

Resolution

No 2

(iv) An investigation should be made by the ELRC on the MCPI and CPI in respect of its impact on this agreement, in order to ensure clarity which should inform the basis for possible future amendments.

(b) THE NATIONAL PROFESSIONAL TEACHERS UNION OF SOUTH AFRICA (NAPTOSA) AND THE SUID-AFRIKAANSE ONDERWYSERSUNIE (SAOU)

(i) NAPTOSA and SAOU agree with the interpretation of the employer with regard to paragraph 2 below that this agreement may only be amended through collective negotiations as contemplated in the LRA, 1995, as amended.

(ii) The funding of this service benefit will not be met from the R6,5 billion contemplated in Resolution 3 of 1996.

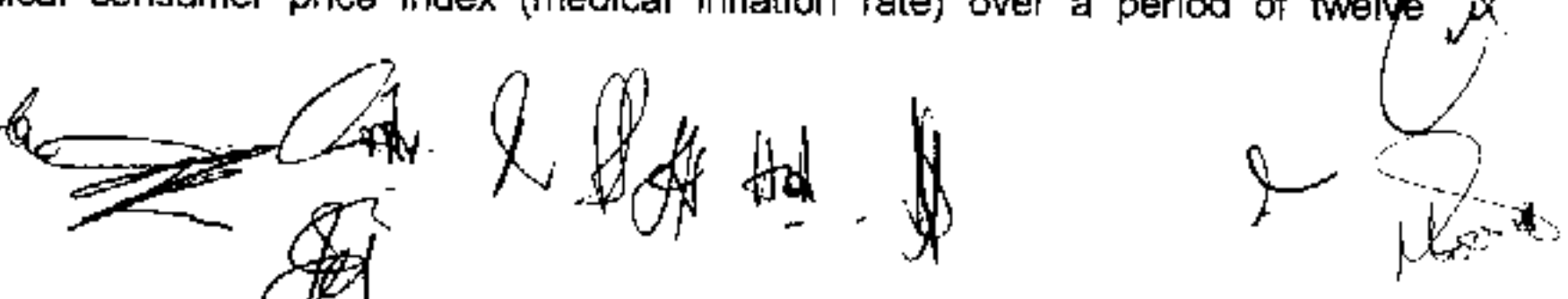
(iii) Annexure A hereto deals with the procedure to be followed for the calculation of the MCPI.

(iv) NAPTOSA and SAOU disagree with the recurrence of the problem that we just have to accept a resolution passed down by the PSBC.

(v) Our dissatisfaction be recorded with regard to the selective amendment as proposed by the employer in paragraph 4 below.

The parties to the ELRC agree that:-

1. The maximum membership fee amount that can be taken into account for purposes of calculating the employer contribution be adjusted annually with effect from 1 April of each year in accordance with the average percentage increase in the medical consumer price index (medical inflation rate) over a period of twelve

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months. An example of how the calculation of the medical inflation rate is done, is attached as Annexure A for information purposes only.

2. This agreement shall be subject to the provisions of any applicable Act of Parliament or secondary legislation promulgated in terms thereof.
3. The representatives of all relevant parties undertake to take all reasonable steps necessary to ensure the implementation of this agreement.
4. No amendment to this agreement shall be of any force or effect unless reduced to writing and signed by parties concerned in terms of the LRA, 1995, as amended.
5. The Minister is requested to make this agreement applicable to all educators in terms of section 5 of the Educators' Employment Act, 1994 as amended.

Signed on this 27 day of MAY 1997 at PRETORIA

On behalf of the Employer

On behalf of the Employee

Organisation

Signature

Organisation

Signature

Department
of Education
NPDE

FEDSAS

SAOU

SAWSE

SAWSE
NATU
CATU
TYATA
CTPA
SATA
OSATA

~~Western Cape~~

EASTERN CAPE

WCED

406
~~SAWSE~~

Mpumalanga
FREE STATE

HOKU

A.P.F.K

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PROPOSED FIXED BASIS FOR ADJUSTING THE MAXIMUM EMPLOYER CONTRIBUTION IN RESPECT OF MEDICAL AID FEES

The following information was obtained from the Central Statistical Services:

1. The basket of items and the corresponding weightings for determining the medical consumer price index are as follows:

<u>Item</u>	<u>Weighting</u>
Doctors fees, nurses fees and fees for related staff	2,69
Hospital, nursing-home fees and fees for related services	0,72
Medical and pharmaceutical products	1,18
Therapeutic appliances and equipment	0,12
Contributions to aid funds	1,24
TOTAL	5,95

2. By using the relative weightings in paragraph 1 a consumer price index (CPI) is calculated for each month. The medical CPI for February 1996 was 105,7 and for February 1997 was 122,5. This is an increase of 15,9% which reflects the medical inflation rate for the year from February 1996 to February 1997.

