

Resettlement Policy

1. INTRODUCTION

The KwaZulu-Natal Department of Education and Culture shall generally meet, within reason, the actual resettlement costs within the country incurred by the employee and her or his immediate family, as a result of official duties, or, on termination of service or death.

2. DEFINITIONS

2.1 Immediate family-means an employee's/educator's spouse minor child and /or relative who lives with the employee except when attending an educational institution, and who relies on the employee for the bulk of her or his subsistence.

2.2 Furnished accommodation-means a hotel or boarding room, a caravan; a rented furnished with private house or official quarters with the basic and essential furniture other than by the office or employee himself or herself.

2.3 Interim accommodation-means furnished accommodation occupied temporarily-

(a) whilst permanent accommodation is being sought or until permanent accommodation, which has already been obtained, becomes vacant and available for occupation; and /or

(b) by a member / members of a household who, as result of a transfer and due to school obligations, reside (s) at the old and /or the new headquarters.

2.4. Head quarters- means the city, town or place where the principal duties of an employee/ educator are or have to be performed or which may be indicated as his/ her headquarters by the head of department.

3. PURPOSE

To compensate an employee /educator in the service of the Department of Education and Culture who, in the interest of the state, is transferred or a person who is appointed or on termination of service, or death, within the framework of the provisions and measures set out in this policy, for reasonable expenditure actually and necessarily incurred as a result thereof.

1. OBJECTIVES

The objective of this policy document is to provide guidelines regarding resettlement on:-

- (a) Limit on expenditure incurred from resettlement;
- (b) Maximum periods of compensation;
- (c) Restrictions on quantity and kind of personal effects covered;
- (d) Costs of property transfer, and
- (e) Other costs associated with transfer.

5. DECLARATION OF COMMITMENT

The management of the KwaZulu-Natal Department of Education and Culture commits themselves and acknowledge the:

- (a) Competencies of the human resources in the Department and identifies and utilizes them to improve the delivery of services;
- (b) Family responsibilities of the officials employed by the Department whilst utilizing his /her competencies;

6. AUTHORISATION

The mandate for this policy is found in the following prescripts:

- Section 28 of the Public Service Act, 1994.
- Chapter1, Part V/ E of the Public Service Regulations, 2001
- Paragraph XV of Resolution no.3 of 1999 of the Public Service Co-ordinating Bargaining Council.
- Agreement no. 7 of 1999 of the Provincial Bargaining Chamber of the KwaZulu-Natal Provincial Administration.
- Section 4 of the Employment of Educators Act, 1998.
- Regulation 90 of the Regulations Regarding the Terms and Conditions of Employment of Educators.

7. SCOPE OF APPLICATION

7.1 This policy applies to all employees in the KwaZulu-Natal Department of Education and Culture employed in terms of the Public Service Act, 1994 (Act 103 of 1994), as amended, as well as the Employment of Educators Act, 1998, (Act No. 76 of 1998)

7.2 In instances where:

- (a) Employee/ educator is transferred at his or her own expenses; or
 - (b) Employee/educator is transferred to new headquarter less, than 50 km away from his/ her previous headquarters. The department will not meet any cost arising out of resettlement.
- 7.3. In case of the transfer of a married couple who is both in the employment of the State, the transfer privileges contained in this policy can only be applied to one of the spouses

8 RESPONSIBILITIES

- 8.1. It is the responsibility of the Human Resource Component at Head Office to ensure that delegations are assigned for the execution of the measures contained in this policy.
- 8.2. It is also the responsibility of the said component in conjunction with line managers to communicate this policy to all employees / educators in the Department.
- 8.3. It is the responsibility of line managers (responsibility and program managers) to ensure that funds are available to cover ensuing resettlement expenditure prior to the formal approval of a transfer / appointment / termination of service or death.

9. MEASURES / PROVISIONS

9.1 Traveling And Subsistence Expenditure

9.1.1 Visit to the new headquarters before the actual date of transfer.

The reasonable actual costs incurred by an employee / educator and /or a member of his /her immediate family during one visit to the new headquarters before actual date of transfer may be paid: Provided that the visit is limited to two (2) nights accommodation at the new headquarters, plus reasonable traveling time. Where the applicable subsistence rates (as opposed to actual expenditure) are claimed for a child under the age of (10), the employee/ educator will be paid half the applicable rate.

9.1.2 During the move of the employee/ educator and his / her immediate family to his/ her new headquarters. The reasonable actual costs an employee / educator incurs for travel and subsistence during the move of the employee/ educator and his /her immediate family to the new headquarters may be paid. Where applicable subsistence rates (as opposed to actual expenditure) are claimed for children under the age of ten (10), the employee/ educator will be paid half the applicable rate.

9.2 TRANSPORTATION AND STORAGE OF PERSONAL EFFECTS

9.2.1. Transportation expenditure

(a) The Transportation of all personal effects of an employee/educator, from packing to the eventual unpacking thereof at the permanent

accommodation as well as the all inclusive insurance cover thereof

may be paid out of State funds: Provided that the transfer takes place within a period of two (2) calendar months. Deferment may be requested for a total period not exceeding 6 months. This must be subject to written motivation and approval in terms of delegated authority. The transport of personal effects should not be effected without prior approval being obtained.

