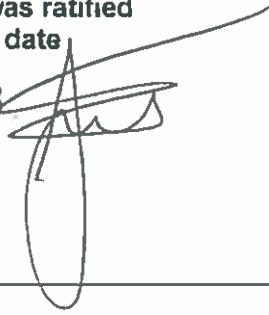


The ES hereby certifies that
Collective Agreement was ratified
by Council on this date

2019 -02- 28



EDUCATION LABOUR RELATIONS COUNCIL
Established in terms of the LRA of 1995 as amended



**FREE STATE CHAMBER
COLLECTIVE AGREEMENT 1 OF 2019**

18 JANUARY 2019

**GUIDELINES FOR ADVERTISING AND
FILLING OF EDUCATOR POSTS AT
INSTITUTIONS**



EDUCATION LABOUR RELATIONS COUNCIL FREE STATE CHAMBER

COLLECTIVE AGREEMENT 01 OF 2019

GUIDELINES FOR ADVERTISING AND FILLING OF EDUCATOR POSTS AT INSTITUTIONS

1. PURPOSE OF THIS AGREEMENT

The purpose of this provincial agreement is to provide uniform procedures and selection criteria as well as structures that will be used in the selection process of filling vacant and funded educator posts.

2. SCOPE OF THIS AGREEMENT

This agreement applies to and binds:

2.1 The Employer, and

2.2 All the educators of the employer as defined in the Employment of Educators Act, 1998 (as amended) whether such educators are members of trade union parties to this agreement or not.

2.3 The employer and employees as confined in the Free State Province.

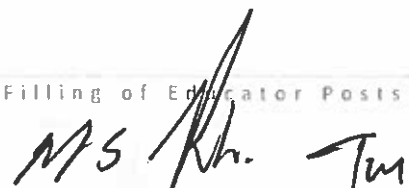
3. THE PARTIES NOTE AS FOLLOWS:

3.1 The provisions of Chapter B, paragraph B.5.4 of the PAM for a collective agreement on the guidelines for filling of posts

3.2 The many disputes on the filling of posts that are caused by lack of a clear uniform selection procedure and criteria; and

3.3 The provisions of the Public Service Regulation, Chapter 1, Part vii, paragraph D2 on the selection process and criteria; and

3.4 The provisions of Collective Agreement 1 & 2 of 2012 of the Free State Chamber

A handwritten signature in black ink, appearing to read 'MS R. T. M.', is located at the bottom right of the page.

4. THE PARTIES TO CHAMBER THEREFORE AGREE THAT:

- 4.1 The guidelines for advertising and filling of educator posts at education institutions, as set out in Annexure A and the selection criteria as set out in Annexure B for promotion posts at educational institutions, as well as educator post level 1 posts shall be the guiding principle in compliance with applicable legislation.
- 4.2 Collective Agreement 1 & 2 of 2012 of the Free State Chamber shall be amended to align with the provisions of PAM (as amended) on Advertising and Filling of Educator Posts.
- 4.3 Any reference to one sex be read to include both sexes unless the context indicates otherwise.

5. REFERRAL TO COUNCIL

This collective agreement of the chamber must be referred to the Council for ratification and endorsement as per the requirements of the ELRC Constitution.

6. DISPUTE RESOLUTION

Any dispute arising from the application or interpretation of this collective agreement shall be referred to the Education Labour Relations Council for resolution in terms of its dispute resolution procedures.

7. DATE OF IMPLEMENTATION


This agreement shall, in respect of parties or non-parties, come into effect on the date it is ratified by the ELRC.

8. SIGNING OF THIS COLLECTIVE AGREEMENT

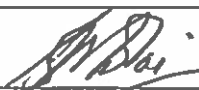
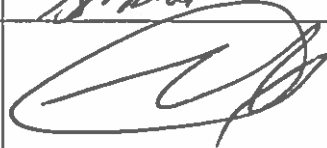
THUS, DONE AND SIGNED AT BLOEMFONTEIN ON THIS THE ^{19TH} ... DAY OF
...~~FEBRUARY~~..... 2019.

