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Education Labour Relations
Council
KwaZulu Natal Chamber

Collective Agreement No. 3 OF 2006

24 August 2006

Determination and Distribution of the Educator Post Establishment of Public
Schools in KZN for 2007

ELRC KZN Chamber: Collective Agreement No. 3 of 2006 – Determination of the Post Establishment of Public
Schools in KZN for the 2007 Academic Year.

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1. PURPOSE:

To ensure that the staffing of public schools, under the control of the KZN Department of Education, proceed in a climate of certainty and stability with minimum disruption to the organization and administration of public schools for the 2007 academic year.

2. SCOPE:

This agreement applies to and binds:

- 2.1 the KwaZulu-Natal Department of Education;
- 2.2 all educators employed by the KwaZulu-Natal Department of Education whether they are members of employee parties or not;
- 2.3 all employee parties that are parties to the KwaZulu-Natal Chamber of the Education Labour Relations Council; and
- 2.4 members of such employee parties

3. PARTIES TO THE CHAMBER NOTE:

f educators at all establishments

- 3.1 the ~~(educator post establishment)~~ as determined by the MEC for Education for 2007 in accordance with the provisions of Regulation 1 of the Schedule contained in Government Notice 1676 of 1998, as amended;
- 3.2 the role of the Superintendent-General in distributing these posts in accordance with Regulation 2 of the Schedule contained in Government Notice 1676 of 1998, as amended;
- 3.3 the need to bring stability and certainty to the staffing of schools for 2007;
- 3.4 the need to provide schools with information to ensure proper planning and budgeting for 2007;
- 3.5 the budgetary constraints of the Department in the provision of temporary educators for extended periods;
- 3.6 the need to minimize the adverse emotional impact that educators encounter when declared additional to the needs of a school; and
- 3.7 KZN Collective Agreement 1 of 2006.

4. PARTIES TO THE CHAMBER THEREFORE AGREE THAT:

ELRC KZN Chamber: Collective Agreement No. 3 of 2006 – Determination of the Post Establishment of Public Schools in KZN for the 2007 Academic Year.

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5. **DATE OF IMPLEMENTATION**


This agreement shall be effective from the date it is ratified by the ELRC, in accordance with clause 6.2.4 of Annexure B of the constitution of the ELRC.

6. **DISPUTE RESOLUTION**

Any dispute arising from this agreement shall be referred to the Council for resolution in terms of its constitution.


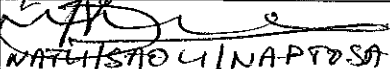
THUS DONE AND SIGNED AT THE KZN PROVINCIAL CHAMBER OF THE ELRC,
55 CHURCH RD, REDHILL, ON THE

25th DAY OF AUGUST 2006, BY

DEPARTMENT	NAME	SIGNATURE
KZN: EDUCATION	SUNIL MAHABEER	

ON BEHALF OF THE STATE AS EMPLOYER

AND

TRADE UNIONS	NAME	SIGNATURE
CTU 'SADTU'	SC NKOSI	
CTU 'SAOU'	SA THOMPSON	 NATU/STOU/NAPTOSA

ON BEHALF OF LABOUR



**PROCEDURES FOR THE IMPLEMENTATION
OF THE STAFF ESTABLISHMENT**

1. PURPOSE

- 1.1 Procedures are formulated in line with prescripts and are designed to assist institutions and officials to manage the implementation of the staff establishment in a smooth and effective way.
- 2.1 The procedures as well as the management plan take cognizance of the provisions of the following acts, collective agreements and national policy.
- 1.1.1 Labour Relations Act No 66 of 1995 as amended.
 - 1.1.2 Employment of Educators Act, No. 76 of 1998 as amended.
 - 1.1.3 South African Schools Act, No 84 of 1996 as amended.
 - 1.1.4 Employment Equity Act
 - 1.1.5 Post establishment as determined by the medium term expenditure framework (MTEF).
 - 1.1.6 Personnel Administration Measures (PAM) as amended.
 - 1.1.7 National Policy on Instructional Time for School Subjects: January 2000.
 - 1.1.8 National Curriculum Statement : Grades 10 to 12

