

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



COLLECTIVE AGREEMENT 2 OF 2018

25 SEPTEMBER 2018

**AMENDMENTS TO PARAGRAPH B 8.5.2 & B 8.5.3
OF THE PERSONNEL ADMINISTRATIVE
MEASURES**

H.M. My

EDUCATION LABOUR RELATIONS COUNCIL**COLLECTIVE AGREEMENT 2 OF 2018****AMENDMENTS TO PARAGRAPH B 8.5.2 & B 8.5.3 OF THE PERSONNEL ADMINISTRATIVE MEASURES****1. PURPOSE OF THIS AGREEMENT**

The purpose of this agreement is to amend and repeal respectively measures regarding the reappointment of educators after a break in service contained in Paragraph B 8.5.2 & B 8.5.3 of Chapter B of the Personnel Administrative Measures.

2. SCOPE OF THIS AGREEMENT

This agreement applies to and binds:

- 2.1 The Employer, as defined in the Employment of Educators Act 76 of 1998 as amended;
- 2.2 The Trade Unions in the Education Sector; and
- 2.3 All employees of the employer as defined in the Employment of Educators Act 76 of 1998, whether such employees are members of trade union parties to this agreement or not.

3. THE PARTIES TO COUNCIL NOTE AS FOLLOWS:

- 3.1 Education Labour Relations Council Resolution No. 6 of 1996: Residual Issues Emanating from Resolution No 3 of 1996 (Paragraph 6 of Annexure A).
- 3.2 Education Labour Relations Council Resolution No 7 of 2001: New Leave Measures for Educators and Provision for the Remuneration of Educators who Perform Child Care Duties during Periods of Leave.
- 3.3 Lack of knowledge fueled by rumours and a distrust of the pension laws reforms led to a spike in the number of teachers and public servants resigning to access their pensions and immediately thereafter seek to re-enter the profession. This has resulted in instability and threatened the commitment of Provincial Departments of Education (PEDs) to ensure that there is a right teacher, at the right time, in the right class teaching effectively.

4. THE PARTIES TO COUNCIL THEREFORE AGREE AS FOLLOWS:

4.1 To request the Minister of Education to amend Paragraph B 8.5.2 & B 8.5.3 of Chapter B of the Personnel Administrative Measures in accordance with the attached document (Annexure A).

5. DATE OF IMPLEMENTATION


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

6. DISPUTE RESOLUTION

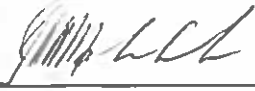
Any dispute arising from the application or interpretation of this collective agreement shall be referred to the *Council* for resolution in terms of its dispute resolution procedures.

THUS DONE AND SIGNED AT CENTURION THIS THE DAY OF 25 September 2018

ON BEHALF OF THE STATE AS THE EMPLOYER

DEPARTMENT	NAME	SIGNATURE
BASIC EDUCATION	H.M. Murecci	

ON BEHALF OF THE EMPLOYEE PARTIES

TRADE UNION	NAME	SIGNATURE
SADTU	MUGWENA MALULEKE	
CTU-ATU		

ANNEXURE A**DETERMINATION OF SALARIES****B.8.5.2 Educators who are reappointed after a break in service**

B.8.5.2.1 An educator who is appointed after a break in service shall always be appointed to the entry level salary notch code of the salary band of the post to which he/she has been appointed under the following conditions:

- (a) Should an educator resign or retire and comes back in service on the same level and has more than 6 years of uninterrupted service on that particular post level, such an educator shall be awarded additional 6 notches to the minimum (entry) notch of the post which he/she is appointed.
- (b) Should an educator resign or retire and comes back in service on the lower post level and has more than 6 years of uninterrupted service on any post level, such an educator shall be awarded additional 6 notches to the minimum (entry) notch of the post which he/she is appointed.
- (c) Should an educator resign or retire and comes back in service on the same level and has less than 6 years of uninterrupted service on that particular post level, such an educator shall be appointed to the minimum (entry) notch of the applicable post.
- (d) Should an educator resign or retire and comes back in service on the lower level and has less than 6 years of uninterrupted service on that particular post level, such an educator shall be appointed to the minimum (entry) notch of the applicable post.

B.8.5.2.2 Recognition of actual experience for promotion purposes:

- (a) The educator's years of actual experience will still be considered for promotion purposes. E.G. If a deputy principal applies for a promotion post of deputy principal again after a break in service, his/her actual years of service will still be recognised for promotion purposes.

B.8.5.2.3 Appropriate experience obtained outside public education for determination of salary:

- (a) The provisions as outlined in Chapter B.8.4.3.1 relating to the above-mentioned in the determination of salary will not apply to educators who have resigned or retired and reappointed.