



Province of the  
**EASTERN CAPE**  
EDUCATION

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**OFFICE OF THE SUPERINTENDENT-GENERAL**

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Reference: 8/2/4/1/1

**HRM INSTRUCTION NO. 3 OF 2014**

**To:** DEPUTY DIRECTORS-GENERAL  
CHIEF DIRECTORS  
DIRECTORS (HEAD OFFICE)  
DISTRICT DIRECTORS  
PRINCIPALS OF SCHOOLS  
LABOUR UNIONS

**FROM:** SUPERINTENDENT-GENERAL: EDUCATION

**SUBJECT:** PROCEDURE FOR THE APPOINTMENT OF FUNZA LUSHAKA BURSARS AND  
TEMPORARY EDUCATORS AFTER 31 March 2014

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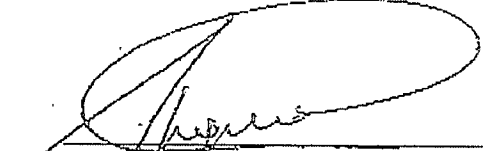
1. The purpose of this HRM Instruction is to give clarity and way forward on the procedure for the appointment of Fundza Lushaka Bursars and temporary educators immediately after 31 March 2014.
2. As you are aware, ELRC Collective Agreement No. 1 of 2014 on the "Permanent Appointment of Temporary Educators in Vacant Substantive Posts and Transfer of Serving Educators in terms of Operational Requirements" was signed by parties in the Chamber on 31 January 2014.
3. In terms of paragraph 4.1.5 of such Collective Agreement, "Educator posts that become vacant through natural attrition (retirement, medical boarding (PILIR), resignation, death) or promotions will be reserved for the placement of:
  - (a) permanent educators who are in addition due to operational requirements; and
  - (b) FundzaLushaka Bursars.
4. Paragraph 4.1.6 further stipulates that "Where such placements are not possible, the Employer shall facilitate and encourage the possible employment of temporary educators from outside the system giving priority to educators who may have been covered by Collective Agreement No 1 of 2012."
5. The attached pro forma application form "APPLICATION FOR APPOINTMENT OF A TEMPORARY EDUCATOR" has been designed for schools to submit applications for the placement of FundzaLushaka Bursars or the appointment of temporary educators from outside the system.
6. The appointment of any educator on a temporary basis is subject to applicable laws, policies and rules applicable to the appointment of educators. In this regard all relevant parties are reminded of the following legislation in this regard:

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**SUBJECT: PROCEDURE FOR THE APPOINTMENT OF FUNZA LUSHAKA GRADUATES AND TEMPORARY EDUCATORS AFTER 31 March 2014**

- (a) In terms of Chapter 2, paragraph 2. (1) of the "Regulations Regarding the Terms and Conditions of Employment of Educators" *"No person shall be appointed as an educator either in a permanent, or temporary capacity, or on special contract, or be promoted, unless he or she complies with the experience requirements determined by the Minister and is in possession of an approved qualification and is able to submit satisfactory evidence thereof. Provided that an employer may appoint a person who is not in possession of an approved qualification as an educator in a temporary capacity for a specified period if the employer deems such appointment necessary and in the interest of education."*
- (b) In terms of Personnel Administration Measures (PAM), Chapter B, paragraph 2.2, which provides for the minimum requirements for appointment as educators, *"... to qualify for appointment as an educator a person must have at least a recognised three year qualification (REQV13) which must include appropriate training as an educator."*
- (c) Educators appointed in the education sector must also be registered with SACE, as prescribed by Section 21 (1) and (2) of the South African Council for Educators Act, Act 31 of 2000.
- (d) In terms of the Employment of Educators Act 76 of 1998, Section 29(4), no employer may employ or retain in employment, an educator not registered or provisionally registered with the South African Council for Educators.
7. In view of paragraphs 2 to 4 above, schools must immediately complete the relevant application form if the need exists for the placement of Fundza Lushaka Bursars or to appoint temporary educators in vacant posts for critical learning areas.
8. With reference to paragraph 6 (a) to (d) above, district offices are required to verify the qualifications of all educators appointed on a temporary basis. Confirmation with regards to their registration with the South African Council for Educators (SACE) must also be obtained.
9. Schools and District offices must not allow temporary educators to assume duties prior to the approval of the delegated official in the Department, which is currently the Superintendent-General. In this regard, any person who causes a temporary educator to assume duties prior to the required approval will be held liable for the remuneration of such temporary educator.
10. After approval has been granted by the delegated official, District Offices must obtain from schools the completed and signed "assumption of duty" forms in respect of recruited Temporary Educators as well as the required appointment documents as per the prescribed checklists.
11. Letters of appointment, signed by the Superintendent-General will then be issued by HRA at Head Office and District Offices will have to arrange for either the capturing of the relevant transactions on PERSAL or submission of the appointment documents to the Directorate: HRA in the Provincial Office within seven (7) working days after date of assumption of duty.

The full co-operation of all relevant parties will be appreciated.

  
 SUPERINTENDENT-GENERAL:  
 EDUCATION

DATE: 2014/03/12