

Resolution

No 6

EDUCATION LABOUR RELATIONS COUNCIL

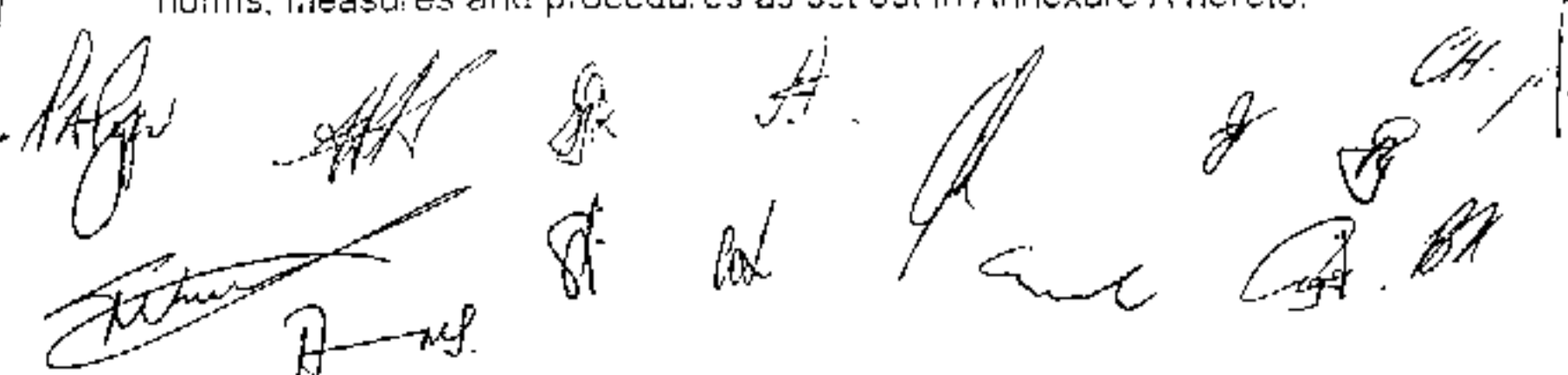
RESOLUTION NO. 6 OF 1996: RESIDUAL ISSUES EMANATING FROM RESOLUTION NO. 3 OF 1996

1. The parties to the Education Labour Relations Council note that in Resolution No 3 of 1996, signed on 30 April 1996, it was agreed that further agreement be reached within periods of 3 and 6 weeks of such date on the following issues:

- (a) The position of therapists in education.
- (b) The possible introduction of an assistance programme for personnel whose services are terminated voluntarily.
- (c) The restructuring of pension benefits.
- (d) Pension benefits in respect of the severance package.
- (e) Guidelines on learner:educator ratios in respect of colleges of education and pre-primary education.
- (f) Revision of the present provision for early retirement with reduced benefits.
- (g) Norms for post provisioning outside educational institutions.
- (h) Revised personnel administration measures to provide for the new salary and post structures.
- (i) Revised grading norms of institutions in accordance with the revised post level structure.
- (j) Grading norms in respect of colleges of education and pre-primary schools.
- (k) Procedure manual in respect of the redeployment of educators.

2. The parties agree and resolve in terms of section 12 of the Education Labour Relations Act, 1993 (Act 145 of 1993), in respect of the issues listed in paragraph 1 which are not being handled in another way, on the norms, measures and procedures as set out in Annexure A hereto.

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3. The parties agree that this resolution shall be subject to the provisions of applicable legislation.
4. The Minister of Education is requested in terms of section 12(6)(a) of the Education Labour Relations Act, 1993 to make this agreement binding upon all employers and employees as defined in the Act.

Signed on this 19th day of June 1996 at PRETORIA.

On behalf of the employer

On behalf of the employee

| Organisation | Signature |
|------------------------|------------------------|
| <i>Govt</i> | <i>Dept Education</i> |
| <i>WCEA</i> | <i>WCEA</i> |
| <i>NCED</i> | <i>NCED</i> |
| <i>ASBOB</i> | <i>ASBOB</i> |
| <i>M. Javie</i> | <i>KZNDEC</i> |
| <i>DEPT EDUCATION</i> | <i>DEPT EDUCATION</i> |
| <i>EASTERN CAPE</i> | <i>EASTERN CAPE</i> |
| <i>CTPA</i> | <i>CTPA</i> |
| <i>NPDE</i> | <i>NPDE</i> |
| <i>SOEL</i> | <i>SOEL</i> |
| <i>NWED</i> | <i>NWED</i> |
| <i>Mpumalanga Dept</i> | <i>Mpumalanga Dept</i> |

