding two (2) days and two (2) nights, if unavoidable and reasonable.
- c) The employee will be regarded as on duty for the agreed to number of days required for travel purposes.

7.2.3 Packing, transport, insurance and unpacking of the personal effects of an employee

- a) The HoD may meet the reasonable actual costs, which an employee may incur for the packing, transport, insurance and unpacking of their personal effects at the dwelling as secured by the employee at the new station/place of retirement.
- b) The onus is on the employee to secure at least three (3) independent, all-inclusive, quotations for the services required. The full quotations should be addressed to the employee and timeously lodged with the WCED for consideration. Such quotations should include an inventory of the effects that will be subjected to the quoted services. Upon receipt of the HoD's acceptance of the successful quote and his/her commitment to pay the account for the quoted service, the employee should finalise the contract between him/herself and the identified service provider for the services to be rendered and the necessary arrangements therefor. Should the employee require any additional services he/she should secure same by way of separate arrangements and at his/her own risk and cost.
- c) The packing, transport, insurance and unpacking of an employee's personal effects, as applicable, shall coincide with the arrangements made for travelling to the new station in order to assume duty and the need to store the personal effects. The packing, transport, insurance and unpacking of a retired/deceased employee's personal effects will be finalised not earlier than 12 calendar months prior to, and no later than 90 days after, the employee's last day of service.
- d) The employee should ensure that he/she is in possession of the original insurance policy before the transport of his/her personal effects, the responsibility rests on the employee to ensure that the services rendered are in accordance with these guidelines. Should any losses occur, the employer will not be liable.

- e) Should an employee wish to secure and occupy a temporary dwelling upon relocating to a new station, the HoD may not provide assistance to the employee in respect of the subsequent relocation of their personal effects to the permanent dwelling.

7.2.4 Special leave for packing and unpacking of personal effects

The employee may be granted a maximum of two (2) working days special leave with full pay for the purpose of supervising the packing, delivery and unpacking of his/her personal effects. This special leave should coincide with the actual dates of packing of the effects at the old dwelling and unpacking at the temporary or permanent new dwelling, whichever is occupied first.

7.2.5 Transport of privately owned vehicles

- a) The HoD may meet the reasonable actual costs, which an employee may incur for the transport of a maximum of two (2) privately owned vehicles to the new station. The specific conditions applicable to securing a service provider for the transport of the personal effects of an employee is applicable to this assistance. The provision of such service may be included in the quotations for the transport and insurance of the personal effects of the employee, provided that the vehicles are specified on the required inventory.
- b) The assistance for the transport of privately owned vehicles excludes any vehicles used to transport the employee and his/her household to the new station in order to assume duty.
- c) A privately owned vehicle includes any motor vehicle, motorcycle, trailer (including a boat trailer, etc.) and/or caravan owned by the employee or any member of his/her household.

7.2.6 Provision of interim accommodation

- a) In the event of the employee not being able to immediately take occupation of the temporary or permanent dwelling secured at the new station, for reasons related to the reasonable time required for the current occupants to vacate same, the HoD may meet the reasonable actual costs incurred by the employee to accommodate him/herself and his/her household at interim accommodation for a period of up to one (1) calendar month from the date of assumption of duty.
- b) The HoD may extend the provision of interim accommodation by no more than one (1) further calendar month, should the employee not be able to take

occupation of a purchased dwelling for reasons related to the finalisation of a lodged transfer of title by the Deeds Office.

- c) The HoD will consult with the employee regarding his/her accommodation needs and assist him/her to acquire at least three (3) quotations to accommodate the employee and his/her household at interim accommodation. Upon receipt of the HoD's acceptance of the successful quote and his/her commitment to pay the account for the quoted service, the employee should finalise the contract between him/herself and the identified service provider for the services to be rendered and the necessary arrangements therefor.
- d) Should the employee require any additional services he/she should secure same by way of separate arrangements at his/her own risk and cost.
- e) The costs incurred by the employee to accommodate him/herself and his/her household at interim accommodation does not include expenditure relating to laundry services, groceries and/or meals, unless the accommodation tariff is inclusive of laundry services and meals.
- f) Should an employee wish to reside with friends or family by way of private boarding and lodging arrangements, the employee's request in this regard together with an affidavit from the landlord in respect of the accommodation costs involved should be submitted for consideration by the HoD.