2. PROCEDURES FOR THE IMPLEMENTATION OF THE EDUCATOR STAFF ESTABLISHMENT

2.1 OBJECTIVES

- 2.1.1 To provide a fair and transparent basis for the staffing of schools in 2007;
- 2.1.2 To identify educators "additional" to the staff establishment;
- 2.1.3 To identify vacant posts in accordance with the given establishment;
- 2.1.4 To facilitate and expedite the movement of educators "additional" to the establishment;
- 2.1.5 To achieve equity in educator staff provisioning.

2.2 MAIN PRINCIPLES

- 2.2.1 All educators who are affected by the implementation of the staff establishment will be treated fairly.
- 2.2.2 Under no circumstances must this exercise be utilized to "punish" or victimize educators, as any shortcoming in an educator's

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conduct or work or work performance should be addressed in accordance with fair labour practices including relevant disciplinary procedures.

- 2.2.3 In ensuring the principle of transparency, the staff must be fully apprised of the implementation procedures at a formal staff meeting.
- 2.2.4 The full compulsory curriculum as directed by national policy must be accommodated within the allocated staff. Under no circumstances must a school reduce or exclude non – examination subjects on the grounds that the allocated staff are insufficient to cope with the full curriculum. Creative management strategies must be utilized to deliver the full curriculum.

2.3 ALLOCATION OF APPROVED POSTS

- 2.3.1 The Department shall provide all educational institutions with provisional educator establishments in terms of the Annual General Survey. After the 10th day Survey final staff establishments will be issued, which may increase or decrease the number of posts at a particular institution.
- 2.3.2 The educator post establishment for each school will be determined by multiplying the total number of posts available by weighted learners of the school divided by the total weighted learners of all schools in the province. It is therefore incumbent upon schools that this calculation is not done separately in respect of each phase and then added together. It must be a single calculation for the school based on the total weighted learners of all its phases. Vacancies will be filled after the release of the final post establishments through matching and placing additional educators. He assumption of duty of placed educators shall be at the beginning of the second term.

2.4 DETERMINATION OF SERVING EDUCATORS TO BE TRANSFERRED IN TERMS OF OPERATIONAL REQUIREMENTS

- 2.4.1 Superintendents of Education (Management) must apprise Principals on the criteria for the determination of educators "additional" to the staff establishment and the implementation procedures.
- 2.4.2 Immediately on returning from the briefing meeting with the Superintendent of Education (Management), principals must apprise staff at a formal meeting on the following:
- 2.4.2.1 **Criteria and implementation procedures related to the Staff Establishment.**
- 2.4.2.2 **The allocated staff establishment for 2007**

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2.4.3 The Principal in planning for the utilization of this staff within the allocated staff establishment MUST identify those posts that are vacant and those that are additional on the basis of the curricular needs of the school.

2.4.4 All Principals must inform their respective staff on the procedures for determining educators "additional" to the staff establishment and the effect it will have on their respective staff establishments. Union site representatives located at the school should be present at the staff meeting.

2.5 IDENTIFICATION OF LEVEL 1 EDUCATORS ADDITIONAL TO THE STAFF ESTABLISHMENT

2.5.1 Permanent educators must be classified according to the main subject or subjects / group of subjects (Secondary School) or phase (Primary School) taught in 2006.

2.5.2 In both the Junior Primary and Senior Primary Phase, an educator is expected to teach ALL subjects except where an educator is unable to teach a specific language.

2.5.3 Considering the approved curricular needs of 2007 of the school, the Principal allocates the permanent educators in terms of the main subject or subjects/group of teaching subjects in 2007 into the relevant subject /s or phases.

2.5.4 Should two or more educators compete for the same post after taking into account the curricular needs, the principle of LIFO must be applied.

LIFO refers to an educator's current years of continuous service as a CS educator in the Department and NOT the number of years that an educator serves at a particular school.

