

RESOLUTION NO 4 OF 2002

PROCEDURE IN DEALING WITH SENIOR MANAGEMENT PERSONNEL AFFECTED BY A DECLARATION OR MERGING OF INSTITUTIONS BY AN MEC (EDUCATION) IN TERMS OF THE FURTHER EDUCATION AND TRAINING ACT, 1998

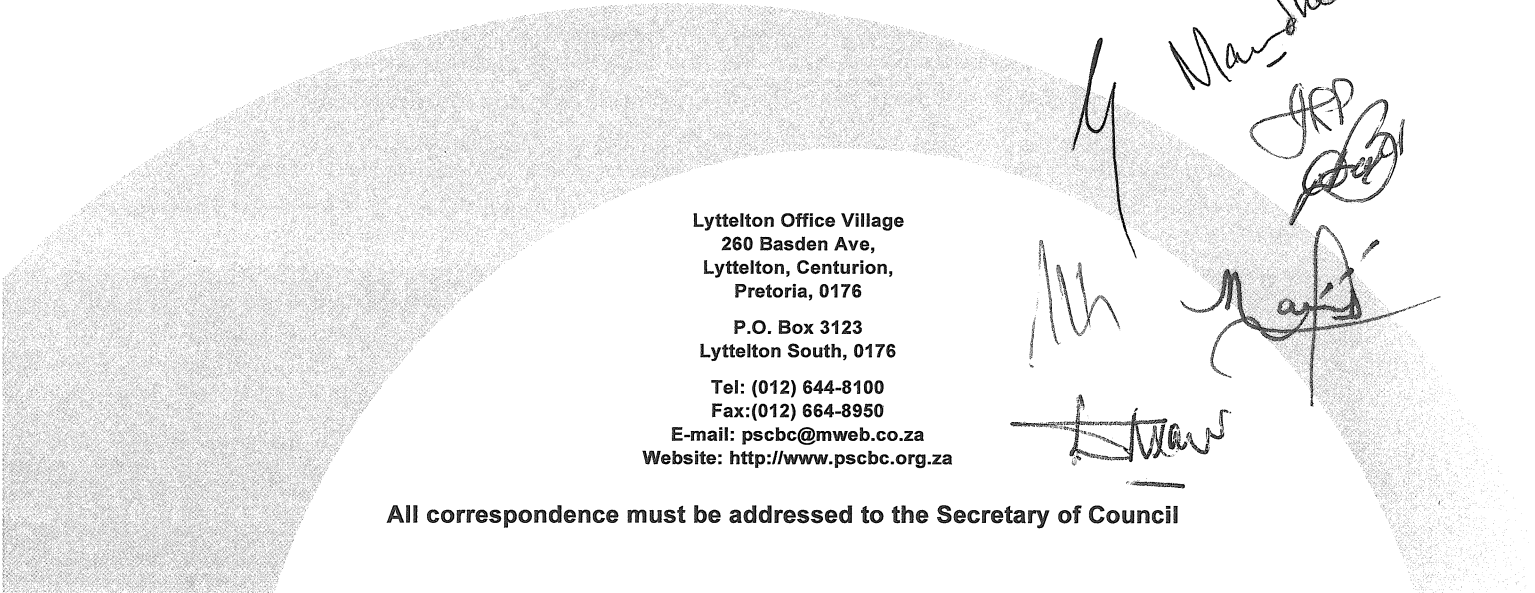
1. Definitions

For purposes of this agreement, the senior management layer of a Further Education and Training Institution will be the post of the principal/head of institution as well as the executive management posts directly below that of the principal/head of institution. None of these posts will include any of the posts at any of the colleges that have been declared and/or merged into an FETI.

2. Scope of agreement

This agreement binds:

- (a) the employer;
- (b) the employees of the employer who are members of the trade union parties to this agreement; and
- (c) the employees of the employer who are not members of the trade union parties to this agreement, but who fall within the registered scope of Council.



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All correspondence must be addressed to the Secretary of Council

3. Parties to Council Note as Follows:

- 3.1 An MEC responsible for education in a province may, in terms of the Further Education and Training Act, 1998, after the required consultation:
- 3.1.1 declare any institution providing further education and training, as a public further education and training institution (FETI), and;
 - 3.1.2 merge two or more public further education and training institutions into a single institution.
- 3.2 A list of the colleges that will be affected by a declaration and/or merger is attached as Annexure A.
- 3.3 In some cases, two or more institutions may be merged into a single public further education and training institution directly after declaration. In other cases an institution may be declared as a public further education and training institution without subsequent merging.
- 3.4 Where a merger follows a declaration the act of declaration will not affect the position of any employee except for Senior Management.
- 3.5 In terms of section 197 of the Labour Relations Act, 66 of 1995, the contracts of employment of all staff employed by institutions additional to their departmental staff establishments will not be affected by a declaration or merger.

