

# CONDITIONS OF SERVICE

## ANSWERS TO THE MOST FREQUENTLY ASKED QUESTIONS

(in alphabetical order)

### ACTING ALLOWANCE

- Will I get an acting allowance if I act longer than twelve months in a higher post?

*No. The collective agreements do not allow for the payment of an acting allowance after a period of twelve months. It is, however, possible to act in another post for twelve months.*

- Where can I find the measures regarding the payment of acting allowances?

*In Chapter D, par 1.3 of the PAM.*

### ADDITIONAL REMUNERATION FOR OFFICIAL DUTIES/PRIVATE WORK

- May employees of the Department of Education employed at schools receive additional remuneration for official duties?

*Only after the Governing Body has obtained the approval of the employer to remunerate the educators/public servants. (Section 38A, SASA)*

- May an educator/public servant earn an additional income by doing private work?

*Only after he/she has obtained the approval of the employer. (Section 33, EEA)*

### APPOINTMENTS

- May I be appointed to a permanent post if I do not have a professional teaching qualification?

*Yes. Par 2.2 of Chapter B of the Personnel Administration Measures (PAM) determines that educators who teach/instruct certain subjects/programmes/areas are not required to have a teaching qualification.*

- May I be promoted if I do not have a teaching qualification?

*Yes, but educators must note that the PAM also stipulates that preference must be given to those applicants who have a teaching qualification.*

### ATTENDANCE REGISTER

Does the head of the institution have the authority to instruct educators to sign an attendance register?

*Yes*

## **FUNERAL BENEFIT**

Does a pensioner qualify for a funeral benefit paid by the Government Employees Pension Fund?

*Yes. Public servants/pensioners and their spouses/registered life partners and minor children qualify for the funeral benefit. If both employees/pensioners are members of the GEPPF, both qualify for a funeral benefit of R7,500.*

## **LEAVE**

- Can I still accrue leave?

*No, since 1 July 2000 no leave can be accrued.*

- What will happen to my accrued leave?

*Accrued leave has been translated to working days and capped. All capped leave will be paid when employees retire or go on early retirement or retire on medical grounds or pass away. Upon resignation none of the capped leave will be paid.*

## **SICK LEAVE**

- How many days sick leave do I have?

*36 working days per three-year cycle. The current cycle started this year 2016.*

- What must I do if my sick leave is depleted?

*Employees MUST apply for temporary incapacity leave on the appropriate Pilir form. A medical certificate must be included. Should employees not apply for temporary incapacity leave, the sick leave will be deducted from capped leave or considered as unpaid leave. Please submit sufficient proof e.g. medical reports, x-ray results, blood test results, scan results.*

- What is the maximum number of days that I can take as temporary incapacity leave?

*No maximum. Head of education must approve leave, provided that the application form "Temporary incapacity leave" was completed. Please contact the SAOU office.*

## **MATERNITY LEAVE**

- How many days maternity leave do I have?

*Employees of the State are entitled to 4 consecutive months' maternity leave on full pay.*

- Does one count the weekends and holidays?

*Yes. Maternity leave commences at least 14 days prior to the expected date of birth but not later than the actual date of birth.*

- Must I have a permanent appointment and/or have been appointed for a certain period before I qualify for maternity leave?

*No. All employees qualify immediately for maternity leave, but temporary employees will be granted paid maternity leave that is proportional to their term of contract at a rate of 10 calendar days' maternity leave with full pay calculated at each calendar month of their term of contract to a maximum of 4 calendar months, where after maternity leave without pay will be granted.*

- For how many pregnancies may I apply for maternity leave?

*No limitation.*

- I am a SGB employee. Do I qualify for maternity leave?

*The SGB is obliged to give 120 consecutive days unpaid maternity leave. SGB employees contribute to the UIF and they should be able to claim from the fund for the maternity leave.*

- Does a father qualify for paternity leave?

*Yes with effect from 20 May 2015.*

*He may take 3 working days paternity leave when his child is born. He may also take 5 days family responsibility leave when his child is born.*

- Do educators and public servants still have ten days leave per annum that they can take during terms/semesters.

*No*

- What replaced the 10 days?

