COLLECTIVE AGREEMENT
No. 2 OF 2003

28 FEBRUARY 2003

GUIDELINES FOR ADVERTISING
AND FILLING OF OFFICE-BOUND
EDUCATOR POSTS
EDUCATION LABOUR RELATIONS COUNCIL
FREE STATE PROVINCIAL CHAMBER

COLLECTIVE AGREEMENT NO 2 OF 2003

GUIDELINES FOR ADVERTISING AND FILLING OF OFFICE-BOUND EDUCATOR POSTS

1. PURPOSE OF THIS AGREEMENT

The purpose of this agreement is to provide uniform procedures, selection criteria and structures that will be used in the selection process of filling vacant and funded educator posts.

2. SCOPE OF THIS AGREEMENT

This agreement applies to and binds:

2.1 The employer, and
2.2 All the employees of the employer as defined in the Employment of Educators Act, 1998, whether such employees are members of trade union parties to this agreement or not.
2.3 The employer and employees as confined to the province of FREE STATE.

3. THE PARTIES TO COUNCIL NOTE AS FOLLOWS:

3.1 The provisions of Chapter B, paragraph 3.3 (b) of the PAM for a collective agreement on the guidelines for the filling of posts.

3.2 The many disputes on the filling of posts that are caused by lack of a clear and uniform selection procedures and criteria ; and

3.3 The provisions of the Public Service Regulation, Chapter 1, Part vii, paragraph D2 on the selection process and criteria.
4. THE PARTIES TO COUNCIL THEREFORE AGREE AS FOLLOWS:

4.1 That the guidelines for advertising and filling of office-bound educator posts as set out in Annexure A2 and the selection criteria attached in Annexure B shall be the guiding principle in compliance with applicable legislation.

4.2 Any reference to one sex be interpreted as both sexes unless the context indicates otherwise.

5. REFERRAL TO COUNCIL

This collective agreement of the Chamber must be referred to the Council for ratification and or endorsement as per the requirements of the ELRC Constitution.

6. DISPUTE RESOLUTION

Any dispute arising from the application or interpretation of this collective agreement shall be referred to the Council for resolution in terms of its dispute resolution procedures.

7. DATE OF IMPLEMENTATION

This agreement shall, in respect of parties and non-parties, come into effect on the date it is ratified or endorsed in Council.

8. SIGNING OF THIS COLLECTIVE AGREEMENT

Thus done and signed at BLOEMFONTEIN on this the 28th day of FEBRUARY 2003

ON BEHALF OF THE STATE AS THE EMPLOYER:

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<tr>
<th>DEPARTMENT</th>
<th>NAME</th>
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<td>F.S.D.E.</td>
<td>Sani M.S.</td>
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ON BEHALF OF THE EMPLOYEE PARTIES:

<table>
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<tr>
<th>TRADE UNION</th>
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<tr>
<td>NAPTOSA</td>
<td>P. P. SAHAJO</td>
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<td>SADTU</td>
<td>M. RAMOELETSA</td>
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ANNEXURE A2

FREE STATE PROVINCIAL EDUCATION LABOUR RELATIONS COUNCIL

DRAFT RESOLUTION NO. 2 OF 2003

GUIDELINES FOR ADVERTISING AND FILLING OF OFFICE-BOUND EDUCATOR POSTS

1. ADVERTISING

1.1 The advertisement shall be placed by the Human Resources Management Directorate.

1.2 The Human Resources Management Directorate shall on a regular basis conduct a needs analysis, where other Directorates will provide their needs for the required posts. See attached a year program for 2003. Vacancies will be advertised subject to the availability of posts as prescribed by post provisioning. Approval to advertise posts is vested in the Superintendent-general.

1.3 The advertisement of vacant posts for educators must be self-explanatory, clear and must include:

1.3.1 State the minimum requirements;
1.3.2 State the procedures to be followed in applying;
1.3.3 State the names and telephone numbers of contact persons, e.g. District Officials; and
1.3.4 State the closing date for the receipt of applications.