4. The Parties therefore agree as follows with regard to the position of college principals affected by a declaration and/or merger and the filling of posts in the senior management layer of an FETI:

- 4.1 That the following principles will apply in dealing with affected staff:
- 4.1.1 Wherever possible, all affected current principals and vice principals of colleges will be accommodated in posts that match their skills and qualifications and where their services are required. This exercise will be based on a matching process between the requirements of each post and the qualifications and skills, including skills acquired through experience and prior learning, of the affected staff. The matching process will be conducted by a committee of the council of the institution, on which the employing department will be represented and on which unions of affected staff will have observer status. The representative of the employing

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department will provide advice regarding the process and information that may be required by the committee.

- 4.1.2 Until an affected current principal or vice principal is suitably accommodated, such a person will be held additional to the staff establishment of the employing department. Subject to the requirements of applicable legislation, the employer may transfer such a person to another suitable post in order to ensure that his or her services are utilised optimally. The position to which the person is transferred will not have the effect that a lower salary will apply to him or her. A person will only be transferred to a lower graded post with his or her agreement.
- 4.1.3 The employer may offer a severance package to a person who has been affected by a declaration and/or merger. The granting of a severance package to a person will be dependent on a mutual agreement between the person and the employer in this regard.
- 4.2 The post of principal/head of institution of an FETI will be created in terms of the Public Service Act, 1994, the grading of which will be at the level of a senior manager at salary level 13, but linked to a CORE analysis to determine the actual package. Other posts in the senior management layer will also be created in terms of the Public Service Act, 1994 and will be at an appropriate level within the middle management cadre of the public service.
- 4.3 The filling of the posts of principal/head of institution of FETIs will include –
 - 4.3.1 A national and provincial recruitment exercise.
 - 4.3.2 Short listing by the employer at provincial level in collaboration with the Councils. Principals of colleges that were merged into an FETI will be short-listed should they apply for the post of principal/head of institution of the FETI concerned. Unions will be granted observance status.
 - 4.3.3 Interviewing panels will consist of 2 council members, 2 senior departmental officials and chaired by an additional member of the provincial senior management. Final approval for appointment is the responsibility of the Head of the provincial department. Unions will be granted observance status.
 - 4.3.4 The employer's employment practices will be guided by:

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- Affirmative action measures for designated groups, namely Blacks (which include Indians, Coloureds and Africans), women and disabled educators; and
- Representivity.

4.4 A head of a department may appoint an acting principal for a limited period by transferring a senior person from one of the pre-merged institutions or elsewhere in terms of section 8(5) of the Employment of Educators Act, 1998 or other applicable legislation. The appointment of a person as acting principal may not unfairly advantage or disadvantage him or her in the permanent filling of the post. The agreement that was reached in the PSCBC or relevant sectoral council on acting allowances shall serve as a basis for the payment of acting allowances.

4.5 The other posts in the senior management layer of the FETI will be filled after being advertised in an open vacancy list.

4.6 That staffing norms for the FET Sector be determined according to the applicable legislation.

5. **Date of implementation**

This agreement shall come into effect on the date it is signed in Council and will remain in effect until terminated or amended by agreement.

6. **Dispute Resolution**

If there is a dispute about the interpretation or application of this agreement any party may refer the matter to the Council for resolution in terms of the dispute resolution procedure of the Council.

7. The Council will monitor the implementation of this agreement.

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Map: The New Institutional Landscape for Public FET Colleges

Eastern Cape

- A. Russell Road TC
Iqhayiya TC
Bethelsdorp TC
Zincedeni TC
East Cape Training Centre
- B. Uitenhage TC
Kwa-Nobuhle TC
Grahamstown TC
- C. East London TC
John Knox Bokwe TC
Border TC
Vulindlela Technical Centre
- D. Border Training Centre
East London TC (King Williams Town Campus)
Zwelethemba TC
Lovedale Community College
- E. Mapuzi TC
Umtata TC
Engcobo TC
Ikwezi Skills Centre
- F. Clydesdale TC
Sifeto TC
Ngqungqushu TC
Mt Frere TC
RM Mshuqwana TC
- G. Sterkspruit TC
Queenstown TC
Ezibeleni TC
East London TC (Aliwal North Campus)
Dordrecht TC
Iqhayiya TC (Cradock Campus)
- H. Teko TC
HB Tsengwa TC
Centane TC

Free State

- A. Tosa TC
Welkom TC
- B. Bloemfontein TC
Hillside View TC
Thaba Nchu TC
Kagisanong TC
- C. Bethlehem TC
Itemoheleng TC
Kwetlisoeng TC
Lere-la-Tshepe TC
Bonamelo TC
Sefikeng TC
- D. Sasolburg TC
Kroonstad TC
Mphohadi TC

Gauteng

- A. Pretoria West TC
Centurion TC
Atteridgeville TC
- B. Pretoria TC
Soshanguve TC
Mamelodi TC
- C. Germiston TC

D.