| Organisation | Signature |
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| <i>OV501</i> | <i>[Signature]</i> |
| <i>APEX</i> | <i>[Signature]</i> |
| <i>SAOU (KZN)</i> | <i>[Signature]</i> |
| <i>SAOU (KZN)</i> | <i>[Signature]</i> |
| <i>SALF</i> | <i>[Signature]</i> |
| <i>NATU</i> | <i>[Signature]</i> |
| <i>RFT</i> | <i>[Signature]</i> |
| <i>DFSTA</i> | |
| <i>SOU</i> | |
| <i>TWATA</i> | |
| <i>VFO</i> | <i>[Signature]</i> |
| <i>CATU</i> | |
| <i>SATA</i> | <i>[Signature]</i> |
| <i>SADTU</i> | <i>[Signature]</i> |

ANNEXURE 'A'

A THE POSITION OF THERAPISTS IN EDUCATION

1. The parties to Council note the State as employer's advice that it has acquainted itself with the responsibilities of therapists in education, their conditions of service as determined in terms of a "PAS" and their concerns and expectations in this regard. The parties also note that the State as employer has informed Council that it has investigated the possibility of transforming the conditions of service of therapists in education to those of educators. This investigation is being done in cooperation with the Department of Public Service and Administration and has not yet been completed.
2. It is agreed that the State as employer be allowed to complete its investigation and obtain a mandate with a view to making a proposal in this regard within three weeks of date on which this agreement is signed

B ASSISTANCE PROGRAM FOR PERSONNEL WHOSE SERVICES ARE TERMINATED VOLUNTARILY

1. The parties acknowledge the need to render assistance, not only to educators whose services are terminated voluntarily, but to all educators in order to enable them to take an informed decision on whether to opt for early retirement or not.
2. The parties therefore agree to render to all educators the following assistance:
 - (a) The printing at central level, for distribution by the provincial education departments, of a brochure aimed at advising prospective recipients of voluntary severance packages on the following issues.

* Factors to be considered in making a decision on whether or not to apply for a package:

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colleges of education which implies that colleges of education will have to have a minimum number of students in order to be economically viable.

- 3. It is therefore agreed that Resolution 4 of 1995 be amended by adding 18:1 as the guideline for a learner:educator ratio for colleges of education.
- 4. It is further agreed that Resolution 4 of 1995 be amended by adding a guideline for a learner:educator ratio for preprimary schools and the preprimary phase (pre-school year) of a primary school of 25:1.
- 5. It is agreed that notwithstanding any other provision, the steps regarding the rationalisation of colleges of education shall be implemented from 1 January of each year concerned.
- 6. It is agreed that if it is necessary to activate the severance package especially to assist the rationalisation of colleges of education, the Minister will consider such an activation after obtaining a mandate in this regard.

D REVISION OF THE PRESENT PROVISION FOR EARLY RETIREMENT WITH REDUCED BENEFITS

- 1. It is noted that Regulation 15(4) published in terms of the Educators' Employment Act, 1994, provides for the voluntary retirement of educators who have already attained the age of 50 years and who have completed at least 10 years actual uninterrupted pensionable service. Such pension benefits are reduced by 0,4% for every month or part thereof that an educator retires within ten years prior to his/her retirement date, and 48% plus 0,1% for every month or part thereof more than 10 years before his/her retirement age should an educator retire within 10 to 15 years prematurely.
- 2. It is noted that the retirement measures agreed to in Resolution No 3 of 1996 provide for the voluntary retirement of an educator from the age of 55 in which case a reduction of benefits will be calculated at the rate of 4% for each year of early retirement before the age of 60 and that no reduction will apply in respect of retirement between the ages of 60 and 65.
- 3. It is agreed that the possible withdrawal of Regulation 15(4) be investigated with a view to reaching an agreement in this regard within four months of the signing of this agreement.

