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GOVERNMENT NOTICE

DEPARTMENT OF EDUCATION

No. R. 1498

11 November 1997

AMENDMENTS TO THE REGULATIONS REGARDING THE TERMS AND CONDITIONS OF EMPLOYMENT OF EDUCATORS MADE UNDER THE EDUCATORS' EMPLOYMENT ACT, 1994

I, Sibusiso Mandlenkosi Emmanuel Bengu, Minister of Education, hereby amend, in terms of section 28, read with section 5 (1) of the Educators' Employment Act, 1994 (the Act), the regulations made in terms of the Act and published in *Government Gazette* No. 16814 of 13 November 1995, as amended in *Government Gazette* No. 18245 of 1 September 1997, by the addition of Regulations 92 to 96, as set out in the Schedule.

S. M. E. BENGU

Minister of Education

Date: 29 October 1997.

GENERAL EXPLANATORY NOTE:

[] Words in square brackets indicate insertions in existing enactments.

SCHEDULE**[CHAPTER 5****GENERAL CONDITIONS OF SERVICE OF PERSONS APPOINTED TO PERFORM DUTIES IN RESPECT OF PUBLIC EXAMINATIONS****APPOINTMENT**

- 92 (1) A person may be appointed in terms of section 4(2) of the Act, in a part-time temporary capacity to perform duties, as determined by the employer, in respect of a public examination.
- (2) The criteria for the appointment of a person referred to in sub-regulation (1) shall be determined by the Minister.

REMUNERATION AND COMPENSATION

- 93 (1) A person appointed in terms of regulation 92 shall be remunerated in terms of tariffs determined by the Minister and shall not be entitled to any other benefits provided for elsewhere in these regulations.
- (2) A person referred to in sub-regulation (1) shall be compensated for travel and subsistence as determined by the Minister.

OFFICIAL DUTY

- 94 (1) A person appointed in terms of regulation 92 for marking or related duties shall be on official duty during the determined period and shall give his or her full attention to such duties.
- (2) A person referred to in sub-regulation (1) shall indicate in an attendance register provided by the employer for that purpose, the time of his or her commencement and ending of duties performed.

TERMINATION OF DUTIES

- 95 (1) The services of a person employed in terms of regulation 92 terminate on completion of the duties for which he or she has been appointed.

SUSPENSION FROM DUTIES

- 96 (1) The employer or his or her delegate may summarily suspend, in terms of section 14(2) of the Act, a person appointed in terms of regulation 92 from his or her duties without pay, in terms of Regulation 93, if:

(a) prima facie evidence exists that his or her appointment was based on false information; or

(b) in the opinion of the employer, reasonable evidence exists that the continued performance of duties by such a person may jeopardise the progress with and/or the integrity of the examination process.

(2) A person referred to in sub-regulation (1) shall leave the premises on which the examination-related duties are performed, immediately upon suspension from his or her duties.

(3) Upon completion of the said examination, a disciplinary investigation against the said person shall be conducted in terms of section 13 of the Act. If the employer decides not to charge the said person with misconduct or if the person is found not guilty of misconduct, the person will receive a remuneration equivalent to what he or she would have been paid had he or she not been suspended.]

TERMINATION OF DUTIES

(3) The services of a person employed in terms of regulation 92 terminate on completion of the duties for which he or she has been appointed.

SUSPENSION FROM DUTIES

(1) The employer or his or her delegate may summarily suspend, in terms of section 14(2) of the Act, a person appointed in terms of regulation 92 from his or her duties without pay, in terms of regulation 92, if:

(a) prima facie evidence exists that his or her appointment was based on false information;

(b) in the opinion of the employer, reasonable evidence exists that the continued performance of duties by such a person may jeopardise the integrity of the examination process.

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