- Boksburg TC
Usizo TC
Alberton TC
Kempston Park TC
Brakpan TC
Benoni TC
Lazarus-Nhlapo TC
Springs TC
Isidingo TC
Tlamoha TC

E.

- Manu TC
Krugersdorp TC
Roodepoort TC
George Tabor TC
Molapo TC

F.

- Parktown TC
Highveld TC
Alexandra TC
Eastside TC
Johannesburg TC

G.

- Randfontein
Carletonville
Vanderbijlpark TC
Lekoa TC
Vereeniging TC

KwaZulu-Natal

- A. Vryheid TC
Nongoma TC
Richards Bay TC
- B. Newcastle TC
St Oswalds TC
Madadeni TC
- C. Ezakheni TC
Ladysmith TC
Pinetown TC
- D. Ntuzuma TC
Sivananda TC
- E. Durban TC
Umlazi TC
Swinton Road TC
Central TC
Cato Manor TC
LC Johnson TC
- F. Edendale TC
Plessislaer TC
KZN Midlands TC
Msunduzi TC
Northdale TC
Port Shepstone TC
Enyenyenzi TC

Mpumalanga

- A. Nelspruit TC
Mlumbati TC
Mthimba TC
- B. CN Mahlangu TC
Mpondozankomo TC
Middelburg TC
Witbank TC
Ndebele College of Education
Evander TC
Standerton TC
Ermelo TC

Northern Cape

- A. Northern Cape TC
Kimberley TC

B.

- Upington TC
Namaqualand Technical Training Institute
Kathu TC
De Aar Satellite

Northern Province

- A. Ellisras TC
- B. NPCC
Pietersburg TC
Bochum Community College
- C. Lebowakgomo TC
Potgietersrus TC
- D. Techniven TC
Mavhoi TC
- E. Phalaborwa TC
Sir Val Duncan TC
Mapulaneng TC
- F. Maake TC
Tzaneen TC
Giyani TC
Modjadji CC
CS Barlow TC
Dr CN Phatudi CC

North West

- A. Mafikeng Manpower Centre
Lehurutshe College of Education
Lichtenburg TC
Potchefstroom TC
Taung College of Education
Klerksdorp TC
Jouberton TC
- B. Temba Manpower Centre
Brits TC
Rustenburg TC
Odi Manpower Centre

Western Cape

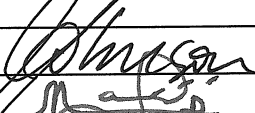
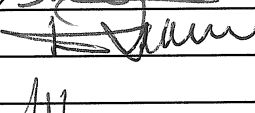
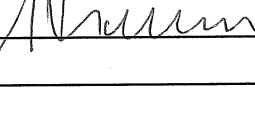
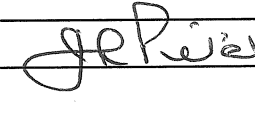
- A. All satellites of existing publicly funded TCs in the West Coast area
- B. Stellenbosch TC
Strand TC
Paarl TC
Worcester Community College
George TC
South Cape Technical Institute
Oudtshoorn TC
Mossel Bay TC
- C. Bellville TC
Protea TC
Tygerberg TC
Wingfield TC
- D. Athlone TC
Cape College
Sivuyile TC
Western Province TC
South Peninsula - Good Hope Campus
South Peninsula College
Westlake TC

ENTERED INTO AND SIGNED AT PRETORIA ON THIS
16 DAY OF MAY 2002.

ON BEHALF OF THE STATE AS EMPLOYER

	Name	Signature
State as Employer	Manoko Nchwe	Mando

ON BEHALF OF TRADE UNION PARTIES

Trade Union	Name	Signature
DENOSA		
HOSPERSA		
NAPTOSA	D.H. BALT	
NUPSAW		
NPSWU	Rennie Fortson	
NEHAWU	JAXA D.M.	
PAWUSA	D.A. van Wyk	
POPCRU		
PSA	H.W. DE CLERCQ	
SADTU		
SAPU		
SAOU	J.R. PIETERSE	