



NAPTOSA FET Unit

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NF FET 9/14

NEWS FLASH

TO THE NAPTOSA UNION REPRESENTATIVE

DHET Directive in relation to Human resources Circular No. 5 of 2014

NAPTOSA issued News Flash FET 8 on 2 October 2014 stating our interpretation and position regarding DHET Human Resources Circular 5 of 2014 dealing with annual leave.

At that time NAPTOSA also tried to secure a meeting with DHET officials to discuss the Circular. DHET postponed the scheduled meeting three times before the Union eventually met with Mr John Slater on 14 November 2014. The NAPTOSA representative tabled her concerns about some colleges' interpretation of HR Circular 5 of 2014. DHET agreed to issue a follow-up circular to clarify HR Circular 5 of 2014. The Circular (or Directive) was signed on 2 December and issued to colleges. A copy of the Directive is attached.

Please note the following with regard to the *Directive in relation to the human resources circular no 5 of 2015*:

1. The first bullet (*Office based lecturers are defined as lecturers who are not offering any academic programmes/functions in class but are supporting the teaching and learning functions directly as a Senior Education Specialist, Deputy Chief Education Specialist and Chief education Specialist,*) should be read together with the last bullet (*The circular was never meant to deal with leave matters for staff in Occupation Specific Dispensation (OSD) posts.*)

DHET, in the Directive, confirms NAPTOSA's position, as reflected in News Flash 8 of 2014,: "There are two ways in which lecturing staff and so-called "office-based lecturers" can check whether they fall under the FETCBU (ELRC): (i) the salary advice must indicate under "Deductions" that an amount is deducted for the ELRC (not GPSSBC) and (ii) if the individual is on the OSD salary scale for lecturers (in line with FETCBU (ELRC) Collective Agreement 1 of 2010), it means that the individual still falls under the FETCBU (ELRC) for bargaining purposes and decisions taken in the GPSSBC are not applicable to them."

In terms of the Directive it means that the academic calendar applies to everybody on an OSD salary scale. These lecturers' (including so-called office-based lecturers on the OSD scales) leave dispensation has not been amended. It is most unfortunate that some colleges have instructed NATED lecturers not to go on leave on 2 December. This is clearly an unlawful instruction.

NAPTOSA members falling into the lecturer and office-based lecturer category, as defined above, are also advised not to complete any leave forms under any circumstances, as their leave dispensation has not been amended.

NAPTOSA wants to emphasise that the closing and starting dates for all lecturing staff and office-based lecturers on OSD salary scales are as stated in the official academic calendar. Any instruction by college management to the contrary will be unlawful and NAPTOSA undertakes to support members should any steps be taken against them when they follow the official academic calendar.

2. DHET HR Circular also addressed the leave dispensation of support staff (those who fall under the GPSSBC and who are on public servants' salary scales). In NAPTOSA News Flash FET 8 of 2014 we explained that we agreed with DHET's interpretation of the **Determination of Leave of Absence in the Public Service**, namely that the leave days in December should be part of the 27 or 30 days' annual leave of these employees.

During the meeting with Mr John Slater, NAPTOSA conveyed its position that it would be an unfair labour practice to change support staff's leave dispensation at such short notice. DHET agreed with this. You are referred to the fifth bullet of the attached DHET Directive: "Noting that the leave circular was issued on short notice, it would be prudent for management to ensure that no one is negatively affected by the provisions of the circular."

The above implies that colleges that have always applied the policy of December closure period being excluded from the 27 or 30 days' annual leave, cannot suddenly jump around and instruct support staff to complete leave forms resulting in either unpaid leave or a negative leave credit for 2015. In our opinion it will constitute an unfair labour practice and this union will support its members should they be charged for not completing leave forms or should they be prejudiced as a result of HR Circular 5 of 2014.

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