(b) Conveyance of an employee's /educator's household and personal effects must be done by the most economical means. The quoted price must include loading and unloading, packing and unpacking as well as insurance charges for any loss or damage in transit. Three quotes must be independently obtained by the employee/educator and submitted timeously for consideration and approval. A list of all personal effects must accompany the quote.

(b) An employee's /educator's privately owned vehicles, motorcycle, trailer and caravan may also be transported at the most economical rate. Should the employee/educator prefer to convey his /her caravan personally by towing it with his/ her private motor vehicle, he/she may be reimbursed at the rate

of 25% of the prescribed transport tariff for his /her motor vehicle.

1.2.2 Storage expenditure

Expenditure in respect of storage of personal effects as well as the all inclusive cover thereof may be paid: Provided that the storage is limited to two (2) months and in exceptional cases for a maximum of six (6) months.

The cost of conveying personal effects from one place of storage to another cannot be paid unless the head of the Department or is satisfied that the removal is unavoidable.

1.2.3 Interim Accommodation

9.2.3.1. In cases where the employer / educator has subsidized dwelling within 50 km radius of the interim accommodation, the Department will not meet any of the expenditure relating to the interim accommodation.

9.2.3.2. The employee /educator and his /her immediate family may be refunded interim accommodation expenses for a maximum of (14) days at his/ her old And/ or new headquarters only.

9.2.3.3. For interim accommodation in excess of (14) days the Department will refund the interim accommodation expenses for the employee/educator only and 50% of the interim accommodation expenses for his /her immediate family. This is limited to a maximum total period of two (2) months. (i.e. the two months must include the 14 days mentioned above the). Only accounts for accommodation, bed levy, tax, parking, meals and laundry will be considered.

9.4. Tax On Motor Vehicles That Cross International Borders

The Department will pay customs duty, tax and other levies or fees arising from transport of private motor vehicles across international borders provided that documentary proof is provided.

9.5. New School Books, Uniforms And Related Costs

For each school going child who must change school and who is dependent of the employee/ educator, a once-off amount is payable. The amount is prescribed and revised on a quarterly basis and details in this regard are supplied by the Department of Public Service and Administration.

9.6 Travel Expenses Of Dependant School Children

If members of the employee's /educator's immediate family must remain in a school near the employee's /educator's former place of work, the Department may, for a maximum of one school year, cover the most economical reasonable mode of travel to the new place of work at the beginning and the end of the school year and for the school holidays.

9.7 Sundry Costs

9.7.1 To meet incidental expenses, the Department may pay If an employee /educator will occupy furnished accommodation at the new place of work, 25 % of the employee's educator's basic monthly salary on the date of resettlement, or

9.7.2 If an employee/educator will occupy unfurnished accommodation, the employee's educator's basic monthly salary on the date of resettlement.

9.8 Transfer Fees On Accommodation

9.8.1 An employee/educator may be reimbursed for transfer costs only if she /he-

(a) changes headquarters because she /he was transferred-

- (i) At State expense and primarily in the interest of the State; or
 - (ii) from abroad; or
 - (iii) on termination of her/his secondment to another government back to the Republic
- (b) Takes occupation of a private dwelling at her/his existing headquarters because-
- (i) Owing to departmental requirements, she/he is compelled to permanently vacate her/his assigned official quarters with full transfer privileges; or
 - (i) she /he obtains exemption of occupation of her/his assigned official quarters and permanently vacates the said quarters at his or her own expense; or
 - (ii) arising from her/his appointment she /he has to vacate the official quarters she /he was compelled to occupy; and
- (c) Sells her /his dwelling at her /his previous headquarters and purchases or erects another dwelling at her /his new headquarters, which dwelling must be owned and occupied in accordance with paragraph 9.8.2.

9.8.2 The dwelling must at each headquarters-

- (a) be registered, in the name of the employee/educator or her/his spouse, or jointly. The mortgage on the dwelling must also be registered at financial institution; and

(b) be permanently occupied by the employee/educator and/or a member of her /his immediate family.

9.8.3 In the case of transfers /appointments, the dwelling -

(a) at the previous headquarters, must not be sold prior to the date of written notice transfer /appointment; and

(b) must not be purchased or erected at the new headquarters prior to the aforementioned date.

9.8.4 In the case of vacating assigned official quarters the-

(a) Dwelling at her /his previous headquarters must have been owned and occupied by the employee/educator and must not have been sold prior to the date of written notice to occupy the quarters; and

(b) Dwelling at her/his new headquarters must not be purchased /erected prior to the date of written notice to vacate the quarters.

