

Human Resource Policy Manual



PREPARED BY FRIDAY MANAGEMENT SOLUTIONS

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Disclaimer

The policies in this manual has been developed by Friday Management Solutions (Pty) Ltd for Setsoto Local Municipality with the exception of the policies regarding bursaries (employees and community members) as well as Part 1 of the Occupational Health and Safety policy.

Human Resource Policy Manual

Setsoto Local Municipality

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INTRODUCTIONS AND DEFINITIONS

1.1 INTRODUCTION

- 1.1.1 This Manual contains the human resources policies and procedures of the Municipality.
- 1.1.2 Subject to paragraph 1.1.5 the policies and procedures prescribed in this Manual apply to all employees of the Municipality.
- 1.1.3 The Municipal Manager and departmental heads are responsible and accountable for the implementation and application of these policies and procedures.
- 1.1.4 The policies and procedures contained in this Manual must be read together with, and interpreted consistently with, the relevant collective agreements and legislation.
- 1.1.5 Whenever there is a conflict or inconsistency between any policy contained in this Manual and any collective agreement or legislation, the provisions of such collective agreement or legislation prevails.

1.2 NEED FOR AND SCOPE OF THE POLICY

- 1.2.1 The need for the policy stems from section 67 of the Municipal Systems Act which requires the Municipality, amongst other things, to develop and adopt appropriate systems and procedures to ensure fair, efficient, effective and transparent personnel administration, in accordance with the applicable law and subject to any applicable collective agreement.
- 1.2.2 Further, this Manual is intended to create a framework for decision-making in respect of human resources management in the Municipality. As such it attempts to establish a set of rules for the consistent interpretation and application of collective agreements and legislation governing human resources management in the Municipality.
- 1.2.3 The policies contained in this document cover most of the human resources management issues that the Municipality experiences from day to day.

1.3 NATURE OF THE POLICY

The policies and procedures contained in this Manual supplement the conditions of employment of every employee, the workplace rules issued from time to time by the Municipality and the code of conduct for staff members of municipalities contained in Schedule 2 of the Municipal Systems Act.

1.4 RELATIONSHIP BETWEEN THE POLICY MANUAL AND CONDITIONS OF SERVICE

- 1.4.1 The conditions of service of the Municipality are applicable to all employees of the Municipality.
- 1.4.2 The Municipal Manager must –
- (a) Ensure that every staff member and every relevant representative trade union have easy access to a copy of this Manual, including any amendments thereto;
 - (b) On written request by a staff member, make a copy of, or extract from, this Manual, including any amendments, available to that staff member; and
 - (c) Ensure that the purpose, contents and consequences of this Manual are explained to staff members who cannot read.

1.5 RELAXATION OF, AND EXEMPTION FROM, POLICY AND PROCEDURE

- 1.5.1 The Municipal Manager may, after consultation with the Director Corporate Services and in consultation with the Executive Committee, relax a requirement set out in this Manual or exempt an employee from compliance with any provision of this Manual-
- (i) if it is in the best interest of the Municipality; and
 - (ii) subject to the provisions of any collective agreement or legislation that may regulate the matter concerned; and
 - (iii) taking into account the effect that such relaxation or exemption may have on workplace relations within the Municipality.

1.6 APPROVAL, AMENDMENT AND REVIEW OF MANUAL

- 1.6.1 The policies and procedures contained in this Manual take effect upon approval thereof by the Council.
- 1.6.2 The Municipality must review this Manual at least once during every two years.
- 1.6.3 The Municipality must amend this Manual as often as is necessary, provided that –
- (a) any proposed amendment of a policy contained in this Manual shall, after the Executive Committee has consented to it and before the Executive Committee's report and

recommendations are submitted to the Council, be submitted to the Local Labour Forum for consultation with the trade unions. The Municipal Manager shall submit the recommendations of the Executive Committee, together with the comment of the Local Labour Forum, if any, to the Council for consideration; and

- (b) a trade union may, at any time, by written notice, request the Municipality to consider an amendment of any policy contained in the Manual. A proposed amendment by a trade union shall be dealt with a manner specified in paragraph (a).

1.6.4 The Director Corporate Services must ensure that this Manual is maintained and updated as and when necessary.

1.7 APPLICATION

Except in so far as the policies contained in this Manual provide otherwise and except where it is clearly inconsistent with the context or clearly inappropriate, the provisions of the policies contained in this Manual apply to, and in respect of, all employees of the Municipality, whether they work within or outside the municipal area.

1.8 DEFINITIONS

1.8.1 In this policy, unless the context indicates otherwise:-

- (a) **“annual employment cycle”** means a period of twelve consecutive months starting on the day when an employee first commences employment with the Municipality;
- (b) **“bargaining council”** means the South African Local Government Bargaining Council and includes the division of the bargaining council in whose area the Municipality falls;
- (c) **“Basic Conditions of Employment Act”** means the Basic Conditions of Employment Act 1997 (Act No 75 of 1997);
- (d) **“collective agreement”** means a collective agreement concluded in the bargaining council as contemplated in the Labour Relations Act 1995 (Act No 55 of 1995);
- (e) **“council”** means the Council of the Municipality and includes any political structure, political office-bearer or employee of the Municipality lawfully acting in its stead;
- (f) **“demotion”** means the permanent or temporary movement of an employee from a position in one job category to a position in another job category of decreased responsibility or complexity of duties and on a lower salary range;

- (g) **“elementary positions”** means positions which require relatively low levels of skills, knowledge and experience to perform mostly simple and routine tasks, involving the use of hand held tools and in some cases requiring considerable physical effort, and, with few exceptions, limited personal initiative and judgement, for example labourers performing lifting, digging, mixing, loading, and pulling operations; garbage collectors; sweepers; etc;
- (h) **“employee”** means a person who works for, or renders a service to, the Municipality regardless of the form of her/his employment contract, and in respect of which any factor enumerated in section 200A(1) of the Labour Relations Act applies;
- (i) **“gratuity”** means a favour or gift, usually in the form of money, given in return for service to municipality;
- (j) **“immediate family member”** means the mother, father, husband, wife, child and siblings of an employee;
- (k) **“Labour Relations Act”** means the Labour Relations Act 1995 (Act No 66 of 1995);
- (l) **“Municipal Manager”** includes a person acting in his/her stead or in terms of a power delegated in writing to her/him by the Municipal Manager;
- (m) **“Municipal Systems Act”** means the Local Government: Municipal Systems Act, 2000 (Act No 33 of 2000);
- (n) **“Municipality”** means Setsoto Local Municipality,
- (o) **“official business”** includes-
 - (i) attending any training programme as a nominee of the Municipality;
 - (ii) attending as a duly delegated representative of the Municipality any meeting, workshop, conference or similar event; and
 - (iii) delivering or fetching any goods, including documents, machinery, money, post and equipment of, or acquired by, the Municipality,
- (p) **“official journey”** means a journey undertaken by an employee on official business, whether within or outside the Municipality or whether using a privately owned vehicle, a municipal vehicle or public transport;
- (q) **“placement”** means placement as contemplated in the SALGBC adopted policy;
- (r) **“promotion”** means the permanent movement of an employee from a position in one job category to a position in another job category of increased responsibility or complexity of duties and on a higher salary range;

- (s) **“Protected Disclosures Act”** means the Protected Disclosures Act 2000 (Act No 26 of 2000);
- (t) **“protected disclosure”** means disclosure of information regarding any conduct of another employee or a councillor by an employee who has reason to believe that the information concerned shows or tends to show one or more of the following:
 - (i) that a criminal offence has been committed, is being committed or is likely to be committed;
 - (ii) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which that person is subject;
 - (iii) that a miscarriage of justice has occurred, is occurring or is likely to occur;
 - (iv) that the health or safety of an individual has been, is being or is likely to be endangered;
 - (v) that the environment has been, is being or is likely to be damaged;
 - (vi) unfair discrimination as contemplated in the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No, 4 of 2000); or
 - (vii) that any matter referred to in paragraphs (i) to (vi) has been, is being or is likely to be deliberately concealed;
- (u) **“racial and ethnic harassment”** means unwanted conduct based on race, ethnicity, nationality or colour, whether carried out by colleagues or supervisors, which constitutes an intolerable violation of an employee's dignity, irrespective of cultural differences;
- (v) **“relative”** means a parent, adopted parent, grandparent, great grandparent, child, grandchild, great grandchild, sibling, aunt, uncle, niece, nephew, cousin, spouse, and/or life partner;
- (w) **“sexual harassment”** means conduct based on sex, whether carried out by colleagues or supervisors, which constitutes an intolerable violation of an employee's dignity, irrespective of cultural differences;
- (x) **“smoke”** means to inhale, exhale, hold or otherwise have control over an ignited tobacco product, weed or plant, and ‘smoked’ and ‘smoking’ have corresponding meanings;
- (y) **“this Manual”** means the policies and procedures contained in the separate chapters of this document as approved by the Council from time to time;
- (z) **“tobacco product”** means any product manufactured from tobacco and intended to be smoked or used by smoking, inhalation, chewing, sniffing or sucking;
- (aa) **“trade union”** means a trade union that is a party to the bargaining council;

- (bb) **“transfer”** means the permanent lateral movement of an employee from one position to another position in the same or another job category assigned to the same salary range, which may include the geographical relocation from one location to another;
- (cc) **“travelling between residence and workplace”** means travelling undertaken by an employee of the Municipality between her/his ordinary place of residence and ordinary place of work; and
- (dd) **“workplace”** means any indoor or enclosed area in which employees perform their work and includes any corridor, lobby, stairwell, elevator, cafeteria, washroom or other common area frequented by employees during the course of their employment.

1.8.2 Words importing the singular include the plural and vice versa.

1.8.3 Words importing one gender include the other genders.

NORMATIVE FRAMEWORK OF HUMAN RESOURCES MANAGEMENT

2.1 INTRODUCTION

- 2.1.1 The purpose of this Chapter is to set out the normative framework of human resources management in the Municipality. This Chapter reflects the values and principles that the Municipality subscribes to and which must be applied in the day-to-day administration of personnel and the interpretation of the policies incorporated in this Manual.
- 2.1.2 The framework contained in this Chapter governs human resources management in the Municipality and is designed to promote fairness and consistency in human resources management practices and procedures.

2.2 RIGHT TO FAIR LABOUR PRACTICE

The Municipality supports, as a general principle and founding value of its human resources management practices, that the Municipality and its employees are entitled to fair labour practices as set out in section 23 of the Constitution of the Republic of South Africa 1996. Further, the Municipality is of the view that the focus of section 23(1) of the Constitution is, broadly speaking, the relationship between employees and the Municipality and the continuation of that relationship on terms that are fair to both parties. In giving content to this right, the Municipality realises and bears in mind that tension is inherent between the interests of employees and the interests of the employer. The Municipality therefore commits itself to take care to accommodate, where possible, these interests so as to arrive at the balance required by the concept of fair labour practices.

2.3 PRINCIPLES OF HUMAN RESOURCES MANAGEMENT

- 2.3.1 The Municipality recognises that its employment policies, practices and procedures must comply with the principle of the rule of law. The principle of the rule of law includes the principle of legality, which requires the Municipality, its political structures and political office-bearers as well as its employees, to comply at all times and without exception with the relevant legal prescripts governing the situation concerned.
- 2.3.2 In this regard the Municipality supports the judgment of the Supreme Court of Appeals in *Gerber and Others v MEC of Gauteng for Development Planning and Local Government and Eastern Gauteng Services Council* (Case No 303/2001), 26 September 2002 where the Court said:

“The Republic of South Africa is a constitutional state. Municipalities and other state institutions may act only in accordance with powers conferred on them by law. This is the principle of legality, an incident of the rule of law.”

2.3.3 In *Fedsure Life Assurance v Greater Johannesburg Transitional Metropolitan Council and Others* 1999 (1) 374 (CC) at 399 D-E and 400 D-E the Constitutional Court said:

“... a local government (i.e. a Municipality) may only act within the powers lawfully conferred upon it. There is nothing startling in this proposition - it is a fundamental principle of the rule of law ... It seems central to the conception of our constitutional order that the legislature and executive in every sphere are constrained by the principle that they may exercise no power and perform no function beyond that conferred upon them by law. At least in this sense, then, the principle of legality is implied within the terms of the ... Constitution ...”

2.3.4 In view thereof, the Municipality adopted this policy to facilitate compliance with relevant laws in managing its human resources.

2.3.5 This policy is further based on the principles set out below. Human resources management in the Municipality must –

- (a) be characterised by a high standard of professional ethics;
- (b) promote the efficient, economic and effective utilisation of employees;
- (c) be conducted in an accountable manner;
- (d) be transparent;
- (e) promote good human-resource management and career-development practices, to maximise human potential; and
- (f) ensure that the Municipality’s administration is broadly representative of the South African people, with human resources management practices based on ability, objectivity, fairness and the need to redress the imbalances of the past to achieve broad representation.

2.4 GENERAL PROHIBITED PRACTICES REGARDING EMPLOYMENT

2.4.1 Nobody may unfairly discriminate, directly or indirectly, against an employee of, or a person seeking employment with, the Municipality on any ground where such discrimination causes or perpetuates systemic disadvantage, undermines human dignity or adversely affects the equal enjoyment of a person’s rights and freedoms in a serious manner that is comparable to discrimination on a listed ground, including –

- (a) Race
- (b) Gender
- (c) Sex
- (d) Pregnancy
- (e) Marital status
- (f) Ethnic or social origin
- (g) Colour
- (h) Sexual orientation
- (i) Age (subject to paragraph 2.5(c) and (d))
- (j) Disability
- (k) Religion
- (l) Conscience
- (m) Belief
- (n) Culture
- (o) Language
- (p) Birth
- (q) Place of birth
- (r) HIV status
- (s) Political opinion

2.4.2 Nobody may publish, propagate, advocate or communicate words based on one or more of the prohibited grounds, against any employee of, or person seeking employment with, the Municipality that could reasonably be construed to demonstrate a clear intention –

- (a) to be hurtful or to embarrass one or more employees or persons seeking employment;
- (b) to be harmful or to incite harm to one or more employees or persons seeking employment;
- (c) to promote or propagate hatred against one or more employees or persons seeking employment.

2.4.3 Nobody may harass an employee of, or person seeking employment with, the Municipality.

2.4.4 Unless a post exists into which such person may be appointed, transferred, promoted or demoted, as the case may be, no person may be –

- (a) appointed to the Municipality 's service;

(b) transferred from one post to another;

(c) promoted to a higher position; or

(d) demoted

2.4.5 An employee on the permanent establishment of the Municipality may not be transferred, promoted or demoted to a post on the temporary establishment.

2.4.6 No employee may be promoted to a position of manager directly accountable to the Municipal Manager. However, nothing in this policy prohibits an employee to apply for a position of manager accountable to the Municipal Manager or Municipal Manager and to be appointed to such a position. The appointment of an employee as a manager directly accountable to the Municipal Manager or Municipal Manager shall be subject to such terms and conditions, including remuneration, as may be agreed upon between the Municipality and the employee at the date of her/his appointment.

2.4.7 No person appointed to a position in the Municipality may assume her/his duties until and unless-

(a) a written employment contract has been entered into with her/him, if she/he has been appointed to a position contemplated in section 57 of the Municipal Systems Act; or

(b) she/he has received and acknowledged receipt of a letter setting out her/his particulars of employment contemplated in section 29 of the Basic Conditions of Employment Act in any other case.

2.4.8 An employee who expresses interest in another position within the Municipality will not jeopardize his/her current position or career prospects with the Municipality.

2.4.9 Nobody may disclose to another person, any information she/he may have relating to the medical status of another person without the consent of such other person.

2.5 GENERAL CONDITIONS OF EMPLOYMENT

No person may be appointed to a vacancy in the Municipality's service -

(a) unless she/he is a South African citizen or has permanent residential status or a valid work permit, provided that no person may be appointed for a period that exceeds the period of validity of her/his work permit, if any;

- (b) unless she/he is proficient in two official languages, one of which must be English, if she/he is an office worker or will occupy a position requiring her/him to communicate with members of the public on a regular basis;
- (c) unless she/he is at least 16 years of age or older;
- (d) if she/he has reached the age of 65 years;
- (e) if she/he, directly or indirectly, approaches or canvasses a councillor or employee with a view to securing that councillor or employee's vote or support in favour of her/his appointment;
- (f) if she/he offers to perform the duties attached to the position for which she/he is a candidate for less than the remuneration that the Municipality offers;
- (g) if she/he is a member of Parliament or a provincial legislature or a councillor of the Municipality at the time when the position is advertised;
- (h) unless she/he has the formal qualifications, acquired prior learning, relevant experience or has the capacity to acquire, within a reasonable time, the ability to do the job, provided that if such an appointment is made, such person may not be appointed on a higher salary notch than the minimum notch applying to the position in question neither may she/he progress in such a salary scale until such time as she/he complies with those requirements.

2.6 SEXUAL HARASSMENT

2.6.1 Introduction

- (a) The Municipality recognises that everyone has the right to work in an environment that is safe, healthy, amicable and free of sexual harassment.
- (b) All managers, supervisors and employees are required to ensure that their co-employees and persons seeking employment are treated equitably. They must ensure that every reported incident of sexual harassment is treated seriously and sympathetically, that investigations are thorough and confidential and that neither complainants, witnesses nor the accused are victimised in any way.
- (c) Disciplinary action must be taken against anyone who, on the face of it:
 - (i) is guilty of sexually harassing a fellow employee or person seeking employment.
 - (ii) lodges a false complaint.
- (d) This policy applies equally to sexual harassment of a victim by a person of the opposite and by a person of the same sex.

2.6.2 Manifestations of sexual harassment

(a) Sexual harassment may consist of any or all of the following:

- (i) sexual advances
- (ii) requests for sexual favours in return for employment benefits
- (iii) verbal abuse with sexual overtones
- (iv) innuendos, including remarks or insinuations about a person's sex life or private life
- (v) suggestive remarks about a person's appearance, body or clothing
- (vi) physical contact
- (vii) obscene gestures
- (viii) indecent exposure
- (ix) staring, leering, whistling
- (x) display of sexually offensive or explicit material, including posters, magazines, pictures or objects
- (xi) direct sexual proposition
- (xii) continued pressure for dates and sexual favours
- (xiii) letters or calls of a sexual nature
- (xiv) any of the above as a form of coercion or blackmail for advancement, or for lack of advancement or dismissal if the recipient refuses
- (xv) any other unwelcome form of physical or verbal behaviour that has sexual overtones.

(b) Whenever an employee experiences sexual harassment, she/he must indicate clearly and immediately that she/he does not approve of what is being said, done or suggested.

2.6.3 Procedure for reporting sexual harassment

(a) Any employee who feels that she/he has been harassed is encouraged to bring the matter to the attention of her/his immediate supervisor, divisional head, departmental head or the Municipal Manager.

- (b) The person to whom a complaint of sexual harassment is made must immediately investigate the allegation as confidentially as possible and, if on the face of it the complaint seems valid, bring appropriate charges of misconduct against the perpetrator.
- (c) Whether or not a complaint of sexual harassment was founded, management must ensure that any victimisation of a complainant that may result from lodging such a complaint is dealt with immediately and severely. Likewise, disciplinary steps must be taken against anyone who falsely accuses someone else of sexually harassing her/him.

2.6.4 Provocative dress is no excuse for sexual harassment. Any person investigating a complaint of sexual harassment or presiding during a disciplinary case involving sexual harassment, must disregard provocative dress of the complainant as an excuse or reason for, or defence against, the accused's conduct.

2.7 RACIAL AND ETHNIC HARASSMENT

2.7.1 Introduction

- (a) The Municipality recognises the right of every employee to work in an environment that is safe, healthy, amicable and free of racial and ethnic harassment.
- (b) All managers, supervisors and employees are required to ensure that their co-employees are treated equitably. They should ensure that every reported incident of racial and ethnic harassment is treated seriously and sympathetically, that investigations are thorough and confidential, and that neither complainants, witnesses nor the accused are victimised in any way.
- (c) Disciplinary action must be taken against anyone who, on the face of it:
 - (i) is guilty of harassing a fellow employee based on her/his race of ethnicity.
 - (ii) lodges a false complaint.

2.7.2 Manifestations of racial and ethnic harassment

- (a) Racial and ethnic harassment may consist of any or all of the following:
 - (i) racist jokes and insinuations
 - (ii) banter with racial or ethnic undertones
 - (iii) insults of a racial or ethnic nature

- (iv) taunting based on race or ethnicity
 - (v) graffiti with racial or ethnic content
 - (vi) shunning people because of their race, colour, nationality or ethnic origin and background
 - (vii) excluding colleagues from conversations based on their race, colour, nationality or ethnic origin and background
 - (viii) being condescending or depreciating about the way colleagues dress or speak
- (b) Whenever an employee experiences racial or ethnic harassment, she/he must indicate clearly and immediately that she/he does not approve of what is being said, done or suggested.