2.5.5 **Where there are ties in the application of LIFO the following additional factors in the order listed below shall apply:**

- Aggregate years of service in the provincial and/or national department of education.
- Years of teaching experience in the subject/phase.
- Years of service in the current school/institution as an educator

2.5.6 Affirmative Action is not applied in declaring educators "additional" to the staff establishment. However, where appointments were made to address under-representation of designated groups, such educators should not be declared additional until the under-representation is addressed. Affirmative Action should however, be considered in the placement process.

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2.5.7 The principal, after consulting with the educator staff of the institution at a formal staff meeting, may recommend that educators who may be declared in addition be absorbed in vacancies that exist or will exist in the near future (not longer than six months) at that education institution provided they meet the curricular requirements.

STEP 1
Determine the curricular needs of the school for 2007.
<u>NB:</u> No new curriculum subjects <i>or phases</i> can be introduced without the Department's approval.
Schools are required to adhere strictly to the requirements as set out in the National Policy on Instructional Time for School Subjects.

STEP 2
Classify the current permanent educators on the staff establishment in terms of the main subject, or subjects / group of subjects (secondary schools) or phases (primary schools) taught in 2006.
Educators who were previously temporarily transferred in to vacant posts at other schools but were not recommended for permanent appointment must be counted at their original schools.
Temporary educators employed on a contract basis and substitute educators must not be taken into account. Substantive posts occupied by temporary educators must be declared as vacant

STEP 3
Determine the number of posts required for each subject or phase.

STEP 4
Determine the number of posts additional / or vacant per subject or phase by comparing the number of permanent educators available at the school against the number of posts required.

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Consider the following example:

	JUNIOR PRIMARY	SENIOR PRIMARY	TOTAL
Number of posts in terms of PPN	5	7	12
Number of permanent	4	9	13
• "Additional" educators	Nil	2	2
• Vacant Posts	1	NIL	1

- As a first step, one of the two "additional" Senior Primary Educators, who is willing and best suited could be requested to teach Junior Primary.
- Should the "Senior Primary Educators" not be willing to teach the Junior Primary the vacancy in the Junior Primary should be declared and the two Senior Primary Educators should be declared additional to the staff establishment.

NB: For purposes of this exercise Junior and Senior Phases will respectively refer to the Foundation Phase Grade 1-3 and Intermediate & Senior Phase Grade 4-7

NOTE THE FOLLOWING:

A simple difference expressed as "additional" between the number of posts required and the number of permanent educators at the school may be reflected as:

$$13-12=1$$

BUT

The actual position shows a shortage of one in the Junior Primary Phase and 2 additional posts in the Senior Primary Phase.

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2.6 FACTORS TO BE CONSIDERED IN THE ALLOCATION OF STAFF TO A SECONDARY SCHOOL

- 2.6.1 While an educator is allocated the greater number of periods in his / her main teaching subject, other subjects may be allocated to him / her to meet the workload requirements in terms of PAM to ensure that all subjects in the curriculum are catered for.
- 2.6.2 In some instances where a school introduces a new subject in January 2007 or has few learners taking a subject, it is possible for an educator to be allocated lesser periods in his/her main teaching subject and more periods allocated to filler subjects.
- 2.6.3 While recognizing specialization especially in a secondary school there must be flexibility to allow educators to be allocated other subjects to make up a full teaching load.
- 2.6.4 Whilst the greater number of periods in a subject will be allocated to the specialist educator/s of that subject, the distribution of the periods must be equitable to accommodate other specialists with lesser loads in their own subject areas.