MS [Signature] TM

ON BEHALF OF THE STATE AS THE EMPLOYER:

DEPARTMENT	NAME	SIGNATURE
FREE STATE DEPARTMENT OF EDUCATION	T. MALAKOANE	

ON BEHALF OF THE EMPLOYEE PARTIES:

TRADE UNION	NAME	SIGNATURE
SADTU	Mokheleane Moko	
CTU - ATU	R. S. LODEWYK	

ANNEXURE A

EDUCATION LABOUR RELATIONS COUNCIL: FREE STATE CHAMBER GUIDELINES FOR ADVERTISING AND FILLING OF EDUCATOR POSTS AT INSTITUTIONS

COLLECTIVE AGREEMENT: 1 OF 2019

1. ADVERTISING

- 1.1 The advertisement shall be placed by the Human Resources Administration Directorate.
- 1.2 Education Institutions shall on a regular basis submit their needs to the respective District Offices for the advertisement of posts. The Human Resources Administration Directorate will manage the advertising process by means of management plans. Vacancies will be advertised subject to availability of posts as prescribed by post provisioning of a particular year. Approval to advertise posts is vested in the Superintendent General.
- 1.3 **The advertisement of vacant posts for educators must:**
 - 1.3.1 Be self-explanatory and clear and must include: -
 - (a) Minimum requirements.
 - (b) Procedure to be followed for application.
 - (c) Names and telephone numbers of contact persons.
 - (d) Preferable date of appointment.
 - (e) Closing date for the receipt of applications.
 - 1.3.2 Be accessible to all who may qualify or are interested in applying for such post(s).
 - 1.3.3 Be non-discriminatory and in keeping with the provisions of the Constitution of the Republic of South Africa.
 - 1.3.4 Clearly state that the State is an equal opportunity employer.
 - 1.3.5 All vacancies in public schools are to be advertised in a gazette, bulletin or circular, the existence of which must be made public by means of an advertisement in the public media both provincially and nationally. The information to be furnished in the latter advertisement must include offices and addresses where the gazette, bulletin or circular is obtainable. The gazette, bulletin or circular must be circulated to all educational institutions within the province as well as Unions that are party to the provincial chamber of the ELRC.
- 1.4 The advert must:
 - 1.4.1 Clearly indicate that incomplete and late applications will not be considered;
 - 1.4.2 Be accessible to all who may qualify or are interested in applying for such post(s);
 - 1.4.3 Clearly state that the Free State Department of Education is an affirmative action employer;

MS 1/3



- 1.4.4 State that the applicants must also take note that if no notification of appointment is received within four months after closing date, they must assume that their application has been unsuccessful;
- 1.4.5 Inform applicants that applications, qualifications and CV's will not be returned. Only original certified copies of original documents should be submitted;
- 1.4.6 Indicate that the department reserve the right not to fill advertised positions;
- 1.4.7 Indicate that educators who terminated their services on voluntary severance package may apply.

2. APPLICATIONS AND PROCEDURE WHEN APPLYING

- 2.1 A separate application form must be submitted for each vacancy;
- 2.2 The only application form to be used for this vacancy list is the Z83 application form. No other form will be considered;
- 2.3 A CV and originally and recently certified copies (not older than 6 months at the closing date of a vacancy list) of the following documents must be attached to each application form (Z83):
- all educational qualifications (including Grade 12 Certificate and Informal qualifications);
 - ID document;
 - SACE Certificate;
 - the CV must indicate the candidate's qualifications and subjects obtained as well as the subjects / grades that are currently taught by the applicant. The CV should also indicate, if applicable, all previous periods of service as an educator (state period / rank and school / employer);
 - Candidates will provide at least two recent references on their CV's
- 2.4 The complete post number (indicated on the left of each vacant post) of the vacancy for which application is made, and the applicant's PERSAL NUMBER (if the applicant is employed/ has been previously employed) is to be inserted on the application form;
- 2.5 Applications must be sent to the employing department: Free State Department of Education;
- 2.6 Failure to comply with the above procedures will lead to an application being rejected;
- 2.7 No faxed or e-mailed applications will be accepted.
- 2.8 Applicant's education qualification (s) will be verified and a probity check will be performed.