2.7.3 Procedure for reporting racial and ethnic harassment

- (a) Any employee who feels that she/he has been harassed is encouraged to bring the matter to the attention of her/his immediate supervisor, divisional head, departmental head or the Municipal Manager.
- (b) The person to whom a complaint of racial or ethnic harassment is made must immediately investigate the allegation as confidentially as possible and, if on the face of it the complaint may be valid, bring appropriate charges of misconduct against the perpetrator.
- (c) Whether or not a complaint of racial or ethnic harassment was founded, management must ensure that any victimisation that may result later from lodging such a complaint is dealt with immediately and severely. Likewise, disciplinary steps must be taken against anyone who makes a false accusation of racial or ethnic harassment.

2.8 ASSIGNMENT OF EMPLOYMENT FUNCTIONS, DUTIES AND POWERS

- 2.8.1 The Council must appoint a Municipal Manager and managers directly accountable to the Municipal Manager.
- 2.8.2 The Council may determine or alter the remuneration, benefits or other conditions of service of the Municipal Manager and managers directly accountable to the Municipal Manager after proper consultation and agreement with the affected person/(s) are reached.
- 2.8.3 As head of administration the Municipal Manager is, subject to the policy directions contained in this Manual, in respect of human resources management responsible and accountable for, amongst other things -

- (a) the formation and development of an economical, effective, efficient and accountable administration which-
 - (i) is equipped to implement the Municipality's integrated development plan;
 - (ii) operates in accordance with the Municipality's performance management system;
 - (iii) is responsive to the needs of the community to participate in the affairs of the Municipality;
- (b) the appointment of staff other than managers directly accountable to the Municipal Manager, subject to the Employment Equity Act, 1998 (Act No 55 of 1998);
- (c) the management, effective utilisation and training of staff;
- (d) the maintenance of the discipline of staff;
- (e) the promotion of sound labour relations;
- (f) compliance by the Municipality with applicable labour legislation;
- (g) approving a staff establishment for the Municipality;
- (h) providing a job description for each post on the staff establishment;
- (i) attaching to the posts in the establishment, (except the posts of Municipal Manager and managers directly accountable to the Municipal Manager), the remuneration and other conditions of service as may be determined in accordance with applicable labour legislation; and
- (j) establishing a process or mechanism to regularly evaluate the staff establishment and, if necessary, review the staff establishment and the remuneration and conditions of service, subject to applicable collective agreements.

2.9 ETHICS OF EMPLOYMENT

2.9.1 Whenever-

- (a) a committee must advise the Council with regard to an appointment and a candidate for appointment is a family member, business associate or partner of a councillor, that councillor must recuse her/him from any proceedings of the Council where such appointment is considered;

(b) the Municipal Manager or a departmental head must make an appointment and a candidate for appointment is a family member, business associate or partner of the Municipal Manager or that departmental head, the Municipal Manager or the departmental head concerned must recuse her/him from any proceedings where such appointment is considered. The Municipal Manager must appoint another senior employee from the relevant department and another departmental head to consider such an appointment.

2.9.2 A councillor's role in the appointment of employees is limited to her/his participation in committee and council meetings during the appointment process.

2.9.3 An employee's job level and/or salary grade may not be increased for the sole reason of an increase in her/his work load.

2.9.4 An employee who may during the course of the performance of her/his official duties have access to personal information regarding another employee, shall be required to sign the confidentiality undertaking attached to this policy manual as Appendix A, provided that any manager appointed in terms of section 57 of the Municipal Systems Act shall sign such an undertaking. An original copy of the signed undertaking shall be kept in the relevant employee's personal file.

2.10 APPOINTMENT OF FAMILY MEMBERS OF EMPLOYEES

2.10.1 Employment of immediate family members and relatives of employees must, as far as possible, be avoided.

2.10.2 No councillor or employee may participate in any decision which may directly benefit or be to the detriment of an immediate family member or relative.

2.10.3 No employee may be appointed, promoted or transferred in such a manner that she/he would supervise, or be subordinate to, an immediate family member or relative.

2.10.4 Whenever a family member or relative of an employee applies for a vacant position, the Director Corporate Services must point out the content of this policy to the parties involved, including the person or persons who must make the appointment.

ORGANISATIONAL DESIGN, APPROVING AND CHANGING THE ORGANISATIONAL STRUCTURE, CREATING AND ABOLISHING POSTS AND THE STAFF ESTABLISHMENT

3.1 DEVELOPMENT, APPROVAL OF, AND CHANGES TO, THE ORGANISATIONAL STRUCTURE

- 3.1.1 The Municipal Manager must develop an organisational structure -
- (a) consistent with the provisions of section 51 of the Municipal Systems Act and the principles contained in this policy;
 - (b) to give effect to the Municipality's integrated development plan and strategic objectives; and
 - (c) in accordance with appropriate and universal principles of organisational design.
- 3.1.2 The Municipal Manager must, as soon as he/she has finalised the organisational structure of the Municipality, or effected any changes to the approved structure, submit her/his proposals thereon for consultation to the local labour forum.
- 3.1.3 The Municipal Manager must give the local labour forum a reasonable time to consider and comment on the proposed organisational structure or amendment thereof. As soon as the Municipal Manager receives the comment, if any, of the local labour forum, she/he must consider those comments and may-
- (a) amend the proposed organisational structure in view thereof; or
 - (b) reject the comment of the local labour forum with reasons for such rejections and approve the organisational structure.
- 3.1.4 The Municipal Manager must in respect of each post in the organisational structure-
- (a) provide a designation consistent with the TASK job evaluation system;
 - (b) provide a job description and post specification in accordance with the job evaluation system;
 - (c) ensure that each such post is evaluated in accordance with the job evaluation system before any appointment is made to such post; and

- (d) within one month after a post has been evaluated and the evaluation results made available, determine whether such post is a promotion post or an entry post, provided that no post that has been designated as a post to be filled in terms of section 57 of the Municipal Systems Act may be designated a promotion post.

3.2 DESIGNATION OF POSTS TO BE FILLED IN TERMS OF SECTION 57 OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT

- 3.2.1 The Municipal Manager and managers directly accountable to the Municipal Manager must be appointed in terms of a written fixed term employment contract, subject to the conclusion of an annual performance agreement, as contemplated in section 57 of the Municipal Systems Act.
- 3.2.2 As soon as the Municipal Manager has approved the organisational structure of the Municipality, the Council must, after consultation with the Municipal Manager and the relevant departmental head, indicate which positions in the establishment other than those of the Municipal Manager and managers directly accountable to her/him must be filled in terms of a fixed term employment contract.

3.3 STAFF ESTABLISHMENT

- 3.3.1 The staff establishment consists of-
 - (a) positions on the permanent establishment; and
 - (b) positions on the temporary establishment;
 - (c) positions on a fixed term contract.
- 3.3.2 The permanent establishment contains all positions that must be filled on a permanent basis and those that must be filled in terms of fixed term employment and the temporary establishment contains all positions that are created pursuant to paragraph 3.5.
- 3.3.3 The Director Corporate Services must create and maintain the staff establishment on an electronic database.
- 3.3.4 The staff establishment database must contain the following information relating to each position:
 - (a) The designation/title of the position;
 - (b) The level of the position as approved by the bargaining council after the position has been evaluated;

- (c) Details regarding any and all allowances that are linked to the position;
- (d) The leave entitlements linked to the position;
- (e) The budget vote from which the position will be funded;
- (f) Whether the position is a full or part-time position;
- (g) Whether the position must be filled on a permanent or fixed term basis;
- (h) Whether the position is an entry post;
- (i) The department or other organisational unit to which the position is assigned;
- (j) Any other relevant information.

3.4 CREATING NEW PERMANENT POSITIONS

- 3.4.1 A departmental head wishing to create a new permanent position in her/his department must submit a written application(**Form 3.4**), via the Director Corporate Services, to the Municipal Manager.
- 3.4.2 An application for creating a new permanent position must contain the following information:
 - (a) Details of the department or section where the post must be created.
 - (b) A full explanation of the functions and responsibilities of the proposed post in accordance with the TASK job evaluation system.
 - (c) An exposition of the need for the post.
 - (d) The alternative solutions that were considered for performing the proposed job duties allocated to the position, including re-organisation of work, rather than creating the position.
 - (e) The reasons why each of the alternatives have been rejected.
 - (f) A full explanation of the estimated costs of the position for the Municipality during the next three years.
 - (g) If provision has not been made in the budget for the proposed position, an indication of the budget vote from which the position will be financed.

(h) Whether the position must be full or part-time.

(i) Whether the position must be filled on a permanent or fixed term basis.

3.4.3 The Municipal Manager's decision with regard to an application for creating a new permanent position is final.

3.5 CREATING TEMPORARY POSITIONS

3.5.1 The Municipal Manager may, after consultation with the Director Corporate Services and Director Financial Services and the relevant departmental head, create one or more temporary positions on the establishment.

3.3.4 A temporary position may only be created to deal with a temporary increase in the Municipality's work due to –

(a) a disaster;

(b) the allocation of money to the Municipality for the continuation or completion of a specific project not provided for in the budget;

(c) a backlog in work;

(d) the seasonal nature of certain tasks; or

(e) special programmes established or managed by the Municipality to combat poverty and unemployment.

3.5.3 A temporary position ceases to exist when the reason why the position was created ceases to exist and the person occupying that position is released on the day that the position ceases to exist.

3.5.4 The Municipal Manager's decision with regard to the creation and abolishing of a temporary position is final.

3.6 ABOLISHING EXISTING PERMANENT POSITIONS

3.6.1 A departmental head wishing to abolish an existing permanent position in her/his department must submit a written application, via the Director Corporate Services, to the Municipal Manager.

3.6.2 An application regarding the abolishing of an existing position must state-

- (a) The reasons for abolishing the position; and
- (b) the measures that must be taken to ensure that functions relating to the position would continue to be performed, if necessary.

3.6.3 Whenever a position is abolished that is still occupied, the incumbent must be dealt with in terms of this policy.

3.7 VOLUNTEER WORKERS

3.7.1 A departmental head may, in consultation with the Municipal Manager and the Director Corporate Services, engage one or more volunteer workers additional to her/his department's establishment, to work in his/her department for the purpose of-

- (a) partial fulfilment of the requirements of her/his training or education at another institution; or
- (b) serving as a reservist in any emergency services the Municipality may operate; or
- (c) serving as a member of any disaster management organisation established by the Municipality.

3.7.2 A volunteer worker may not –

- (a) be remunerated in any way;
- (b) supervise or approve the work of any employee of the Municipality;
- (c) be appointed to a position existing in the permanent or temporary staff establishment;
- (d) investigate, prosecute or preside during any disciplinary enquiry into an employee's alleged misconduct;
- (e) appraise an employee's performance, whether formally or informally; and
- (f) sign, authorise, authenticate or execute any documents on behalf of the Municipality.

3.7.3 The duration of a volunteer worker's engagement is in the sole discretion of the relevant departmental head but may in any case not exceed three months during any financial year except when a longer period is necessary in respect of a volunteer worker engaged in partial fulfilment of the requirements of her/his training or education at another institution.

- 3.7.4 A volunteer worker is subject to such conditions of engagement and work place rules relating to attendance, conduct, grievances and work place relations as the Municipality may determine.
- 3.7.5 A volunteer worker permanently and irrevocably alienate and assign without compensation of whatever nature copyright and intellectual property rights in any work produced by her/him that is eligible for copyright during her/his service with the Municipality, to the Municipality.
- 3.7.6 The termination of a volunteer worker's engagement with the Municipality shall not be construed as a termination based on the Municipality's operational requirements, nor as an unfair or unlawful dismissal. Accordingly a volunteer worker shall not be entitled to any remuneration or compensation, including, but not limited to, severance pay, notice pay, retirement and medical aid fund benefits to which an employee may otherwise be entitled to in the event of a termination based on an employer's operational requirements.
- 3.7.7 A volunteer worker does not have and will not develop any expectation at any time of becoming an employee of the Municipality. Specifically no written or oral offer of employment, or undertaking of future employment, whether explicitly or implicitly, directly or indirectly, may be made to a volunteer worker or her/his associates, successors or agents before or at the time of entering into the Municipality's service.

Recruitment, Selection, Appointment, Promotion, Demotion and Transfer

4.1 RECRUITMENT

The purpose of recruitment is to identify and provide, in a cost effective manner, a pool of job applicants who are potentially qualified to perform a particular job.

4.1.1 Determining recruitment needs

- (a) The head of a department determines the need to recruit candidates for employment in her/his department with due regard for the numerical goals stated in the Municipality's employment equity plan.
- (b) When a position in the establishment becomes vacant, or is due to become vacant the departmental head concerned must submit an application via the Director Corporate Services to the Municipal Manager stating the reasons why the position should be filled.
- (c) No position may be filled unless and until –
 - (i) the approval of the Municipal Manager had been granted; and
 - (ii) adequate provision has been made in the budget for that appointment.

4.1.2 Advertising of vacancies

- (a) The Director Corporate Services must, not later than the 25th of each month circulate a list of vacancies amongst departmental heads. Each departmental head must indicate whether any such vacancies that may exist in her/his department must be filled or not. If a vacant position must be filled in the opinion of the departmental head concerned, she/he must submit an application, via the Director Corporate Services (**Form 4.1.2**), to the Municipal Manager in terms of paragraph 4.1.1.
- (b) Once a departmental head has obtained the approval of the Municipal Manager to fill a vacant position in her/his department, she/he must submit a labour requisition to the Director Corporate Services to advertise the post.
- (c) A completed labour requisition must reach the Director Corporate Services before or on the third working day of each month.

- (d) Vacancies must be advertised internally and may at the same time be advertised externally, provided that external advertisements may only be published in a newspaper of record in terms of section 21(1) of the Municipal Systems Act, as follows-

Nature of post	Advertising medium
Temporary elementary positions	Local newspapers and internal
Permanent elementary occupations	Internal
Entry and middle level occupations	Internally and local newspapers
Senior management and professional occupations	Internally, provincial and national newspapers

- (e) The Municipal Manager may, after consultation with the Director Corporate Services and Director Financial Services, appoint a professional recruitment firm to compile an advertisement and publish it in respect of senior management and professional occupations in terms of the Municipality's supply chain management policy.
- (f) An advertisement of a vacancy must state-
- (i) The name and location of the Municipality.
 - (ii) A statement that the Municipality subscribes to the principles of employment equity.
 - (iii) The designation of the position that is advertised.
 - (iv) The minimum requirements in terms of skills, expertise and other qualities for appointment.
 - (v) A summary of the key performance areas/primary duties of the position.
 - (vi) A statement that the appointment will be permanent or for a fixed term, and the term (if applicable).
 - (vii) In the case of the Municipal Manager and a manager directly accountable to the Municipal Manager, a statement that the continued employment of the successful candidate will be subject to the annual conclusion of a performance agreement with the Municipality.
 - (viii) The name and contact details of the person to whom enquiries may be directed.
 - (ix) A statement that canvassing will disqualify any candidate from being considered for appointment.
 - (x) An indication of the remuneration offered.
 - (xi) The format and content of applications.

- (xii) The address where, and person to whom, applications must be delivered.
- (xiii) The closing date for the submission of applications.
- (xiv) A statement that applications received after the closing date will not be accepted or considered.
- (xv) A statement that if an applicant do not hear from the municipality within 30 days his/her application was unsuccessful.
- (xvi) A statement that email and faxed applications will not be considered.
- (xvii) A statement that applicants must consent that the municipality may enquire into the applicants criminal record.

4.1.3 Casual applications

- (a) Casual applications received during the course of the Municipality's operations must be returned forthwith to the applicant stating that the Municipality did not have any vacancies at the time when the application was submitted and that should any vacancy arise, the Municipality would advertise such vacancy.
- (b) Nobody may promise or undertake to accept a casual application for appointment and to submit it when a vacancy is advertised.

4.1.4 Application forms

- (a) The Director Corporate Services must design and ensure that a sufficient supply of official application forms (**Form 4.1.4**) is available.
- (b) Unless specifically allowed in a particular case, all applications must be submitted on an official application form. Any applicant or category of applicants, who has not been exempted from this requirement and did not complete the official application form, must do so before an interview.

4.2 SELECTION

- (a) A candidate for appointment to the Municipality's service must undergo the Municipality's selection procedures.
- (b) The purpose of selection is to identify the most suitable candidates from all the persons who applied and to eliminate unsuitable candidates in the fairest way possible.

- (c) The Municipality relies on interviews and one or more relevant psychometric, physical and proficiency tests as selection techniques. These techniques are applied to make decisions regarding appointments, promotions and transfers. Depending on the nature of a post to be filled, psychometric and physical tests are also applied to serve as screening tests.
- (d) The Municipal Manager and/or the Executive Committee may appoint, subject to the supply chain management policy external service providers (which may include SALGA; DPLG & H) to assist with selection.
- (e) Medical testing of an employee or a candidate for employment is prohibited, unless-
 - (i) legislation permits or requires the testing; or
 - (ii) it is justifiable in the light of medical facts, employment conditions, social policy, the fair distribution of employee benefits or the inherent requirements of a job.
- (f) Testing of an employee or an applicant for employment to determine that employee's or applicant's HIV status is prohibited unless such testing is determined justifiable by the Labour Court in terms of section 50(4) of the Employment Equity Act.
- (g) Psychometric testing and other similar assessments of an employee or a candidate for employment are prohibited unless the test or assessment being used-
 - (i) has been scientifically shown to be valid and reliable;
 - (ii) can be applied fairly to employees; and
 - (iii) is not biased against any employee or group.

4.2.1 Compiling of master lists

- (a) After the closing date of an advertisement all the applications received for every specific position are captured in Part A or Part B of the master list (**Form 4.2.1**) compiled by the Director Corporate Services. The master list must contain, in table form, the following particulars in respect of each candidate:
 - (i) the applicant's surname followed by her/his initials
 - (ii) the applicant's sex;
 - (iii) the applicant's race;
 - (iv) the applicant's qualifications and experience relevant to the job description and job

specification; and

- (v) if applicable, the nature of the applicant's disability
- (b) Part A of the master list contains the particulars determined in paragraph (a) in respect of every candidate that complies with the minimum requirements in terms of skills, expertise and other qualities for appointment determined in the advertisement calling for applications. Part B of the master list contains the particulars determined in paragraph (a) in respect of every candidate that does not comply with the minimum requirements in terms of skills, expertise and other qualities for appointment determined in the advertisement calling for applications.
- (c) The Director Corporate Services must submit the master list, together with the applications to the relevant departmental head or, in the case of the appointment of a Municipal Manager or a manager directly accountable to the Municipal Manager, to the Executive Committee.
- (d) The Director Corporate Services must, during the compilation of the master list, take all reasonable steps and actions to establish the validity and accuracy of any certificates, diplomas and other information supplied by an applicant. If any candidate submitted or claimed that she/he had some or other certificate or diploma, qualification or experience that is disproved, such information must be noted next to the name of the candidate in the master list.

4.2.2 Compiling short lists

- (a) The departmental head concerned or the Executive Committee, as the case may be, must select from the master list, with due regard for the numerical goals set in the Municipality's employment equity plan not more than 10 applicants who in her/his opinion would be the most suitable candidates to be subjected to the selection process.
- (b) Short listing (**Form 4.2.2**) must be done in accordance with the following order of preference –
 - (i) Internal applicants
 - (ii) Local applicants
 - (iii) Provincial applicants
 - (iv) National applicants
- (c) The relevant departmental head or the Executive Committee, as the case may be, must submit the particulars of the short listed candidates to the Director Corporate Services.

4.2.3 Notification of short listed candidates of selection proceedings

The Director Corporate Services must notify every candidate whose name has been short listed in terms of paragraph 4.2.2 of the venue, date and time and nature of the selection proceedings she/he must attend using the most reliable communications methods available.

4.2.4 Conducting of screening tests

- (a) Applicants for appointment must undergo any reasonable screening tests required by the Municipality.
- (b) Applicants must indemnify the Municipality in writing against any claims for damage, injury or illness due to any physical tests that they may be subjected to.
- (c) Applicants take part in all tests at their own responsibility.
- (d) The results of any screening test are confidential.

4.2.5 Interviewing in respect of vacancies

- (a) Except for appointments that must be made by the Council, the Director Corporate Services or his designated representative, the departmental head concerned and not more than one other senior employee from the relevant department must conduct interviews for all positions.
- (b) The Municipal Manager or his designated representative must attend and may participate in any interview for appointing an employee-
 - (i) on the first level below the level of departmental head;
 - (ii) as manager directly accountable to her/him; and
 - (iii) in her/his department/office
- (c) The Municipal Manager or the departmental head concerned as the case may be must allow each of the trade unions to designate a representative to attend and observe any interview.
- (d) The departmental head concerned, or if the interview concerns the appointment of a Municipal Manager or a manager directly accountable to the Municipal Manager, the Executive Committee, must draw up a list of questions relating directly to the job

concerned, to be asked during the interview and a score sheet and such questions and score sheets to all persons who would be involved in the interview.

