

PROVINCE OF KWAZULU-NATAL
DEPARTMENT OF EDUCATION AND CULTURE

RECORD OF UNDERSTANDING

SUBJECT : THE FILLING OF IDENTIFIED POSTS OF HEADS OF DEPARTMENT [SECONDARY] IN THE PIETERMARITZBURG REGION AS ADVERTISED IN HRM CIRCULAR NO. 35 OF 1999 CONSEQUENT TO THE WITHDRAWAL OF A DISPUTE LODGED BY SADTU

1. Whereas the Employer previously agreed to re-advertise certain posts of Heads of Department [Secondary] following upon a dispute having been lodged by SADTU and whereas SADTU subsequently withdrew the dispute, the parties to the Provincial Chamber of the ELRC, after having discussed the matter at a Promotions Committee Meeting on 24 January 2000 and having considered the same at a Special Chamber Meeting on 27 January 2000, record their understanding as follows :

1.1 That all posts from post number 6137 to post number 6444, which were to be re-advertised by the Department, now be filled;

1.2 That in keeping with existing principles, these posts will be offered to the next unplaced candidate on each of the respective School Governing Body's recommended list;

1.3 That the dispute lodged by SADTU on behalf of its members in respect of these posts fall away;

1.4 That the members of SADTU on whose behalf SADTU lodged the dispute have no recourse to pursue the dispute further;

1.5 That the trade union parties to the ELRC, having agreed to the filling of the posts in the manner described above, agreed not to lodge disputes on behalf of their members or represent or support their members contesting the filling of the said posts on the grounds that these posts were incorrectly advertised!

such members were unable to apply for posts due to incorrect advertisement.

2. MOTIVATION FOR THE FILLING OF THE POSTS

2.1 The filling of the posts 6137 to 6444 indicated above will provide schools with management and subject expertise thereby promoting the culture of teaching and learning and helping to improve the scholastic results generally.

2.2 The filling of these posts will be in keeping with the National Minister's principles of Tirisano.

2.3 The affected School Governing Bodies are insisting that the region fill these posts with a view to having an effective management and teaching corps at the said schools. Serious concern is being expressed that the time and effort expended by Governing Bodies in the selection and interview process have thus far been in vain.

THIS DONE AND SIGNED IN DURBAN ON THE 27TH DAY OF JANUARY 2000

	<u>NAME</u>	<u>SIGNATURE</u>
ON BEHALF OF THE EMPLOYER	<u>J. J. WARRIS</u>	<u>[Signature]</u>
ON BEHALF OF THE UNIONS		
NAPTOSA	<u>A. PIERCE</u>	<u>[Signature]</u>
SADTU	<u>N. Jumbaza</u>	<u>[Signature]</u>
AOU	<u>I. M. Dirker</u>	<u>[Signature]</u>

1.6 That the Department will complete the finalisation of these promotions in fortnight into February, 2000.

ICWAZULU-NATAL EDUCATION LABOUR RELATIONS CHAMBER

RECORD OF UNDERSTANDING

1. **SUBJECT** : *Eligibility for consideration of acting principals with less than M+3 qualifications for principal posts at ex-DET and ex-KZ schools.*
2. The employer and employee parties to the Provincial Chamber having met at a special Chamber meeting on 15 November 1999 regarding the above mentioned matter record their understanding as follows:
 - 2.1 All schools in the ex-DET and ex-KZ that excluded their acting principals with more than two continuous years service as acting principals in their shortlist, be identified.
 - 2.2 That the Governing Bodies of such schools be instructed to include their acting principals in their shortlist for interview purposes, provided :
 - The educator is on the permanent staff establishment and he/she is currently acting in the post.
 - The post is part of the post establishment of the school.
 - The department had approved the acting appointment.
 - The educator has acted for longer than two continuous years in the post.
 - 2.3 Should any acting principal in the said category of schools not have submitted an application he/she be allowed to submit an application for the post he/she is acting in by not later than 10 December 1999.
 - 2.4 The school Governing Bodies of these affected schools must submit their recommendations/revised recommendations by 21 January 2000.
3. **EFFECTIVE DATE OF APPOINTMENT**
 - 3.1 Those posts which have been finalised and submitted to the Regional Offices by the due date of 15 November 1999 will be approved to take effect from 01 January 2000.

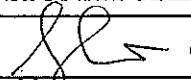
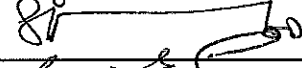
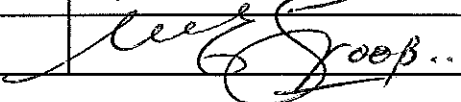
- 3.2 Successful applicants in the revised list which is expected to reach the Department by 21 January 2000 will be appointed from the 01st of the month in which they officially assume duty in the post.