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3. SIFTING

3.1 The Free State Department of Education shall acknowledge receipt of all applications by:

- 3.1.1 Informing all applicants in writing of receipt; clearly indicating whether the application is complete or not; and
- 3.1.2 Indicating whether applications meet the minimum requirements for the post and whether such applications have been referred to the institution concerned.

The Free State Department of Education shall handle the sifting process to eliminate all those candidates who do not comply with the requirements for the post(s) as stated in the advertisement. The records of all applications received shall be kept.

3.2 Incomplete applications will not be considered.

3.3 Teachers Trade Union parties to ELRC will be given a full report (as prescribed in the form PO10/2002) at a formal meeting (before shortlisting):

- 3.3.1 Names of applicants who have met the minimum requirements for the post(s) in terms of the advertisements;
- 3.3.2 Names of applicants who have not met the minimum requirements for the post(s) in terms of the advertisements **must not be considered for shortlisting.**
- 3.3.3 Other relevant information that is reasonably thereto (e.g. qualification, experience, etc);
- 3.3.4 All applications that meet the minimum requirements and provisions of the advertisement shall be handed to the institution where vacancies have been advertised in accordance with the management plan for the vacancy list concerned, and
- 3.3.5 The formal meetings will be conducted as follows:
 - For Institution-based posts formal meetings will be held at the Free State Department of Education offices;
 - For Office-based posts formal meetings will be held at the Free State Department of Education offices.

4. INTERVIEWING COMMITTEE (FOR SHORTLISTING AND INTERVIEW PROCESSES)

4.1 Interview Committees must be established at educational institutions where vacancies are advertised.

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- 4.2 The Interview Committee must comprise:
- 4.2.1 One departmental representative (who may be the school principal), as an observer and resource person.
 - 4.2.2 The principal of the school (if he/she is not the departmental representative), except in the case where he/she is an applicant.
 - 4.2.3 Members of the SGB, excluding educator members who are applicants to the advertised post/s.
 - 4.2.4 One union representative per union that is a party to the provincial chamber of the ELRC. The union representatives will be observers to the shortlisting, interviews and the drawing up of a preference list.
- 4.3 Each Interview Committee must appoint from amongst its members a chairperson and a secretary.
- 4.4 All applications that meet the minimum requirements and provisions of the advertisement must be handed over to the SGB responsible for that specific institution.
- 4.5 The SGB is responsible for the convening of the Interview Committee and they must ensure that all relevant persons/trade unions are informed at least 5 working days prior to the date, time and venue for the shortlisting, interviews and the drawing up of the preference list.
- 4.6 Where the principal of the institution is an applicant, a departmental official may assist the SGB.
- 4.7 In considering the applications, the Interview Committee must ensure that the principles of equity, redress and representivity are complied with and they must adhere to: (*Section 6(b) (i – v), EEA*)
- 4.7.1 The democratic values and principles referred to in paragraph B.5.1.1.
 - 4.7.2 The procedures stipulated in paragraph B.5.
 - 4.7.3 The minimum requirements for appointment with regard to educational qualifications, statutory and experiential requirements stipulated in paragraph B.3.2.1.
 - 4.7.4 Procedures that would ensure that the recommendation is not obtained through undue influence on the members of the SGB.
- 4.8 The Interview Committee must also consider:
- 4.8.1 The curricular needs of the institution.
 - 4.8.2 The obligations of the employer towards serving educators.
- 4.9 The list of short-listed candidates for interview purposes should not exceed five per post. An educator, who has been acting in the advertised post for 12 months or more and has applied for the post, must be shortlisted.
- 4.10 The interviews will be conducted according to agreed upon guidelines and procedures. These are to be jointly agreed upon by the parties to the provincial chamber.