- (e) Completed score sheets must be kept in safe storage for a period of at least six months after an appointment decision has been made.

4.2.6 Conducting proficiency tests

One or more relevant proficiency tests (e.g. typing tests, operating a grader etc.) may be required to be conducted before or after an interview is conducted. A proficiency test may only be required if the outcome thereof is relevant to the expected job standards that would be expected of the employee and it relates to the job description.

4.3 APPOINTMENT

- (a) The appointment of an applicant may take place only in accordance with the requirements of the post concerned and the merit of the applicant.
- (b) The Council, Municipal Manager or the relevant departmental head, as the case may be, may waive or reduce the formal qualifications and experiential requirements in respect of any post, (except a post in relation to which a professional certificate is required), if the applicant is deemed to be suitably qualified for the job concerned as a result of any one of, or any combination of that person's –
 - (i) formal qualifications;
 - (ii) prior learning;
 - (iii) relevant experience; or
 - (iv) capacity to acquire, within a reasonable time, the ability to do the job.

4.3.1 Appointment for a fixed term

- (a) A person appointed as –
 - (i) Municipal Manager,
 - (ii) manager directly accountable to the Municipal Manager; and
 - (iii) personal assistant, policy advisor, bodyguard or driver to any political office-bearer or other councillor of the Municipality, may be appointed to that position only -

- in terms of a written employment contract with the Municipality; and
 - subject to a separate performance agreement being concluded annually on or before 31 July each year.
- (b) The employment contract of a person appointed for a fixed term must include, subject to applicable labour legislation, details of –
- (i) the duties, remuneration, benefits and other terms and conditions of employment of the employee;
 - (ii) the term of employment, which terms may not exceed a period ending two years after the election of the next council of the Municipality, provided that the term of any person appointed to work directly under the supervision and command of a political office-bearer or other councillor must expire if that office-bearer ceases to hold that office;
 - (iii) include a provision for cancellation of the contract, in the case of non-compliance with the employment contract or the performance agreement;
 - (iv) stipulate the terms of the renewal of the employment contract, but only by agreement between the parties; and
 - (v) reflect the values and principles referred to in section 50, the Code of Conduct set out in Schedule 2, and the management standards and practices contained in section 51 of the Municipal Systems Act.
- (c) The annual performance agreement must be concluded within a reasonable time after a person has been appointed and, thereafter, on or before 31 July each year and must include-
- (i) The performance objectives and targets that the incumbent must meet during the next financial year. Such performance objectives and targets must be practical, measurable and based on the key performance indicators set out in the Municipality's integrated development plan.
 - (ii) the time frames within which those performance objectives and targets must be met;
 - (iii) standards and procedures for evaluating performance;
 - (iv) the intervals for evaluation; and
 - (v) the consequences of substandard performance.
 - (vi) The annual performance agreements of the municipal manager, senior managers and

any other categories of officials as may be prescribed in terms of the Local Government: Municipal Finance Management Act, Act No 56 of 2003 must be made public no later than 14 days after the approval of the municipality's service delivery and budget implementation plan as required by the abovementioned Act.

- (vii) Copies of such performance agreements must be submitted to the council and the MEC for local government in the province within thirty days after signing of the performance agreements.

4.3.2 Appointment of employees to posts in the temporary establishment

A person appointed to a temporary position –

- (a) is appointed at the salary applicable to a comparable position on the permanent establishment;
- (b) may not receive any housing and travelling benefits;
- (c) may not become a member of a retirement fund or medical aid scheme to which the Municipality must contribute;
- (d) earns leave in terms of the relevant collective agreement; and
- (e) is subject to the attendance requirements, rules of conduct and grievance procedures in terms of the Municipality's conditions of service.
- (f) May not be appointed for a period exceeding six(6) months and may not be appointed for a consecutive period of six (6) months.

4.3.3 Appointment of temporary employees in permanent positions

- (a) A departmental head may, with the approval of the Municipal Manager, and after consultation with the Director Corporate Services and Director Financial Services respectively, appoint a person who is not an employee, in a temporary capacity in a position in the permanent establishment if-
 - (i) the position is vacant and is likely to remain vacant for a significant period; or
 - (ii) the incumbent of that position is or will be absent from work for a prolonged period (30 days or more).
- (b) A person appointed in terms of par (a) –
 - (i) is appointed on the lowest notch of the salary scale applicable to the position;

- (ii) may not receive any housing and travelling benefits;
 - (iii) may not become a member of a retirement fund or medical aid scheme to which the Municipality must contribute;
 - (iv) earns leave in terms of the relevant collective agreement; and
 - (v) is subject to the attendance requirements, rules of conduct and grievance procedures in terms of the Municipality's conditions of service.
- (c) Whenever a person is appointed in a temporary capacity she/he must, not later than the day on which her/his employment commences receive a letter of employment in terms of section 29 of the Basic Conditions of Employment Act 1997. Such a letter must, amongst other things, clearly state-
- (i) the date on which the person's employment with the Municipality commences;
 - (ii) if possible, the date on which her/his employment terminates, or if it is not possible to determine the termination date with reasonable accuracy, the circumstances under which her/his employment will terminate;
 - (iii) that there is no expectation that the person's employment will be renewed or extended beyond the term referred to in (ii);
 - (iv) that any failure to renew or extend the period of employment shall not constitute a dismissal of the person and that she/he shall not be entitled to any additional remuneration or compensation in respect of the completion of such period;
 - (v) that the person's employment with the Municipality will come to an automatic end on expiry of the term and such termination shall not be construed as a termination based on the Municipality's operational requirements, nor as an unfair dismissal. Accordingly, reference in par (iv) to additional remuneration or compensation to which the employee shall not be entitled, includes but is not limited to, severance pay, notice pay, retirement and medical aid fund benefits to which an employee may otherwise be entitled to in the event of a termination based on an employer's operational requirements.

4.3.4 Appointment of personnel in the office of any councillor

- (a) Only a full-time political office-bearer is entitled to one or more employees being assigned to her/him.
- (b) Any position created with the sole purpose of providing administrative support to a councillor, is created in the department responsible for corporate services.

- (c) The creation of positions in the offices of councillors is done in the manner determined in this Manual.
- (d) Any person employed in a post contemplated in par (c) must be appointed in terms of a written fixed term contract entered into with the Municipal Manager. The term of an appointment in terms of this paragraph expires automatically when the councillor to whom the employee had been assigned, ceases to be a councillor, political office-bearer or a full-time councillor of the Municipality, whichever event happens first.
- (e) Notwithstanding any provision to the contrary contained in this Manual the Municipal Manager must consult the councillor concerned before appointing any employee assigned to such a councillor.

4.3.5 Appointment of replacement labour in the event of a strike

- (a) The Municipal Manager may, after consultation with the relevant departmental heads and the Director Financial Services, employ replacement labour during a strike in terms of, and consistent with, section 76 of the Labour Relations Act 1995.
- (b) Every person appointed as replacement labour must receive a letter of appointment that complies with section 29 of the Basic Conditions of Employment Act 1997. The letter of appointment must clearly stipulate that –
 - (i) the appointment is only for the duration of the strike and that the services of the employee will terminate immediately when the regular employees of the Municipality return to work; and
 - (ii) termination of any replacement labour employment shall not constitute a dismissal of the person concerned and that she/he shall not be entitled to any additional remuneration or compensation in respect of the completion of such period. The person's employment with the Municipality will come to an automatic end on expiry of the term and such termination shall not be construed as a termination based on the Municipality's operational requirements, nor as an unfair dismissal. Accordingly, reference in this paragraph to additional remuneration or compensation to which the person shall not be entitled, includes but is not limited to, severance pay, notice pay, retirement and medical aid fund benefits to which an employee may otherwise be entitled to in the event of a termination based on an employer's operational requirements.
- (c) Replacement labour is appointed to the positions of employees who are on strike.
- (d) Replacement labour must perform the functions of the striking workers.
- (e) Replacement labour is paid per hour worked at the hourly pay rate of the employee whose

work she/he has been doing.

4.4 ISSUING OF NOTICES OF APPOINTMENT, TRANSFER, PROMOTION AND DEMOTION AND JOB OFFERS

4.4.1 Only the Director Corporate Services may-

- (a) issue a notice (**Form 4.4**) to an applicant for a job, including any replacement labour hired in the event of a strike, that she/he had been appointed;
- (b) notify (**Form 4.4**) an employee of her/his transfer, promotion, demotion or dismissal;
- (c) notify (**Form 4.4**) an employee that she/he successfully completed her/his period of probation or that her/his period of probation has been extended;
- (d) notify (**Form 4.4**) an employee of any change in her/his particulars of employment; and
- (e) notify (**Form 4.4**) an employee that an application made by that employee for participation in any scheme or programme of the Municipality has been granted or denied, except a decision with regard to an application for leave.

4.4.2 When issuing a notice to a person in terms of this paragraph the Director Corporate Services must use the most reliable communications methods available.

4.5 PROMOTION

4.5.1 The purpose of promoting employees is-

- (a) to enhance career advancement of employees;
- (b) to sustain productivity;
- (c) to minimise the effects of job poaching and job hopping by creating a work environment in which employees are aware that there are prospects for advancement; and
- (d) to accelerate the career development of persons from designated groups.

4.5.2 No employee appointed for a fixed term, whether she/he was appointed in terms of section 57 of the Municipal Systems Act, or an employee appointed in a temporary capacity may be promoted.

- 4.5.3 An employee may only be promoted if a vacant position at a higher grading exists and that position has been designated a promotion position.
- 4.5.4 An employee may only be promoted if she/he is suitably qualified for the position in question.
- 4.5.5 Whenever an employee is being considered for promotion, the person considering the matter must consider the candidate's employment history at the Municipality, provided that during such assessment it may not consider-
- (a) a penalty for misconduct that has expired; or
 - (b) any disciplinary charges brought against the employee on which the employee was found not guilty; or
 - (c) the fact that the employee objected to, or appealed against, any performance appraisal or outcome of a disciplinary enquiry.
- 4.5.6 An employee's promotion becomes operative on the first day of the month following the month during which she/he was promoted.
- 4.5.7 An employee who has been promoted is appointed on the first notch of the salary scale relevant to the position in which she/he has been appointed, or receives an increase of at least one notch, whichever is the greater amount.
- 4.5.8 The date on which an employee has been promoted becomes the date on which the employee will in future receive notch increases.
- 4.5.9 An employee who has been promoted may not be appointed on probation.

4.6 TRANSFER

- 4.6.1 The purpose of transferring employees is-
- (a) to ensure that employees are utilized for the purposes of meeting the Municipality's human resources needs;
 - (b) to enhance career advancement prospects of employees; and
 - (c) to create opportunities for employees to stay in the Municipality's service as an alternative for dismissal for incapacity due to illness or injury or poor work performance or due to the Municipality's operational requirements.

4.6.2 No employee appointed for a fixed term, whether she/he was appointed in terms of section 57 of the Municipal Systems Act or an employee appointed in a temporary capacity may be transferred to another position.

4.6.3 An employee may not be transferred from one position to another unless-

- (a) a vacant position on the same level exists;
- (b) the employee agrees to such transfer; and
- (c) the transfer is intended to avoid the employee's dismissal:
 - (i) for incapacity due to illness or injury or poor work performance; or
 - (ii) due to the Municipality's operational requirements.

4.7 DEMOTION

4.7.1 The purpose of demotion is to create opportunities for employees to stay in the Municipality's service, at a lower level, as an alternative to dismissal.

4.7.2 An employee can only be demoted to a lower post as a penalty for misconduct if a position exists to which that employee may be demoted and if the employee is suitably qualified for the position.

4.8 DIFFERENCES ABOUT APPOINTMENT, TRANSFERS AND PROMOTIONS

4.8.1 Whenever there is a difference between two or more departmental heads regarding the appointment, promotion, transfer or demotion of an employee or an applicant in a position where the competence to make the appointment has been delegated to one of those departmental heads, the matter must be submitted to the Municipal Manager for a decision.

4.8.2 The decision of the Municipal Manager in the matter is final.

4.9 REPORTING ABOUT APPOINTMENTS AND DISMISSALS

4.9.1 The Director Corporate Services must on or before the seventh of each month, submit a report to the Municipal Manager and the Director Financial Services regarding all appointments, promotions, transfers, demotions, dismissals, resignations, retirements and changes to

remuneration of employees during the past month in the format determined by the Municipal Manager.

- 4.9.2 An exit interview (**Form 4.9**) must be conducted for each employee that terminates his services voluntarily for whatever reason with the municipality

4.10 APPOINTMENT ON PROBATION

- 4.10.1 Any permanent employee who is newly appointed must be appointed on probation.
- 4.10.2 The appointing authority must determine the period of probation at the time of making the appointment having regard for the inherent requirements of the position concerned.
- 4.10.3 The departmental head concerned must evaluate the progress and performance of an employee appointed on probation on a monthly basis according to such factors, objectives and criteria as may be prescribed in terms of the Municipality's employee performance appraisal system.
- 4.10.4 The probation period required to be served by any employee may not be extended unless paragraph 4.10.3 has been complied with.
- 4.10.5 Any appointment on probation must also comply with the relevant legal prescripts of the Labour Relations Act, Act 66 of 1995 and any Code of Good Practice published in terms of the aforementioned Act.

4.11 PARTICULARS OF APPOINTMENT

- (a) The Director Corporate Services must present every newly appointed employee with a letter of appointment not later than the day on which she/he starts working in terms of section 29 of the Basic Conditions of Employment Act 1997.
- (b) Whenever any of the details contained in such a letter change the Director Corporate Services must inform the employee in writing of such changes.
- (c) In the event of an employee that cannot read the relevant departmental head must explain the content of such letter and any amendment thereof to every such employee in a language that she/he understands.

RELOCATION POLICY

5.1 INTRODUCTION

The policy contained in this Chapter deals with the relocation of employees who are newly appointed from outside Setsoto by the Municipality who want to relocate from their place of residence to another place nearer to their work place.

5.2 RELOCATION OF NEWLY APPOINTED EMPLOYEES

- 5.2.1 The Municipality shall pay 75% of an employee's cost (excluding VAT) of moving from another place to a place closer to her/his workplace on her/his appointment, including transit insurance, but excluding any packing and packaging cost, as indicated on the cheapest of the quotations referred to in par 5.2.2 regardless of the quotation the employee accepts.
- 5.2.2 The employee must obtain three written quotations for the relocation of that employee's household and appoint a removal company to relocate her/his household goods. The written quotations obtained by the employee must be attached to her/his claim for reimbursement in terms of par 5.2.1.
- 5.2.3 The employee must reimburse the full amount of the subsidy to the Municipality if her/his employment with the Municipality is terminated for whatever reason within one year after the subsidy had been paid. If her/his employment with the Municipality is terminated for whatever reason after completion of one year, but before two years have been completed, the employee must reimburse the Municipality for 75% of the subsidy.

LABOUR RELATIONS

INTRODUCTION

The Municipality realises that sound labour relations can only result from mutual respect between an employer and its employees and that such respect is formed where the employer and its employees treat each other fairly and consistently. This policy is designed to achieve the aim of sound labour relations in an open and fair work environment.

6.2 WORKPLACE COMMUNICATION

The Municipality believes that channels of communication must exist between management and employees in every workplace.

6.3 APPOINTMENTS WITH MANAGEMENT AND COUNCILLORS

- (a) An employee, except a departmental head and a person working in her/his office, must make an appointment to consult the Municipal Manager. The employee making an appointment must indicate the subject matter that she/he wishes to raise.
- (b) An employee, except an employee working directly under the supervision of a departmental head must make an appointment to consult her/his departmental head. The employee making an appointment must indicate the subject matter that she/he wishes to raise.
- (c) No employee, except a departmental head, may make an appointment with the Municipal Manager without the prior permission of her/his departmental head. The employee who wishes to make such an appointment must indicate the subject matter that she/he wishes to raise with the Municipal Manager, to her/his departmental head.
- (d) No employee may make an appointment with her/his or another departmental head without the prior permission of her/his immediate supervisor. The employee wishing to make such an appointment must indicate the subject matter that she/he wishes to raise with such departmental head to her/his supervisor.
- (e) Subject to paragraph (h) no employee other than the Municipal Manager or a departmental head may make an appointment with the Mayor, Speaker or any other councillor.
- (f) A trade union has the right to make an appointment with the Municipal Manager or a departmental head to discuss a matter of mutual concern relating to the Municipality or a specific department or a workplace within a department. The trade union making an appointment must indicate the subject matter that it wishes to raise.

- (g) Notwithstanding the provisions of paragraph (e) an employee may make an appointment with a councillor in order to make a protected disclosure to that councillor in terms of the Protected Disclosures Act.
- (h) Whenever an employee approaches a councillor, except in the circumstances contemplated in paragraph (h) that councillor must advise the employee concerned to follow the correct procedure to bring the matter she/he raised with the councillor to the attention of the Municipal Manager or another employee.

6.4 CONSULTATIVE STRUCTURE

The Council recognises that the relationship between management and employees will be enhanced and supported by formal consultative structures. For this purpose the Council subscribes to the establishment of the Local Labour Forum as prescribed in the Organisational Rights Agreement.

6.5 RELATIONSHIP WITH EMPLOYER ORGANISATION AND TRADE UNIONS

- (a) The council affiliates to the South African Local Government Association (SALGA).
- (b) The purpose of the Council's affiliation with SALGA is to promote sound labour relations within the Municipality.
- (c) The Municipality shall subject to its constitutional right to govern, on its own initiatives the local community, adhere to the policies and directives of SALGA.
- (d) The Municipality recognises and subscribes to the right of employee's to form, join and participate in the activities of a trade union. The participation of an employee in the activities of a trade union of which she/he is a member, shall take place in accordance with the provisions of the Organisational Rights Agreement.

6.6 DISCIPLINE

6.6.1 Philosophy of discipline

- (a) It is the policy of the Municipality to maintain order in its activities by means of the fair and consistent application of disciplinary procedures, so as to render quality services to communities. Through the consistent and fair application of disciplinary measures, the Municipality wishes its employees to distinguish between acceptable and unacceptable conduct.
- (b) The Municipality promotes a positive approach to discipline. The Municipality wishes to motivate every employee who is capable of acceptable behaviour to behave correctly.

- (c) The key object of discipline in the Municipality is to ensure that the Municipality and its employees treat one another with mutual respect and fairly. A premium is placed on both employment justice and the efficient operation of business. While employees should be protected from arbitrary action, the Municipality is entitled to satisfactory conduct and acceptable work performance from its employees.
- (d) The prescribed disciplinary measures-
 - (i) serve as a guideline to management to ensure fair and equal treatment of all employees;
 - (ii) encourage timely corrective action in the event of an employee's conduct proving to be unsatisfactory or unacceptable;
 - (iii) ensures that the principles of natural justice are applied before judgement is passed on an employee's conduct; and
 - (iv) is equally applicable to all the employees of the Municipality
- (e) A written acknowledgement of guilt by an employee, who has been accused of misconduct, whether she/he has been formally charged in terms of the relevant collective agreement and whether such acknowledgement is accompanied by a written apology, shall not be adequate reason to postpone, delay or refuse to take disciplinary action.

6.6.2 Principles underlying discipline in the Municipality

- (a) Every employee must maintain discipline at all times and conduct her/himself in an acceptable manner.
- (b) An employee who allegedly contravened a provision of the disciplinary code has the right -
 - (i) to hear and to receive in writing a charge sheet containing the alleged misconduct in sufficient detail in order for her/him to prepare properly for the enquiry to be held;
 - (ii) to object to the appointment of a specific person as presiding officer at the disciplinary enquiry on the grounds of factual evidence;
 - (iii) to call and cross-examine witnesses;
 - (iv) to submit documents in evidence and to inspect any document that is submitted in evidence;
 - (v) to a hearing within a reasonable time after the alleged misconduct took place;

- (vi) to have an interpreter present during the enquiry to translate the proceedings in the official language she/he prefers;
 - (vii) to be represented at the disciplinary enquiry by an employee, a shop steward or a union official who is willing and able to represent the employee and, if this is not possible or desirable, any suitably qualified person of her/his choice;
 - (viii) to receive timely notice of an enquiry;
 - (ix) to state her/his case in defence of the charges brought against her/him;
 - (x) to a verdict;
 - (xi) to have any previous disciplinary record considered only after her/his guilt had been proven;
 - (xii) to submit extenuating circumstance before a penalty for misconduct is imposed;
 - (xiii) to be notified of the penalty that was imposed;
 - (xiv) to be notified of her/his right to appeal in terms of the SALGBC Collective Agreement on Discipline;
 - (xv) to protection against victimisation as a result of any statements made or actions taken during an investigation or enquiry into alleged misconduct as well as due to membership of any organisation or trade union.
- (c) Disciplinary action against an employee who is a union representative or office-bearer of a trade union may not be instituted without first informing and consulting the relevant union.