9.8.5 For the purpose of paragraphs 9.8.3. and 9.8.4. a dwelling is-

(a) Regarded as being sold or purchased at the earliest on the date upon which the seller accepts the written proposal of the buyer;

(b) Regarded as being erected, if an employee/educator erects a dwelling, on the date upon which-

- (i) The financial institution from which the building loan was obtained, releases the funds; or
- (ii) Buildings activities are commenced where the financing is not supplied by an institution; and

(c) Not regarded as being sold or purchased for as long as it is sold or purchased on the hire purchase basis.

9.8.6 The actual expenditure in respect of the cost of conveyance of land (conveyance's fees, sundry attorney's costs and transfer dues, excluding interest on transfer dues) incurred by an employee/ educator in connection with the purchase of a dwelling, or a building site and the erection of a dwelling upon it at her /his new headquarters may be reimbursed from public funds to an amount not exceeding the transfer fees attached to a purchase sum equal to three times the maximum subsidized loan amount.

9.8.7 The following must be finalised before paragraph 9.8.6. May be applied:

- (a) The head of department must satisfy her/himself of the acceptability of-
 - (i) The amount claimed in respect of attorney's costs.
If any doubt exists concerning the

regularity thereof, it must be referred to the State Attorney for appraisal; and

(ii) The reasons for any unusual delays in finalising the sale and purchase transactions

(b) The employee /educator must furnish documentary proof of the expenditure referred to in paragraph 7.8.6. Where only a buildings site is purchased transfer dues may only be reimbursed once the dwelling is erected.

9.8.8 Reimbursement in accordance with paragraph 9.8.6. must be paid directly to the employee/educator except when she / he utilizes a portion of the profit of the sale of her /his previous dwelling to pay for the transfer fees on the new dwelling /building site. In the latter circumstances the department must deposit the amount to be reimbursed directly into the registered mortgage loan account for the employee's educator's new dwelling /building site. If the portion of the profit which was utilised to pay for the transfer fees is less than the amount payable in accordance with paragraph 9.8.6, only an amount equal to that portion of the profit must be paid directly into the mortgage loan account and the balance must be paid to the employee/educator.

9.8.9 In the following instances an employee/educator may not be reimbursed for transfer fees:

(a) An employee /educator who-

- (i) is transferred at her /his own request, which is not primarily in the interest of the State
- (ii) vacates her/his assigned official quarters on a temporary basis;
- (iii) is transferred to, or vacates assigned official quarters at a headquarters where she /he already owns a dwelling, irrespective of whether she /he purchases a second dwelling at that headquarters or retains or sells the first-mentioned dwelling
- (iv) Permanently vacates her/his own dwelling at her /his present headquarters to occupy rented accommodation and she/he-
 - is instructed to occupy official quarters at that headquarters while renting such accommodation; or
 - whilst occupying such rented accommodation or, if applicable, the official quarter referred to in (vi) was transferred to another headquarters where she/ he immediately took occupation of such quarters or whether she/ he temporarily occupied rented accommodation;
- (iii) On the date of written notice of her /his transfer to a new headquarters occupies rented accommodation, at the headquarters

where she /he owns a dwelling and from where she /he is transferred; or

- (iv) Purchases only a building site at her/his new headquarters.

Transfer dues may only be reimbursed once the dwelling is erected and the transfer fees have been incurred.

9.9. Privileges for New Appointees

9.9.1 The employer may pay the reasonable actual costs of relocation of newly appointed employee/ educator to her or his place of work. These expenditures may include reasonable actual costs of:

- (a) Travel by the employee/educator and her or his immediate family, and
- (b) Transport, insurance and one month's storage for personal and household goods.

9.9.2. The employee/educator shall agree in writing to pay the employer's expenditure for relocation if she or he should leave the public service in a year or less (Annexure A)

9.9.3. If an employee/educator is recruited from abroad, her or his executing authority may provide a once-off sum to assist her or him with initial expenses before she or he receives her /his first salary payment.

9.10 Privileges On Termination Of Service Or Death

9.10.1. If

- (a) An employee /educator dies or retires, or
- (b) The employer terminates the contract of a contract employee/educator the employer shall meet, at the request of the employee/ educator or his her family as provided in paragraph 9.10.2. And 9.10.3.

9.10.2 In the case of an employee/ educator recruited from abroad, the employer will pay for resettlement within South Africa.

9.10.3 In case of an employee/educator recruited from abroad, the employer will pay for resettlement at the employee's place of origin.

9.10.4 The employer may meet the costs of transporting home the remains of an employee who died on official duty away from her or his normal place of work.

10. MONITORING, EVALUATION AND REPORTING

10.1 In terms of chapter 1, Part III/J of the Public Service Regulations 2001 it is necessary to keep record of resettlement expenditure for budgetary purposes. In this regard the FMS system should be used.

10.2 The Human Resource Component at Head Office should on continuous basis monitor and evaluate the provisions contained in this policy with the actual

position as reflected in claims received as well as areas where problems are experienced in order to identify needs and trends which could necessitate a revision of certain provisions. In such instances motivated recommendations should be submitted to the head of department, to be dealt with in either the Provincial Bargaining Chamber or the Public Service Co-ordinating Bargaining Council.