BUILD STRONG WORKPLACE ORGANISATION, CLASS CONSCIOUSNESS AND INTERNATIONALISM
Introduction

Comrades, this bulletin serves as an update on the Technical Vocational Education and Training Colleges (TVET) and Community Education and Training Colleges (CET). The bulletin covers various matters pertaining the sector, amongst others such as post migration challenges, Non-implementation of PSCBC Resolution 3 of 2009, New Post Provisioning Norms, SAFETSA Shutdown and National Day of Action

POST MIGRATION CHALLENGES

Pay Progression Backlogs

The Colleges were requested to provide information related to staff that is potentially owed pay progression backlogs, and to also ensure that the associated paper trail related to these backlogs were in place. The Department is currently reviewing the data received from colleges and once the paper trail is confirmed the required payments will be implemented. However the Department has indicated that if there is no paperwork associated with any backlogs on pay progression payments, no payments will be made. This will be in line with performance management framework, the Public Finance Management Act (PFMA) and National Treasury which requires documentation before payments can be made. The Union will continue to engage the Department to encourage those colleges whose data is still outstanding to comply. The process of verification which includes payments was finalised during the month of August 2016 and the department is now attending individual queries. IQMS for academics was paid on the 23rd of January 2017 for current cycle whereas performance bonuses for support staff were paid in early January 2017. It should be noted that this exercise excludes persal college staff in the North West province whereby the provincial department refuses to effect or pay the staff. This issue has the potential to destabilise the sector if not addressed very soon.

Termination Of 37% Cash In Lieu Of Benefits

As per various circulars issued during 2015 and prior to function shift, it was clear that the 37% cash in lieu of benefits component of a salary would cease on 31 March 2016 when staff would receive benefits instead of cash. This is in line with the Condition of Service Collective Agreements 3 of 2013(ELRC) and 2 of 2013(GPSSBC), which clearly states that the 37% cash in lieu of benefits will only be offered to staff on contract for shorter that 6 months. Thereafter the expectation is that staff should receive benefits and not cash in lieu of benefits. This process has been undertaken and staff affected now has access to benefits. Members are now entitled to benefits are encourage to engage local (college level) HR Team for assistance in processing of these benefits. Three TVET Colleges namely, Orbit (North West), Majuba (KZN) and Maluti (FS) have referred the dispute through bargaining councils over unpaid 37% benefits. Legal should be consulted for an opinion on the matter.

Adjustment With Respect To Housing Allowances

In 2016, DPSA issued an amendment to the policy related to housing allowances as outlined in the PSCBC Resolution 7 of 2015. This meant that the housing allowance was changed to a housing scheme which provided for members to receive R1200 per month towards home ownership that could only be accessible to members who have purchased homes. The option of receiving the R900 per month for rental for members who were already receiving this stayed intact with additional R300 per month now being deposited into an Individual-Linked Savings Facility (ILSF) which would only be accessible once they become home owners.

It is also noted the Collective Agreements related to transfer of staff from TVET Colleges to DHET, provided for staff that transferred to retain 37% cash in lieu of benefits until March 2016. This meant that the affected staff will now access the housing scheme and may not have access to the previously available R900 per month for rental as mentioned above. The current option available for these staff would be access the R1200 per month only if their homes have been purchased. Other than this, the R1200 per month would be deposited
into an ILSF until a home is purchased (as per clause 4.5.6 of PSCBC Resolution 7 of 2015). The DHET and DPSA are currently discussing the impact of the collective agreement related to the transfer of staff to DHET, in relation to the PSCBC Resolution on the new housing to determine the implications on the transferred staff. Members are now receiving housing allowance. Members who are eligible for rental benefit must be encouraged to apply before 31st March 2017.

Absorption of Top-Up Payments On To Persal

In 2015 it was communicated that the absorption of top-ups would attract a pension liability payment which needed to be paid to GEPF to ensure that the affected staff members were able to receive their higher salary at retirement. The actuarial calculations related to this pension’s liability have now been completed and communication on the impact of this calculation on the affected staff was communicated through roadshows during last quarter of 2016. There is a huge GEPF liability on the side of the employees and our view is that employer should settle member’s liabilities. We should also engage legal on the matter.