6.6.3 Responsibility for employee discipline

The Municipal Manager is responsible and accountable for the maintenance of discipline in the work place, provided that the Municipal Manager may delegate her/his powers, functions and duties in this regard to a manager directly accountable to her/him.

6.6.4 Appointment of independent presiding officers, investigators and prosecutors

- (a) The Municipal Manager may appoint an outside independent chairperson to preside at a disciplinary enquiry if he/she is of the opinion that -
- (b) no employee of the Municipality is adequately independent and unbiased to preside at the disciplinary enquiry in a fair manner; or

- (c) the case is of such a complexity that one or more persons with specialised knowledge and experience of the subject matter of the allegations against the accused employee would be best suited to preside at the disciplinary enquiry.
- (d) The Municipal Manager may appoint an independent investigator and/or prosecutor to act as investigator/prosecutor in any disciplinary enquiry. An independent investigator may include a forensic auditor but not a councillor.

6.6.5 Employees under the influence of intoxicating substances

- (a) If it is suspected that an employee is under the influence of an intoxicating substance whilst at work, the matter must immediately be reported to her/his immediate supervisor.
- (b) A breathalyser test may be performed with the express consent of the employee concerned after the employee had been informed that the result of the test may be used in an enquiry into alleged misconduct. The results of a breathalyser test may be used in an enquiry.
- (c) An employee is considered to be under the influence of an intoxicating substance if corroborating and reliable evidence to that effect can be presented. Medical evidence or the result of a breathalyser test in connection with the alcohol content of an employee's blood is not a prerequisite for charging an employee with, or finding her/him guilty of, misconduct.
- (d) If the supervisor, upon investigation finds that the accused employee appears or acknowledges being under the influence of an intoxicating substance, she/ he must send the employee home for the remainder of that work day. The fact that an employee has been sent home does not in any way detract from the relevant supervisor's duty to accuse the employee of misconduct in terms of the prescribed procedure.

6.6.6 Private and personal affairs

An employee must take care of her/his private and personal affairs outside of official working hours, except where the employee's immediate supervisor gives permission otherwise, within the limits of what is fair and reasonable.

6.6.7 Municipality's property

- (a) An employee must take all reasonable steps within her/his power and sphere of influence to care for, and protect the property of, the Municipality.
- (b) An employee who is issued with property, utensils, equipment, implements, machinery, vehicles or other items belonging to the Municipality is responsible for their safe-keeping, purposeful use and supervision.

- (c) An employee may not –
 - (i) allow or permit that any property, utensils, equipment, implements, machinery, vehicles or other items belonging to the Municipality be used without authorisation;
 - (ii) make unauthorised use of any property, utensils, equipment, implements, machinery, vehicle or any other items;
 - (iii) permit or allow that any property, utensils, equipment, implements, machinery, vehicle or other items belonging to the Municipality, be removed from any municipal premises without authorisation and neither may she/he remove them; and
 - (iv) repair or restore such property unless authorised to do so.
- (d) An employee must immediately after it has come to her/his attention report to her/his immediate supervisor any defect in or damage to any property, utensils, equipment, implements, machinery, vehicle or any other item belonging to the Municipality.

6.6.8 Financial responsibility

An employee must have access to, and keep abreast of the relevant prescripts if she/he is, in the course of her/his duties is responsible for-

- (a) the receipt, handling, custody, depositing or supervision of money, stamps, face value documents or securities; or
- (b) the handling of stock or equipment or other material belonging to the Municipality; or
- (c) accounting or any administrative procedures in connection with the Municipality's financial affairs.

6.7 COLLECTIVE BARGAINING AND NEGOTIATION

The Council believes that-

- (a) terms and conditions of employment/service must be determined by collective bargaining; and
- (b) bargaining on any matter related to terms and conditions of employment, including remuneration, must be conducted at national level or by a body authorised by the central council of the bargaining council.

6.8 DISPUTE RESOLUTION

- (a) The Municipality subscribes to the principles of and procedures for dispute resolution as prescribed by the Labour Relations Act. The Council will participate in a bona fide manner in any dispute resolution procedures in an endeavour to resolve disputes as quickly and fairly as possible.
- (b) The Council believes -
 - (i) that, should an individual or collective dispute arise out of the employment relationship, it will best be resolved by dialogue in a climate that is free from extraneous pressures and stress;
 - (ii) that if a deadlock is reached with regard to any matter in dispute, the parties to the dispute must meet at least twice within a period of 10 days to try to resolve the issue;
 - (iii) that, if the dispute is still unresolved after having complied with paragraph (ii), the parties must meet within five days of the last meeting to consider alternative ways of resolving the dispute; and
 - (iv) that the alternative ways of resolving the dispute may include conciliation, mediation, arbitration and labour court proceedings.

6.9 TERMINATION OF SERVICE FOR INCAPACITY DUE TO POOR WORK PERFORMANCE

- (a) A person (who may not be a councillor) appointed by the Municipal Manager, after consultation with the Director Corporate Services, (hereafter the investigator) must investigate the reasons for an employee's poor performance in every case where it is alleged at any time during an employee's employment that she/he is unsuitable for the job she/he occupies due to poor work performance or it is found that an employee in two consecutive performance appraisals, was appraised as having performed marginally or unsatisfactorily.
- (b) The investigator must on a date agreed with the employee, consult with the employee and the employee's immediate supervisor and departmental head to establish the following-
 - (i) whether the employee has succeeded in complying with the performance standards set by the Municipality;
 - (ii) in the event that the employee did not comply, whether she/he was aware of the standards or whether it could be reasonably expected of the her/him to be aware thereof;

- (iii) whether appropriate assessment, instruction, counselling, guidance and training were provided to the employee; and
 - (iv) whether the employee after a reasonable time for improvement has still not met the required standards.
- (c) The employee-
- (i) must be given an opportunity to be heard during an investigation; and
 - (ii) may during such an investigation be assisted by a union representative or a colleague.
- (d) Upon completion of the investigation the investigator must submit a comprehensive written report and recommendation to the Director Corporate Services who must submit the report, together with her/his recommendations, to the Municipal Manager.
- (e) The decision of the Municipal Manager in the matter is final.

6.10 TERMINATION OF SERVICE FOR INCAPACITY DUE TO ILL-HEALTH OR INJURY

- (a) A person (who may not be a councillor) appointed by the Municipal Manager, after consultation with the Director Corporate Services, (hereafter the investigator) must investigate whether an employee-
- (i) is incapable of performing her/his duties due to poor health or injury; or
 - (ii) is able to continue working if the employee concerned was absent from work due to illness or injury –
 - i for more than two consecutive days at a time on three occasions during any period of three months; or
 - ii for a continuous period of 21 days or more.
- (b) The investigator must designate at least two medical practitioners to examine the employee and to provide her/him with their reports at the cost of the Municipality.
- (c) If the employee exercises her/his right not to submit to medical examination, the investigation must continue. In such event the investigator must investigate all other available evidence.
- (d) During an investigation in terms of this paragraph the investigator must take the following

- into account:
- (i) the nature of the employee's job;
 - (ii) the period or periods of absence of the employee due to illness or injury;
 - (iii) the cause of any disability or illness arising during the employee's employment with the Municipality;
 - (iv) the nature, seriousness and extent of the employee's illness or injury;
 - (v) whether the employee is able to perform the job with or without reasonable accommodation and, if so, the extent to which the employee is able to perform the job in order to avoid dismissal, including (but not limited to) any of the following-
 - i. placing the person in an alternative position if she/he is able to perform the functions allocated to that job, whether on the same or a lower level and
 - ii. adjusting the working hours or place of work, to provide for more convenient circumstances for the employee; and
 - (e) the degree to which the employee's working conditions or duties can be adapted or the temporary replacement of the employee during her/his absence in order to avoid dismissal.
 - (f) The employee has the right-
 - (i) to be heard during the investigation; and
 - (ii) to be assisted during such investigation by an union representative or a colleague.
 - (g) The investigator must submit her/his report and recommendation to the Director Corporate Services who must submit it together with her/his comments and recommendation, to the Municipal Manager for consideration.
 - (h) The Municipal Manager's decision in the matter is final.

6.11 TERMINATION OF SERVICE DUE TO THE MUNICIPALITY'S OPERATIONAL REQUIREMENTS

Whenever the Municipality contemplates –

- (a) dismissing less than 10 employees due to the Municipality's operational requirements it shall do so in terms of section 189 of the Labour Relations Act; or

- (b) 10 or more employees due to the Municipality's operational requirements it shall do so in terms of section 189(A) of the Labour Relations Act.

6.12 RETIREMENT

6.12.1 An employee who-

- (a) is a member of a retirement fund must retire on the first day of the month following the month during which she/he reaches retirement age as determined by the rules of the fund concerned; and
- (b) is not a member of a retirement fund must retire on the first day of the month following the month during which she/he becomes eligible for a social old age pension.

6.12.2 Subject to the rules of the retirement fund concerned an employee may terminate her/his services and retire on early pension. The employment of an employee who contemplates retiring on early pension must be terminated on the first day of the month following the month during which the retirement fund concerned approved her/his application to retire.

6.12.3 The Municipality shall-

- (a) timely inform the relevant retirement fund or the national or provincial government department concerned, as the case may be, in writing of the retirement of an employee in terms of this policy and transmit a copy of such notice to the employee concerned;
- (b) in the case of an employee who is due for retirement who does not belong to a retirement fund assist the employee to apply for the relevant pension; and
- (c) pay to an employee contemplated in par. 6.12.1(b) a gratuity equal to three months salary plus one week's wages for every year completed service with
- (d) the Municipality or any predecessor in law of the Municipality on the date contemplated in par. 6.12.1(b).

6.12.4 Nobody may whilst she/he receives a pension (excluding a pension as a widow), be remunerated as an employee of the Municipality.

6.12.5 Any employee, who, on the date of this policy coming into operation has reached retirement age as set out in paragraph 6.12.1, shall be notified accordingly. The Municipal Manager shall forthwith make the necessary applications as may be required. The employment of an employee, who has been notified in terms of this subparagraph, shall be terminated with effect from the first day of the second month after having been so notified

6.13 MANAGEMENT OF INDUSTRIAL ACTION

- (a) The Municipality endorses the right of employees to strike and to embark on other forms of industrial action as determined by the law.
- (b) Whenever employees of the Municipality embark on a strike or other industrial action that causes two or more employees to be absent from work, the principle of no work, no pay applies in respect of such absent employees. The full amount of pay forfeited by an employee for her/his absence from work as contemplated in this paragraph shall be done once-off.
- (c) The Municipality shall not grant any application for leave of absence to an employee for the purpose of participating in a strike or other industrial action.
- (d) The Municipality commits itself to protect its property against destruction and damage and the safety and security of its employees, councillors and residents within the Municipality during any strike or other industrial action by employees and shall for this purpose-
 - (i) make appropriate and reasonable security arrangements;
 - (ii) not allow any industrial action to take place on or in any premises of the Municipality; and
 - (iii) take appropriate action, including disciplinary action and litigation, against any employee or union concerned who, whilst participating in a strike or other industrial action, causes damage to or destructs property of the Municipality or who harasses, intimidates, assaults or coerces any person during the course of such action or in preparation thereof.
- (e) Any employee claiming or alleging that she/he was harassed, intimidated, assaulted or coerced into or for not participating in a strike or other industrial action or who claims that she/he feared for her/his life or property during a strike, must submit a sworn written affidavit to that effect to the Director Corporate Services in order for the Municipality to take appropriate action.
- (f) The Municipal Manager must, in consultation with such other managers as she/he may determine, develop and maintain a written strike management plan for the management of strikes and other industrial action by employees of the Municipality.

6.14 EMPLOYEE PERFORMANCE APPRAISAL

- (a) The Council believes in a performance management approach that is transparent, inclusive, fair and participative. It subscribes to the principle of differentiating between excellent and substandard work performance. It therefore follows an approach of regular formal performance appraisals and informal work performance reviews and feedback that take place on a continuous basis applying the balanced scorecard methodology.

- (b) Career advancement, training and development as well as rewards will be linked to employees' work performance.
- (c) Performance appraisal is the process of giving employees regular and systematic information about their work performance. Normally this information is provided by the employee's immediate supervisor. There are three important outcomes of good performance appraisal –
- ⇒ it provides the employee with feedback on their work performance
 - ⇒ it provides the organization with a structured record of employee performance
 - ⇒ it provides a basis for improvements in employee performance.
- (d) Performance is the product of using capacity. An employee performance appraisal system (EPAS) therefore aims to establish-
- ⇒ the extent to which an individual employee applies her/his capacity (skills, knowledge and attitude) to perform a particular set of tasks and
 - ⇒ what capacities an individual employee needs to perform a particular set of tasks in such a manner and at such a standard that it contributes to the realisation of institutional goals and objectives.
- (e) Regular and frequent review and appraisal of, and feedback about, employees' performance are one of the most effective ways to achieve and maintain high quality performance and high employee morale. This employee performance appraisal system (EPAS) aims-
- to build trust and mutual support between management, supervisors and employees and
 - to help the municipality to achieve and maintain a high level of performance and harmonious working relationships.
- (f) The EPAS is fundamentally an information system. Many stakeholders in municipalities have specific information needs. For example, employees want to know-
- ⇒ what managers and supervisors expect of them;
 - ⇒ how they are doing; and
 - ⇒ how their contribution assists the municipality to accomplish its overall objectives and mission.
- (g) The municipality believes that its performance as an institution will only improve if all its employees work smarter and better to achieve the objectives set out in the IDP. Therefore, an important component of the municipality's institutional performance management

system is this EPAS. The municipality's EPAS ensures that-

- ⇒ employees would know exactly what is expected of them,
- ⇒ employees would be involved in setting their own performance objectives,
- ⇒ exceptional performance is consistently rewarded,
- ⇒ the reasons for under performance is determined and
- ⇒ appropriate solutions are implemented to improve performance.

(h) The municipality's EPAS is developmental in nature. The developmental approach to performance appraisal relates to employees as individuals. This approach is concerned with using performance appraisal to contribute to-

- ⇒ employee motivation,
- ⇒ employee development and
- ⇒ human resources planning.

(i) The results of appraisals will be used-

- ⇒ To make promotion, separation and transfer decisions in respect of individual employees
- ⇒ To provide feedback regarding how the municipality viewed an employee's performance
- ⇒ To evaluate the contributions made by an individual employee to achieving departmental and municipal objectives
- ⇒ To evaluate the effectiveness of selection and placement decisions in respect of individual employees
- ⇒ To make reward, recognition and corrective decisions in respect of individual employees
- ⇒ To ascertain training and development needs of an individual employee
- ⇒ To evaluate the impact of training and development programmes on institutional and individual performance
- ⇒ To supply information on which work programmes, budgets and human resources plans (including work place skills plans) can be based

- ⇒ To provide employees the opportunity to formally indicate the direction and level of their ambition
- ⇒ To show the municipality's interest in employee development, which may help to retain ambitious, capable employees instead of losing them
- ⇒ To provide a structure for communication between employees and management in order to help clarify management's expectations of employees and the employee's expectations of management
- ⇒ To encourage employees who have been trying to perform well to persist
- ⇒ To convert municipal and departmental objectives into individual job objectives
- ⇒ To coach, guide and direct employees on how to achieve job objectives and satisfy set job requirements
- ⇒ To diagnose an employee's strengths and weaknesses
- ⇒ To determine the kind of development activities that might help an employee to utilize his/her skills to improve performance in her/his current job.

6.15 EMPLOYMENT EQUITY

The Municipality recognises the need to redress past discriminatory treatment of persons from designated groups and to eventually establish an environment where "employment equity" prevails. Every effort will be made to establish a representative workforce as quickly and equitably as possible, through transparent and legitimate processes that do not impact negatively on the quality of service delivery, and that emphasize the identification of potential and the development thereof through appropriate systems, processes and performance and career management and training and development practices.

6.15.1 Objectives

The objectives of this policy are –

- (a) to transform the Municipality into a non-racial, non-sexist institution;
- (b) to ensure that the Municipality's workforce is composed in such a manner that it is able to serve the community effectively and fairly;

- (c) to ensure that the Municipality's employees have equitable access to learning programmes offered by the Municipality and other institutions;
- (d) to ensure that suitably qualified people from designated groups have equal employment opportunities and are equitably represented in all occupational categories and levels in the Municipality's workforce; and
- (e) to address racial and sex imbalances in the workforce by means of an affirmative action programme that enables individuals from designated groups to compete fairly with other candidates for jobs that may be available in the municipality.

6.15.2 Principles

The following principles underlie and inform this policy –

- (a) All things being equal, the candidate for appointment or promotion that is from a designated group will be given preference.
- (b) Only candidates who are suitably qualified for a particular position will be appointed or promoted to that position. A person is suitably qualified for a position as a result of any one of, or any combination of that person's formal qualifications, prior learning, relevant experience or capacity to acquire, within a reasonable time, the ability to do the job.
- (c) Appointments and promotion shall be done taking into account the Municipality's approved employment equity plan.
- (d) Access to learning opportunities shall be granted in accordance with the Municipality's work place skills plan.
- (e) Disability shall not be a disqualifying criterion for appointment, promotion or training opportunities unless the nature of the person's disability will disadvantage her/him in achieving the reasonable work standards of the position concerned.
- (f) Age shall not be a disqualifying criterion for appointment, promotion or accessing training opportunities, provided that the person concerned has not yet achieved retirement age as stipulated by the Municipality and is older than 16 years of age.

6.15.3 Recruitment

Subject to the Municipality's recruitment policy special efforts shall be made to encourage candidates from designated groups to apply for vacant positions that are advertised.

6.15.4 Monitoring and evaluation of the employment equity plan

The Council shall establish a Transformation Committee (hereafter referred to as the committee). The Committee shall meet as often as is necessary but at least once during every month.

(a) The functions of the Committee are as follows –

- (i) Consider the job description and job specification of every vacancy that may have arisen since its last meeting in order to ensure that job specifications are aligned to job duties.
- (ii) Receive and consider reports regarding the filling of vacancies on a six monthly basis and compliance with the Municipality's employment equity plan.
- (iii) Receive and consider quarterly reports regarding the implementation of the Municipality's workplace skills plan.
- (iv) Receive and consider quarterly reports regarding the granting of study assistance to employees in terms of the Municipality's study assistance scheme.
- (v) Receive quarterly reports regarding any incidents of alleged harassment, discrimination and racism.
- (vi) Review and adjust the employment equity plan as may be required.
- (vii) Supervise the preparation of the Municipality's annual employment equity report to be submitted to the Director-General of Labour in terms of section 21 of the Employment Equity Act 1998.
- (viii) Ensure the display at the workplace where it can be read by employees a notice in the prescribed form, informing them about the provisions of the Employment Equity Act 1998 as required by section 25 of the Act.
- (ix) Prepare a successive employment equity plan in terms of section 23 of the Employment Equity Act 1998.
- (x) Make proposals to the Executive Committee regarding the assignment of a senior manager or managers to take responsibility for monitoring and implementing an employment equity plan in terms of section 24 of the Employment Equity Act 1998.
- (xi) Ensure that the relevant department establishes and, for the prescribed period, maintains records in respect of the workforce, the employment equity plan and any other records relevant to its compliance with the Employment Equity Act 1998.
- (xii) Oversee the preparation of, approve and ensure the submission to the Employment Conditions Commission of a statement on the remuneration and benefits received in

each occupational category and level of the Municipality's workforce.

- (xiii) Advise the Executive Committee with regard to the affirmative action measures that should be taken to ensure that suitably qualified people from designated groups have equal employment opportunities and are equitably represented in all occupational categories and levels in the workforce of the Municipality.

(b) The Committee shall consist of –

- (i) two councillors designated by the Council, one of whom must be the chairperson of the human resources portfolio committee;
- (ii) two representatives designated by the South African Municipal Workers' Union;
- (iii) one representative designated by every other trade union representing employees in the Municipality;
- (iv) the Municipal Manager; and
- (v) departmental heads.

6.15.5 Training and learning

- (a) Training programmes must be designed and participation in training programmes must aim to enhance the skills and knowledge of employees in order to enhance career development.
- (b) Supervisors and departmental heads are responsible and accountable for ensuring the improvement of the skills, knowledge and attitudes of the employees assigned to their work teams and departments in order to –
 - (i) meet the prescribed work standards of the Municipality; and
 - (ii) advance their career and promotional prospects within and outside the Municipality.

6.16 ALTERNATIVE SERVICE DELIVERY MECHANISMS: MUNICIPAL SERVICE PARTNERSHIPS

- 6.16.1 The Municipality subscribes to the principle that public service provision remains the preferred choice of service delivery.
- 6.16.2 The Municipality affirms its right to decide on the appropriate manner of delivering services to the residents within its area. The Municipality confirms that it will consult about the labour implications of such decisions with the trade unions.

