



Province of the
EASTERN CAPE
EDUCATION

Human Resource Planning & Provisioning Services
Steve Vukile Tshwete Education Complex, Zone 5, Zwelitsha, Eastern Cape
Private Bag X 0032, Bisho, 5605. REPUBLIC OF SOUTH AFRICA,
Tel: +27 (0)43 735 1820, Fax: +27 (0)43 735 1993 Website: www.ecdoe.gov.za.

Enquiries: Mr N Tshibo
Ref: 8/2p

INTERNAL MEMORANDUM

TO : DDGs
: CHIEF DIRECTORS
: DIRECTORS
: DISTRICT DIRECTORS
: EDUCATION DEVELOPMENT OFFICERS
: SCHOOL PRINCIPALS
: LABOUR UNIONS
: SCHOOL GOVERNING BODIES

FROM : SUPERINTENDENT GENERAL

SUBJECT : PROCEDURES FOR IMPLEMENTATION OF THE POST ESTABLISHMENTS
FOR EDUCATORS IN PUBLIC SCHOOLS FOR 2014

DATE : 30 OCTOBER 2013

1. PURPOSE:

The purpose of this memorandum is to provide managers (including Principals) with the procedures that must be followed when implementing the Post establishments for educators in the public schools for 2014.

2. INTRODUCTORY REMARK

2.1 The procedures set out in this memorandum relate to the implementation of Post Establishments for 2014 and are the result of the extensive consultation with parties represented in the Provincial Education Labour Relations Council and Associations representing School Governing Bodies active in the province.

2.2 On 15th October 2013, the Pre-Final Post Establishment per school was issued and inputs were requested for consideration during the final post allocation. The 2014 final post establishments will be based on 2013 annual survey statistics and will be valid for 2014 academic year.



Procedures for implementation of the Post Establishment for Educators in Public Schools for 2014

based on 2013 annual survey statistics and will be valid for 2014 academic year.

- 2.3 The implementation of the 2014 post establishments may in some cases result in an increase in the number of posts allocated to schools as compared to the post establishments currently in use. Such new posts on the new Post Establishments as well as any other substantive posts that are not currently filled in a permanent capacity will be permanently filled in line with the procedures outlined for implementation in this memorandum
- 2.4 The grading of schools will be based on 2014 Post Establishments and adjustment of the affected Principals' salaries will be affected from 01 January 2014.
- 2.5 Upgrading of the school does not imply promotion for the principal, e.g. if a school is upgraded to S9 and Principal is already on salary 9, then there will be no salary increase.
- 2.6 Educators who are permanently employed including protected temporary educators and as a result of the 2014 Post Establishments are identified as being in excess at their present institutions shall be declared in addition to the Post Establishments of their institutions as dictated by the operational requirements of such institutions. Additional educators shall be identified and declared as such in terms of the Collective Agreement No. 2 of 2003 of the ELRC.

3. PRINCIPLES UNDERPINNING THE TRANSFER OF EDUCATORS DUE TO OPERATIONAL REQUIREMENTS

- 3.1 The management of educators who are in addition and their transfer on operational requirements must be done considering all relevant factors without compromising the thrust of Collective Agreement 2 of 2003,
- 3.2 This process must not be used to settle scores against the affected individual educators as this will constitute a serious case of misconduct. It is important to consider the personal circumstances of educators when dealing with identification of additional educators and transfer processes.
- 3.3 Voluntary movement of educators declared additional is allowed. The transfer of additional educators on operational requirements will commence within the Circuits as the first phase, in order to minimize the possible disruption of family life.
- 3.4 Accurate learner numbers are critical when dealing with distribution of posts to schools, therefore the principals are always reminded that they should submit accurate learner numbers and it is the responsibility of every member of the staff to ensure that proper records of learner numbers are properly kept.
- 3.5 The Department will act in the strongest possible terms against anyone who is found guilty of inflating learner numbers. Inflating learner numbers is regarded as fraud and may lead to dismissal of anyone involved in the wrong-doing. Your attention in this regard is drawn to the provisions of Section 45 of the Public Finance Management Act, 1999.



4. LEGISLATIVE FRAMEWORK AND STEPS TO BE TAKEN IN THE IMPLEMENTATION OF COLLECTIVE AGREEMENT 2 OF 2003

4.1 The procedures set out in this memorandum relate to the implementation of Post Establishments, grading of institutions, filling of posts, transfer of additional educators on operational requirements are the results of extensive consultation with PELRC Unions and SGB Associations active in the province and are guided by the following legislative framework:

- Section 5(1)(2) of the Employment of Educators Act, 76 of 1998 as amended
- National Education Policy Act 27 of 1996 as amended
- South African Schools Act, 84 of 1996 as amended
- Employment Equity Act 55 of 1998
- Labour Relations Act, 66 of 1995 as amended
- Public Service Act (Proclamation 103 of 1994)
- Personnel Administrative Measures (PAM) Government Gazette No 19767, Volume 404 of 18 February 1998
- ELRC Collective Agreement 2 of 2003
- ELRC Collective Agreement 3 of 2006

4.2 The Head of Department finalized the process of distribution of educator posts to all Public Schools for 2014 academic year in terms of Section 5(2) of the Employment of Educators Act, 76 of 1998 as Amended.

4.3 In terms of post distribution some schools may receive more educator posts than the existing number whilst others have received fewer posts than the existing number and some serving educators will be additional to the new post establishment.

4.4 Schools are therefore obliged to identify educators that will be additional to their school establishments as a result of receiving fewer number of educator posts.

