



elrc

EDUCATION LABOUR
RELATIONS COUNCIL

EDUCATION LABOUR RELATIONS COUNCIL

KWA ZULU NATAL CHAMBER

COLLECTIVE AGREEMENT 1 OF 2014

**PROCEDURE FOR DEALING WITH THE PLACEMENT OF FURTHER EDUCATION
AND TRAINING (FET) COLLEGE LECTURERS WHO REMAIN IN EMPLOYMENT
WITH THE DEPARTMENT OF EDUCATION KWAZULU NATAL IN TERMS OF
COLLECTIVE AGREEMENT NUMBERS 4 AND 5 OF 2007.**

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

2014 -04- 04

Handwritten initials: M.S.

1. PURPOSE OF THIS AGREEMENT

- 1.1 to identify those FET College lecturers who are currently unplaced as of 01 January 2013 and who opted to remain in employment with the KZN Department of Education.
- 1.2 to develop a process to expedite the placement of these employees into posts to ensure the effective utilization of their services
- 1.3 to facilitate transfers to other state departments where practically possible.

2. SCOPE OF THIS AGREEMENT

This agreement applies to and binds :

- 2.1 The Kwazulu Natal Department of Education as employer;
- 2.2 All FET college lecturers who have not been placed into substantive vacant posts as at 01 January 2013 whether they are signatories to this agreement or not; and
- 2.3 All educator unions who are members of the KZN Provincial Chamber of the Education Labour Relations Council

3. LEGISLATIVE FRAMEWORK

- 3.1 The Employment of Educators Act No.76 of 1998, as amended
- 3.2 The Personnel Administration Measures
- 3.3 The South African Schools Act No.84 of 1996, as amended
- 3.4 Basic Conditions of Employment Act
- 3.5 The Labour Relations Act No.66 of 1995, as amended
- 3.6 Public Finance Management Act
- 3.7 ELRC Resolutions 4 and 5 of 2007
- 3.8 The Public Service Act

Handwritten signature
KS

4. PARTIES TO THE KZN CHAMBER NOTE :

- 4.1 Some FET college lecturers, who have opted to remain with the Department of Education, remain unplaced and under- utilized.
- 4.2 The urgency to ensure the optimum utilization of their services and the need to obviate fruitless expenditure.
- 4.3 The uncertainty and insecurity suffered by affected FET lecturers not yet appropriately placed.
- 4.4 The post levels of unplaced FET college lecturers
- 4.5 The qualification requirements for the appointment to school and office based posts.
- 4.6 The Department's obligation towards serving educators.

5. PARTIES TO THE KZN CHAMBER THEREFORE AGREE

The procedure as contained in item 6 below to expedite the placement of FET college lecturers so as to ensure optimal utilization of their services, shall apply.

6. PROCEDURE FOR DEALING WITH THE PLACEMENT OF FORMER FET COLLEGE LECTURERS

- 6.1 This procedure shall be managed and co-ordinated by the Provincial Task Team (PTT).
- 6.2 As a first step, the PTT shall match affected educators to appropriate vacant school based posts that matches their skills and experience. Provided that an affected educator whom the PTT has successfully matched to a vacant school based post at a particular school, has been recommended for appointment into that post by the school governing body of that school in terms of section 8(2) of the Employment of Educators Act, or alternatively the school governing body has failed to make any recommendation within two months from being requested to do so as contemplated in section 8(4) of the Employment of Educators Act, the employer shall then transfer that educator to that post in terms of section 8 of the Employment of Educators Act.
- 6.3 Thereafter, the PTT shall identify appropriate office based posts to match and place all affected educators who could not be placed in terms of 6.2 above.
- 6.4 Affected educators who could not be absorbed into any appropriate posts by the PTT in accordance with 6.2 and 6.3 above, shall be consulted and assisted by the Department to secure posts in other State Departments.

MS

6.5 The Department shall offer severance packages in terms of ELRC Resolution 5 of 2007 to all affected educators who, despite attempts to suitably absorb them in terms of processes outlined in 6.2, 6.3 and 6.4 above, still remain unplaced.

7. MANAGEMENT PLAN

A Management Plan in consultation with trade union parties to Chamber, shall be drawn up by the Department to finalise this process .

8. DATE OF IMPLEMENTATION


The procedure contained in this agreement shall come into effect as of the date it is adopted by the KZN Provincial Chamber and ratified by Council, in accordance with the Constitution of the Education Labour Relations Council.

9. DISPUTE RESOLUTION

Any dispute arising from the interpretation and/or application of this agreement shall be referred to the Education Labour Relations Council in accordance with its Constitution.

THUS DONE AND SIGNED AT THE KZN PROVINCIAL CHAMBER OF THE ELRC, ON
TUESDAY, 11th DAY OF FEBRUARY 2014

ON BEHALF OF THE EMPLOYER

DEPARTMENT	NAME	SIGNATURE
KZN - DEPARTMENT OF EDUCATION	NKOSINATHI NGCOBO	

AND

ON BEHALF OF LABOUR

TRADE UNIONS	NAME	SIGNATURE
CTU 'ATU'		
SADTU	M.S. MATHON	