1.4 The advert must:

1.4.1 clearly indicate that incomplete and late applications will not be considered;
1.4.2 state the preferred date of appointment;
1.4.3 be accessible to all who may qualify or are interested in applying for such post s);
1.4.4 be non-discriminatory and abide by the provisions of the Constitution of the RSA;
1.4.5 clearly indicate that the Free State Department of Education is an affirmative action employer;
1.4.6 state that the applicants must also take note that if no notification of appointment is received within four months after the closing date, they must assume that their application has been unsuccessful;
1.4.7 inform applicants that applications, qualifications and CV's will not be returned. Only original certified copies of original documents should be submitted;
1.4.8 indicate that the Department reserves the right not to fill advertised positions; and
1.4.9 indicate that educators who terminated their services on voluntary severance package may not apply.

1.5 All vacancies are to be advertised both in the provincial and national media, as well as in an internal circular.
1.6 The information to be furnished in the advertisement shall specify offices and addresses where application forms and additional information will be obtainable, and where applications should be submitted.

2. SIFTING

2.1 The relevant district office shall acknowledge receipt of all applications by:

2.1.1 informing all applicants in writing of receipt; clearly indicating whether the application is complete or not; and 

2.1.2 indicating whether applications meet the minimum requirements for the post and whether such applications have been referred to the institution concerned.

2.2 The relevant district office shall handle the initial sifting process to eliminate all those candidates who do not comply with the requirements for the post(s) as stated in the advertisement. The records of all applications received shall be kept.

2.3 Incomplete applications will not be considered.

2.4 Teachers' Trade Union parties to ELRC will be given a full report (as per the schedule in the form P010/2002) at a formal (before short listing) meeting on:

2.4.1 Names of applicants who have met the minimum requirements for the post(s) in terms of the advertisement;

2.4.2 Names of applicants who have not met the minimum requirements for the post(s) in terms of the advertisement;

2.4.3 other relevant information that is reasonably incidental thereto (e.g. qualification, experience, etc.);

2.4.4 All applications that meet the minimum requirements and provisions of the advertisement shall be handed to the institution where the vacancies have been advertised in accordance with the management plan for the vacancy list concerned; and

2.4.5 The formal meetings will be conducted as follows:

- For institution-based posts formal meetings will be held at district level
- For office-based posts formal meetings will be held at provincial level

3. INTERVIEWING COMMITTEE

3.1 A panel shall be established at educational institutions where there are advertised vacancies to do both short-listing and interviews. The panel shall comprise:

3.1.1 A Senior Official to the advertised post as a chairperson and other departmental representatives on the same rank or higher, (3-5 members)

3.1.2 One representative from Human Resources as an observer and resource person (if available), and
3.1.3 One union representative per union as supplied by the Union that is a party to the provincial chamber of the ELRC. The union representatives shall be observers to the process of short-listing, interviews and drawing up of a preference list. The union representatives shall not be part of the decision-making when recommendations are made for appointable / non-appointable candidates. However, immediately at the end of the proceedings, union representatives can raise their concerns / objections and declare a dispute if an applications has not been dealt with according to agreed upon procedures. If union representatives have been duly invited and fail to turn up for the interview session the interviews will continue.

3.2 The panel shall appoint from its members a secretary (where there is no HR representative) or an additional member may be appointed as a secretary or scribe (which may be on a lower rank).

3.3 The senior official will be responsible to convene the panel. Human Resources will invite the trade union representatives of the ELRC and the candidates, one week before the actual date of interviews (5 working days).

NB: The persons on the Short-listing Committee may differ from those on the Interviewing Committee if there are valid reasons for them not to be available for both processes.