4.5 On receipt of 2014 Post Establishments the following three important steps must be followed by all Public Schools when identifying and placing additional educators:

STEP ONE (Informing the staff about the new post establishment of 2014 academic year)

1. All principals must inform their respective staff members in a staff meeting where minutes are kept of the procedure for declaring educators in addition to post establishment due to operational requirements. All principals are hereby directed to hold such meetings by not later than 06 November 2013 and submit list of additional educators and vacancies to District Offices not later than 11 November 2013.



2. Every school principal will be required to provide a report of such meeting and provide proof of attendance by educators at such a meeting. Minutes of such staff meeting must be available on request by the District Office. Where a meeting can't be held owing to any form of non-cooperation, the principal is directed to submit reasons for such a meeting not taking place.
3. This information and relevant memorandum must be accessible to all staff members. Withholding of any such information will constitute a case of serious misconduct and firm action will be taken against any person who fails to comply herewith.

STEP TWO (Identification of additional educators)

- (i) The principal in consultation with all educators in a formal staff meeting may recommend to the Circuit Manager/District Director that educators who may be declared in addition be absorbed in the vacancies that exist or will exist in the near future (not longer than six months) at that school.
- (ii) Vacancies that will exist in the near future refer to vacancies that will be created as a result of educators leaving due to retirement, medical boarding, resignation, promotion and dismissal where the date of exit is known. These must be vacancies which would arise within six months after consulting with the educator staff of the institution at a formal meeting.
- (iii) When identifying educators in addition the following should be considered:
 - The views of the educator/staff of the school as expressed at a formal meeting convened by the principal of the school.
 - The needs of the institution, and more particularly in relation to its specific curriculum obligations, change in learner enrolment, change to the grading of the institution, number of classes, timetable, closure or merger of education institution where the correct procedures have been followed and gazetted with the approval of the MEC.
 - If a decision has to be taken regarding two or more educators to be identified additional to the post establishment the following should be taken into account:- Language of Learning and Teaching (LoLT), qualification per phase or learning area, experience per phase or learning area and the principle of "last in first out"(LIFO) shall be applied. An educator's service period for the application of LIFO shall include all continuous service rendered at any public education institution.
 - One representative per trade union party to PELRC shall be invited by the Circuit Manager/ District Director to observe the process. All the information used at this meeting shall be made available in writing to the observers and to the union on request.



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- An educator who has been identified as being in addition shall be informed in writing by the Provincial Education Department.

STEP THREE (A) (Placement of additional educators)

1. Educators who have been declared additional to the post establishment will be dealt with in terms of the prevailing collective agreement of the ELRC in line with the 2014 Post Establishment.
2. It is the District Directors' responsibility to ensure that these educators are absorbed in vacancies in the 2014 post establishment by way of matching and placing them in their districts
3. Application for suitably qualified educators in addition as a result of operational requirements must be considered before any other candidate is taken into account.
4. The SGBs and principals should not request advertisement of such vacant posts where additional educators to 2014 post establishment are being considered for placement.
5. The Provincial Education Department may publish a **CLOSED VACANCY LIST** for which only serving educators may apply.

(B) (Placement of Funza Lushaka Bursary Holders)

(a) Funza Lusaka Bursary Scheme was launched by the Department of Education in 2007. The strategic objective of this scheme is to increase the pool of quality educators able to teach in identified priority learning areas in the Province.

(b) A list of 2013 Bursars to be placed will be made available by Department of Basic Education. The bursary holder will accept an appointment as a public school teacher offered by the provincial department in terms of the Employment of Educators Act, 76 of 1998 as amended.

(c) Placement of Funza Lusaka graduates will be handled in terms of Section 6A of the Employment of Educators Act 76 of 1998 as amended.

(d) The employer may receive applications from Funza Lushaka graduates and match the applications to profiles of the vacant substantive posts and consulting with the school governing body for confirmation and processing of the appointment where necessary.

5. MEASURES TO ADDRESS THE NEEDS OF SCHOOLS DURING THE IMPLEMENTATION OF THE POST PROVISIONING FOR 2014.

5.1 PURPOSE:

- 5.1.1 To provide for matters incidental to ensuring that schools have sufficient educators in accordance with the 2014 post provisioning at the opening of schools in 2014.



5.2 BACKGROUND

5.2.1 The MEC for Education and Training declared 55 796 posts for public ordinary and special schools for the academic year 2014. The Head of Department: Education consequently distributed 54 847 posts for all public ordinary and special schools.

5.2.2 Following consultations with School Governing Body Associations active in the province and Unions Represented in the ELRC were conducted which led to the following:

- a) The declaration and distribution of posts for 2014 academic year.
- b) The implementation of the post provisioning for 2014.
- c) Implementation of the processes set out in Collective Agreement 2 of 2003.
- d) Provision must be made for schools to have Educators when schools re-open in 2014.

6. GENERAL COMMENTS:

6.1 Any grievance that may arise out of the above processes must be dealt with in terms of the available grievance procedures as provided for in Chapter H of the PAM.

6.2 Only the Council of dispute resolution procedures shall be adhered to for grievance resolution.

6.3 District Directors and all Senior Managers are hereby instructed to institute measures to ensure the effective and speedy resolution of any grievances that may arise out of implementation of this memorandum.

7. IMPLEMENTATION OF 2014 POST ESTABLISHMENTS

7.1 Implementation of 2014 Post Establishments

1. Identification of additional educators and vacancies
2. Placement of additional educators
3. Appointment of Funza Lushaka graduates
4. Utilisation of growth and intervention posts
5. Filling of vacancies "Closed Vacancy List" "Principals Bulletins" and "Open vacancy List"

7.2 Collective Agreement 2 of 2003 (Annexure A attached)

7.3 Implementation Forms 1.4 (D) - 1.4 (K) (Annexure B attached)

Your full cooperation in this regard will be fully appreciated


M. L. NGONGO
SUPERINTENDENT GENERAL