6.16.3 Employees working for the Municipality in any service that may be subjected to municipal service partnership arrangements will be transferred with the service to the service provider in terms of section 197 of the Labour Relations Act.

EMPLOYEE REMUNERATION

7.1 INTRODUCTION

This document sets out the policy, principles and procedures that must be applied with respect to the remuneration of employees of the municipality.

PART 1: MANAGEMENT REMUNERATION POLICY

7.2 AIM

The aim of this policy is –

7.3 PURPOSE

The purpose of this policy is –

to advance labour peace and stability and efficient human resources management by fulfilling the primary objects of the constitution, relevant employment law and local government legislation

7.4 POLICY PRINCIPLES

7.4.1 This policy is based on the following principles:

- (a) **Equal pay for equal work of equal value:** The Municipality shall pay equal remuneration to employees performing equal work of equal value.
- (b) **Transparency:** Management remuneration is a significant portion of the Municipality's wage bill and its operating expenses and should therefore be treated openly and in a transparent manner.
- (c) **Equity:** The Municipality shall strive to remunerate employees fairly so as to ensure that external, internal and individual equity principles are maintained with regard to the remuneration of management.
- (d) **Simplicity:** The Municipality's policy regarding management remuneration will be simple enough to explain, understand and apply to ensure that it is consistently complied with.

7.5 POLICY OBJECTIVES

7.5.1 The objectives of this policy are –

- (a) to promote effective, efficient and economic use of resources, including human resources;
- (b) to promote fairness and transparency in decisions regarding the remuneration of managers;
- (c) to provide a framework for linking managers' remuneration to their performance;
- (d) to comply with the relevant legal requirements including collective agreements, statutory provisions and applicable regulations;
- (e) to provide a framework that is flexible enough to prevent bureaucratic rigidity and allow for relative market rates and individual differences in terms of merit; and
- (f) to attract the right quality of applicants.

7.6 BASIS OF DETERMINING MANAGEMENT REMUNERATION

7.6.1 Approach to structuring management remuneration

7.6.1.1 Managers' remuneration shall be structured on a total-cost-to-employer basis.

7.6.1.2 A manager's basic pay shall be deemed to be 60% of the remuneration package of that manager. The basic pay of a manager shall be used to determine –

- (a) the performance bonus which may be payable to him/her in terms of his/her performance agreement with the Municipality;
- (b) his/her annual salary increase;
- (c) any acting allowance to which she/he may be entitled;
- (d) the cash value of any annual leave standing to his/her credit at the termination of his/her employment for whatever reason; and
- (e) the employer's contribution to any retirement fund and medical aid scheme of which he/she is a member.

7.6.1.3 The actual remuneration of a manager shall be a specific point on a pay range.

7.6.2 Determination of pay ranges

7.6.2.1 The pay range applicable to the Municipal Manager shall be the pay range recommended by SALGA for a “section 57 employee” on the valid category of the Municipality for the determination of councillor remuneration.

7.6.2.2 The pay range for a manager who is directly accountable to the Municipal Manager shall be the pay range recommended by SALGA for a “section 57 employee” on the category of a municipality one category lower than the category referred to in par. (a).

7.6.3 Determination of actual remuneration

7.6.3.1 The determination of a specific manager’s place on the applicable pay range referred to in par 6.2 shall be determined by applying the following criteria –

- (a) relevant previous work experience;
- (b) expertise; and
- (c) skills and knowledge, as reflected by formal qualifications and/or prior learning.

7.6.3.2 A person shall at the date of his/her employment by the Municipality as a manager be placed on –

- (a) the lower quartile of the relevant pay range if he/she does not fully satisfy the Municipality’s requirements with regard to at least two of the criteria listed in par 6.3.1 and the Executive Committee is of the opinion that he/she has the capacity to acquire, within a reasonable time, the ability to do the job;
- (b) the median of the relevant pay range if he/she satisfies the Municipality’s requirements with regard to at least two criteria listed in par 7.6.3.1; and
- (c) the upper quartile of the relevant pay range if he/she exceeds the Municipality’s requirements with regard to at least two criteria listed in par 7.6.3.1.

7.6.3.3 A manager’s place on a pay range shall not be altered during the course of a current term of employment if that manager satisfies the requirements for being placed on a higher place.

7.6.3.4 The Council may, after it has considered the report and recommendation of the Executive Committee in this regard, authorise in a particular case, that a manager be appointed at a remuneration package falling outside the applicable salary range, if –

- (a) the candidate concerned has expertise that satisfies the inherent requirements of the position concerned; and
- (b) the Municipality has unsuccessfully attempted to appoint a manager in that position on at least two occasions within a period of six months.

7.6.3.5 The Municipality shall not, in order to prevent a manager's resignation –

- (a) remunerate or promise to remunerate him/her at a higher level than the level determined in respect of him/her in terms of par (b);
- (b) grant or promise to grant to him/her any allowance; or
- (c) make or promise to make any additional payment to him/her except a payment authorised in terms of this policy.

7.7 ADDITIONAL ALLOWANCES AND PAYMENTS

7.7.1 Acting Allowance

- (a) A manager who is directly accountable to the Municipal Manager shall, in addition to her/his actual remuneration, be entitled to an acting allowance if she/he, for a period of 15 or more consecutive working days, acts in a higher position. An acting allowance (**Form 7.7.1**) shall be calculated as the difference between the basic pay of the manager who acts and the basic pay of a manager on the lower quartile of the pay range of the manager in whose place she/he acts.
- (b) A manager shall not be entitled to any additional payments in respect of performing the work and bearing the responsibility of a position lower than his/her position.

7.7.2 Reimbursement of certain travel expenses

A manager shall in respect of approved journeys on official business undertaken with his/her own motor vehicle be entitled to a travelling allowance for every km travelled, as contained in the relevant policy, provided that no such allowances shall be paid in respect of journeys of 20 km or shorter calculated from the relevant manager's ordinary place of work. The rate per kilometre for calculating a travelling allowance shall be determined by the bargaining council. The Municipality shall not insure any vehicle owned by a manager, whether or not such vehicle is used for the official business.

7.7.3 Commutation of annual/holiday leave

A manager may not commute annual leave to his/her credit.

7.8 ADJUSTMENTS AND INCREASES

7.8.1 The Municipality shall annually, together with the preparation of its budget, review the remuneration of each manager.

7.8.2 The Municipality shall annually grant an increase in the basic pay of a manager, as follows –

- (a) When the manager concerned has received 100% of his/her performance bonus in respect of the financial year immediately preceding the birth date of his/her appointment as manager, he/ she shall be entitled to 100% of the increase;
- (b) When the manager concerned has received 80% or more but less than 100% of his/her performance bonus in respect of the financial year immediately preceding the birth date of his/her appointment as manager, he/she shall be entitled to 80% of the increase;
- (c) When the manager concerned has received 60% or more but less than 80% of his/her performance bonus in respect of the financial year immediately preceding the birth date of his/her appointment as manager, he/she shall be entitled to 60% of the increase; and
- (d) When the manager concerned has received less than 60% of his/ her performance bonus in respect of the financial year immediately preceding the birth date of his/her appointment as manager, he/ she shall be not be entitled to any increase.

7.8.3 The quantum of an annual increase which the Municipality shall grant to a manager shall be calculated –

- (i) on the basis of any salary survey for managers conducted and supplied by SALGA; or
- (ii) if SALGA fails or neglects to supply the Municipality with the necessary information on or before of 15 July of the relevant year, as the average of the national CPIX for 12 months immediately preceding the month during which the Municipality shall review the salary of a manager.

7.8.4 An increase to which a manager may be entitled in terms of this paragraph shall be paid with effect from the first month following the month during which the manager concerned completes an annual employment cycle.

7.9 INSTITUTIONAL ARRANGEMENTS

7.9.1 Governance arrangements

- (a) The Remuneration Committee (hereafter referred to as the committee) is hereby established.
- (b) The committee consists of –
 - (i) the Mayor, who shall be the chairperson;
 - (ii) the members of the EXCO responsible for finance (if not the Mayor) and human resources; and
 - (iii) an external remuneration expert appointed by the Council.
- (c) The committee is a committee contemplated in section 79 of the Local Government: Municipal Structures Act 1998 (Act No 117 of 1998).
- (d) The functions of the committee are –
 - (i) to monitor the implementation of this policy; and
 - (ii) to review this policy as may be required.
- (e) The committee shall report to the Council as often as the Council may require.
- (f) The Council shall, when it appoints the independent remuneration expert referred to in par (b)(iii) determine –
 - (i) his/her remuneration;
 - (ii) the other terms and conditions applicable to his/her appointment; and
 - (iii) his/her term of office.
- (g) A member of the committee who is a councillor may not receive any additional remuneration because she/he is a member of the committee.
- (h) The committee must have at least two ordinary meetings during a financial year at a time, place and date determined by the chairperson.
- (i) The chairperson may at any time call a special meeting of the committee at a time, place and date determined by her/him.

- (j) The chairperson must call a special meeting of the committee at a time, place and date within seven days after determined by her/him when so requested in writing by the other members of the committee, provided that if the chairperson fails or is for any reason prevented to do so, the municipal manager must call such meeting.
- (k) The chairperson presides at meetings of the committee.
- (l) If the chairperson is absent from a specific meeting of the committee, the members present must elect a chairperson from the members present to act as chairperson for that meeting.
- (m) The majority of the members of the committee must be present before it may take a decision on any matter.
- (n) A question before the committee is decided if there is agreement among at least the majority of the members.
- (o) The committee may, to the extent necessary for the efficient and effective performance of its functions –
 - (i) access and inspect any records, documents and information held otherwise by the Municipality or an employee of the Municipality;
 - (ii) conduct interviews with the Council or any committee thereof and summons any employee of the Municipality to appear before it and interview him/her; and
 - (iii) investigate or cause to be investigated by any employee of the Municipality, after consultation with the Municipal Manager, any matter.
- (p) The Municipal Manager and every other employee of the Municipality must-
 - (i) assist the committee in the performance of its functions;
 - (ii) produce any book, record or other information required by the committee, the custody and control of which had been entrusted to him/her; and
 - (iii) appear before the committee when summonsed to do so and answer any question or enquiry of the committee truthfully and to the best of his or her knowledge.
- (q) The Municipal Manager may, after consultation with the relevant departmental head, direct any employee to assist or appear before the committee.
- (r) The Municipal Manager must, after consultation with the relevant departmental head, provide secretariat services for the committee.

7.9.2 Procedures

- (a) The Director Corporate Services shall annually during June/July obtain the salary survey results and recommendations of SALGA relating to management remuneration of the next financial year.
- (b) The Director Corporate Services shall annually, after receipt of the survey results and recommendations of SALGA, after consultation with the Speaker and the Mayor, call a meeting of the remuneration committee, provided that –
 - (i) if SALGA has failed or neglected to supply the survey results and recommendations by 15 July, the Director Corporate Services shall arrange for a meeting of the remuneration committee to be held as if such results and recommendations have been supplied;
 - (ii) the remuneration committee shall meet on or before 31 July of each year.
- (c) The remuneration committee shall consider the matter and shall submit its written report and recommendations regarding salary increases of managers for the next financial year to the Executive Committee at the first meeting following the completion of its work.

7.10 PERFORMANCE REWARD

7.10.1 A manager shall be entitled to a performance bonus, provided that –

- (a) an annual performance agreement has been entered into between him/her and the Municipality on or before 31 July of each year during the duration of his/her term of employment;
- (b) his/her performance has been assessed after the end of the financial year to which a current performance agreement relates in terms of the procedures and against the performance objectives and performance targets set out in the agreement; and
- (c) the Council has considered and approved a report relating to his/ her performance.

7.10.2 The maximum amount of the performance bonus to which a manager shall be entitled shall be 15% of his/basic pay for the year in respect of which the annual performance assessment was done.

7.10.3 The actual performance bonus which a manager may receive is an amount –

- (a) equal to 100% of his/her maximum performance bonus if his/her aggregate score in his/her annual assessment as approved by the Council, is 80% or higher;
- (b) equal to 80% of his/her maximum performance bonus if his/her aggregate score in his/her annual assessment as approved by the Council, is 70% or higher; and

- (c) equal to 70% of his/her maximum performance bonus if his/her aggregate score in his/her annual assessment as approved by the Council, is 60% or higher.

7.10.4 A manager whose annual performance assessment as approved by the Council is less than 60% shall –

- (a) not be entitled, nor receive, a performance bonus in respect of that year; and
- (b) shall subject him/her to such counselling, training, instruction and other capacity-building measures as the Council may determine, within 6 months after the Council has issued such determination.

7.10.5 Any performance bonus to which a manager may be entitled shall be paid to him/her together with his/her salary for the first month following the month during which the Council approved his or her performance assessment.

7.11 TERMINOLOGY

In this Part words and expression have the meanings assigned to them in the applicable legislation and, unless the context indicates otherwise –

- (a) “**expertise**” means having special skills to perform certain tasks or expert knowledge of a particular subject;
- (b) “**external equity**” refers to comparisons between similar jobs in the labour market;
- (c) “**external remuneration expert**” a person who is not a councillor or an employee of the Municipality, appointed by the Council, for his/her knowledge and experience regarding remuneration;
- (d) “**individual equity**” is concerned with the extent to which an employee’s remuneration reflects his/her specific skills and expertise and the fairness with which pay changes such as general increases are made;
- (e) “**internal equity**” deals with comparisons of remuneration across jobs within the Municipality;
- (f) “**skills and knowledge**” means the ability to perform required tasks and the theoretical and practical understanding of a particular job and its relation with other jobs.
- (g) “**management structure**” means the first three reporting levels indicated in the approved organisational structure of the Municipality;

- (h) **“managers”** means the persons employed by the Municipality in positions on the first two reporting levels of the organisational structure;
- (i) **“pay range”** means a continuum starting at an amount and ending at a higher amount indicating remuneration packages;
- (j) **“relevant previous work experience”** means work experience in a similar job at another institution, whether in the public or the private sector; and

PART 2: REMUNERATION POLICY IN RESPECT OF EMPLOYEES OTHER THAN MANAGEMENT EMPLOYEES

7.12 PURPOSE

7.12.1 The purpose of this Part is to advance labour peace and efficient human resources management by fulfilling the primary objects of the Constitution, relevant employment law and local government legislation.

7.12.2 The specific objectives of this Part are to -

- (a) promote effective, efficient and economic use of resources;
- (b) promote fairness and transparency in decisions regarding remuneration; and
- (c) provide a framework within which the Municipality will develop and administer appropriate systems and procedures to ensure fair, efficient, effective and transparent personnel administration and matters connected therewith, including linking employee remuneration to performance.

7.13 COLLECTIVE AGREEMENTS

7.13.1 Every employee, except employees whose remuneration is determined in terms of Part 1 of this Chapter, must be remunerated according to the relevant collective agreements.

7.13.2 The remuneration of an employee referred to in paragraph 7.13.1 consists of -

- (a) a basic salary;
- (b) a 13th cheque;
- (c) the Municipality’s contribution to a retirement fund in respect of the employee;

- (d) the Municipality's contribution to a medical aid scheme in respect of the employee;
- (e) provided the qualifying conditions are met, such allowances as set out in this Manual;
- (f) payments for approved overtime work as prescribed by relevant legislation; and
- (g) such allowances as may be payable in terms of a collective agreement.

PART 3: POLICIES APPLICABLE TO ALL EMPLOYEES

7.14 RENOUNCEMENT OF, LAYING CLAIM TO AND CESSION OF SALARY OR OTHER MONEY

No employee may cede or renounce any right or claim to any salary or other money due to her/him or anything owed to her/him by the municipality.

7.15 DATE OF PAYMENT OF SALARY

Payment of the employee's salary is made, subject to section 32(4) of the Basic Conditions of Employment Act, in twelve equal instalments in arrears on the last Friday of before the 25TH day of each month.

7.16 MANNER OF PAYMENT OF SALARY

7.16.1 The Director Financial Services must ensure that the salary of an employee is paid directly into the bank account she/he designated, on or before the end of each month (**Form 7.16**).

7.16.2 Employees must be paid in South African currency.

7.17 ANNUAL BONUS

7.17.1 Every employee is entitled to a 13th cheque payable together with her/his salary, on the last month of every annual employment cycle, provided that an employee appointed in terms of section 57 of the Municipal Systems Act may only receive a 13th cheque if she/he has chosen to receive an annual bonus.

7.17.2 An employee is entitled to the pro-rata payment of her/his annual bonus -

- (a) on retirement;
- (b) when his/her service is terminated for poor performance due to illness or injury;
- (c) when he/she resigns;
- (d) upon her/his death.

7.18 SALARY ADVICES / PAY SLIPS

Every employee is entitled to receive a pay slip on or before every pay day, as contemplated in section 33 of the Basic Conditions of Employment Act. When an employee who cannot read so requests, the contents of the pay slip must be explained to him/her.

7.19 DEDUCTIONS FROM SALARY

7.19.1 The Municipality must deduct from an employee's monthly salary and pay the amounts deducted over to the relevant institution (where applicable), together with the Municipality's contribution (where applicable):

- (a) Income tax in terms of relevant legislation;
- (b) The employee's contributions to the retirement and medical aid funds;
- (c) Any deductions ordered by a court of law;
- (d) Any deduction authorised in terms of a law;
- (e) Any deductions permitted in terms of a collective agreement; and
- (f) Any fines and reimbursements imposed as a penalty for misconduct.

7.19.2 Any deduction must be clearly shown on the employee's salary advice.

7.20 MONIES OWED UPON TERMINATION OF SERVICE

7.20.1 Whenever the services of an employee are terminated, any monies that -

- (a) the employee owes to the Municipality; or
- (b) the Municipality owes to the employee,

will be due and payable by cheque or cash on his/her last working day, provided that the Municipality may deduct any amounts owed to it from an employee's final pay.

7.20.2 Any annual leave to the credit of an employee at the termination of his or her services shall, with due regard for the provisions of any collective agreement, be calculated in accordance with Government Notice No. 691 (Government Gazette No 24889, 23 May 2003), a copy of which is annexed to this Chapter.

7.21 OVERTIME PAY

7.21.1 No employee may be required or permitted to work overtime except in terms of an agreement between such employee and the Municipality.

7.21.2 No employee may work more than 10 hours overtime during any work week except when overtime work is required to be done without delay owing to circumstances for which the Municipality could not reasonably have been expected to make provision and which cannot be performed by employees during their ordinary hours of work.

7.21.3 Except in the case of the Municipal Manager and a departmental head no overtime may be worked without the express prior instruction of –

(a) the Municipal Manager or departmental head concerned; or

(b) in the case of an employee assigned to work under the direction and control of a full-time councillor, the instruction of such councillor.

7.21.4 Compensation for overtime work shall be as prescribed in the Basic Conditions of Employment Act.

7.22 STOP-ORDER FACILITIES

The Municipality shall not honour any authorisation given by an employee for deducting money from his salary unless such authorisation is given in relation to –

(a) any deductions authorised in terms of a collective agreement;

(b) the payment of any deductions in terms of any policy contained in the Manual; and

(c) the payment of monies owed to a medical aid scheme or in relation to the supply of medicine under prescription of a medical practitioner.

7.23 PERSONAL LOANS AND PETTY CASH ADVANCES

The Municipality shall not grant personal loans or advances from petty cash or any other account or fund to any employee.

ALLOWANCES

8.1 TELEPHONE ALLOWANCE

- 8.1.1 The Municipal Manager may, after consultation with the Director Corporate Services and Director Financial Services and the departmental head concerned, designate any position in the staff establishment (except the position of a manager appointed in terms of section 57 of the Municipal Systems Act) as a telephone allowance carrying position.
- 8.1.2 An employee who is in a part/full-time capacity involved in disaster management must receive a telephone allowance unless she/he receives a mobile phone allowance.
- 8.1.3 An employee who occupies a telephone allowance carrying position -
- (a) is entitled to payment of such allowance together with her/his monthly salary; and
 - (b) must supply the Municipality with an irrevocable written authorisation to deduct the full telephone account from her/his monthly salary and pay the amount over to the institution concerned together with an amount equal with her/his telephone allowance.
- 8.1.4 A telephone allowance is an amount equal to the rental of one residential analogue Telkom landline in the relevant employee's residence.
- 8.1.5 An employee may only receive a telephone allowance or a mobile phone allowance and may not receive both.

8.2 REIMBURSEMENT OF MOBILE PHONE COSTS

- 8.2.1 The Municipal Manager may, after consultation with the Director Corporate Services and Director Financial Services and the departmental head concerned, designate any position in the staff establishment (except a position of a manager appointed in terms of section 57 of the Municipal Systems Act) as a mobile phone allowance carrying position.
- 8.2.2 An employee who is part/full-time involved in disaster management, fire fighting services and emergency medical services must receive a mobile phone allowance unless she/he receives a telephone allowance.
- 8.2.3 Participation in the mobile phone allowance scheme entitles a participant, subject to the terms and conditions set out herein, to -

- (a) acquire a mobile phone handset of her/his choice and SIM card by means of a rental agreement concluded between the participant concerned and a mobile phone service provider; and
- (b) reimbursement of the cost stipulated herein by the Municipality to an amount determined from time to time by the Municipal Manager after consultation with the Director Financial Services.