2.7 IDENTIFICATION OF EDUCATORS IN PROMOTION POSTS ADDITIONAL TO THE ESTABLISHMENT

- 2.7.1 In determining educators additional to the establishment, attention must be given to the various levels of the staff establishment at a school. In this regard the attached post establishment contained in Schedule 2 annexed hereto must be used as a basis to identify educators additional to the establishment in the higher post levels.
- 2.7.2 In consequence thereof, a drop in the establishment does not necessarily mean a reduction in level one educators only. The establishment may determine that a Deputy Principal and / or Head of Department may have to be declared additional as that school is no longer entitled to such management posts.
- 2.7.3 The following examples provide clarity:

CASE ONE: PRIMARY SCHOOL

	2006	2007	ADDITIONAL
PPN	14	11	14-11=3
DISTRIBUTION OF THE STAFF ESTABLISHMENT			
PRINCIPAL	1	1	NIL
DEPUTY PRINCIPALSHIP	1	NIL	1
HEAD OF DEPARTMENT	2	2	NIL
LEVEL 1	10	8	2

CASE TWO: SECONDARY SCHOOL

	2006	2007	ADDITIONAL
PPN	25	20	25-20=5
DISTRIBUTION OF THE STAFF ESTABLISHMENT			
PRINCIPAL	1	1	NIL
DEPUTY PRINCIPALSHIP	1	1	NIL
HEAD OF DEPARTMENT	4	3	1
LEVEL 1	19	15	4

- *Even in determining educators who are additional in promotion posts the curriculum needs of the school should be considered.:*

2.7.4 Where 2 or more educators compete for the same post, LIFO must be applied. LIFO refers to an educator's current years of continuous service as a CS educator in the Department and not the number of years that educator served at the school or in the promotion post. With regard to ties in the application of LIFO the following additional factors will apply:

- Aggregate years of service in the provincial and/national department.
- Years of service in the current school.
- Years of service in the post

3. Should there still be deadlock after the application of factors in paragraphs 2.5.5 and 2.7.4, the SEM should following the normal channels of communication forward such cases to the Directorate : Human Resource Administration. A special Task team will be established to attend to the resolution of these cases. ree
4. Principals of schools should note that it is compulsory to declare additional educators where there is drop in the post establishment and where the current staff does not meet the curriculum needs.
5. Once schools finalise the declaration of educators as additional and identify vacant posts in terms of the abovementioned principles and processes, school principals are required to adhere to the Management Plan attached hereto as **Schedule 1**.

6. GRIEVANCES / DISPUTES

Aggrieved educators are advised to follow these channels of communication to resolve their grievances.

STEP 1:	School Principal / SEM
STEP 2:	CMTT (CIRCUIT MANAGEMENT TASK TEAM)
STEP 3:	DTT (DISTRICT TASK TEAM)
STEP 4:	Labour Relations Section: District
STEP 5:	ELRC

NB: GRIEVANCES MUST NOT BE DIRECTED TO THE DIRECTORATE: HUMAN RESOURCE ADMINISTRATION SERVICES

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MANAGEMENT PLAN FOR THE IMPLEMENTATION OF PPN 2007

NO	DATE	ACTION	RESPONSIBILITY
1	31-08-06	Release of Post Establishment reports to schools	HRAS
2	19-02-07	Receive 10 th school day statistics from EMIS	HRAS
3	20-02-07	Print snap survey validation forms	HRAS
4	22/23-02-07	Meet with SEMs to distribute snap survey reports	HRAS
5	26-02-07	SEM's and Principals validate snap survey reports	SEM'S /Principals
6	27/28-02-07	Completed validation reports submitted to HRAS co-ordinators	Co-ordinators in HR Service Centres & SEM's
7	1/6-03-07	Amendments to the staff establishments effected	HRAS
8	07-03-07	Verification of reallocated staff establishments	HRAS
9	08-03-07	Print final post establishments & composite reports	HRAS
10	09-03-07	Workshop Provincial Staffing Forum on implementation procedure	HRAS
11	09-03-07	Release of final post establishment & implementation circular with its management plan	HRAS
12	12-03-07	Briefings of District Directors, Circuit Managers & HR Service Centre staff on implementation procedures	HR MANAGERS
13	14-03-07	Workshop for principals on the implementation procedures and the management plan	CIRCUIT MANAGERS/SEM's
		Release of final post establishments	
		N.B.: Any cases of inflation of enrolments must be reported to HRAS	
14	16-03-07	Staff and SGB provided with the HRM Circular with its implementation procedures and management plan. Identification of surpluses and vacancies taking into consideration the curriculum needs of the school. Staffing meeting to discuss staffing of school, re: surpluses and vacancies	PRINCIPALS/SMTs
15	21-03-07	Meeting of SEM's and Principals to determine schedule of surpluses and vacancies SEMs and Principals to submit the following information: ❖ Staffing plan ❖ Approved post establishment of school ❖ Number of state-paid educators ❖ Number of additional educators per phase or subject fields ❖ Number of vacancies and requirements of such vacancies	PRINCIPALS/SEMs
16	23-03-07	CMTT's to ▪ Match profiles of additional educators with vacancies ▪ Validate schedules of vacancies and	CMTTs