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E NORMS FOR POST PROVISIONING OUTSIDE EDUCATIONAL INSTITUTIONS

1. The Council notes the following measures in Resolution 3 of 1996:
 - 1.1 Paragraph 1.7 on the determination of norms for provisioning educator posts outside education institutions.
 - 1.2 Paragraph 5.1.3.6(c) on the revised post level ratio norms (post basket).
2. The Council notes the following information supplied by the Department of Education:
 - 2.1 A survey was made of the existing posts for educators outside education institutions and it was not possible to determine a trend that could assist in proposing a norm or interim norm.
 - 2.2 A reply is still being awaited from the Department of Public Service and Administration regarding the creation of posts on the revised post level 6, bearing in mind that these posts were also included in the norms for management echelon post provisioning in provincial administrations in Chapter J of the Public Service Regulations.
3. The Council is of the opinion that it is necessary to determine sustainable career opportunities for educators.
4. The following is agreed to:
 - 4.1 Interim post level ratio norms are determined, bearing in mind the above-mentioned information. With effect from 1 July 1996 the interim post level ratio norms shall be as follows and paragraph 2(2) of the Personnel Administration Measures is amended accordingly.

| POST LEVEL | RATIOS PER 1000 EDUCATORS |
|------------|---------------------------|
| 1 | 697,20 |
| 2 | 182,20 |
| 3 | 84,50 |
| 4 | 34,20 |
| 5 | 0,95 |
| 6 | 0,95 |

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urgency. This committee will liaise closely with the committee referred to under paragraph E 4.2.

The evaluation of an educator's qualifications in order to determine whether such qualifications are appropriate for appointment or not and to determine what the Relative Education Qualification Value (REQV) of the qualifications is, shall be done in accordance with the measures contained in the document "Evaluation of Qualifications for Employment in Education. In cases where candidates do not comply with the requirements (REQV13) and it is nevertheless essential to appoint such candidates, these cases are regarded as individual relaxations of the requirements and such persons must be remunerated according to the appropriate lower salary ranges.

Note:

Persons with an REQV of 10 who were appointed on or after 1 January 1984 -

- (i) may be appointed only at post level 1; and
- (ii) may be utilised in secondary schools only if they are in possession of a Std 10 certificate.

Experience

- (i) Post level 1

No experience is required for appointment to posts at post level 1.

- (ii) Post level 2-6

The minimum requirements in terms of experience for appointment to promotion posts are as follows:

| Post level | Minimum Experience required (years) |
|------------|-------------------------------------|
| 2 | 3 |
| 3 | 5 |
| 4 | 7 |
| 5 | 8 |
| 6 | 9 |

Note: Actual educator's experience as well as appropriate experience is taken into account for the purposes of appointment at post levels 2 and higher

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DETERMINATION OF SALARIES

(1) Definitions

- (a) A salary range consists of a number (usually 3) salaries (notches). The salary structure of the broader Public Service consists of 16 salary ranges of which ranges 3 to 13 are applicable to educator posts.
- (b) A salary band refers to a set of salary ranges which are applicable to educators on a specific post level and with a specific REQV. Example: The salary band applicable to an educator on post level 1 with a REQV13, consists of salary ranges 6, 7 and 8 as well as the salaries between ranges 6 and 7 and ranges 7 and 8.
- (c) A salary position refers to the position of a specific salary in a salary range, eg. the third salary of range 5 will be referred to as being in salary position 5.3.

(2) The salary structure

The salary structure for educators with effect from 1 July 1996 is as set out below. The salaries between the salary ranges are as an interim measure included in the salary structure to facilitate the phasing-in of the salary grading system. These salary positions will be referred to as I (Interim.)

| Salary range | Salary position | Salary (R) |
|--------------|-----------------|------------|
| 3 | 3.1 | 23526 |
| | 3.2 | 24615 |
| | 3.3 | 25704 |
| | I | 26793 |
| 4 | 4.1 | 27882 |
| | 4.2 | 28905 |
| | 4.3 | 29928 |
| | I | 30951 |
| | I | 31974 |

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(3) Post levels, REQVs and salary ranges

The following table indicates the salary ranges applicable to educators in accordance with their post levels and REQVs.

| POST LEVEL | REQV | APPLICABLE SALARY RANGES |
|------------------------------|-------|--------------------------|
| 1 | 10 | 3 |
| | 11 | 3-5 |
| | 12 | 4-6 |
| | 13 | 6-8 |
| | 14-17 | 7-8 |
| 2 | 10 | 5 |
| | 11 | 6 |
| | 12 | 7 |
| | 13-17 | 8-9 |
| 3 (Former levels 3 and 4) | 10 | 6 |
| | 11 | 7 |
| | 12 | 8 |
| | 13-17 | 9-10 |
| 4 (Former levels 5 and 6) | 11 | 8 |
| | 12 | 9 |
| | 13-17 | 10-11 |
| 5 | 13-17 | 12 |
| 6 | 13-17 | 13 |

(4) General principle

An educator is always appointed to the first salary position of the range applicable to the post to which he/she is appointed: Provided that an educator who is promoted to a higher post level, shall advance at least one salary position. An appointment may only be made to a salary position in the salary band which is applicable to the particular post and REQV concerned.