THIS DONE AND SIGNED AT APEK HEADQUARTERS ON THE 15TH DAY OF NOVEMBER 1999.

ON BEHALF OF THE EMPLOYER

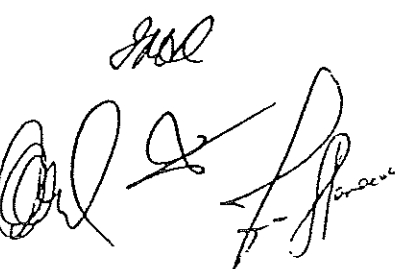
	NAME	SIGNATURE
State as employer	J.J. MARAIS	

ON BEHALF OF UNIONS

	NAME	SIGNATURE
SADTU	S.C. NKOSI	
NAPTOSA	S. L. NIGCUBO	
SAOU	M.E. STOOP	

Kwa Zulu-Natal Department of Education & Culture

TIME-OFF: EMPLOYEE UNION OFFICIALS & MEMBERS



1. **INTRODUCTION (from Chapter F, Personnel Administration Measures)**

The measures are based on the following principles :

1. Labour rights entrenched in the Constitution of the Republic of South Africa, 1993, (Act No 200 of 1993), the Education Labour Relations Act, 1993 (Act No 146 of 1993) (ELRA) and the Constitution of the Education Labour Relations Council (ELRC), L.R.A. (Act 66/95); Constitution of South Africa (Act 108/96) all of which seek to promote labour peace.
2. That an educator's role in the education process is dynamic and developmental, and therefore requires the active participation of educators at school, provincial and national level.
3. That the amount of time off and the frequency thereof should at all times be reasonable and fair.
4. That arrangements for time off should consider :
 - (a) the need for the process of teaching and learning to be uninterrupted;
 - (b) the importance of high productivity levels;
 - (c) efficiency and effectiveness in services rendered to the general public;
 - (d) the need for order in the education system; and
 - (e) the constitutional rights of the child.

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PROVINCIAL PROVISIONS

2. GENERAL

2. GENERAL

2.1 When requiring time off :

2.1 When requiring time off :

- (a) a reasonable period of notice must be given to the responsible person designated by the employer for time off to attend meetings, training courses and other agreed to activities;
- (b) in respect of urgent meetings arising from the collective Bargaining process, the employee organisation should advise the responsible person designated by the employer timeously of such urgent meetings;

- (a) The period of notice shall be as follows
SITE : 5 days
DISTRICT : 10 days
PROVINCIAL : 15 days
- (b) The notice shall be served on the departmental official nominated in the appropriate paragraph below.

→ Where the agreement of the employer is required for a particular activity of the union, the notice shall be served subsequent to that agreement having been reached.

→ Such 'urgent meetings' shall be only those 'arising from the collective bargaining process' and 'timeous' notice shall be 48 hours, at least.

(c) management must be informed (incovertly of any resignation of member/representatives.

(e) It shall be the responsibility of the union to provide lists of its relevant official representatives and office bearers at the commencement of each year (by 31 January) and, later, any amendments to the respective Department Officials : [Provincial, Regional and District]

2. Applications for time off must be considered on their merits and the principles of reasonableness and fairness must apply.

2. PAM Provisions apply.

→ Applications for time off shall be made by the completion of a prescribed form. Each application shall be accompanied by documentation which substantiates the activity for which time off is requested [See Annexure A]

3. It is the responsibility of managers identified by the provincial education departments to keep separate registers of employee members and representatives in good standing, as well as details of time off allowed with full pay and without pay, and to forward such records annually, but before 31 December, to both the Employee Organisation concerned and the responsible Personnel Offices.

3. PAM Provisions apply.

→ The responsibility for the retention of registers shall fall to the District Managers who shall gather records from Principals from time to time.

3. TIME OFF

A. TIME OFF FOR COLLECTIVE BARGAINING PURPOSES

1. Entitlement

Duly elected, identified employee organisation representatives are allowed time off, including during school hours, to attend meetings at national and provincial levels for collective bargaining purposes. Furthermore, such employee organisation representatives are entitled to take reasonable time off for preparatory meetings during the collective bargaining process.

2. Provisions

(a) Identified representatives must give their supervisors reasonable notice of meetings to be attended and proof that they have been nominated to attend such meetings.

(b) Confirmation of meetings must be submitted by the representative to his/her supervisor for record and auditing purposes.

(c) Subsequent to representatives attending meetings, confirmation must be given by the employee organisation to the representative's supervisor that he/she attended such meetings.

(d) In addition, representatives are allowed a maximum of 1 additional school day per event, which should be regarded as special leave with full pay, for preparatory meetings during the collective bargaining process; provided that the employee organisation confirms that such preparation is essential to the collective bargaining process and that the duration of such preparation necessitates the maximum or a lesser amount of hours required.