8.2.4 The Municipality is not liable for any cost in relation to -

- (a) the upgrading of any mobile phone equipment or accessories;
- (b) insuring any mobile phone equipment;
- (c) any insurance excess resulting from a claim in relation to the loss of or damage to a mobile phone;
- (d) the cost of acquiring and installing any hands free operating equipment for any mobile phone that may be required to legally use the equipment acquired under this scheme;
- (e) the replacement of damaged, lost or stolen equipment or repairs to mobile phone equipment or accessories;
- (f) the acquisition of any additional or replacement batteries, battery chargers or other accessories related to a mobile phone; and
- (g) an active mobile phone account after the phone in question has been stolen, lost, damaged or the participant ceased to participate in the scheme.

8.2.5 A participant must -

- (a) ensure that she/he is available on her/his mobile phone at all reasonable times;
- (b) supply a replacement phone and inform the Municipal Manager of its number in event that her/his phone was handed in for repairs;
- (c) supply the Municipal Manager with her/his mobile phone number;
- (d) immediately if she/he becomes aware that her/his mobile phone may have been lost or stolen, supply her/his service provider with the relevant details and ensure that the phone is barred from making any further calls; and
- (e) immediately inform the Municipal Manager, if her/his mobile phone account has lapsed.

8.2.6 The Municipality shall pay, in relation to each participant, an amount equal to R300.00 per month or such other amount as may be determined from time to time;

8.3 ENTERTAINMENT ALLOWANCE

8.3.1 The Municipality does not pay an entertainment allowance to any employee.

8.3.2 The Director Financial Services must, in consultation with the Municipal Manager, in each operating budget provide for entertainment expenses to be incurred by the Municipal Manager and departmental heads.

8.4 STAND-BY ALLOWANCE

8.4.1 When an employee, by resolution of the departmental head concerned, makes her/him available on stand-by for active overtime duty outside normal working hours, she/he is entitled to a stand-by allowance.

8.4.2 A stand-by allowance shall not be incorporated into or written off against any remuneration for overtime worked.

8.4.3 A stand-by allowance shall be calculated as follows:

(a) an hour's wage for every week day and Saturday that is not a public holiday during which the employee was available on stand-by duty; plus

(b) two hours wage for every Sunday or public holiday during which the employee was available on stand-by duty.

8.4.4 A stand-by allowance must be paid together with an employee's salary for the month during which she/he performed stand-by duty.

8.4.5 An employee who is on stand-by duty in a specific unit may not leave the unit during the period of stand-by without express prior approval of his/her direct supervisor.

8.4.6 An employee who leaves the unit in which he/she is on stand-by duty without the express prior permission of his/her direct supervisor makes him/herself guilty of misconduct.

8.4.7 An employee who is on stand-by duty must leave his/her mobile phone and/or radio on for whole period of stand-by duty. Failure to do so may lead to disciplinary steps being taken against the employee.

8.5 NIGHT WORK ALLOWANCE

- 8.5.1 An employee whose normal work requires that she/he works between 18:00 on one day and 06:00 of the next day is entitled to a night work allowance.
- 8.5.2 A night work allowance shall be calculated as follows:
- (a) an hour's wage for every week day and Saturday that is not a public holiday during which the employee performed night work; plus
 - (b) two hours wage for every Sunday or public holiday during which the employee performed night work.
- 8.5.3 A night work allowance must be paid together with an employee's salary for the month during which she/he performed night work.

8.6 HOME-OWNER'S ALLOWANCE (HOUSING SUBSIDY)

- 8.6.1 Any employee appointed on the permanent establishment and who has completed her/his period of probation may participate in the Municipality's home-owner's allowance scheme, subject to compliance with the qualifying conditions at the date of application for participation and during the full period of such participation.
- 8.6.2 The qualifying conditions are as follows –
- (a) the employee's spouse or life partner may not receive a similar allowance in respect of the same or another property;
 - (b) the property in respect of which the employee applies to participate in the scheme must be—
 - (i) registered in her/his name or jointly in her/his and her/his spouse's or life partner's name; or
 - (ii) constructed on premises in respect of which the employee and her/his spouse or the employee's spouse or life partner has obtained a leasehold in terms of a statute; or
 - (iii) obtained by way of a deed of sale which will lead to registration of the property in the name of the employee, or the employee and her/his spouse or life partner or the employee's spouse or life partner;
 - (c) the property must be situate within the municipal area;

- (d) the employee must ordinarily occupy the property; and
- 8.6.3 No homeowner's allowance may be paid in respect of a property registered in the name of a company, trust, close corporation or similar legal entity.
- 8.6.4 The homeowner's allowance payable to an employee is calculated on the balance of the total amount of the mortgage bonds registered against the property in respect of which the application is made minus any amount of such a mortgage not taken up by the employee.
- 8.6.5 The Municipality must pay the first instalment on a mortgage bond on the date it is due. Subsequent instalments must thereafter be paid not later than the first day of every month until the sooner of any of the following dates -
- (a) or the term of the mortgage; or
- (b) until such mortgage had been discharged; or
- (c) until the employment of the employee with the Municipality is terminated for whatever reason; or
- (d) until twenty years has expired from date of the first instalment.
- 8.6.6 A home owner's allowance is discontinued on the date on which any disqualifying change appears.
- 8.6.7 The amount of the home owner's allowance payable to an employee is such amount as the bargaining council may determine from time to time.
- 8.6.8 An employee who receives a home owner's allowance must in writing and irrevocably authorise the Municipality to deduct the full amount of the compulsory instalment on such bond from her/his salary and to pay same, together with the employer's contribution, over to the relevant institution.
- 8.6.9 An employee may authorise the Municipality to deduct and pay over to the relevant institution an amount higher than the compulsory instalment on her/his mortgage bond. Such an authorisation may only be given or changed once during every six-month period.
- 8.6.10 An employee who participates in the home-owner's allowance scheme must report to the Director Financial Services any changes during the period that she/he receives the allowance that may affect the payment or amount thereof.
- 8.6.11 Whenever the amount paid to an employee is found to be incorrect due to -

- (a) the overpayment thereof, the amount of the overpayment must be recovered on the employee; or
- (b) the underpayment thereof, the amount of the underpayment must be paid to the employee or the mortgager.

8.7 TRAVELLING ALLOWANCE SCHEME

The travelling allowance scheme of the SALGBC that came into operation on 1 August 1994 is the municipality's travelling scheme. The requirements explained hereunder are to clarify the scheme to participants. If any inconsistencies exist between the policy and the SALGBC Agreement the SALGBC Agreement determination(s) will be applicable.

8.7.1 Purpose of the scheme

The purpose of the scheme is to fairly compensate employees who use their privately owned vehicles on official business for the cost incurred by them.

8.7.2 Participation in the scheme

- (a) The incumbent in a position identified in paragraph (c) must supply and use a vehicle for the proper performance of her/his functions, exercise of her/his powers and discharge of her/his duties.
- (b) The incumbent in a position referred to in paragraph (c)(iii) is entitled to participate in this scheme, subject to the terms and conditions stipulated here-in.
- (c) The following persons must supply and use a vehicle for the proper performance of their functions, exercise of their powers and discharge of their duties:
 - (i) The Municipal Manager;
 - (ii) A manager directly accountable to the Municipal Manager; and
 - (iii) The incumbent in any other position who is required to regularly travel on the official business of the Municipality and designated by the Municipal Manager after consultation with the relevant departmental head and the Chief Financial Officer.
- (d) In terms of the scheme employees are entitled to travelling allowances according to the following allocations

8.7.3 Structure of the scheme

A person occupying a position referred to in paragraph 8.7.2(c)(iii) is entitled to a travelling allowance in terms of this scheme. A travelling allowance in terms of this scheme consists of two parts, namely -

- (a) A fixed monthly travelling allowance and
- (b) A variable travelling allowance

8.7.4 Calculation of travelling allowances

The calculation of the travelling allowances is done in terms of the SALGBC Collective Agreement.

8.7.5 Allocation and changing of kilometres for calculating fixed travelling allowances

- (a) The total amount of kilometres per month in respect of which a participant is entitled to receive a non-accountable fixed travelling allowance per month is:
 - (i) Post level 1 850 km.
 - (ii) Post level 2 750 km
 - (iii) Post level 3 650 km
 - (iv) Post level 4 550 km
 - (v) Incumbent in any other position who is required to regularly travel on the official business of the Municipality and designated by the Municipal Manager after consultation with the relevant departmental head and the Chief Financial Officer - 450 km.
 - (vi) The Municipal Manager may at any stage require an employee who receives a travelling allowance to keep log sheets for a period of 4 months to review an employee's allocation.
- (b) "Non-accountable" in relation to a fixed monthly travelling allowance means that the recipient is not required to provide proof of the distance travelled in order to receive payment of the allowance.
- (c) Whenever a participant, during four or more consecutive months, travels more than the allocated distance in terms of paragraph (a) on official business within the municipal area, the Municipal Manager may, upon receipt of proof to that effect, increase the amount of kilometres in respect of that participant in its discretion.

- (d) The Municipal Manager may at time require any participant to keep a log book of all journeys she/he undertakes on official business within the municipal area and to submit such log book, after it has been certified by the relevant manager.
- (e) The Municipal Manager may, upon receipt of a report of a committee contemplated in paragraph (d), -
 - (i) increase the amount of kilometres allocated to a participant for the purpose of calculating her/his fixed monthly travelling allowance; or
 - (ii) decrease the amount of kilometres allocated to a participant for the purpose of calculating her/his fixed monthly travelling allowance.
- (f) Any increase or decrease in a participant's fixed monthly travelling allowance comes into operation on the first day of the month following the month during which the increase or decrease, as the case may be, has been approved.

8.7.6 General terms and conditions of participation

- (a) A non-accountable fixed monthly travelling allowance is payable together with her/his salary to every participant in the scheme in respect of authorised journeys on official business within the municipal area.
- (b) A participant in this scheme shall not without the prior written approval of her/his departmental head use a vehicle of the Municipality to undertake journeys on official business.
- (c) The choice of vehicle to be used under this scheme is in the sole discretion of the employer provided that such vehicle must be suitable for the purpose for which it is supplied.
- (d) A vehicle purchased under this scheme must be registered in the participant's name
- (e) A participant is responsible for the full cost of travelling, maintenance, insurance, licensing and registration of any vehicle under this scheme.
- (f) Employee's tax as determined from time to time in terms of relevant legislation must be deducted from a participant's travelling allowance and paid over to the South African Revenue Service.
- (g) Subject to the provisions of paragraph 8.7.8(e) a participant remains entitled to and must be paid the full amount of her/his fixed monthly travelling allowance during any period of absence on leave with full pay.
- (h) A participant is, in respect of approved journeys within the municipal area exceeding the amount of kilometres allocated in terms of paragraph 8.7.5(a) and in respect of approved journeys on the official business of the Municipality outside the municipal area entitled to a variable travelling allowance calculated in terms of paragraph 8.7.4(c).

- (i) Any travelling allowance in terms of this scheme is, after deduction of any taxes as may be prescribed, payable monthly in arrears into a bank account designated by the participant concerned together with the participant's salary.

8.7.7 Reduction, suspension, temporary increase in and discontinuing of travelling allowance

- (a) Whenever it is established that a participant in the scheme did not travel the allocated amount of kilometres during two or more consecutive months, the Municipal Manager may, in her/his sole discretion, reduce the number of kilometres allocated to that participant in respect of which she/he receives a fixed monthly travelling allowance.
- (b) Whenever a participant ceases to occupy the position in which she/he qualified for participation in the scheme, the payment to her/him of a fixed travelling allowance must be discontinued with effect from the first day of the month following the month during which she/he ceased to occupy such position.
- (c) Whenever a participant is promoted or demoted to another position in which the incumbent qualifies for participation in this scheme but the fixed travelling allowance of such other position is calculated in a different manner, her/his benefits must be increased or decreased, as the case may be, to the level of the benefits linked to that other position with effect from the first day of the month following the month during which she/he was promoted or demoted.
- (d) A participant's fixed travelling allowance must be reduced pro rata for the number of days that the participant concerned was absent from work-
 - (i) due to her/his participation in a strike or other industrial action;
 - (ii) on unpaid leave; or
 - (iii) due to her/his suspension without pay as an alternative to her/his dismissal.
- (e) The daily value of a participant's fixed travelling allowance for the purpose of paragraph (e) is calculated as set out in paragraph 8.7.4(b).
- (f) Whenever a participant acts in another position in respect of which a higher fixed travelling allowance is payable for a continuous period of more than 10 working days, her/his fixed monthly travelling allowance must be increased by adding for every working day during which she/he so acts an amount equal to the difference of her/his daily fixed travelling allowance and the daily fixed travelling allowance of the person in whose position she/he is acting calculated in terms of paragraph 8.7.4(b).
- (g) Whenever it is suspected at any time that a participant-
 - (i) claimed a travelling allowance in a dishonest manner; or
 - (ii) falsified a log book which she/he was required to keep in terms of this scheme

the Municipal Manager, or if the Municipal Manager is involved, the Mayor, must immediately institute disciplinary action against the participant concerned and recover any amount as determined during such disciplinary proceedings which were paid to or in favour of such participant.

(h) Whenever it is suspected at any time that a manager-

(i) recommended or approved the participation in the scheme of any employee who is not entitled thereto; or

(ii) certified a log book or travelling claim of a subordinate employee as correct whilst it was not

the Municipal Manager, or if the Municipal Manager is involved, the Mayor, must immediately institute disciplinary action against the manager concerned and may recover any amount as determined during such disciplinary proceedings which were made as a result of such recommendation, approval or certification on the manager concerned or the person who benefited from it.

8.8 TRANSPORTATION BENEFITS

8.8.1 Except in exceptional cases the Municipality does not provide transport for employees nor will it reimburse employees for any transport cost incurred in respect of-

(a) commuting between residence and workplace;

(b) attending funerals; or

(c) attending trade union meetings.

8.8.2 An employee who has been delegated to attend a conference, workshop or similar event on behalf of the Municipality is entitled to be reimbursed for any travelling cost incurred (if she/he does not use official transport) in terms of the subsistence and travelling policy.

8.9 ACTING IN ANOTHER/HIGHER POSITION

8.9.1 Whenever the Municipal Manager is absent from work or unable to perform the duties of office, the Municipal Manager shall designate a Director in writing to act in her/his stead.

8.9.2 Whenever a departmental head is absent or unable to perform the duties of office, the Municipal Manager must designate a Director of another department to act as departmental head after consultation with the departmental head concerned.

- 8.9.3 An acting allowance is payable to an employee acting in another position for 15 or more consecutive working days, provided that no acting or other allowance shall be paid for performing functions of a post lower than the position than the position which the person who performed such functions was appointed.
- 8.9.4 An acting allowance is calculated by multiplying the difference in the daily wage of the employee who acts in another position and that of the employee in whose position she/he acted by the number of days so acted.
- 8.9.5 No person may be appointed to act in another position than that of Municipal Manager or departmental head without the express prior approval of the Mayor having been obtained.

8.10 EX GRATIA GRANTS

- 8.10.1 The Municipal Manager may, after consultation with the Director Corporate Services and Director Financial Services make *ex gratia* grants to employees who represent South Africa in sporting activities at national level.
- 8.10.2 An *ex gratia* grant may be made only if the employee concerned-
- (a) has attained national colours; and
 - (b) will represent South Africa abroad.
- 8.10.3 An *ex gratia* grant shall be calculated at the current travel and subsistence cost per day as contained in the travel and subsistence policy for the actual period that the employee concerned will be abroad or 30 days, whichever is the shorter.

8.11 RENTAL ALLOWANCE

- 8.11.1 An employee appointed on the permanent establishment, who has successfully completed her/his probation period and who complies with the qualifying conditions may receive a rental allowance.
- 8.11.2 To qualify for a rental allowance –
- (a) the employee together with his/her spouse/life partner (if any) and one or more of their minor dependents (if any) must ordinarily reside in the residence concerned;
 - (b) the employee's spouse/life partner (if any) may not receive a similar benefit from her/his employer;

(c) the employee must, together with her/his application for participation in the scheme, submit written proof by way of a signed rental agreement or sworn affidavit of the person from whom the residence is rented of the fact that she/he is renting a residence and the amount of rental payable to the landlord; and

(d) the employee may not receive any other housing benefit from the Municipality.

8.11.3 A rental allowance is payable to the employee together with her/his salary for each month.

8.11.4 An employee may not receive a rental allowance in respect of any residential property in which she/he has any interest as owner or mortgager, whether individually or together with one or more third parties.

8.11.5 An employee shall forfeit her/his rental allowance if it is found in any disciplinary proceedings, or she/he admits, that she/he -

(a) received any benefit under this scheme whilst she/he did not comply with the qualifying conditions; or

(b) was paid an amount under the scheme to which she/he was not entitled; or

(c) did not immediately declare that any amount paid to her/him under the scheme was paid to her/him in error.

8.11.6 A rental allowance is the lesser of R300.00 per month or half of the rental payable by an employee to her/his landlord in respect of the rental of a residence, excluding any amounts payable to the landlord concerned or a third party in respect of any municipal or other public services consumed in or provided to the residence concerned.

EMPLOYEE BENEFIT SCHEMES

9.1 STUDY ASSISTANCE SCHEME

9.1.1 Objective of the Scheme

9.1.1.1 This policy is a framework designed to afford the personnel of Setsoto Local Municipality the opportunity to develop themselves in a formally structured way on the basis of identified requirements in the interest of Council, in order to be able to cope satisfactorily with the present and future allocated duties.

9.1.2 Method of Application and Selection of Candidates

9.1.1.2 The Council supports the continuous development of its employees, however the operational requirements of the Council and the relevance of the studies concerned to the department shall always be the primary concern.

9.1.1.3 Officials who wish to undertake a study course towards obtaining a work related qualifications, a degree or equivalent study must first obtain approval from the Municipal Manager through the Director : Corporate Services.

9.1.1.4 Each application shall be considered on individual basis to ensure that the studies an employee wishes to pursue are in the interest of Council.

9.1.1.5 Each application shall be submitted to the Director : Corporate Services in writing (**Form 9.1.1**).

9.1.3 Method of Payment

9.1.2.1 The Council shall pay the cost of books, tuition fees and registrations fees directly to the institution in advance upon submission of the statement of account and approval of bursary.

9.1.4 Rules and Regulations Regarding Allocation of Bursary

9.1.3.1 Upon completion of the relevant subjects/modules for which the official has registered, the official must submit to Council a schedule of results obtained for subjects/modules registered.

- 9.1.3.2 The fees paid by Council for any subject/modules which an official has failed will be recouped from the concerned official and the official will forfeit further assistance from Council.
- 9.1.3.3 An employee undergoing training for six months or more, must undertake to serve the Council for a period of twelve (12) months following successful completion of the training programme, failing which the employee shall have a pro rata portion of the training fees deducted from their final remuneration benefits.
- 9.1.3.4 The applicant must undertake to serve the Council for a period of twelve (12) months in respect of each year he/she has been granted a bursary by the Council. This is calculated concurrently as the applicant is serving the Council, starting after one year of registration. An example can be made of an applicant who is studying for 3 (three) years. Such a applicant will undertake to serve 1 (one) year after each year of completion. If the period of study is less than 12 (twelve) months, a pro-rata period shall be served, depending on the length of period involved.
- 9.1.3.5 Further should the applicant leave the Council's service during any period referred in clause 9.1.3.3 any amounts recoverable by the Council shall be charged against any leave pay or pension benefits due to him/her and that the Council shall be entitled to deduct such aforesaid amount.
- 9.1.3.6 In the event of a new employee who has been recruited because of his/her possession of special and/or rare skills, the Council must undertake to honour obligations the employee has with the previous employer by paying such to the previous employer, and enter into an agreement with the newly appointed employee that he/she shall serve the Council for a period equivalent to the one agreed upon with the previous employer. Thus, the Council shall take over the contract entered into between the previous employer and the employee concerned.
- 9.1.3.7 First priority for study loans will always be given to employees who wish to register for tertiary education for junior degree/diplomas, than to employees who wants to further other studies. However, the nature of the job and operational requirements will take preference, taking into account the Employment Equity and Workplace Skill Plans.
- 9.1.3.8 Each Head of Department must make provision in his/her budget for a set number of officials to study each year.
- 9.1.3.9 Applications for studying will be submitted between October and January every year to the Director : Corporate Services for consideration in the following year, in order to allow for budgetary arrangements to be made accordingly.
- 9.1.3.10 An employee may be allowed to finance his/her studies and be reimbursed upon completion thereof, subject to the provision of paragraph 9.1.1.3 of the Bursary Policy.