(5) Recognition of qualifications on the first appointment of an educator

An educator with a REQV of 15, 16 or 17, who is appointed (first appointment) from outside education to post level 1 or an educator with a REQV of 14 to 17 who is appointed (first appointment) from outside education to post level 2 to 4, receives, after he/she has completed a

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period of one year of continuous service, one cash award calculated in terms of the provisions in paragraph 7 hereunder, for each REQV higher than 14 or 13 respectively.

(6) Educators who are reappointed after a break in service

Note: The applicable salary position to which an educator should be appointed after a break in service, is always determined in terms of the salary position which he/she occupied before the break in service. An equivalent salary position of a person who left the service before 1 July 1996 is determined by adjusting his/her last applicable salary in accordance with all the subsequent adjustment measures up to and including the adjustment measures applicable to the salary adjustment on 1 July 1996. In order to compare the level of a post to which a person is reappointed after 1 July 1996 with the level of the post he/she occupied before a break in service before 1 July 1996, the level of the new post must be compared with the equivalent post level of the previous post in the new post level system.

(a) Educators who are reappointed at the same post level

An educator who has had a break in service and who is reappointed to the same post level, shall be reappointed to the same salary position (or equivalent salary position) that he/she occupied before the break in service. Provided that if the educator has improved his/her REQV during the break in service which has the effect that a new salary range becomes applicable the appointment shall be to the minimum of the new salary range or the same salary position occupied before, whichever is more beneficial for the educator. If such educator who has improved his/her REQV during his/her break in service is appointed to the same salary position applicable to him/her before the break in service, he/she will be entitled to a cash bonus in accordance with the measures in paragraph (7)(b) hereunder.

(b) Educators who are reappointed at lower post levels

An educator who is reappointed to a lower post level than the one he/she occupied before the break in service, is appointed to the highest applicable salary position which is lower than the salary position (or equivalent salary position) occupied by the educator

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before the break in service by at least the number of post levels that the new post level is lower than the post level occupied before the break in service. The same provision as in subparagraph (a) applies if an improvement in REQV has taken place.

(c) **Educators who are reappointed to a higher post level.**

An educator who is appointed to a higher post level than the one he/she occupied before the break in service, is appointed to the lowest applicable salary position which is higher than the salary position (or equivalent salary position) occupied by the educator before the break in service by at least the number of post levels that the new post level is higher than the post level occupied before the break in service. The same provision as in subparagraph (a) applies if an improvement in REQV has taken place.

(7) **Recognition for improvement in REQV**

(a) **Where a new salary band becomes applicable**

An educator on post level 1 with a REQV of 10 to 13 or on post levels 2 to 4 with a REQV of 10 to 12, who improves his/her REQV, automatically progresses to the minimum of the salary range applicable to the new REQV or remains at the same salary position if it is already higher than the minimum position. If no progression in salary position has taken place, the educator will be entitled to a cash bonus as set out in sub paragraph (b).

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(b) **Where a new salary band does not become applicable**

An educator on post level 1 with a REQV of 14 to 16 or on post levels 2 to 4 with a REQV of 13 to 16 who improves his/her REQV while in service, receives for each improvement in REQV, a non-pensionable cash award calculated as a certain percentage, still to be agreed upon, of the salary applicable to a certain salary position, still to be agreed upon. Provided that if such REQV improvement takes place before the educator has completed at least one year of continuous service, the award will

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become payable after one year of continuous service has been completed.

- (8) A cash award payable in terms of the previous paragraphs may not be granted to an educator more than once for the same REQV improvement.