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- 4.11 All interviewees must receive similar treatment during the interviews.
- 4.12 At the conclusion of the interviews the Interview Committee must rank the candidates in order of preference, together with a brief motivation, and submit this to the SGB for their recommendation to the relevant employing department.
- 4.13 The SGB must, after having ensured that the principles and processes stipulated in paragraph B.5.4 have been adhered to, submit in order of preference to the HOD, a list of –
- 4.13.1 At least three names of recommended candidates; or
- 4.13.2 Fewer than three candidates in consultation with the HOD
(Section 6(c), EEA, 1998)
- 4.14 Independent Interviewing Committees
- 4.14.1 Where it is not possible for a panel to be constituted as mentioned in paragraph 4.1 above, and/or where the SGB is not able to discharge this function as expected in terms of SASA, 84 of 1996; the Superintendent General may after consultation with the School Governing Body appoint an Independent Interviewing Committee.
- 4.14.2 At least three (3) persons should be nominated by the employing department (Free State Department of Education) and one of each union representative that is party to the ELRC.
- 4.15 The Interview Committee must ensure that:
- 4.15.1 The shortlisting criteria are fair, non-discriminatory and in line with the Departmental Equity Plan, other prescripts and the Constitution of the Republic of South Africa;
- 4.15.2 The nature of the post, as well as its inherent needs and the job profile, i.e. qualities of the suitable candidates e.g. leadership, communication and other relevant skills, are taken into account.
- 4.15.3 The obligation of the employer towards serving educators is met;
- 4.15.4 The list of shortlisted candidates for interview purposes should not exceed five per post. An educator, who has been acting in the advertised post for 12 months or more and has applied for the post, must be shortlisted.
- 4.15.5 A probity check of each shortlisted candidate's credentials (authenticity of the CV, qualifications and all other documents) must be done by the Resource Person before the interviews;
- 4.15.6 The Resource person will in a prescribed format provide the report of the above to the interviewing panel as indicated on 4.6.5 above;
- 4.15.7 The minimum educational requirements of the post and required experience are complied with;

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- 4.15.8 If more than five candidates complied with the requirements and criteria set by the committee and are scored, three candidates must be placed on a reserve list in case of possible withdrawals;
- 4.15.9 The panel only uses the score sheet approved by the Superintendent General for only those candidates who qualified according to the set requirements and criteria of the committee (attached Annexure B).
- 4.15.10 Setting of the criteria and interview questionnaire by the panel should be set on the day of shortlisting and interviews respectively.
- 4.15.11 The curricular needs of the institution are also considered.

5 GUIDELINES FOR INTERVIEWS

- 5.1 The chairperson should thank the candidate for applying for the post and congratulate the candidate on his/her being deemed suitable for being short-listed;
- 5.2 The particular interviewers should ensure that the candidate understands questions and show interest and attention when the candidate is responding to questions;
- 5.3 The value of the candidate to the community i.e. involvement in the community projects is considered;
- 5.4 An interview is not an opportunity for members of the panel to exhibit their superior knowledge and experience;
- 5.5 The panel member's reaction to the candidate's response should be neutral and the candidate should be allowed ample opportunity to explain viewpoints;
- 5.6 The interviewing process should be fair, non-discriminatory and in line with all applicable prescripts as well as the Constitution of the RSA;
- 5.7 All interviewed candidates should receive similar treatment during the interviewing process;
- 5.8 Be reminded of paragraph 4.4.1, bullets 3 and 4;
- 5.9 If the first choice of the school governing body is not appointed; the Superintendent General should provide reason(s). The SGB will be requested to make another recommendation in accordance with Section 6 of the Employment of Educators' Act, 1998;
- 5.10 The panel only uses the score sheet approved by the Superintendent General for Interviews (attached Annexure B).