EDUCATION LABOUR RELATIONS COUNCIL

RESOLUTION No. ~~OF 1997~~

AGREEMENT OF COUNCIL 1997 :

AMENDMENTS TO THE PROCEDURE MANUAL TO DEAL WITH THE FILLING OF VACANCIES OF POST LEVEL ONE EDUCATORS

1. The parties to council note the following:-
 - 1.1 Concern was raised by parties to council with regard to the procedure as outlined in the Procedure Manual in terms of the redeployment and appointment of level one educators.
 - 1.2 The Procedure Manual was developed and agreed to prior to the implementation of the SA School Act, 1996.
 - 1.3 The provisions of the SA School Act, 1996, which came into effect on 1 January 1997, more specifically item 4 of Schedule 2, is of relevance.
 - 1.4 The right-sizing exercise in education is a specific initiative aimed at effecting equity in personnel provisioning.
 - 1.5 The States' obligation to ensure the continued employment of serving educators.
 - 1.6 That there are departments of education who have reached a point in the agreed procedure for the filling of vacancies in terms of the requirements laid down in agreements concluded in the ELRC, where such departments are unable to turn the process around to meet the amendments below.
2. The parties to Council therefore agree that the Procedure Manual be amended as follows:-

"8.2 Vacancies should be filled in the following manner:

- once the vacancies to be filled have been identified, the PRA will arrange for the publication of a "closed" Vacancy List in a Gazette and which will be made available to schools in the relevant province. Vacancy lists to be published in Gazettes should be compiled on a regular basis.
- only educators who are to be redeployed in terms of ELRC agreements may be considered for appointment into these posts.

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- educators who wish to be considered for transfer and appointment, shall indicate their interest by forwarding a formal application for the post/s to the provincial education department. Applicants applying for more than one post must clearly indicate their order of preference.
- should the applicant meet all the relevant criteria for transfer and appointment (including suitability as provided by paragraph 8.4) the applicant's name will be placed on a list to be submitted to the relevant institution.
- the PTT will then propose the transfer and appointment of educators in the following manner :
 - * educators who have voluntarily indicated their willingness to be declared transferable , will be given preference in terms of their application. If two or more volunteers are competing for the same post, the principle of LIFO (as outlined in paragraph 7.3) is applied and the most senior educator is proposed for transfer and appointment. (This concession is made to give substance to paragraph 1(c)(iii)(bb), page 7, of the Agreement).
 - * all applicants are ranked per post after applying LIFO and the most senior educator is proposed for transfer and appointment.
 - * in the event of the receiving institution/ functioning governance structure rejecting such a proposal, or the relevant educator declining a nomination, a full motivation outlining the reasons for such rejection or declination must be submitted to the provincial education department. All such cases will be evaluated on an individual basis in consultation with the PTT, and if sufficient grounds exist to reject the proposal, the proposal is withdrawn. Taking into account the principle of LIFO (as outlined in paragraph 7.3) and including, from the approved list, the recommendations of the functioning governance structure, consultations are entered into with the relevant institution/governance structure with the view to finalising the transfer and appointment of a suitable candidate from the approved list, according to the provisions of the Educators Employment Act, 1994 as amended by Schedule 2 of the S.A. Schools Act, 1996. The employee parties to the Council shall have observer status during this process.


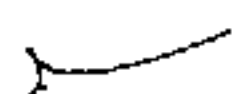
3. In respect of note 1.5., the parties agree that the process of filling vacancies, subject to its procedural correctness, such departments are deemed to be in compliance with this agreement.

SIGNED AT PRETORIA ON THIS 27 DAY OF MAY 1997







On behalf of the employer:

Signature

~~Signature~~ Doe

~~Signature~~ SAE

~~Signature~~ Mpumalanga

~~Signature~~ W.C.E.D.

~~Signature~~ FEDSAS

~~Signature~~ FREE STATE

On behalf of the employee parties:

Signature

Party

EASTERN CAPU

NATU

CATU

CTPA

SATA

OP SATA

TUATA

A.P.E.K.

SAOTU

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DRAFT COVERING LETTER: RESOLUTION NO OF 1997

REDEPLOYMENT : FILLING OF POST LEVEL 1 VACANCIES

1. The _____ Education Department wishes to inform you as the Principal/Chairperson of the schools' functioning governance structure, in accordance with the provisions of Resolution No.3 of 1996 of the Education Labour Relations Council (ELRC) and the Procedure Manual (Annexure A), the following educator is proposed for transfer and appointment to the establishment of your school.

2. (NAME OF EDUCATOR)

3. It must be pointed out that the above educator satisfies all requirements with regard to suitability for the post in terms of the advertisement and after due cognisance of the provisions of Resolution No. 3 of 1996 and the Procedure Manual, with specific reference to the principle of seniority.

4. Please indicate, within 7 days of receipt of proposal, your acceptance by contacting the Department.

5. If you do not see your way clear to accepting the Departments' proposal of the above mentioned educator, you are requested to submit reasons, within 7 days of receipt of proposal, for such a rejection to the department. Please refer to the third asterisk on the attached Annexure A for the procedure that will be followed should the proposed educator be rejected.

A full list of all applicants, taking into account the principle of LIFO, is attached for your information in this regard.

6. All correspondences with regard to paragraphs 4 and 5 must be addressed to the Department: FOR ATTENTION:THE CHAIRPERSON PTT. In the event of no correspondence being received from you, it is assumed that the proposal is accepted.

7. Your co-operation in contributing to the success of this process will be appreciated.

Yours sincerely

HEAD OF DEPARTMENT

Michaela

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recommendations of the functioning governance structure, consultations are entered into with the relevant institution/governance structure with the view to finalising the transfer and appointment of a suitable candidate from the approved list, according to the provisions of the Educators

Employment Act, 1994 as amended by Schedule 2 of the S.A.

Schools Act, 1996. The employee parties to the Council shall have observer status during this process.