7.2.7 Storage of personal effects

- a) In the event of the employee being granted interim accommodation assistance for not being able to immediately take occupation of their temporary or permanent dwelling secured at the new station, the HoD may meet the ~~reasonable actual costs incurred by the employee for the storage of his/her~~ personal effects whilst the employee and his/her household is accommodated at interim accommodation. An employee may also be granted assistance with the storage of personal effects limited to one (1) calendar month from the date of appointment.
- b) The provision of such service should be included in the quotations for the transport of the personal effects of the employee. Specific provision should be made for the insurance of the effects whilst in storage. The quotation should be inclusive of the delivery of the effects from storage to the temporary or permanent dwelling secured at the new station, whichever is occupied first.

7.2.8 **Costs incurred in connection with the purchase of a dwelling**

- a) The HoD may meet the reasonable actual costs incurred by the employee for the payment of transfer/registration fees/duties and other relevant costs, as specified, in respect of the purchase of a dwelling or erf/plot at the new station, provided that the employee owned the dwelling occupied by him/herself and his/her household at the old station and sold it as a result of the resettlement or was obliged to reside in official quarters at the old station. Assistance in this respect is limited to the costs associated with a purchase price of R800 000, which may be exceeded in exceptional cases by the HoD, subject to budgetary constraints.
- b) In the event of a dwelling being purchased at the new station the HoD will make the relevant payment in respect of this assistance only after the employee and his/her household have taken occupation of the dwelling so purchased. Any payments made in order to secure the transfer will only be made to the transferring attorneys and only to secure the immediate transfer of the property. Should difficulties be experienced with selling the property at the old station, the HoD may grant interim assistance regarding the reasonable actual costs for the payment of transfer/registration fees/duties and other relevant costs and shall set appropriate conditions for such assistance.
- c) This assistance is only granted in respect of employees transferred from a station within the borders South Africa, where the dwelling was registered in the name of the employee or jointly in the names of the employee and his/her spouse, and where the dwelling was occupied by the employee and his/her household.

7.2.9 **Sundry costs**

- a) The HoD may assist an employee to meet incidental expenses resulting from a transfer at State expense through the payment of a once-off lump sum upon the employee and his/her household taking occupation of the temporary or permanent dwelling, whichever is occupied first, as secured by the employee.
- b) The once-off lump sum is calculated at 25% of the employee's basic monthly salary on the date of assumption of duty if the employee occupies furnished accommodation at the new station, or equal to the employee's basic monthly salary on the date of assumption of duty if the employee occupies unfurnished accommodation at the new station.

7.2.10 **Cost of new school books, uniforms and related expenses**

The HoD may assist the employee to meet incidental expenses relating to the schooling of school-going members of his/her household, resulting from a transfer by way of a once-off payment in respect of each such child. The amount so payable will be as

applicable in the Public Service at the date of assumption of duty at the new station. The onus is on the employee to provide appropriate proof of the schooling of such children.

7.2.11 Alternative arrangements

- a) Upon the employee's request, the HoD may approve alternative arrangements in order to assist the employee in minimising the disruption of schooling of members of his/her household, provided that such alternative arrangements will not delay the date of assumption of duty of the employee. The alternative arrangements may not extend beyond the end of the school year in which the date of assumption of duty falls.
- b) The HoD may not incur additional expense in respect of any such alternative arrangements and should inform the employee of the revised time limits on the granting of appropriate assistance in terms of these guidelines.
- c) The alternative arrangements and revised time limits may not be inconsistent with the provisions of these guidelines.

7.2.12 Travel expenses of dependent school children

If one or more members of an employee's household must remain in a school near the employee's old station, the HoD may, for a maximum of one (1) school year, cover the costs of the most economical reasonable mode of travel between the old and the new station at the beginning and end of the school year and for school holidays in order for such members to spend the school holidays with the employee and the rest of the household.

8. Roles and responsibilities

The Director: Service Benefits is responsible for ensuring that the contents of these guidelines is communicated to all relevant stakeholders.

9. Grievances and disputes

Any dissatisfaction of an employee with regard to resettlement should be addressed through the departmental grievance procedure before reverting to any other remedies that exist.

10. Procedure for non-compliance

If a complaint concerns a matter which cannot be dealt with by the supervisor, or if a complaint is about the supervisor, or if the employee is not satisfied with the answer given by their supervisor, he/she may make representations about the matter to the senior official specifically designated by the HoD to deal with complaints.

11. Date of decision

On completion of consultation process.


12. Date of implementation

Implementation date: 01 July 2017

13. Review of the guidelines

These guidelines must be reviewed when the need arises or in the case of changed circumstances, including changes to legislation and/or regulations and budgetary circumstances.

I, PETER A.D. BEETS ON BEHALF OF THE, Head of Department
for Education in the Western Cape hereby approve the above
Guidelines.

PP  (signed name)
2017-07-14 (date)