3. TIME OFF

A. TIME OFF FOR COLLECTIVE BARGAINING PURPOSES

1. Entitlement

Employee representatives must be identified in writing by the employee union at the commencement of each year (by 31 January), and whenever an amendment is made to its list of official representative. These submissions must be made to the Secretary for Education.

2. Provisions

(a) Such notice shall be five days, or in the case of an urgent meeting, 48 hours. In extra ordinary circumstances a shorter period of notice will be considered. The prescribed form shall be submitted by way of notification. The 'supervisor' shall be regarded as the school principal, or in the case of principal, the SEM).

(b) PAM Provisions apply.

(c) PAM Provisions apply.

(d) PAM Provisions apply.

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3. **Payment for time off**

In terms of this entitlement, the duly elected, identified employee representative is allowed time off with full pay.

3. **Payment for time off**

PAM Provisions apply.

B. **TIME OFF FOR EMPLOYEE ORGANISATION DUTIES**

1. **Entitlement**

Duly elected, identified representatives of employee organisations may take reasonable time off, including during school hours, to carry out employee organisation duties which have been agreed to between the parties of the ELRC.

B. **TIME OFF FOR EMPLOYEE ORGANISATION DUTIES**

1. **Entitlement**

The official representatives shall be those identified to the Secretary for Education by the employee union at the commencement of each year (by the 31 January at the latest), or whenever an amendment to the list has occurred. It shall be the responsibility of the Department to ensure that the relevant information is distributed to regional and district offices and school principals.

2. **Provisions**

(a) The following employee organisation duties are provided for :
(1) representing members in good standing during -

The period of notice prior to the duty having to be performed must be at least 48 hours.

2. **Provisions**

(a) PAM Provisions apply.

- disciplinary hearings
- grievance and dispute procedures
- retrenchment/redundancy procedures
- dismissals;

(11) attending labour relations training; and

(111) attending, participating in and organising workplace forums.

(b) The amount of time off to be allowed must not exceed a maximum of 3 school days at a time and the entitlement is limited to a maximum of 12 school days per annum. Should additional time off be essential and in the interest of labour peace, the employer may, with due regard to the principles of reasonableness and fairness consider a motivated request for additional time off.

3. **Payment for time off**

In terms of this entitlement, and subject to the limitations of the entitlement, representatives are allowed time off with full pay.

C. **TIME OFF FOR EMPLOYEE ORGANISATION ACTIVITIES**

1. **Entitlement**

Subject to the academic programme not being interrupted, an employee who is a registered member, in good standing with an employee organisation, may take reasonable time off during working hours to participate in agreed to employee organisation activities.

(b)

Any motivation for additional time off shall be submitted to the Secretary for Education at least 7 days in advance.

3. **Payment for Time off**

PAM Provisions apply

C. **TIME OFF FOR EMPLOYEE ORGANISATION ACTIVITIES**

1. **Entitlement**

PAM Provisions apply.

→ Details of dates on which activities are planned must be furnished.

→ Plans to ensure that the academic programme is not interrupted must be provided.

2. Provisions

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2. Provisions

The following employee organisation activities are provided for:

PAM Provisions apply.

(a)

Attending pre-arranged workplace meetings, other than those arising out of industrial action, which have been agreed to between the employee organisation affected and the employer, and which cannot be held outside working hours.

Applications shall be made as follows, the period of notice being indicated in each case:

- for site or branch meetings/activities at schools: to the District Manager - 5 days;
- for district or regional meetings/activities confined to a particular district/region : To Regional Chief Director - 10 days
- for provincial meetings/activities or for district/regional meetings/activities which are part of a provincial programme: to the Secretary of Education - 15 days.

Agreement will be formalised in writing.

The principal will send a list of educators who look time off to the chairpersons / secretary of the Teacher Organisations to verify the attendance of an educator at a meeting.

Educators other than members in good standing who may have been present will be granted unpaid leave until such time proof of membership is produced.

(b)

Meeting full-time officials, by arrangement and agreement between the employee organisation and employer to discuss bona fide employee organisation matters.

(b) PAM Provisions apply.

(c) Voting during employee organisation elections where voting cannot take place outside working hours.

(d) Voting in respect of procedures/lawful strike actions.

3. Payment for time off

Employee organisation members, in good standing, are allowed a maximum of 8 school hours per annum, calculated from 1 January to 31 December of each year, with full pay to engage in the activities indicated above.

(c) PAM Provisions apply.

(d) PAM Provisions apply.

3. Payment for time off

→ The entitlement of a maximum of 8 school hours for these activities exists only for agreed to activities where application has been made in due time prior to the event.

→ In the event of an educator exceeding his/her quota, as laid down in the PAM, and without the necessary authorization having been granted by the Secretary for Education, the extra time shall be recorded as vacation leave and the educator's leave debited accordingly.

