

GRANTING OF LEAVE AND THE COMBINED COMPLEXITIES RE SUBSTITUTES, PARTICULARLY EXTERNAL SUBSTITUTES

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**BACKGROUND**

**MSM CHAPTER 12.12**

THE DIFFERENCE AMONG STAFF MEMBERS APPOINTED IN TERMS OF THE PUBLIC SERVICE ACT (103 OF 1994)

THE LAW ON BASIC SERVICE CONDITIONS (75 OF 1997)

THE LAW ON THE EMPLOYMENT OF EDUCATORS (76 OF 1992)

**MOST IMPORTANT: BEING CONSISTENT, KNOW THE CONDITIONS AND REGULATIONS**

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**GOVERNMENT EMPLOYEES**

- IMPORTANT TO KNOW THE "DETERMINATION AND DIRECTIVE ON LEAVE OF ABSENCE IN THE PUBLIC SERVICE (JUNE 2015)
- LEAVE ENTITLEMENTS ANNEXURE A
- NO DIFFERENCE BETWEEN ADMINISTRATIVE POSTS AND GENERAL WORKERS POSTS
- MUST TAKE AT LEAST 22 OF THE 27/30 DAYS DURING SCHOOL HOLIDAYS
- REMAINING 5 OR 8 DAYS MAY BE TAKEN DURING SCHOOL HOURS
- STAFF MAY NOT BE KEPT AT THE INSTITUTION DURING SCHOOL HOLIDAYS WITHOUT RELEVANT REASONS OR ADDITIONAL DUTIES

**- NO SUBSTITUTES ARE PAID BY THE DEPARTMENT**

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**BASIC CONDITONS OF SERVICE**

**WHO ARE AFFECTED BY THIS**

- STAFF APPOINTED BY THE SGB
- ENSURE THAT LEAVE MEASURES ARE INCLUDED IN THE SGB CONTRACTS
- INDICATE WHAT TYPE OF LEAVE MUST BE TAKEN WITHOUT PAY
- SUBSTITUTES MUST BE RENUMERATED AND APPOINTED BY THE SGB
- NOT THE DUTY OF THE EMPLOYER (GOVERNMENT) TO RENUMERATE SUBSTITUTES

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**EMPLOYMENT OF EDUCATORS ACT**

**DEPARTMENTAL APPOINTMENTS**

- THE PRINCIPAL IS THE PROFESSIONAL MANAGER OF THE SCHOOL
  1. SECTION 16 A SASA (2)(a)(ii)
  2. PAM CHAPTER A ANNEXURE A.7 3.1.1.2  
" the management of all educators and support staff "
- THE PRINCIPAL RECOMMENDS ALL LEAVE
- LEAVE FOR URGENT PRIVATE AFFAIRS – 14 DAYS NOT PRESCRIPTIVE (CUT IN STONE)

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**EMPLOYMENT OF EDUCATORS ACT**

**WHEN DOES THE DEPARTMENT APPOINT A SUBSTITUTE?**

- WHEN AN EMPLOYEE TAKES MATERNITY LEAVE
- ADOPTION/SURROGACY PREGNANCY
- WHEN EDUCATOR IS ON SICK LEAVE FOR LONGER THAN 20 DAYS WITH MEDICAL CERTIFICATE
- PILIR LEAVE (Policy and Procedure on Incapacity Leave and Ill-Health Retirement (PILIR))
- **NB! THE FACT THAT THE DEPARTMENT APPOINTS A SUBSTITUTE DOES NOT MEAN THAT THE PILIR LEAVE HAS BEEN APPROVED**

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**APPOINTMENT OF A SUBSTITUTE**

**WHAT IS THE RESPONSIBILITY OF THE PRINCIPAL?**

- DISTINGUISH BETWEEN A SUBSTITUTE WHO WILL ONLY DO RELIEF TEACHING FOR ONE OR TWO DAYS AND SOMEONE WHO WILL SUBSTITUTE FOR A LONGER PERIOD
- PLANNING – YOU KNOW THAT THERE WILL BE DAYS WHEN STAFF WILL BE ABSENT, HAVE A BACK UP PLAN
- BUDGET FOR SUBSTITUTES DURING THE BUDGET MEETING WITH THE SGB
- COMPILE A DATA BASIS OF POSSIBLE SUBSTITUTES
- KEEP A LIST OF RETIRED EDUCATORS IN YOUR AREA
- EXTERNAL SUBSTITUTES MUST BE REGISTERED WITH SACE

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**APPOINTMENT OF A SUBSTITUTE**

**WHAT IS THE PRINCIPAL'S RESPONSIBILITY?  
(CONTINUED)**

- IT IS NOT THE RESPONSIBILITY OF THE EDUCATOR/ADMIN STAFF TO LOOK FOR A SUBSTITUTE OR EVEN PAY THE SUBSTITUTE
- THIS CAN HAVE LEGAL IMPLICATIONS FOR THE EDUCATOR BECAUSE THE EDUCATOR CAN NEVER BE THE EMPLOYER

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