COMPOSITION OF THE CIRCUIT MANAGEMENT TASK TEAM

- Circuit Manager
- All Ward managers
- 1 representative from Employee Relations
- 1 representative from the personnel section
- Representatives from the Two Teacher Unions (2 "CTU SADTU; 2 "CTU SAOU)

DUTIES OF CIRCUIT MANAGEMENT TASK TEAM

- To match the vacancies with educators additional to the establishment
- To validate and consolidate schedules of vacancies and educators additional to the establishment in the circuit to forward to the District staffing co – ordinators
- To attempt to resolve grievances
- To prepare letters of placement to educators to be placed on CTT

COMPOSITION OF THE DISTRICT TASK TEAM

- District Manager
- All Circuit Managers
- District Staffing co – ordinators
- Assistant Manager
- 1 Representative from Employee Relations
- Representatives from Teacher Unions (2 "CTU SADTU; 2 " CTU SAOU)

DUTIES OF DISTRICT TASK TEAM

- To match the vacancies with educators additional to the establishment
- To validate and consolidate schedules of vacancies to forward to the manager HR Administration Services.
- To attempt to resolve grievances
- To prepare letters of temporary placement to educators additional to the establishment

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NORMS FOR DETERMINING PROMOTION POSTS

DEPUTY PRINCIPALSHIP:

TYPE OF INSTITUTION	NO. OF POSTS IN TERMS OF LEARNER ENROLMENT	
	1	2
PRIMARY / SECONDARY / COMBINED ENROLMENT: PRIMARY	520	1040
ENROLMENT: SECONDARY / COMBINED / COMPREHENSIVE	455	910

HEADS OF DEPARTMENT:

TYPE OF INSTITUTION	NO. OF POSTS IN TERMS OF LEARNER ENROLMENT				
	1	2	3	4	5
PRIMARY ENROLMENT: PRIMARY	150	320	520	880	-
ENROLMENT: SECONDARY / COMBINED / COMPREHENSIVE	150	200	455	770	1050

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RECOGNIZED TEACHER ORGANISATIONS

TEACHERS' ORGANISATIONS

ORGANISATION	CONTACT	TELEPHONE	FACSIMILE	
CTU 'SADTU'	MR S.C. NKOSI Provincial Offices P.O. Box 4329 DURBAN 4000 4th Floor 321 Smith Street Durban 4001	031-3051828	031-3051847	
	Durban North Region Suite F1 13 Arbee Drive Dicks Centre Tongaat 4439	032-9441958	032-94441971	
	Durban South Region Rooms 807/809 Protea House Colonial Building 330/332 West Street Durban	031-3043813	031-3044792	
	North Coast Region Shop 9A Centre 69 Tenbul Street P.O. Box 7875 Empangeni 3880	035-7721649	035-7721649	
	Lower South Coast Region 48 Wooly Street Port Shepstone 4240	039-6826938	039-6826938	
	Northern Natal Region Office 324/6 3rd Floor Nedbank Circle Harading Street Newcastle 2940	034-3125330	034-3125330	
	Midlands Region 11 Ground Floor Main City Building 210 Longmarket Street Pietermaritzburg 3200	033-3942627	033-3942629	
	Inland Region No. 5 Presbane Building Cnr. President & Hlobane Streets Box 1717 Vryheid 3100	034-9833215	034-9833215	
	CTU 'SAOU'	MR E.M. BIYELA Provincial Office P.O. Box 716 Empangeni 3887	035-7721608	035-7721651
		47/57 Biyela Sstreet Empangeni 3880		
P.O. Box 7931 Empangeni 3910		035-7923153	035-7721651	
Private Bag X6602 Newcastle 2940		034-3292716	035-7721651	
Durban		031-3049452	031-3041715	
Pietermaritzburg		033-3940924	033-3940924	