9.2 RETIREMENT FUND

9.2.1 Subject to any collective agreement an employee appointed on a permanent or fixed term basis in a post in the permanent establishment, must become and remain a member of, and contribute to, a retirement fund recognised by the Municipality and registered in terms of the Pension Funds Act 1956.

9.3 MEDICAL AID SCHEME MEMBERSHIP

9.3.1 Subject to any collective agreement an employee appointed on a permanent or fixed term basis in a post in the permanent establishment must, unless she/he is registered as a dependent under another scheme, become and remain a member of, and contribute to, an accredited medical aid scheme.

9.3.2 The Municipality shall, in respect of an employee who retires from its service and who immediately before such retirement was a member of an accredited medical aid scheme continue to contribute to such employee's medical aid premiums to a maximum of the amount agreed to from time to time in the SALGBC or 60% of the amount of such premium whichever is the lesser. The amount of the employer's contribution shall annually with effect from 1 July 2003 increase with an amount equivalent to the salary increase agreed to annually by the bargaining council, or in the absence of such an agreement, the amount determined by arbitration award.

SUBSISTENCE AND TRAVELLING¹

10.1 OBJECTIVE

- 10.1.1 It is essential that representatives of the municipality from time to time travel outside the municipal area in order to establish and maintain links and relationships with other municipalities, government bodies, and other parties, institutions and organizations operating in the sphere of local government. It is important for representatives to broaden their knowledge and understanding of and compare local experiences in local government transformation, innovation and change in the rest of the country, and this can effectively be done only through the medium of personal contact with a wide range of local government stakeholders.
- 10.1.2 This policy sets out the basis for the payment of a subsistence and travel allowance for the purposes of such officials traveling.

10.2 RESPONSIBILITIES OF REPRESENTATIVES WHO TRAVEL ON BUSINESS OF THE MUNICIPALITY

- (a) Every representative who travels on the business of the municipality must comply with this policy in letter and in spirit.
- (b) Representatives who travel on the business of the municipality must appreciate, at all times, that they are ambassadors for the municipality, that their actions, conduct and statements must be in the best interests of the municipality, and that they must comply with any specific mandates they have been given.
- (c) Consistent with the municipality's performance monitoring and evaluation objectives, the municipal manager will ensure that a database of all representatives and official traveling is kept.

103 ENTITLEMENT TO A SUBSISTENCE AND TRAVEL ALLOWANCE

- (a) A representative may claim a daily subsistence allowance as provided in this policy with the understanding that all authorised personal expenses are covered by the subsistence allowance. No further expenses, with the exception of certain business expenses (See below), may be claimed.

¹ Council Resolution Dated 8 June 2005: Item No 18/5

- (b) The subsistence allowance may be claimed without the representative having to furnish proof of expenses.
- (c) Entertainment of external business associates or contacts of clients or potential investors or potential clients falls outside the scope of the subsistence allowance and will be separately reimbursed (subject to prior approval where applicable). If a representative of the municipality has an entertainment allowance, this entertainment of external business associates or contacts or other parties must be claimed against the entertainment allowance.
- (d) A representative of the municipality must claim his or her subsistence allowance, as provided in this policy.
- (e) No subsistence allowance will be paid, and no representative will be entitled to a subsistence allowance, if the trip is not related to the official business of the municipality. All travel on business of the municipality must be approved as such before a representative is entitled to a subsistence allowance.
- (f) For the purpose of a subsistence allowance, a representative shall mean:
 - (i) Mayor or Executive Mayor, as the case may be.
 - (ii) Speaker
 - (iii) Members of the Executive Committee or Mayoral Committee, as the case may be.
 - (iv) Other Councilors specifically authorised to represent the municipality on a particular occasion.
 - (v) Municipal Manager.
 - (vi) Managers accountable to the municipal Manager.
 - (vii) Heads of Department.
 - (viii) Any other official specifically authorised to represent the municipality on a particular occasion.

10.4 ACCOMMODATION COSTS AND SUBSISTENCE ALLOWANCE

- (a) Representatives who travel on the business of the municipality, where the business unavoidably entails one or more nights to be spent away from home, may stay in hotel, motel, guesthouse or bed and breakfast establishment.
- (b) The actual cost of accommodation will be borne by the municipality, subject to a three star rated hotel or equivalent to a Holiday Inn/City Lodge/Cullinan standard per night for the accommodation itself in respect of domestic travel. Where such accommodation is available, the rate per room will be payable provided that the necessary proof is submitted.
- (c) If the cost of accommodation excludes, as it often does, the provision of breakfast and or dinner the following will apply in respect of domestic travel:
 - (i) A maximum of R80.00 (eight rand) per person per day be allowed for breakfast provided that **the necessary proof of payment submitted.**
 - (ii) A maximum of R100.00 (one hundred rand) per person per day be allowed for lunch provided that **the necessary proof of payment be submitted.**
 - (iii) A maximum of R120.00 (one hundred and twenty rand) per person per day be allowed for dinner provided that **the necessary proof of payment be submitted.**
- (d) If a representative stays with a relative or friend, no accommodation allowance may be claimed, but the representative may claim a subsistence allowance of R250.00 per day for accommodation.
- (e) The recoverable cost of accommodation for international travel may not exceed the standard as in 4.2 above. Out of pocket/Inconvenience allowance may not exceed €500 per day. The subsistence allowance will be €200 per day.
- (f) Where it is not necessary to overnight on any travel on municipal business, no accommodation costs will be paid, but a subsistence allowance of R80.00 per day may be claimed if traveled outside the municipal area.
- (g) In the case of both domestic and international travel, the day of departure and the day of return each qualify for a subsistence allowance.

- (h) For purposes of this policy, domestic travel shall mean travel within South Africa, and international travel shall mean travel within the Sadek region.

10.5 SUBSISTENCE ALLOWANCE IF TRAVEL IS FOR A DAY OR PART OF A DAY WITH NO OVERNIGHT STAY

If a representative travels on the business of the municipality for a day or part of a day, a subsistence allowance of R80.00 per day or of a day is payable. No more than R80.00 shall be payable per day, irrespective of the number of trips undertaken and time of departure and/or time of return. This applied to all trips outside municipal area.

10.6 CAR RENTAL AND OTHER TRAVEL COSTS

- (a) Only “A” or “B” category vehicles may be rented, unless it is more cost effective to hire a more expensive vehicle (for example, when the number of representatives involved could justify the hire of a micro-bus.
- (b) Car rental must be approved as part of the travel package before the trip is embarked on. A representative who rents a vehicle whilst traveling on the business of the municipality without having received prior authorisation will only be reimbursed for the cost of the vehicle rental if proof of expenditure can be produced and the representative can demonstrate that vehicle rental reasonably but unexpectedly necessitated by the circumstances.
- (c) All flights by representatives of the municipality shall be in economy class, unless another class of travel is specifically authorised by the mayor or municipal manager, as the case may be.
- (d) Where a councillors or employee who delegated to attend a meeting/congress or similar event on behalf of the municipality outside the municipal area, he/she must, unless he/she is an official that participate in any transport allowance scheme of the municipality, make use of the official transport.
- (e) Whenever an employee who do participate or do not participate in any transport allowance scheme of the municipality is required to attend to the official business of the municipality outside the municipal are and does not use a municipal vehicle due to the non-availability of such vehicle, she/he must be reimbursed at the fixed cost tariff of the AA using the vehicle purchase price (VAT incl) plus the running costs.

- (f) The distance for which any Councillor or employee may be reimburse in terms of this policy is the shortest distance between her/his residence and the place where the event takes place.
- (g) Where possible representatives must travel together, up to a maximum of four in a vehicle, to minimize traveling expenses.
- (h) Should the employee/councillors receiving a vehicle allowances be required to attend the specific meeting, his/her vehicle should be the one used, in order to cut costs.
- (i) Whenever an employee who receives a fixed locomotion allowance for official journeys to conferences etc within the municipal area, is delegated to travel, she/he must be paid an allowance calculated of the fixed cost tariff and the running costs of the vehicle used calculated at AA Tariff recommended for that size vehicle.

10.7 SUBSISTENCE AND TRAVEL ALLOWANCES FOR PERSONS INVITED FOR INTERVIEWS

Subsistence and traveling costs will be paid for the candidates who attend an invited interview at a rate of R1.00 per kilometre for traveling outside the boundaries of Setsoto. No traveling cost will be paid for traveling within the boundaries.

108. AUTHORISATION

For purposes fo implementing this policy:

- (a) The municipal manager/acting municipal manager must authorise any travel to be undertaken by managers reporting directly to the municipal manager. The managers reporting directly to the municipal manager must authorise all payments to be made for persons invited for interviews and all other officials, but provided the expenses to be incurred are on the approved budget of the relevant department.
- (b) Only the Mayor or Speaker may authorise any travel to be undertaken by the Municipal Manager. The Speaker or the Municipal Manager may authorise any travel to be undertaken by any Councillor provided the expenses to be incurred are on the approved Budget of the Municipality.

- (c) The Mayor and Speaker shall have his/her travel on municipal business be approved by the municipal manager, provided the expense to be incurred are on the approved budget of the municipality.
- (d) An invitation to attend a workshop, meeting or related event is not an automatic authorisation to attend such workshop or event. The required authorisation must still be obtained from the municipal manager. The invitation must accompany the claim.
- (e) Council delegates or representatives to any conference, workshop or meeting must ensure that they arrive on time and attend until the conclusion of such event. If any representative fails to do so, the Mayor or Executive Committee or the Municipal Manager, as the case may representative to attend such event, provided that such delegate or representative is afforded the opportunity to submit reason for not being able to present from the commencement to conclusion of such event.
- (f) The distance for which and Councillor or employee may be reimbursed in terms for this policy is the shortest distance between her /his residence and the place where the event takes place.
- (g) Should the employee/councillors receiving a vehicle allowances are attending the specific meeting, his/her vehicle should be used, in order to cut costs.
- (h) Whenever an employee who receives a fixed locomotion allowance for official journeys within the municipal area, is delegated to travel, she must be paid an allowance calculated on running costs of the vehicle used calculated at AA Tariff recommended for the size vehicle.

10.9 LEGAL REQUIREMENTS

In terms of Section 66 of the Municipal Finance Management Act No. 56 OF 2003 the accounting officer of the municipality must report to the council, in the format and for the periods prescribed, all expenses relating to staff salaries, allowances and benefits, separately disclosing (inter alia) travel, subsistence and accommodation allowances paid.

10.10 INDEMNITY

The Municipality is not liable for the payment of-

- (a) any damage to or breakages or loss of an employee's vehicle that she/he may incur whilst on official

business; and

- (b) any traffic fine issued to an employee whilst on official business, whether she/he used his/her own vehicle or an official vehicle.

LEGAL AID TO EMPLOYEES AND CESSION OF ACTION

11.1 INDEMNIFICATION

The Municipality indemnifies all its employees with regard to-

- (a) any claim which could arise against an employee as a result of the performance of a statutory or contractual duty in the course of her/his services with the Municipality, provided that such duties were carried out in good faith and without negligence; and
- (b) any legal costs or other expenses which are imposed on such an employee, or which are of necessity incurred by her/him in the enquiry into or defence of any such claims or proceedings.

11.2 CESSION OF ACTION

An employee must, when requested to do so, sign a cession of action in favour of the Municipality, in order to enable the Municipality to take legal steps to recover sums paid by the Municipality to an employee with regard to an injury on duty and for the recovery of medical and other expenses. The employee's claim for any pain or loss suffered, if applicable, must be included in the action.

11.3 LEGAL REPRESENTATION

11.3.1 The Municipality may, subject to such terms and conditions as may be determined in each separate case, provide an employee with legal representation when-

- (a) legal proceedings were instituted against the employee as a result of an act or omission by the employee in the exercise of her/his powers, the performance of her/his functions or the discharge of her/his duties; or
- (b) the employee has been summonsed to attend an inquest or inquiry arising from the exercise of her/his powers, the performance of her/his functions or the discharge of her/his duties.

11.3.2 The Municipality shall not provide legal representation to an employee during any disciplinary enquiry or in respect of a matter with regard to which the employee may be charged, or has been found guilty of, misconduct.

11.4 COPYRIGHT AND INTELLECTUAL PROPERTY RIGHTS

By accepting employment with the municipality, an employee permanently and irrevocably alienate and assign to the Municipality, without compensation of whatever nature, copyright and intellectual property rights to any work that is eligible for copyright produced by her/him in her/his official capacity during her/his employment with the Municipality.

WORKING HOURS AND ATTENDANCE

12.1 MAXIMUM WORKING HOURS PER WEEK

12.1.1 Full-time employees

12.1.1.1 A full-time employee must work a 40-hour working week from Monday to Friday, except public holidays.

12.1.2 Part-time employees

12.1.2.1 When a part-time position is created, the Municipal Manager must determine the working hours of such a position.

12.2 MAXIMUM WORKING HOURS PER DAY

12.2.1 Full-time employees must work from **07:30 to 13:00** and **13:30 to 16:00** on every working day.

12.2.2 A lunch break of 30 minutes may be taken at any time between **13:00** and **14:00** in order to deliver a continuous service in any department or other organisational unit as may be determined by the Municipal Manager after consultation with the relevant departmental head.

12.2.3 An employee shall be required to signify her/his presence at work not later than 07:30 and 14:00 by signing the attendance register supplied for this purpose. An employee shall, until the contrary is established, be deemed to be absent from work if she/he has not signed the attendance register as required.

12.3 ATTENDANCE

12.3.1 No employee may leave her/his ordinary place of work during working hours without the express prior permission of his/her immediate supervisor.

12.3.2 No employee may arrive late for work in the morning or after any lunch break or leave early for lunch or after work without the permission of his/her immediate supervisor.

12.3.3 A supervisor must take appropriate disciplinary action against any employee who transgresses any rule in this paragraph.

LEAVE

13.1 GENERAL

- 13.1.1 An employee is entitled to leave as prescribed in the relevant collective agreement.
- 13.1.2 Leave must be applied for on the prescribed application for leave form.
- 13.1.3 Any application for leave, except sick leave, must be handed in to the employee's immediate supervisor, the same amount of working days before the commencement of the leave as the amount of leave applied for.

13.2 APPLICATION AND APPROVAL

- 13.2.1 The departmental head concerned must consider an application for leave (**Form 13.2**) of absence and may approve or deny such an application. The Municipal Manager must approve an application for leave of absence by a manager who is directly accountable to her/him. The Mayor must approve an application for leave of absence of the Municipal Manager.
- 13.2.3 Leave of absence, with the exception of maternity and sick leave, is subject to the Municipality's operational requirements and is only valid after having been approved. The onus is on the employee to ensure that she/he has sufficient leave available.
- 13.2.4 If the employee so requests, her/his leave that has been approved, may be cancelled at any time before such leave commences, by the person who approved her/his application, provided that compulsory annual leave may not be cancelled. An employee must be credited with the cancelled leave.

13.3 LEAVE RECORD

- 13.3.1 All leave of absence due, granted and taken, must be recorded in a leave register kept by the Director Corporate Services.
- 13.3.2 An employee has access to her/his leave record at all reasonable times during office hours.

13.4 CANCELLATION OF LEAVE

13.4.1 Leave of absence granted to an employee, with the exception of maternity and sick leave, may be cancelled, postponed or interrupted at any time by the Municipal Manager on the recommendation of the relevant departmental head should it be deemed necessary in the interests of Municipality.

13.4.2 Whenever the leave of an employee is postponed, interrupted or cancelled –

- (a) the Municipality must compensate the employee concerned for irrecoverable expenses or obligations entered into by her/him before she/he was notified of the postponement, cancellation or interruption. Proof of any such irrecoverable expenses is the responsibility of the employee;
- (b) the reasons therefore must be provided to the employee in writing. The employee concerned must be credited with the leave that has been cancelled, postponed or interrupted;
- (c) the period for which such compulsory leave is valid is extended by a maximum of six months; and
- (d) and the employee concerned has to travel in order to resume duty, the Municipality must pay her/his expenses for the travelling from the place where she/he was and back to her/his workplace and such employee is deemed to be working while travelling.

13.4.3 Any cancellation, postponement or interruption of leave must be confirmed in writing.

13.5 LEAVE CREDIT IN THE EVENT OF AN EMPLOYEE'S DEATH

13.5.1 Should an employee die after leave has been granted to her/him but before such leave is finished, any unused leave must be placed to her/his credit.

13.6 RESUMPTION OF SERVICE

13.6.1 An employee who is absent on approved annual leave may not voluntarily resume duty before the full period of such leave has expired and must resume duty after such leave expired.

13.6.2 An employee who was absent on sick leave or maternity leave may resume her/his duty earlier upon submission of a medical certificate to that effect.

13.7 ADMINISTRATIVE RECTIFICATION OF LEAVE RECORDS

13.7.1 When an employee is accidentally granted more leave than the leave due to her/him or takes more leave than that allowed in terms of this Chapter, the amount of leave granted in excess may, as Municipal Manager may decide in her/his discretion ,be-

- (a) deducted from leave due to her/him later; or
- (b) recovered from her/him on termination of her/his employment.

13.8 EXCEEDING PERIOD OF LEAVE

13.8.1 When leave with or without pay is granted to an employee and she/he stays away from work for longer than the approved period, she/he is deemed absent without leave for the period after her/his leave expired until she/he returns to work. If the period of unauthorised absence exceeds six consecutive working days, the employee is deemed to have deserted from the Municipality's employment.

13.8.2 An employee who stays away from work for a longer period than the period of leave granted forfeits one day's pay for every day she/he stays away and under no circumstances will unpaid leave be granted.

13.9 CALCULATION OF PRO RATA LEAVE

13.9.1 In cases where pro rata leave is calculated, fractions of a half-day and more must be added as a full day and fractions less than a half-day must be disregarded.

13.10 PRO RATA LEAVE WITHIN THE FIRST YEAR

13.10.1 Holiday leave, with full pay, may be granted to an employee on a pro rata basis in the first year of service at a rate of 2 working day for every month of employment provided that such leave granted on the written request of an employee must be subtracted from the compulsory leave of the employee due during that year.

13.11 PROMOTION, TRANSFER OR DEMOTION

13.11.1 Should the promotion, transfer or demotion of an employee entail an amendment in leave earnings, the change in leave earnings comes into effect from the date of such promotion, transfer or demotion.

13.12 REGRADING

13.12.1 Where the adjustment of an employee's job level causes an employee's leave benefits to be reduced, she/ he retains the benefits to which she/he was previously entitled.

13.13 COMMUTING OF ACCUMULATED ANNUAL LEAVE

13.13.1 Only accumulated annual leave exceeding 48 working days may be commuted.

13.13.2 An application to commute accumulated leave (**Form 13.13**) must be made on the prescribed application form.

13.13.3 An application to commute accumulated leave may be submitted only once during a financial year.

13.13.4 An employee may not commute less than 10 days and more than half the accumulated leave to her/his credit.

13.13.5 The amount of such leave less any employee's tax must be paid to the employee not later than the first payday after she/he submitted her/his application provided that such application was submitted on or before the 5th day of the month.

13.13.6 The value of holiday leave commuted by an employee is determined on her/his daily basic salary on the date of application.

13.14 ANNUAL LEAVE

13.14.1 An employee is entitled to annual leave in terms of the relevant collective agreement.

13.14.2 The Municipality must grant to an employee at least 16 consecutive working days annual leave within six months after it became valid.

13.14.3 The Municipality may not permit or require an employee to take annual leave during-

(a) any other period of leave to which the employee is entitled; or

(b) any period of notice of termination of employment.

13.14.4 The Municipal Manager and departmental heads must ensure that employees comply with the provisions of this paragraph.

13.14.5 Should an employee be unable to take her/his compulsory annual leave before the validity thereof expires as a result of sickness or injury, she/he may apply to the Municipal Manager for the validity period to be extended by not more than 6 months.

13.14.6 An employee's application for annual leave must be submitted to her/his departmental head not later than the number of days for which is applied before the leave commences.

13.15 ACCUMULATION OF NON-COMPULSORY ANNUAL LEAVE

13.15.1 An employee may accumulate the excess of annual leave accruing to her/him to a maximum of 48 working days.

13.16 PAYING OUT OF ANNUAL LEAVE

13.16.1 On the termination of employment or the death of an employee, the Municipality must pay out an amount equivalent to the value of the annual leave to the employee's credit and due to such an employee at the time of such termination or death. Such annual leave is calculated to include pro rata payment for annual leave due in respect of an incomplete annual leave cycle and compulsory annual leave of which the validity was extended. The amount of the payment is based on the basic daily salary of such an employee at the time of such termination or death less any annual leave taken by the employee exceeding the number of days to her /his credit.

13.16.2 Subject to sub-paragraph 13.16.4 annual leave pay due to an employee's death does not constitute part of her/his estate.

