

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



**elrc**

EDUCATION LABOUR  
RELATIONS COUNCIL

# **COLLECTIVE AGREEMENT NUMBER 8 OF 2002**

**11 DECEMBER 2002**

## **PAYMENT OF ACTING ALLOWANCE FOR AN EDUCATOR ACTING IN A HIGHER POST WHERE THE PERMANENT INCUMBENT IS ABSENT**

---

*Education Labour Relations Council*  
261 West Street  
CENTURION  
0046

**EDUCATION LABOUR RELATIONS COUNCIL**

**RESOLUTION NO 8 OF 2002**

**PAYMENT OF ACTING ALLOWANCES FOR AN EDUCATOR ACTING IN A HIGHER POST WHERE THE PERMANENT INCUMBENT IS ABSENT**

**1. PURPOSE OF THIS AGREEMENT**

The purpose of this agreement is to determine a policy on acting allowance and compensation to be paid to an educator appointed to act in a higher post where the permanent incumbent is absent.

**1. PARTIES TO COUNCIL NOTE AS FOLLOWS:**

- (1) The absence, over the years, of payment of acting allowances to educators.
- (2) The Public Service Co-ordinating Bargaining Council Resolution No 9 of 2001.
- (3) The Education Labour Relations Council Resolution No. 8 of 2001.

**2. THE PARTIES TO COUNCIL THEREFORE AGREE AS FOLLOWS.**

- (1) To the attached document (Annexure A) entitled, "Acting Allowances for an educator acting in a higher post where the permanent incumbent is absent."
- (2) To request the Minister to include the document in the Personal Administration Measures (PAM) for educators.
- (3) That educator employed on post-level 6 and as well as those on SMS be excluded from this agreement.

**3. SCOPE OF THIS AGREEMENT**

This agreement applies to and binds:

- (1) The employer, and
- (2) All the employees of the employer as defined in the Employment of Educators Act, 1998 (as amended), {excluding employees on post level 6 and as well as those on SMS} whether such employees are members of trade union parties to this agreement or not.

**4. ADOPTION AND DATE OF IMPLEMENTATION**

- (1) This agreement shall, in respect of parties and non -parties to the ELRC, come into effect on 1<sup>st</sup> April 2003.

## 6. DEFINITIONS

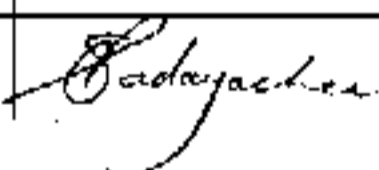
- (1) "SMS" means employees on Senior Management System referred to in Regulation IB1 of Chapter 4 of the Public Service Regulations as contained in Government Gazette No: 21951 of 5 January 2001.
- (2) "Council of Further Education and Training institution" means the Council for Further Education and Training as contemplated in Section 1 of the Further Education and Training Act (FET) of 1998.
- (3) "School Governing Body" means the governing body as contemplated in Section 16 (1) of the South African Schools Act, 1996 (SASA).
- (4) "Educator" means educator as defined in the Employment of Educators Act, 1998 (EEA).
- (5) "Employer" means employer as contemplated in Section 1 of the Employment of Educators Act, 1998 (EEA).

## 7. DISPUTE RESOLUTION

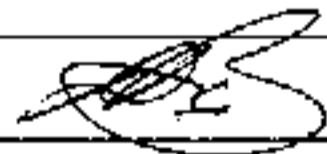
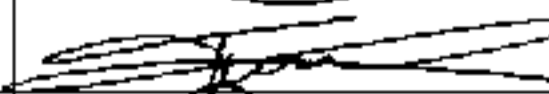

Any dispute arising from the provisioning of this agreement shall be referred to the ELRC for resolution.

Thus done and signed at KOPANONG, Benoni on the 11<sup>th</sup> day of December 2002.

### ON BEHALF OF THE STATE AS EMPLOYER

DEPARTMENT	NAME	SIGNATURE
EDUCATION	S. G. PADAYACHEE	

### ON BEHALF OF THE EMPLOYEE PARTIES

TRADE UNION	NAME	SIGNATURE
NAPTOSA	D. H. BANT	
SADTU	T. W. NKEZI	
SAOU	P. BELFORT	

### ANNEXURE A:

## ANNEXURE A:

### ACTING ALLOWANCE FOR AN EDUCATOR ACTING IN A HIGHER POST WHERE THE PERMANENT INCUMBENT IS ABSENT

1. An educator, complying with the minimum requirements in paragraph 2 (2) of Chapter B of the Personnel Administration Measures, shall be appointed, in writing, by the employer, to act.
2. An educator may only be appointed to act in a post that is one post level higher than his/her current position.
3. Within fourteen days of notification by the employer, a School Governing Body/ Council for a Further Education and Training institution shall be requested to recommend to the employer, the educator to be appointed to act in a higher post where the permanent incumbent is absent.
4. In extraordinary circumstances, the employer may deviate from clauses 2 and 3, above (including instances where the Governing Body/ Council for a Further Education and Training institution fails to make a recommendation).
5. An acting allowance will be paid only to an educator who acts:
  - (1) In such a post where the permanent incumbent is absent due to the following:
    - (a) Maternity
    - (b) Sick Leave
    - (c) Study Leave
    - (d) Suspension
    - (e) Secondment
  - (2) If the period of appointment is longer than twelve (12) weeks; but limited to a maximum of twelve months.
6. Compensation shall be backdated to the date on which the educator commenced acting provided that the acting is twelve (12) consecutive weeks or longer.
7. The acting allowance that will apply is the difference between the acting person's current salary (without benefits) and the commencing notch of the higher post (without benefits) that applies to the position in which the person is acting. Where the acting person's current salary (without benefits) equals or exceeds the commencing notch of the higher post (without benefits) that applies to the position in which the person is acting, the acting allowance that will apply is a notch increase.

8. Where the acting is to be performed at an institution or office that is geographically removed from the person's current place of work, an applicable subsistence and travel allowance shall also be paid to him/her.
9. An educator who has been appointed to act in a certain post will be subject to all the responsibilities appropriate to the post for the period during which he/she is appointed.

*B*  
*P* *B*  

---

*Tuh*