6 QUESTIONS WHEN INTERVIEWING CANDIDATES

- 6.1 Questions should aim at:
 - 6.1.1 Confirming the image of candidates as reflected in the written applications;
 - 6.1.2 Clearing up uncertainties which might appear in the application;
 - 6.1.3 Obtaining further information, which might be needed (knowledge, experience etc);



6.2 Basis for Evaluation

- 6.2.1 The interview should be aimed at displaying the candidates' work performance and potential. Therefore, questions should be aimed at obtaining relevant quantifiable information and challenges overcome, leadership positions and community involvement, in order to form a person's profile that can be matched against the post profile;
- 6.2.2 The process should be objective in order to avoid any action that will disadvantage any person/candidate;
- 6.2.3 In the case of promotion posts at educational institutions, the Interviewing Panel shall have the right to use practical tasks / presentations / case studies plus a set of questions are compulsory;
- 6.2.4 The interview scoresheet will ultimately determine the recommendation for appointment. Only the total score obtained for the interview, is taken into account to rank the candidates when a recommendation for appointment is made. The recommendation must be supported by a written motivation which explains the suitability or non-suitability of each interviewed candidate. The candidate, who scored the highest in the interview after motivations have been presented, will be ranked no.1 for appointment, simultaneously the second highest scored candidate will be ranked second, etc.

7. HANDLING OF COMPLAINTS

- 7.1 Any complaint raised by a representative of a trade union or any other party to the shortlisting and/or interviewing process must be dealt with according to PAM Chapter G and/or any other agreed upon resolution;
- 7.2 A complaint should indicate the rank, post / reference number, education institution concerned, the district and the name of the complainant.

8. APPOINTMENT

- 8.1 The department must make its final decision subject to satisfying itself that procedures and requirements determined by the Minister were followed; and
- 8.2 For candidates who were not shortlisted, procedure as indicated in 1.4.6 shall apply.

9. RECORDS

District offices must ensure that accurate records are kept of proceedings dealing with the sifting, shortlisting, interviews, decisions and motivations relating to the preference list submitted by school governing bodies and other such structures.

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SELECTION CRITERIA**PUBLIC SERVICE REGULATIONS****CHAPTER ONE, PART VII, REGULATION D.5**

The selection committee shall make a recommendation on the suitability of a candidate after considering only:

- a) Information based on valid methods, criteria or instruments for selection that are free from any bias of discrimination,
- b) the training skills, competence and knowledge necessary to meet the inherent requirements of the post;
- c) the needs of the department for developing human resources; and the department's affirmative action programme.

DEFINITION OF COMPETENCE**PUBLIC SERVICE REGULATIONS****PART 1, REGULATIONS B.2 OF PUBLIC SERVICE REGULATIONS (2001)**

"competence" means the blend of knowledge, skills, behaviour and aptitude that a person can apply in the work environment, which indicates a person's ability to meet the requirements of a specific post.

A. SCORE SHEET: SHORTLISTING: POST LEVEL

- A. In terms of recruitment in our province, educators are matched / placed in terms of the following:
 1. Scarce Skills Educators
 2. Bursary Holders
 3. Educators in the Unemployment list
- B. In equity, youth under 35 should be prioritised and a score be apportioned.

NAME	RELEVANT AND APPROPRIATE FORMAL QUALIFICATION	EMPLOYMENT EQUITY	TOTAL
	50	50	100

A.1 EXPLANATORY NOTES

- 1.1 Relevant and Appropriate Formal qualification is defined as a qualification, which is relevant to the post to be filled, that one gets from a formal education institution such as university, college or technicon

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1.2 Relevant and Appropriate Informal qualification is defined as a qualification, which is relevant to the post to be filled, that one gets for attending short courses that last for a period ranging from day to about three months for departmental development programmes and is intended to develop a particular skill, such as computer literacy. A certificate/ proof of attendance must be submitted.

A.2 DETERMINING THE SCORE

2.1 Relevant and Appropriate Formal Qualification RQV 13 Required.

REQV 13 = 30

REQV 14 = 40

REQV 15+ = 50

2.2 Youth under the age of 35 = 10

2.3 Employment Equity (For shortlisting) = 35

Depending on the target group

SCORING P.1

Target: Race = 20

Gender = 15

Disability = 5

Youth = 10

N.B: 1. The targeted groups are:

Blacks: 90, 5% (which consist of Africans, Coloureds and Indians)

Woman: 48% and

People with disabilities: 2%

2.The highest score will determine candidates who will be interviewed.