D. DISPUTES OVER TIME OFF

Where there is dispute relating to time off, the provisions of the Constitution of the ELRC will apply. Time off with full pay is permitted for employee organisation members/representatives to engage in this process.

D. DISPUTES OVER TIME OFF

PAM Provisions apply.

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NOTICE OF TIME OFF
(complete in duplicate)

Notice periods required for activities:
 Provincial or national level: 15 days
 District level: 8 days
 Site level: 5 days

Particulars of employee

Name of employee giving notice:.....
 Pearsal number.....
 Name of work station.....
 District.....
 Region.....

Employee organisation activity/duty for which time off is required:

Name of employee organisation.....
 Nature of activity for which time off is required (tick the appropriate column)

A Collective bargaining purposes

- (entitlement:
 • no limit on the number of days required for attending collective bargaining meetings as national of provincial level)
 • one school day per event for preparatory meetings

- A.1 at national level
 A.2 at provincial level
 A.3 preparatory meeting

B Employer organisation duties

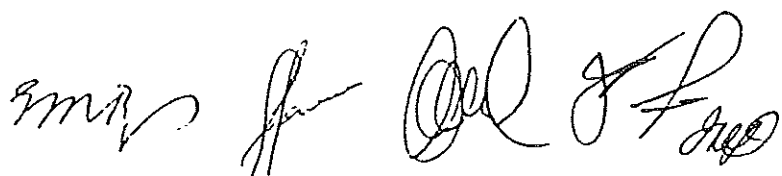
- (entitlement:
 • no more than 3 days at a time
 • no more than 12 days per year
 • the employer may consider a motivated request for additional time off)

- B.1 representing members in goods standing during
 B.1(a) disciplinary hearings
 B.1(b) grievance and dispute procedures
 B.1(c) retrenchment/redundancy procedures
 B.1(d) dismissals
 B.2 attending labour relations training
 B.3 attending, participating and organising workplace forums

C Employee organisation activities

- (entitlement: no more than 8 school hours per annum subject to -
 • the academic programme not being interrupted, and
 • the employee being a registered member in good standing)

- C.1 attending pre-arranged workplace meetings
 C.2 meeting full-time officials by arrangement with the employer to discuss bona fide organisation matters
 C.3 voting during employee organisation elections which cannot take place outside working hours
 C.4 voting in respect of procedural/lawful strike action



Dates on which time off is required.....
School periods during which time off is required.....

1. If leave is required in terms of items A1 to A3 please attach a copy of the notice of the meeting that you wish to attend. Please note that you are required to produce confirmation of your attendance at such meetings in the form set out below.
2. If leave is required in terms of items B and C you must provide your supervisor with full particular of the occasion for which you require time off.
3. All leave taken in respect of time-off measures will be regarded as special leave with full pay.
4. Employees wishing to take off additional leave for employee organisation activities, must apply for special leave with full pay. Please note that such leave will only be granted in exceptional circumstances.
5. I acknowledge that I am aware that time off
 - for employee organisation activities and duties must always be arranged so that the learner's rights to education is not unduly infringed.
 - in excess of my entitlement will be regarded as ordinary leave which may be paid or unpaid leave.
 - taken without completing this form and notifying the principal amounts to misconduct.

Employee
Date

One copy must be left with the principal before taking time off and the other copy must be handed to the principal with the following confirmation on your return.

Confirmation by employee organisation

I, the undersigned.....(insert name)

chair person of APEK/NATU/SAAVSE/SADTU/SAOV-KZN (delete the inapplicable names) hereby certifies that the member referred to on the reverse side of this form is a representative of this organisation and that he/she attended the meeting referred to on the reverse side on the following days at the times indicated:

<i>dates</i>	<i>times</i>
.....
.....
.....
.....

Signature.....
Date:.....

For office use: (to be completed before handing a copy to the employee concerned)

Confirmation that employee is member in good standing.....
Accumulated time taken off in category applied for to date.....

TIME OFF REGISTER

NAME OF SCHOOL.....
 PERIOD:
 NAME OF EMPLOYEE.....
 PERSAL NUMBER.....
 NAME OF EMPLOYEE ORGANISATION: APEK NATU SAAVSE SADTU SAOU
 POSITION OF EMPLOYEE WITHIN ORGANISATION:.....

TIME OFF FOR:
COLLECTIVE BARGAINING (category A)

DATES OF ABSENCES	PERIOD OF ABSENCE

Total number of days absent.....

EMPLOYER ORGANISATION DUTIES: (category B)

DATES OF ABSENCES	PERIOD OF ABSENCE

Total number of days absent.....

EMPLOYER ORGANISATION ACTIVITIES (category C)

DATES OF ABSENCES	SCHOOL PERIODS	DURATION

Total number of hours absent.....