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	Port Shepstone	039-6827010	039-6827011
	North Coast	035-7870988	035-7870988
	Ulundi P.O. Box 897 Eshowe 3815	035-4742682	035-8703094
	Northern Natal P.O. Box 141742 Madadeni 2951	034-3292716	034-3292716
	South Coast P.O. Box 199 Hibberdene 4220	039-6827010	039-682711

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PROVINCE OF KWAZULU-NATAL

AMENDED - MANAGEMENT PLAN FOR PPN 2007???

NO	DATE	ACTION	RESPONSIBILITY
1	19/06/06 TO 1/08/06	KZN MTEF BUDGET CONSULTATION WITH UNIONS AND SGBs	DIRECTORATES: FINANCE HRSP AND LABOUR
2	11/08/06	CONSULTATION BETWEEN THE SG SGB AND UNIONS ON THE DISTRIBUTION OF POSTS	SGM HR AND ADMIN AND SG OFFICE
4	15/08/06 22/08/06	ELRC STAFFING COMMITTEE MEETING ON THE 2006 POST ESTABLISHMENT	DIRECTORATE HRAS????
5	25/08/06	PRESENTATION TO THE KZN ELRC OF THE: <ul style="list-style-type: none"> • 2006 POST ESTABLISHMENT • IMPLEMENTATION PROCEDURES RELEASE OF THE 2006 POST ESTABLISHMENT TO REGIONS	ELRC STAFFING COMMITTEE ?????
6	29/08/06	PROVINCIAL STAFFING FORUM AND WORKSHOP ON THE IMPLEMENTATION PROCEDURES	DIRECTORATE: HR AS
	31/08/06	<ul style="list-style-type: none"> ❖ BRIEFING OF DISTRICT MANAGERS; CIRCUIT MANAGERS, SEM's AND ADMIN.PERSONNEL ON THE IMPLEMENTATION PROCEDURES ❖ OFFICIALS TO ENSURE THAT NO SCHOOL HAS BEEN ALLOCATED STAFF THAT THEY ARE NOT ENTITLED TO. ❖ SEM's TO ENSURE THAT THEIR SCHOOLS HAVE NOT INFLATED FIGURES. 	CLUSTER GENERAL MANAGER SEM's
8	04/09/06	<ul style="list-style-type: none"> • WORKSHOP WITH PRINCIPALS ON POST PROVISIONING MODEL AND IMPLEMENTATION PROCEDURES • RELEASE OF PPN AND HRM CIRCULAR OF 2006 TO PRINCIPALS • NB. ANY CASES OF INFLATION OF ENROLMENTS MUST BE REPORTED TO HSRP 	CIRCUIT MANAGERS; SEMS AND PRINCIPALS
9	06/09/06	HRM CIRCULAR MADE AVAILABLE TO ALL STAFF IN INSTITUTIONS. <ul style="list-style-type: none"> ❖ PRINCIPALS TO ENSURE THAT SCHOOL GOVERNING BODIES RECEIVE HRM CIRCULAR NO OF 2006 ❖ PRINCIPALS TO INFORM STAFF OF NEW MANAGEMENT PLAN AND IMPLEMENTION PROCEDURES 	PRINCIPALS MANAGEMENT STAFF
10	12/02/07	VALIDATION OF 10TH DAY	CIRCUIT MANAGERS SEM PRINCIPALS TEACHER UNIONS

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11	23/02/07	RELESE OF STAFF ESTABLISHMENTS	HRAS
12	10/04/06	APPOINTEES REPORT FOR DUTY	

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