Relative Education Qualification Value (REQV) Backlogs

Following Circular 16 of 2015, the process of dealing with the Relative Education Qualification Value (REQV) is being managed by a central team at head office. We did inform our members to submit all outstanding lecturer qualification to the national department college principals. The REQV money has been paid to affected TVET staff members and the only outstanding matter is REQVs for CET Colleges which needs extra funding. We are in the process of seeking mandate from members with a view of declaring a dispute for outstanding CET REQV payments. The indication is that if the members does not receive their outstanding payments by 31st December 2016 the matter should be referred as dispute in January 2017. We will convene membership meetings during the month of February 2017 to get a clear mandate.

Non-implementation of PSCBC Resolution 3 of 2009

Members are enquiring about the grade progression as outlined in the PSCBC resolution. We are engaging the DHET to implement the collective agreement in its totality as well as urgent exercise for job evaluation.

Academic calendar versus leave for support staff

There has been an outcry by our support staff members about the college calendar which favours academic staff. The department does not have clear cut policy which must guide them when developing the college calendar. The colleges are not implementing leave measures for support staff as prescribed by DPSA leave manual. We call DHET to instruct college management to implement the policy in uniformity.

Salary discrepancies

The department has adopted 59 different payroll system as result there is lot of salary discrepancies in the system. We are engaging the department to rectify this through the principle of equal pay for similar job. The department has already indicated the processes of job evaluation although they are moving on a snail pace. The matter should be discussed with the minister.

New salary structure for lecturing staff

The DHET has started consultation on the new OSD structure for lecturing staff in TVET sector and the draft proposal is to be tabled before GPSSBC during the first quarter of 2017. Our view is that we should address the issue of harmonization before entertaining the new OSD proposals.
Absorption of Temporary Staff in the TVET Colleges

The process of absorbing qualifying staff into permanency as prescribed in the section 198A-D of the LRA began with the verification by the task team appointed by the minister. The LRA state that employers will only be allowed to employ an employee on a fixed term contract or successive fixed term contracts for longer than three (3) months if the nature of the work the person is employed for is of a limited or definite duration or if the employer can demonstrate any other justifiable reasons for fixing the term otherwise all other temporary and fixed term contact workers should be absorbed after three (3) months.

The verification process resulted in 4199 temporary staff identified with the following findings:

- 2 colleges, namely Vuselela and Goldfields did not have any temporary/contract staff on persal;
- 1652 of these staff were already permanently employed but classified as temporary/contract staff on Persal so that they could retain the 37% cash in lieu of benefits;
- 1377 staff were not eligible to be made permanent due to various reasons, some of which includes resignations, being foreigners, not meeting criteria agreed;
- 18 staff needed to be reviewed due to uncertainties around their qualifications which included aspects related to evidence of qualifications, lack of clear recruitment processes and what the college deemed to be “Project” related work which the task team differed on;
- 1152 Staff were identified as eligible for permanency

While the verification exercise proved successful, it also revealed anomalies, inconsistencies and non-compliance of policies and procedures at colleges. These are issues that require further discussion and interrogation.

The National Implementation Task Team (NITT) resolved that the list of 1152 eligible staff and 702 staff above the threshold of R205433 must be signed off by the DG for permanency. We are still waiting for the DG to sign off the list, however the DPSA has issued a circular which indicates that the section of the law might not be applicable for state employees. There was an issue of 204 staff members whose recruitment process are in doubt and 142 temporary lecturing staff with less than REQV 13. The task team agreed to table them at GPSSBC and ELRC FETC BU for further interrogation. The DG has signed of the list of qualifying staff to be absorbed permanently in December 2016. List of qualifying staff were sent to the colleges in December 2016 and colleges were expected to confirm if the staff are still with the institutions. Colleges were given the deadline of 31st January 2017 and thereafter members should be receiving their absorption letters by 28th February 2017. It should be noted that whilst waiting for the parties to resolve on members who are not eligible colleges like Tshwane North, Central Johannesburg and Western in Gauteng has started terminating some of the contracts. We have confronted DHET to intervene.

Section 198 for Council Paid Staff

The matter of 1700 staff paid by the college councils is before CCMA and the conciliation date was set down on the 12 of December 2016. The employer did not pitch up henceforth we were granted with certificate for arbitration. Colleges like Coastal (KZN-150), SWGC (GP-100), Esayidi (KZN-46) have terminated contracts of council staff members whilst we are still waiting for arbitration dates. Our view is that DHET should finalize and adopt the needs based funding model to salvage 1700 college paid staff affected by the proposed 40% enrolment cut in TVET Colleges

Examinations and resulting

DHET Exam department is operating without policies depending on irrelevant cut and paste basic education polices as leading to the following consequences:

- Quality of Exams (Quality of question papers and memos, late delivery of question papers to centers, leakage of question papers).
• Late payment of markers
• Transport claims for markers whereby members are subjected to humiliations as their must produce stamp from a taxi association for the claim to be approved.
• Appointment of markers, chief markers and Examination Assistants which is inconsistent with PAM.
• Delay of results and pending certificates.

