



## 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.

### **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 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:

- 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 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.

## Annexure A

Map: The New Institutional Landscape for Public FET Colleges

<b>Eastern Cape</b>	
A	Russel 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
	Border Training Centre
D	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
	Siteto TC
	Ngqungqushe 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

<b>Free State</b>	
A	Tosa TC
	Welkom TC
B	Bloemfontein TC
	Hillside View TC
	Thaba Nchu TC
	Kagisanong TC
C	Bethlehem TC
	Itemoheleng TC
	Kwetlisong TC
	Lere-la-Tshepe TC
	Bonamelo TC
	Sefikeng TC
D	Sasolburg TC
	Kroonstad TC
	Mphohadi TC
<b>Gauteng</b>	
A	Pretoria West TC
	Centurion TC
	Atteridgeville TC
B	Pretoria TC
	Soshanguve TC
	Mamelodi TC
C	Germiston TC
	Boksburg TC
	Usizo TC
	Alberton TC
	Kempton Park TC
D	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
H	Vanderbijlpark TC
	Lekoa TC
	Vereeniging TC
<b>KwaZulu-Natal</b>	
A	Vryheid TC
	Nongoma TC
B	Richards Bay TC
C	Newcastle TC
	St Oswalds TC
	Madadeni TC
D	Ezakheni TC
	Ladysmith TC
E	Pinetown TC
	Ntuzuma TC
	Sivananda TC
F	Durban TC
	Umlazi TC
	Swinton Road TC
G	Central TC
	Cato Manor TC
	LC Johnson TC
H	Edendale TC
	Plessislaer TC
	KZN Midlands TC
	Msunduzi TC
	Northdale TC
I	Port Shepstone TC
	Enyenyenzi TC
<b>Mpumalanga</b>	
A	Nelspruit TC
	Mlumati TC
	Mthimba TC
B	CN Mahlangu TC
	Mpondozankomo TC
	Middelburg TC

	Witbank TC
	Ndebele College of Education
C	Evander TC
	Standerton TC
	Ermelo TC
<b>Northern Cape</b>	
A	Northern Cape TC
	Kimberley TC
B	Upington TC
	Namaqualand Technical Training Institute
	Kathu TC
	De Aar Satellite
<b>Northern Province</b>	
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
G	CS Barlow TC
	Dr CN Phatudi CC
<b>North West</b>	
A	Mafikeng Manpower Centre
	Lehurutshe College of Education
	Lichtenburg TC
B	Potchefstroom TC
	Taung College of Education
	Klerksdorp TC
	Jouberton TC







5

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	Manoko

## ON BEHALF OF TRADE UNION PARTIES

Trade Union	Name	Signature
DENOSA		
HOSPERSA		
NAPTOSA	D.H. BALE	<i>[Signature]</i>
NUPSAW		
NPSWU	R. J. JOHNSON	<i>[Signature]</i>
NEHAWU	JAXA D. M.	<i>[Signature]</i>
PAWUSA	D.A. VAN WYK	<i>[Signature]</i>
POPCRU		
PSA	H.V. DE CLERCK	<i>[Signature]</i>
SADTU		
SAPU		
SAOU	J.R. PIETERSE	<i>[Signature]</i>