ACTING AND OTHER ALLOWANCES

Differentiated allowances

A non-pensionable allowance equal to the difference between the salaries applicable to the educator's salary position and the next salary position, is payable to the following educators:

- (a) Educators on post level 1 who are employed at a school for learners with special educational needs (LSEN).
- (b) Educators at post level 1 who hold the post of principal.
- (c) Educators on post level 1 who have additional responsibilities beyond their teaching responsibilities in respect of a section of agriculture, e.g. agronomy, cattle-breeding, etc.
- (d) Educators on post level 1 who were in the service of the Adult Training Centre, Westlake or the Adult Training Centre attached to the Vereeniging Technical College on 1 October 1984 and who are still in service on post level 1 at one of these institutions. This allowance is therefore not paid to educators who were/are appointed after 1 October 1984.

The parties take note of the State's intention to place on the agenda of Council the possible elimination of the allowances set out in paragraphs (a), (c) and (d) above after one year of this agreement and that the agreement in this regard will be applicable until 30 June 1997. Note is also taken of the employees' view that educators who are receiving these allowances have a legitimate right in this regard.

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(b) EDUCATORS PAID ON A PER-HOUR BASIS

Per-hour tariffs

The following tariffs are applicable in respect of formal tuition contact hours:

Tuition in an educational context up to and including Std. 10 (excluding in respect of self-financing courses):

(i) Qualifications of REQV 13 and higher

Formula: First salary position of range 8

900

rounded off to the nearest five cents

(ii) Qualifications lower than REQV 13

Formula: The maximum salary position of the salary band connected with the applicable REQV at post level 1

900

rounded off to the nearest five cents.

Note: In the case of educators on a personal salary position: The last salary position of the prior salary range is applicable.

Tuition in an educational context beyond Std 10 (excluding in respect of self-financing courses):

Formula: Second salary position of range 9

900

rounded off to the nearest five cents.

Note: In the case of educators on a personal salary position - The last salary position of the prior salary range is applicable.

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G REVISED GRADING NORMS FOR EDUCATIONAL INSTITUTIONS

| TYPE OF EDUCATIONAL INSTITUTION | NUMBER OF FULL TIME EQUIVALENT LEARNERS | GRADING OF INSTITUTION | POST LEV OF HEAD INSTITUTI |
|---|--|------------------------|--------------------------------------|
| Primary Ordinary Schools | Above required minimum but fewer than 80 | P1 | 1 + applica allowance defined in PAM |
| | 80 - 159 (as well as schools with fewer than 80 learners but with more than one educator | P2 | 2 |
| | 160 - 719 | P3 | 3 |
| | 720 + | P4 | 4 |
| Secondary Ordinary Schools and Combined Ordinary Schools | Above required minimum but fewer than 630 | S3 | 3 |
| | 630 + | S4 | 4 |
| Comprehensive Schools (Secondary schools with a full complement of technical or agricultural subjects added). | Above required minimum but fewer than 500 | S3 | 3 |
| | 500 + | S4 | 4 |
| Art, Ballet, Drama and Music Schools | Above required minimum but fewer than 400 | S3 | 3 |
| | 400 + | S4 | 4 |

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| Technical Colleges | Above required minimum but fewer than 300 | T3 | 3 |
| | 300 - 1519 | T4 | 4 |
| | 1520 | T5 | 5 |
| Schools for learners with specialised educational needs | Above required minimum but fewer than 350 | SS3 | 3 |
| | 350 + | SS4 | 4 |

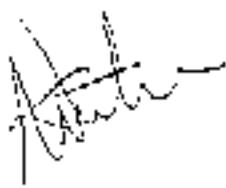
H GRADING NORMS IN RESPECT OF COLLEGES OF EDUCATION AND PREPRIMARY SCHOOLS

1. It is agreed that the following grading norms shall apply in respect of colleges of education and preprimary schools:

| Type of educational institution | Number of full time equivalent learners | Grading of institution | Post level of head of institution |
|---------------------------------|--|------------------------|--|
| Pre-primary schools | Above required minimum but fewer than 60 | PP1 | 1 + applicable allowance as defined in the PAM |
| | 61-119 | PP2 | 2 |
| | 120 + | PP3 | 3 |
| Colleges of education | Above required minimum but fewer than 1100 | C4 | 4 |
| | 1100 - 1699 | C5 | 5 |
| | 1700 + | C6 | 6 |

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2. Notwithstanding any other provision the rationalisation of Colleges of Education will be implemented with effect from 1 January of a year.
3. It is noted that the provision of posts at post level 6 is still under consideration in consultation with the Department of the Public Service and Administration. New posts at post level 6 may only be created when this matter has been resolved. If no solution is reached within 3 months from the date on which this agreement is signed, the matter shall be submitted to the Council again.



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