*Since 2001 educators have 12 days (14 since May 2015) special leave available, which they may take on certain conditions. It includes family responsibility leave and leave for urgent private affairs. Educators have 3 days (5 since May 2015) family responsibility leave when a child or spouse is ill. They have 5 days leave for death in the immediate family. If an educator does not use the special leave available for family matters, as prescribed in Chapter J of the PAM, he/she has 12 days (14 since May 2015) available that may be utilised for urgent private affairs.*

***Public servants'** leave dispensation was amended on 1 January 2004 and since then they do not qualify for 10 days leave during terms/semesters. Their annual leave*

*consists of 27 (30) working days of which 5 (7) may be taken during terms/semesters. When the institution closes for holiday, they have time off.*

*5 working days family responsibility leave per annual leave cycle for utilisation if the **employee's spouse or life partner gives birth to a child; or the employee's child, spouse of life partner is sick; and***

*5 working days leave per annual leave cycle for utilisation if the **employee's child, spouse or life partner dies; or an employee's immediate family member dies.** Family responsibility leave is leave over and above the 5 days annual leave that may be taken during the term/semester.*

- I want to go on a long weekend with my family to a game farm/go on honeymoon. May I take leave for urgent private affairs?

*No. It will not be considered as an urgent matter.*

- Why do I have to give reasons/motivate if I apply for leave for urgent private matters?

*The leave is granted on the condition that the employer must determine whether the leave is utilised for urgent matters.*

## **LONG SERVICE RECOGNITION**

- May I still apply for the discounting of 10 days capped leave (for 20 years' service) and 15 days (for 30 years' service)?

*Yes, if the 20 years or 30 years of service was before 1 August 2012 and on the condition that the employee has so many days capped leave to his/her credit.*

- Do I still qualify for a golden watch after 30 years' service?

*No, recognition for satisfactory uninterrupted service is granted as from 1 August 2012 in the following instances:*

*From 1 April 2015:*

- *Ten years' uninterrupted service : a certificate and 30 days of annual leave (Educators are excluded from the 30 days annual leave)*
- *Twenty years' uninterrupted service : a certificate and an amount of R8,882-00*
- *Thirty years' uninterrupted service : a certificate and an amount of R17,764-50*
- *Forty years' uninterrupted service : a certificate and an amount of R23,686-00*

Take note of the adjusted amounts since the implementation in August 2012

## LONG SERVICE RECOGNITION : PSCBC RESOLUTION 1/2012

POLICY BEFORE 1 AUGUST 2012	POLICY FROM 1 AUGUST 2012	2012	1 Apr 2013	1 Apr 2014	1 Apr 2015
<b>20 YEARS SERVICE:</b> <ul style="list-style-type: none"> <li>Discount 10 days capped leave</li> <li>Certificate</li> </ul>	<b>20 YEARS SERVICE:</b> <ul style="list-style-type: none"> <li>Cash amount before deductions</li> <li>Certificate</li> </ul>	R7 500	R7 920	R8 371	R8 882
<b>30 YEARS SERVICE:</b> <ul style="list-style-type: none"> <li>Discount 15 days capped leave</li> <li>Qualify for cash amount (amount was adjusted annually)</li> <li>Certificate</li> </ul>	<b>30 YEARS SERVICE:</b> <ul style="list-style-type: none"> <li>Cash amount before deductions</li> <li>Certificate</li> </ul>	R15 000	R15 840	R16 743	R17 764-50
<b>40 YEARS SERVICE:</b> <ul style="list-style-type: none"> <li>No recognition</li> </ul>	<b>40 YEARS SERVICE:</b> <ul style="list-style-type: none"> <li>Cash amount before deductions</li> <li>Certificate</li> </ul>	R20 000	R21 120	R22 324	R23 686

### MEDICAL AID SUBSIDY

- Do both husband and wife qualify for a subsidy if both are employed by the state:

*Yes, on condition that both are primary (main) members of a medical aid.*

- Do I qualify for continuous medical aid subsidy when I retire?

*Yes, on retirement or early retirement, after 15 years of service. Previous periods of service with the state may also be taken into account. An employee must be the primary (main) member with a medical subsidy for at least 12 months before retirement to qualify.*

### QUALIFICATIONS

- Will I get recognition for the improvement of my qualifications?