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B. SCORE SHEET: SHORTLISTING PROMOTIONAL POSTS

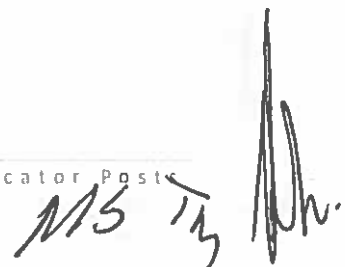
NAME	RELEVANT AND APPROPRIATE FORMAL QUALIFICATION	RELEVANT AND APPROPRIATE INFORMAL QUALIFICATION	RELEVANT AND APPROPRIATE EXPERIENCE	EMPLOYMENT EQUITY	TOTAL
	WEIGHTING				
	40	20	10	30	100

B.1. EXPLANATORY NOTES

- 1.1 Relevant and Appropriate Formal qualification is defined as a qualification which is relevant to the post to be filled, that one gets from a formal education institution such as a university, college or technicon.
- 1.2 Relevant and Appropriate Informal qualification is defined as a qualification, which is relevant to the post to be filled, that one gets for attending short courses that last for a period ranging from a day to about three months for departmental development programmes and is intended to develop a particular skill, such as computer literacy. A certificate / proof of attendance must be submitted.
- 1.3 Relevant and Appropriate Informal qualification is defined as a theory that is grounded in practice. To determine the length of experience, the number of years served in another or other posts related to the one to be filled will be considered.

B.2. DETERMINING THE SCORE

- 2.1 Relevant and Appropriate Formal Qualification RQV 13 Required
REQV 13 = 20
REQV 14 = 30
REQV 15 = 40
- 2.2 Relevant and Appropriate Informal Qualification
1-2 Certificate = 2
3-4 Certificate = 5
5-6 Certificate = 7
7+ Certificate = 10
- 2.3 Relevant and Appropriate Experience
3-5 years = 5
6-10 years = 10



11-15 years = 15

16+ years = 20

2.4 Employment Equity (For Short-listing)

Depending on the target group

SCORING Promotional posts

Target: Race = 15

Gender = 10

Disability = 5

N.B: 1. The targeted groups are:

Blacks: 90, 5% (which consist of Africans, Coloureds and Indians)

Woman: 48% and

People with disabilities: 2%

2. The highest score will determine candidates who will be interviewed.

C. SCORESHEET: INTERVIEW (ALL POSTS)

NAME	Key Performance Area 1	Key Performance Area 2	Key Performance Area 3	Key Performance Area 4	Key Performance Area 5	TOTAL
	WEIGHTING					
	20	20	20	20	20	100

Key Performance Area (KPA)

The KPA as mentioned in the interview score could be used to test skills and knowledge such as, but not limited to the following:

- Management/ Leadership
- Work performance/ potential
- Knowledge of curriculum matters
- Knowledge of the relevant post/field/subjects learning area as per the advertisement
- Extracurricular matters
- The committee could refer to the various performance standards as contained in the IQMS to form a basis for the KPA's.

The above example could be used as KPA's, which will mean that you will set questions under each KPA.

For example: KPA 1: Management and Leadership skills will be tested, with 4 questions which will count 5 each. This will mean that total is 20 points – as could be seen on the score sheet. The committee could ask as many questions as they prefer under each KPA.

Note 1: For Promotion posts, the practical test/ presentations/ case studies will form Key Performance Area and count a maximum of 20 points.

Noted 2: Only the total score obtained for the interview, is taken into account to rank the candidates when a recommendation for appointment is made. The recommendation must be supported by a written motivation which explains the suitability or/non suitability of each interviewed candidate. The candidate, who score the highest in the interview (after motivations have been presented), will be ranked no. 1 for appointment, simultaneously the second highest scored candidate will be ranked second, etc.

THRESHOLD FOR APPOINTMENT

Considering that all candidates who are short-listed meet minimum requirements of a post, no threshold is required for candidates to make it to the shortlist. However, for recommendation for appointment, candidates should obtain at least 50% of the total mark for the interview.

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