3.4 The panel must ensure that:

3.4.1 The short-listing criteria are fair, non discriminatory, based on the principal of equal opportunity and in line with other applicable prescripts and the constitution of the RSA;
3.4.2 the nature of the post, as well as its inherent needs and the job profile, i.e. qualities of suitable candidates e.g. leadership, communication and other relevant skills are taken into account; and
3.4.3 the obligation of the employer towards serving educators is met.

3.5 The list of short-listed candidates for interviewing purpose should not exceed five per post. Another list, not exceeding three per post, should be short-listed as reserves in case of possible withdrawals.

3.6 It is the responsibility of the senior official of the component where the post is advertised to convene the panel. The HR Directorate will invite the teacher trade union representatives of the ELRC.

3.7 The panel shall amongst itself appoint a secretary (where there is no HR representative).

3.8 As a major guideline, each directorate should develop numeric targets for Employment Equity based on the approved Employment Equity Plan of the Department. The numeric targets should be considered during the short-listing.

3.9 Probity checks of each short-listed candidate’s credentials (background and authenticity of qualifications and documents) should be done before the interviews.
3.10 The panel uses only the score-sheet approved by the Superintendent-general for both short-listing and interviews.

3.11 GUIDELINES FOR INTERVIEWS

3.11.1 The panel must be friendly, avoid a grim image and make the candidate feel at ease;
3.11.2 the chairperson should thank the candidate for applying for the post and congratulate the candidate on his / her being deemed suitable for being short-listed;
3.11.3 the particular interviewers should ensure that the candidate understands questions and interviewers should show interest and attention when the candidate is responding to questions;
3.11.4 an interview is not an opportunity for members of the panel to exhibit their superior knowledge and experience;
3.11.5 the panel members’ reaction to the candidate’s response should be neutral and the candidate should be allowed ample opportunity to explain viewpoints;
3.11.6 the interviewing process should be fair, non-discriminatory and in line with all applicable prescripts as well as the constitution of the RSA;
3.11.7 all interviewed candidates should receive similar treatment during the interviewing process; and
3.11.8 the score-sheet will ultimately determines the combined results of scoring for short-listing and interviewing.

QUESTIONS WHEN INTERVIEWING CANDIDATES

3.12 Questions should aim at:

- Confirming the image of the candidate as reflected in the written application
- Clearing up uncertainties which might occur in the application
- Obtaining further information, which might be needed (knowledge, experience, etc).

3.13 At the end of the interviews, the panel (excluding observers) must jointly decide on the ultimate ranking of the candidates in order of preference, out of which the Head Education will decide whom to appoint.

3.14 The ranking of the candidates must not only demonstrate the order, but also reflect (in motivation) the candidates who match the necessary competencies for the post. The basis for the decision of the selection panel, as well as the motivations for not recommending other candidates should be discussed, recorded and submitted to the Head Education or delegated officials.

3.15 If the choice of the panel is not appointed, the Superintendent-general should provide reason(s) why and, if necessary, should appoint the second choice.
4. **HANDLING OF COMPLAINTS**

4.1 The observers (trade union representatives) should raise their dissatisfaction immediately after the panel has made its final recommendation in order of preference.

4.2 An attempt should be made to address the dissatisfaction at that stage, failure that, trade union representatives should complete an observers’ form that must be addressed to Human Resources Directorate within a week after the interview for further handling.

4.3 The Human Resources Directorate will inform the trade union about the findings and how the matter has been solved.

5. **APPOINTMENTS**

5.1 The Department must make its final decision subject to satisfying itself that such procedures and requirements as determined by the Minister were followed.

5.2 The Department will inform interviewed candidates who are unsuccessful, in writing within 8 weeks after an appointment has been made.

5.3 For candidates who were not short-listed, procedure as indicated in 1.4.6 shall apply.

6. **RECORDS**

All concerned Control Personnel Officers must ensure that accurate records are kept on the successful candidates personal file of proceedings dealing with the sifting, shortlisting, interviewing, decisions and motivations relating to the preference list submitted by the interviewing panel (Personnel Practitioners must also place copies on the relevant S-files).