*Yes. The salaries of educators with REQV 13 and those who are on salary level 6, will be adjusted to the 1<sup>st</sup> notch of salary level 7.*

*Educators with REQV 13, but remunerated on salary level 7, and educators with REQV 14 or higher, will receive a cash amount equal to 10% of the annual salary notch 7.1. The salaries of educators with REQV lower than 13 will be adjusted to the next salary level. **The salary levels referred to, is the salary levels before the implementation of OSD on 1 January 2008.***

*As from 1 January 2008 educators with REQV 13 will be remunerated on OSD code 85 and educators with REQV 14 or higher will received a cash amount of equal to 10% of OSD code 85.*

*Public servants*

*RECOGNITION OF IMPROVED QUALIFICATIONS*

*The employer will recognise the attainment of an improved qualification which is **related to an employee's scope of work and enhances the employee's performance and the service delivered by the employee.***

*Upon attainment of the said qualification, the employee will receive a once-off cash bonus of 10% of his/her annual salary notch, provided this does not exceed the minimum notch of salary level 8.*

*Sectors must define the qualifications which are relevant to their respective areas of work and determine the conditions or criteria applicable for recognition of such qualifications.*

*The cash bonus referred to in clause 7.2 above will be payable to employees with effect from 1 January 2013.*

*Employees who have received state-funded bursaries for the attainment of an improved qualification are not eligible for the once-off cash bonus referred to in clause 7.2 above.*

*The cash bonus is limited to the attainment of one additional qualification.*

*Notwithstanding the above provisions, where Sectors have more favourable conditions, such conditions shall be retained and any amendment thereof maybe negotiated in the Sector.*

**RESIGNATION**

- May a temporary educator give 24 hour notice?

*No. There is no difference between the conditions of service of a permanent and temporary educator. The Employment of Educators stipulates that an educator must give 90 day notice, but he/she may request the head of education to approve a shorter notice period. An educator appointed in a temporary capacity, with a **contract, can give one month's notice if it was stipulated in the contract.***

- Will capped leave be discounted and paid to an educator/public servant when he/she resigns?

*No. He/she forfeits the leave.*

- What benefits does an educator/public servant receive when he/she resigns?

*No benefits other than pension benefit. Please contact the Call Centre for more details.*

*Service bonus. No pro rata service bonus will be paid. An educator whose services are terminated for any reason with effect from the day following his or her service bonus pay date (end of month) qualifies for the service bonus.*

## **RETIREMENT / PENSION**

- At what age may I retire early?

*Educators from the age of 50 provided that the educator was appointed before 1 May 1996 and has completed (without interruption) a period of ten years continuous pensionable service. It is the right of the educator to retire early from the age of 55. Please contact the Call Centre for more details.*

*Public servants have the right to retire early from the age of 55. Bear in mind that your annuity and gratuity will be reduced by 0.333 for each month between your date of retirement and the age of 60. For example:*

*An educator who retires at the age of 50 will have his/her pension benefits reduced by:*

$$\begin{aligned} 12 \text{ months} \times 10 \text{ years} &= 120 \text{ months} \times 0,333 \% \\ &= 39,9\% \end{aligned}$$

- What is the compulsory retirement age?

*Both men and women are compelled to retire at the end of the month in which they turn 65. All employees of the state may, however, retire with full benefits from the age of 60.*

- What are my benefits when I retire?

*Contact the SAOU in this regard or visit our website [www.saou.co.za](http://www.saou.co.za) or the website of the GEPF [www.gepf.gov.za](http://www.gepf.gov.za)*

- Is it possible to buy back pension?

*Yes. Contact the SAOU for more information.*

- When I retire, may I request that my actuarial interest (all my pension money) be transferred to an approved pension fund or paid out to me?

*No. Actuarial interest is only payable when an employee resigns. When an employee retires, he/she does not have a choice: with more than 10 years*

*uninterrupted service, he/she will receive a gratuity and a monthly pension from the Government Employees Pension Fund. Employees from age 55 may retire with less than 10 years. Contact the SAOU call centre.*

*To receive your actual interest you must resign; and with resignation you forfeit benefits such as payment of capped leave, pro-rata bonus, etc.*

- Do I have a right to claim interest when I receive my pension benefits months after I have retired?