New Post Provisioning Norms

We are currently in the process developing post provision model through NITT to address the issues of underfunding in the sector. In the interim there is popular view from parties that the current model was not tested properly and we must embark on the exercise. Parties believes that if the model is tested properly colleges might get more funds from treasury. We call the department to implement in fully recommendations by Figaji Report which prefers 70% spending on personnel as opposed to current KPMG 63% model.

Interim PPN model CET sector.

Community Education and Training Colleges
The Minister made commitment to our members that the Post Provisioning Norms (PPN) will be developed to address challenges in the sector. The PPN will pave way to the introduction of an interim model. The main reason of this model is to stabilise the sector while the final model will be finalised after the planned international research has been undertaken in 2017. The interim PPN model is envisaged to be concluded before college closes in December 2016. This will assist create post establishment of the sector and thereafter implementation of section 198. It was envisaged that our members from CET Colleges will receive letters before shut down in December indicating permanent absorption but it did not happen. In absence of interim PPN for CET sector the matter should also be taken to the streets.

Lecture development

The policy on lecturer qualification was approved in 2014 but there is no political will by institutions of higher learning to develop qualification. We call the DHET to invest more on lecturer development. It should be mandatory to all institutions of higher learning to offer TVET and CET Lecturer qualification.

COLLECTIVE BARGAINING

PSCBC has sourced a legal opinion in this regard to determine a sector for the TVET employees. The legal PSCBC legal opinion is very clear on the staff who are paid through persal. It says all staff (Both Lecturing and Support) employed in TVET and CET Colleges are employed in terms of public service act therefore their condition of service should be determined at GPSSBC.

We have written to the Council (GPSSBC) requesting the parties to consider concluding a collective agreement as a sector in reference to the Act and the legal opinion as sourced by PSCBC and submit such an agreement to PSCBC for ratification. The matter was discussed in during December 2016 in the council and the council decision is that they are going to request treasury redirect all the levies from ELRC to GPSSBC for all persal paid DHET staff employed in TVET and CET Colleges.

Enrolments

Enrolments started during the second week of January 2016. It has been smooth until the SAFETSA shut down currently underway. The space is very limited so most of the colleges are already full leaving scores of students without spaces. We call the DHET to lead by example and implement PSET projections as outlined
in both White Paper on Post Schooling and NDP 2030. According to those government policies enrolment should increase to 2.5 Million (TVET) and 1 Million (CET) by the year 2030.

SAFETSA Shutdown

We have noted with keen interest the current impasse from the student body SAFETSA. However, while we do not fully agree with their resolution of a total shut down of TVET Colleges, we support the following points tabled on their memorandum.

- Delay of results and pending certificates.
- Insufficient NSFAS Funding and the delay for Accommodation and Transport Allowances.
- Extremely poor Infrastructure Development with no funding model like in Universities.
- Outdated TVET Curriculum.
- Expansion of TVET Colleges in terms of students’ enrolment.
- Skills Development Agenda in line with the National Development Plan (vision 2030)
- Corruption, nepotism and lack of accountability by College Principals.

Outcomes of the Education Task Team Meeting

The Education Task Team resolved that urgent meeting should be convened with the minister to address the following issues:

- Urgent finalization of bargaining scope in the sector.
- Harmonization of condition of service.
- Review of delegation of authority to college principals
- Correct interpretation of the legislation on migration.
- The role of college councils in the current dispensation.
- Intervention on terminations of council paid staff.

SECTION 77 NOTICE STRIKE

We call on all Nehawu members in TVET and CET space to join the National Day of Action march on the 22nd February 2017. We will be marching to the treasury to voice our concerns against the minister of finance’s neo liberal policies. The campaign is about fighting austerity measures by the treasury which are targeted at the General Public Service resulting into drastic cuts in wages cuts as part of reducing public service wage bill, less attractive salaries of lecturing staff in TVET and CET Colleges, high vacancy rate in state admin which affects lower level staff as well lack of spending on TVET and CET infrastructure.

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