



OFFICE OF THE SUPERINTENDENT GENERAL

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MEMORANDUM

**TO : ALL DEPUTY DIRECTOR GENERAL
CLUSTER CHIEF DIRECTORS
DISTRICT DIRECTOR
CHIEF EDUCATION SPECIALISTS
EDUCATION DEVELOPMENT OFFICERS
PRINCIPALS OF PUBLIC SCHOOLS
CHAIRPERSONS OF SCHOOL GOVERNING BODIES
PROVINCIAL SECRETARIES/CEO's OF LABOUR UNIONS
SCHOOL GOVERNING BODY ASSOCIATIONS**

FROM : SUPERINTENDENT GENERAL

DATE : 5 MARCH 2018

SUBJECT: MANAGEMENT OF IMPLEMENTION CA 1 of 2017

The Superintendent General effectively instruct officials to implement the contents of Collective Agreement 1 of 2017 in order to ensure effective provision of qualified educators in the system to enable quality learning and teaching in schools.

Schools are expected to apply for conversion of employment status on behalf of the temporary educators on or before the **16th March 2018**. The following process should be considered as conversion:

- The post should be substantive vacant post;
- There should be no additional educators available matching the profile of the post occupied by the temporary educator to be considered for conversion;
- There should be no Fundza Lutshaka or BED Bursary holder available matching the profile of the post occupied by the temporary educator to be considered for conversion.

District to consider any recommendation by the School Governing Bodies involving a Temporary educator, after satisfaction has been arrived at that there is no additional educator matching the profile of the post in the pool of additional educators.

Educators currently appointed on a temporary/contract basis in substantive vacant Post Level 1 posts for 3 months or longer and whose contracts have not expired as at the signing of Collective Agreement 1 of 2017, qualify to be considered for conversion in terms of Section 6B of the EEA subject to non-availability of additional educators meeting the profile of the post occupied by the temporary educator. It must be noted that Collective Agreement 1 of 2017 Sections 6 and 7 stipulates the following:

Section 6.3 refers "section 6B of the EEA does not apply to that are":

- 6.3.1. Appointed to vacant substantive promotion posts in an acting capacity, or to Substitutes for permanently employed educators who are who are absent from duty For whatever reason.
- 6.3.2. Having already had the opportunity of an extensive career in education, those who who have early retirement (in an category), been discharged because of ill-health or taken a severance package of whatever nature are excluded from the measures contained in this collective agreement, subject to the following:
 - 6.3.2.1 For early retirees: permission from the Head of Department to be considered for re-appointment;
 - 6.3.2.2 For those who have been discharged for ill-health; provide for proof medical clearance and the approval of the HOD; and
 - 6.3.2.3. For those that have taken severance package: permission from the HOD to be considered for reappointment

Section 7 makes reference to the following:

- 7.2. The conversion of an educators will only be considered if accompanied by if accompanied in writing from the School Governing Body and principal that there are no:
 - 7.2.1 Additional educators available;
 - 7.2.2. Educators who have received Departmental bursaries; and
 - 7.2.3. First time appointment.
- 7.3. Subject to the afore- mentioned provision, the educator concerned must be at time of conversion have been employed in a temporary capacity for a continuous period of at least three (3) Months subject to the recommendation of the SGB as contemplated in section 6(B). Further reference is made to section 9 of Collective agreement 1 of 2017.
- 7.4. It will be the responsibility of the school principal to the substantive vacant post/s occupied by the temporary employee/s and submit and submit such to the district office for permanent conversion.
- 7.5. In addition to the general criteria established, the following need to be adhered to be considered for conversion of his/her temporary/ contract status to permanent. of the post in which he or her conversion of appointment will be made;
 - 7.5.1. Be professionally qualified for the education profession;
 - 7.5.2. Meet the inherent requirements of the post in which he or her conversion of appointment will be made;
 - 7.5.3. Be registered with South African Council of Educators (SACE); and
 - 7.5.4. Educators who resigned from the profession (National or Provincially may only be considered for conversion of their appointment status of their appointment status form temporary/contract to permanent after considering 7.2. above.
- 7.6. The conversion of a temporary appointment to a permanent appointment is approval by the Head of Department.
- 7.7. The temporary educator whose status have been converted to permanent will be subjected to a probation period of a year (12 months) after being made permanent.
- 7.8. Where a vacant substantive post(s) needs to be filled urgently on a temporary or contract basis, such appointment may not exceed a period of 90 days.

- 7.9. Notwithstanding the afore -mentioned provision, ECDOE have discretionary power to advertise and fill such posts through normal recruitment and selection process.

N.B. District Directors are once more instructed to make sure that the process of identification and placement of additional educators is finalised before the **end of May 2018** and in doing so consider clause: B.6.5.6 of Collective Agreement 4 of 2016 which reads as follows:

“The HOD may, in terms of section 8(5) the Act (Employment of Educators Act), temporarily transfer an educator declared additional to the staff establishment without a recommendation of school governing body for a stipulated period”.

Regards.



MS P. VINJEVOLD
SUPERINTENDENT-GENERAL (ACTING)

05/03/2018
DATE