*Yes. Interest will be paid when a pensioner receives pension benefits later than 60 days after the last day of service.*

## **SALARIES**

- How do I know what my salary should be when I start teaching for the first time?

*Educators with a three-year qualification (REQV 13) start on OSD salary code 56 (R160,902 pa 1 April 2015). Educators with a four-year or more qualification (REQV 14+) start on OSD salary code 85 (R212,811 pa 1 April 2015)*

- Will I also be appointed on OSD salary code 85 if I have a doctorate and have a REQV of 17?

*Yes. Educators who have a higher qualification than REQV 14 when they are appointed for the **first time, may apply after one year's uninterrupted service for a cash bonus(es) equal to 10% of the OSD salary code 85 for additional qualifications, provided that the additional qualification improves your REQV.***

- Will I have to start on the lowest notch on the applicable salary level if I am appointed again after a break of service?

*No. Educators must submit proof of their last salary in the public service and the salary will then be translated to the current salary notches. An educator who is re-appointed 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 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.*

*Public servants' previous experience in the public service is not recognised when they are re-appointed in the public service. They will have to start on the lowest notch of the applicable salary.*

- How do I progress from one salary to the other?



*An educator can progress to the next salary notch if his/her performance has been evaluated as satisfactory. (IQMS) New entrants appointed after 1 August 2012 will only qualify after a period of at least 24 months.*

*Public servants can progress by means of PMDS evaluation and satisfactory performance to the next salary notch until they reach their maximum. New entrants will only qualify after a period of at least 24 months.*

- Will I reach a stage where I will only qualify for the annual general increase and not notch increases?

*Yes. The principle remains that no employee can progress beyond the maximum salary applicable to his/her post level.*

- Will previous experience outside public education be recognised for salary purposes?

*Yes, on condition that the service is relevant. Only educators appointed after 1 July 1996 may apply to their employers for the recognition of experience gained before 1 July 1996. As from 1 April 2003 an educator qualifies for 1 notch (1%) for each full year of actual or suitable experience.*

- If I am on unpaid leave on the last day of a term, will I be paid for the holiday?

*No.*

## **SERVICE BONUS**

- Will a pro rata bonus be paid out when I resign?

*No*

- Will my bonus or pro rata bonus be paid when I retire/retire early/retire on medical grounds?

*Yes*

## **SGB APPOINTEES**

- I recently started teaching at School Y. The principal of the school informed me verbally what my conditions of service would be. I do not have a service contract. Is that correct?

*No. SGBs are, in terms of the Basic Conditions of Employment Act, obliged to enter into a written contract with each employee.*

- Why must I do the same work as an educator/administrative staff member employed by the Department of Education if I earn less than **they do**. **Shouldn't we get the same salary?**

*The SGB is an independent employer and they are not obliged to offer the same service benefits as the State. The conditions of service must satisfy the requirements of the Basic Conditions of Employment Act.*

## **TRANSFERS**

Does an educator keep his/her permanent status and other benefits when he/she is transferred to another post?

*Yes, on the following conditions:*

*Both SGBs/college councils must recommend the transfer. The Department of Education (as well as the other state department applicable) must approve the transfer. An educator/public servant must under no circumstances report to the institution before he/she has received an official letter from the employer indicating that the transfer has been approved and that the employee has been appointed in a permanent capacity.*

## **UNEMPLOYMENT INSURANCE FUND (UIF)**

- Do temporary public servants/educators contribute to the UIF?

*No*

- May I claim my earlier contributions from the fund when I retire?

*No. UIF is based on the same principles as short term insurance. A person is only covered as long as he/she contributes to the fund.*

## **VOLUNTARY SEVERANCE PACKAGE**

- Has the moratorium on the re-appointment of persons who took the VSP in 1996 – 1998 been lifted? May such persons be appointed permanently again?

*Yes, provided that there is no other suitable educator available and the re-appointment was approved by the Head of Education (currently Mr Edward Mosuwe).*