13.16.3 On the death of an employee, an amount calculated in accordance with subparagraph 13.16.1 equivalent to the value of the annual leave to the credit and due to such an employee at the date of her/his death must be paid out to the person nominated by the deceased on the prescribed form that must be submitted to the Director Corporate Services.

13.16.4 If an employee has failed to nominate a beneficiary, the amount due is paid into the deceased's estate or to someone appointed by the Master of the High Court.

13.17 ENTITLEMENT TO SICK LEAVE

13.17.1 An employee is entitled to 80 working days sick leave with full pay during every sick leave cycle.

13.17.2 During the first 6 months of employment an employee is entitled to one day sick leave with full pay for every 10 days worked.

13.17.3 The Municipality may during an employee's first sick leave cycle, reduce the employee's entitlement to sick leave by the number of day's sick leave taken in terms of sub-paragraph 13.17.2.

13.18 REASONS FOR GRANTING SICK LEAVE

13.18.1 Sick leave is granted only for absence from work as a result of illness or injury.

13.18.2 Sick leave may not be granted for-

- (a) illness or injury resulting from any act or omission on the part of the employee; or
- (b) surgical procedures or treatment of a cosmetic nature unless a physician certifies the necessity thereof; or

13.19 MEDICAL CERTIFICATE

13.19.1 An application for sick leave must be supported by a medical certificate stating that the employee was unable to work for the duration of the employee's absence on account of sickness or injury-

- (a) for a period of more than two consecutive days; or
- (b) if the employee was absent from work due to alleged illness or injury on a Friday or a Monday or a workday immediately before or after a public holiday or immediately after holiday leave was taken.

13.19.2 In the case of uncertified sick leave, the employee must indicate on the application for leave form what the nature of the indisposition was and whether a physician was consulted or not.

13.19.3 An application for sick leave on a third or further occasion during any eight-week period must, regardless of the period of absence, be supported by a medical certificate stating that the employee was unable to work for the duration of the employee's absence on account of sickness or injury.

13.19.4 Any absence for alleged illness or injury in terms of sub-paragraph 13.19.1 that is not supported by a medical certificate is leave without pay.

13.20 ABUSE OF SICK LEAVE

- 13.20.1 Should it become apparent to the Municipal Manager, a departmental head or the Director Corporate Services that an employee is abusing sick leave, she/he may, notwithstanding any other action that may be taken in terms of this policy and after consultation with a representative of the employee, grant unpaid leave for the period of absence concerned.

13.21 NOTIFICATION OF ABSENCE

- 13.21.1 Absence from duty as a result of illness or injury must be reported within 3 hours after commencement of the employee's workday to the relevant departmental head. An "application for leave" form must be completed on the first working day after the employee concerned returned to work.
- 13.21.2 Despite any other action that may be taken in terms of these conditions, any absence due to alleged illness or injury that had not been reported is treated as unpaid leave unless the employee had a good reason for the failure to report.

13.22 PERIOD WITHIN WHICH APPLICATION FOR SICK LEAVE MUST BE MADE

- 13.22.1 An employee must submit an application for sick leave, accompanied by a medical certificate, if required, before or on the third day after her/his absence from duty has started to her/his departmental head or on the first day after she/he returned to work after any period of illness shorter than 3 days.
- 13.22.2 If an employee fails to submit an application in terms of sub-paragraph
- 13.22.1 any absence due to alleged illness or injury must be treated as unpaid leave.

13.23 SICK LEAVE BEFORE HOLIDAY LEAVE

- 13.23.1 An application for sick-leave supported by a medical certificate submitted prior to the commencement of any period of approved holiday leave may be granted.
- 13.23.2 The departmental head concerned may reconsider the approved holiday leave at the request of the employee concerned.

13.24 HOLIDAY LEAVE INSTEAD OF SICK LEAVE

13.24.1 An employee may use holiday leave with full pay to cover any period of sick leave for which a medical certificate has been issued if her/his sick leave had been exhausted.

13.25 INDISPOSITION IN THE COURSE OF A WORKING DAY

13.25.1 Should an employee take ill or be injured after having reported for work and leave her/his work place with the permission of her/his immediate supervisor four hours or later after the workday has commenced, she/he shall be compensated in full for that day. No sick leave application form is required for such an absence on that day.

13.26 LEAVE WITHOUT PAY

13.26.1 The Municipal Manager may grant special leave without pay to an employee for a period or periods not exceeding 10 working days during an annual leave cycle for urgent private matters of an employee, provided that-

(a) satisfactory arrangements can be made for the execution of the duties of such an employee during her/his absence; and

(b) the employee does not have any holiday leave to her/his credit.

13.27 OFFICIAL BUSINESS

13.27.1 The Municipal Manager may grant special leave with full pay to an employee when she/he is away from her/his normal place of work on official business.

13.28 QUARANTINE

13.28.1 The Municipal Manager may grant special leave with full pay to a maximum of 180 calendar days to an employee when she/he is placed under quarantine by a physician with the authority to do so.

13.29 COURT CASES AND APPEARANCES BEFORE OFFICIAL TRIBUNALS

13.29.1 The Municipal Manager may, upon submission to her/him of written proof, grant special leave with full pay to an employee when the latter is summonsed by the State to appear before a court, a commission of enquiry, a committee of the provincial legislature or Parliament, the Public Protector or any similar organ of state or public body to give evidence as a witness in proceedings before it.

13.30 EXAMINATION AND STUDY LEAVE

- 13.30.1 Applications for special leave to sit for examinations must be accompanied by written notification by the institution concerned of the specific day or days on which the examination will take place. Special leave with full pay must be granted for the days on which an examination is written.
- 13.30.2 An application for study leave must be submitted simultaneously with the application for examination leave. Study leave with full pay is granted for an equal number of days on which examination is written, provided that no study leave may be granted if an examination takes place on a Monday or a day immediately following a public holiday.
- 13.30.3 After the examination an applicant must submit written proof of the result of the examination. If an applicant fails to do so the number of days special leave granted to her/him in terms of this paragraph must be debited against her/his annual leave or be converted into special leave without pay where no annual leave is available or the available annual leave is insufficient to cover the days examination and study leave taken.

13.31 LEAVE FOR INJURY ON DUTY

- 13.31.1 The Municipal Manager must grant special leave with full pay when an employee is unable to perform her/his duties owing to an accident to which the provisions of the Compensation for Occupational Injuries and Diseases Act (Act No. 130 of 1993) apply.

13.32 LEAVE FOR RESEARCH

- 13.32.1 An employee who is enrolled for post-graduate or higher diploma studies at a tertiary institution may be granted 10 days special leave with full pay for research purposes with a view to complete a thesis, dissertation or publishable article in respect of such a course.

13.33 MATERNITY LEAVE

- 13.33.1 An employee who has completed one year of continuous services with the Municipality is entitled to four consecutive month's maternity leave, three of which shall be paid leave.
- 13.33.2 An employee may commence maternity leave at any time from four weeks before the expected date of birth or on a date from which a medical practitioner or a midwife certifies that it is necessary for the employee's health or that of her unborn child.

- 13.33.3 No employee may return to work within six weeks after the birth of her child or a miscarriage or stillbirth unless a medical practitioner or midwife certifies that she is fit to do so.
- 13.33.4 An application for maternity leave, accompanied by a medical certificate indicating the expected date of delivery, must be submitted at least four weeks before the intended date of commencement of the maternity leave.
- 13.33.5 An employee who is on maternity leave retains her usual leave benefits and her normal incremental date.
- 13.33.6 An employee who takes maternity leave must remain in the employ of the Municipality for one day for every day of maternity leave she took after resuming work after her absence on maternity leave. If an employee's employment with the Municipality is terminated for whatever reason before such working back obligation is discharged, she must repay the Municipality on a pro rata basis an amount equal to the value of the maternity leave paid out, the leave earned during such period of maternity leave and the employer's contributions on her behalf to the medical aid scheme (if any) and retirement fund.
- 13.33.7 Sick leave must be granted in respect of absence from duty as a result of a miscarriage, a still birth or termination of pregnancy on medical advice. Sick leave is granted from the date of the miscarriage, stillbirth or termination of pregnancy on medical advice.

13.34 ADOPTION LEAVE

- 13.34.1 Whenever an employee legally adopts a child who is less than 2 years old, she/he may take adoption leave from the date on which the child is received for a period not exceeding three months, provided that her/his spouse or life partner does not qualify for a similar benefit and, in the case of a male employee, he must be unmarried at the time of the adoption.
- 13.34.2 Whenever an employee legally adopts a child who is older than two years, she/he may take adoption leave from the date on which the child is received for a period not exceeding one month, provided that her/his spouse or life partner does not qualify for a similar benefit and, in the case of a male employee, he must be unmarried at the time of the adoption.
- 13.34.3 Adoption leave is unpaid leave.
- 13.34.4 The Municipality must maintain the employee's car allowance, if any, and her/his and the Municipality's contributions to the retirement fund and medical aid scheme (if any) during the period of the employee's absence from work on adoption leave.

- 13.34.5 The employee must reimburse the Municipality in equal monthly instalments over a period not exceeding the period of adoption leave, after she/he has returned to work, any and all amounts paid by the Municipality during any part of such leave to any retirement fund or medical aid scheme in respect of the employee's contributions to such fund or scheme. If the employee's employment with the Municipality is terminated for whatever reason before the full amount has been paid to the Municipality, any balance outstanding on the last workday plus the pro rata proportion of the employer's contributions paid during the adoption leave, must be reimbursed in cash or by bank guaranteed cheque to the Municipality on that day.
- 13.34.6 An employee's application for adoption pay must be accompanied by a copy of the court order issued in respect of the adoption.
- 13.34.7 An employee who takes adoption leave is obliged to remain in the Municipality's employ for the number of days equivalent to the number of days adoption leave taken. Should the employee's employment be terminated for whatever reason before she/he completed her/his working back obligation, the employee must reimburse the Municipality on a pro rata basis to an amount equal to the value of the pay she/he received during her/his leave, the employer's contributions made on behalf of the employee to a retirement fund and medical aid scheme (if any) and the annual leave earned during such a period of adoption leave.
- 13.34.8 An employee to whom adoption leave had been granted retains her/his normal leave benefits and normal increment date.

13.35 VISITS TO HEALTH CARE PROVIDERS

- 13.35.1 No employee may visit a local health clinic, hospital, blood donation clinic, traditional healer or medical practitioner (including an optometrist and dentist) (hereafter called a health care provider), during working hours except with the express prior permission of her/his immediate supervisor.
- 13.35.2 No employee may visit a health care provider in another place than the place where she/he usually works during working hours except if she/he had been granted approved sick leave.

13.36 ENTITLEMENT TO FAMILY RESPONSIBILITY LEAVE

- 13.36.1 An employee who had been in the service of the Municipality for more than four months and who normally works more than four days a week, is entitled to five days family responsibility leave with full pay during every annual leave cycle of that employee –

- (a) when her/his child is sick or born; or
 - (b) the employee's spouse or life partner is sick;
 - (c) in the event of the death of the employee's spouse or life partner, parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling.
- 13.36.2 The employee must apply for family responsibility leave prior to going on such leave. An application for family responsibility leave must be accompanied by proof of an event contemplated in sub-paragraph 13.37.1 for which the leave is required.
- 13.36.3 Unused family responsibility leave lapses at the end of the annual cycle leave during which it accrues.

13.37 PARTICIPATION IN PROVINCIAL/NATIONAL SPORTS ACTIVITIES

- 13.37.1 The Municipal Manager may grant special leave with full pay to sportsmen and women, coaches, referees and umpires in the service of the Municipality for participation in national and international level sports events.

13.38 UNAUTHORISED ABSENCE FROM WORK

- 13.38.1 Any absence of an employee from work without approved leave or the express permission of her/his departmental head or the Municipal Manager is absence without leave.
- 13.38.2 Whenever an employee who was absent without leave returned to work she/he must complete a leave application form. The number of days of her/his absence is deducted first from the annual leave to her/his credit. If she/he does not have sufficient annual leave to her/his credit, she/he must apply for unpaid leave.
- 13.38.3 Notwithstanding the fact that an employee may have sufficient leave to her/his credit to cover any unauthorised absence from work, the employee's departmental head must make arrangements on such an employee's return to work that the employee be charged with misconduct.

13.39 PARTICIPATION IN STRIKES AND OTHER INDUSTRIAL ACTION

- 13.39.1 Whenever two or more employees participate in any industrial action during working hours, whether protected or unprotected, the principle of no work no pay applies.

13.39.2 No employee will be allowed to apply for any leave after she/he participated in any industrial action.

13.40 LEAVE DURING PERIODS OF DETENTION

13.40.1 An employee who may be detained on suspicion of her/his participation in any criminal action must make arrangements to inform her/his immediate supervisor as soon as possible after her/his detention.

13.40.2 An employee who was detained must, as soon as she/he returns to work, submit an application of leave for the period during which she/he was detained.

13.40.3 An application for leave in the circumstances contemplated in paragraph 13.41.1 is an application for annual leave, provided that if the employee concerned does not have any or have less days annual leave to her/his credit than the period of her/his detention, any such leave or part thereof is leave without pay.

OCCUPATIONAL HEALTH², EMPLOYEE WELLNESS AND WORK PLACE SAFETY

Part 1: Safety in the workplace

14.1 INTRODUCTION

14.1.1 The Setsoto Local Municipality was established in terms of Section 12 of the Local Government: Municipal Structures Act, Act No 117 of 1998 and was published in the Provincial Gazette No 184 dated 28 September 2000.

14.1.2 The new Local Municipality is category B Municipality with a collective executive system combined with a ward participatory system as contemplated in Section 3b of the Determination of Types of Municipalities Act, 2000 (Act No.1 of 2000)

14.1.3 Setsoto Municipality is situated in the Eastern Free State within the regional boundaries of Thabo Mofutsanyana District Municipality. The Local Municipality area measures 5948.35km in extent and comprises four urban areas namely: Ficksburg, Senekal, Marquard, and Clocolan, as well as their surrounding rural areas

14.1.4 Setsoto Municipality comprises of the following sector departments:

- (a) Municipal Manager
- (b) Technical Services
- (c) Financial Services

14.2 NEED AND SCOPE OF THE POLICY

14.2.1 The need for the policy stems from the Occupational Health and Safety Act, 1993 which requires the employers including municipalities amongst other things to develop and adopt occupational health and safety policy.

² Council Resolution Dated: 1 February 2007: Item No:15/1

14.2.2 Further more this policy is intended to create a framework for decision making in respect of human resources management in as far as occupational health and safety is concerned in the municipality.

14.2.3 The policy is intended to:

- (a) promote and maintain the highest degree of physical, mental and social well being of workers.
- (b) Prevent amongst workers the ill health caused by their working conditions.
- (c) Place and maintain workers in working environment that is adapted to their individual physiological and psychological conditions.
- (d) Protect workers form factors adverse to their health.
- (e) Promote and maintain working environment that is free from harassment.

14.3 APPROVAL AND THE POLICY REVIEW

14.3.1 The policy takes effect upon approval thereof by the Council.

14.3.2 The municipality must review the policy once in every two years or if there is an amendment of the Occupational Health and Safety Act, 1993.

14.4 APPLICATION

14.4.1 The provisions of the policy as contained herewith apply to and in respect of all employees of the municipality, whether they work within or outside of the municipal area.

14.5 DEFINITIONS

14.5.1 In this policy, unless the context indicates otherwise:

- (a) **“Contractor”** means a person who, or a partnership or group of persons that, pursuant to one or more contracts, directs the activities of one or more employers or self-employed persons involved in work at a place of employment.
- (b) **“Council”** means the Council of the Municipality and includes any political structure, political office-bearer or employee of the Municipality lawfully acting in its stead.

- (c) **“Director”** means the director of the division.
- (d) **“Employee”** means a person who works for, or renders a service to, the Municipality regardless of the form of her/his employment conduct, and in respect of which any factor enumerated in section 200 A (1) of the labour Relations Act applies.
- (e) **“Employees”** means a Municipality that has in connections with the operations of a place of employment, one or more workers in the service of the Municipality.
- (f) **“Equipment”** means any mechanical or non-mechanical article or device, and includes any machines, tool, appliances, apparatus, implement service or utility but does not include the personal property owned by an individual unless that property is used in the carrying on of an occupation.
- (g) **“Harassment”** means any objectionable conduct, comment or display by a person that: -
 - (i) is directed at a worker
 - (ii) is made on the basis of race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin; and
 - (iii) constitutes a threat to the health or safety of the worker.
- (h) **“Labour organisation”** means a trade union as defined in the Labour Relations Act, Act 66 of 1995.
- (i) **“Municipal Manager”** includes a person acting in his/her stead or in terms of a power delegated in writing by the Municipal Manager.
- (j) **“Municipal Structures Act”** means the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998)
- (k) **“Municipality”** means SETSOTO Local Municipality
- (l) **“Occupational health and safety representative”** means an occupational health and safety representative designated pursuant to Section 16 of the Occupational Health and Safety Act, 1993.

(m) **“Occupational health committee”** means an occupational health committee established pursuant to Section 15 of the Occupational Health and Safety Act.

(n) **“Occupational health affair”** means a person appointed as an occupational health officer pursuant to Section 71 of the Occupational Health and Safety Act.

14.6 HEALTH AND SAFETY POLICY STATEMENT

14.6.1 Management of Setsoto Municipality is vitally interested in its employees` health and safety.

14.6.2 Our objective is to protect our workers from injury and illness.

14.6.3 Setsoto Municipality, as the employer, is ultimately responsible for its workers health and safety.

14.6.4 Management of Setsoto Municipality is vitally interested in its employees` health and safety.

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14.6.6 Setsoto Municipality, as the employer, is ultimately responsible for its workers health and safety.

14.7 DECLARATION BY THE MUNICIPAL MANAGER

14.7.1 I, Municipal Manager of Setsoto Municipality am personally committed to taking every reasonable precaution for the protection of all workers. To fulfil this commitment Setsoto Municipality will make every effort to provide and maintain a safe and healthy workplace by adhering to acceptable industry standards and complying with occupational health and safety legislation. In keeping with occupational health and safety legislation, a healthy and safe workplace will be accomplished in consultation and cooperation with management and employees, in particular the workers health and safety representative

14.7.2 Supervisors will be held accountable for the health and safety of workers under their supervision. Responsibility includes ensuring that machinery and equipment are safe and that work practises are in compliance with established legislation, workplace practises and procedures. To protect their health and safety, workers must receive adequate specific work task training.

14.7.3 Every employee must protect his or her health and safety and the health and safety of other workers by working in compliance with legislation and established workplace practices and

procedures. Contractors will be required to operate according to legislative requirements using best practices and following Setsoto Municipality policies and procedures regarding health and safety.

14.7.4 Health and safety is an integral part of this organisation’s everyday business. It is in the best interest of all to join together and put into practice health and safety principles in all work activities.

14.7.5 This policy must therefore be regarded as binding to all members of the Setsoto Municipality. The Municipality will monitor and review the implementation of the policy on an annual basis in order to ensure that the policy objectives are achieved.

14.7.6 Signed..... Municipal Manager -

Date:.....

14.8 COMMITMENT TO HEALTH & SAFETY OF WORKERS

14.8.1 The health and well-being of our employees and host communities are of prime importance. We believe that all occupational illnesses, workplace injuries, and environmental incidents are preventable and will therefore never compromise Health and Safety standards and procedures in the quest for other business priorities.

14.8.2 It is the policy of Setsoto Municipality that accident prevention and health promotion shall be considered of primary importance in all phases of operation and administration. Our aim is zero occupational illnesses, injuries and incidents

14.8.3 At Setsoto Municipality, no job is important and no service so urgent that we cannot take time to perform our work safely and in an environmentally conscientious manner. Each line manager and each employee is responsible for assuring that all activities result in an acceptable level of risk to themselves, to others present, to the general population and to the environment

14.8.4 Management of Setsoto Municipality recognizes and accepts its legislative responsibilities, and furthermore, is committed to establishing and maintaining a consultative environment in which management and staff work together to continually improve safety and health in the organisation. Our occupational Health and Safety programme will follow the principles contained within the International Labour Organisation’s safety management guidelines as the means of ensuring that the highest standards of Occupational Health and Safety integrate with improved work performance.

14.9 PURPOSE OF THE OCCUPATIONAL HEALTH AND SAFETY POLICY

14.9.1 The policy aims to:

- a) Establish rules and consistent standards for safe places of work;
- b) Promote awareness and understanding of hazards that can result in harm;
- c) Promote good health and safety practises at all levels in all organisations;
- d) provide information and training standards so that every employee is able to prevent harm to themselves or others at the point of action;
- e) Demonstrate management's full commitment to their employees` health and safety;
- f) Show employees that safety performance and organisational performance are compatible;
- g) Members of the Setsoto Municipality are urged to take commitment to health and safety beyond merely reading the policy. They have to translate the policy into effective action.

14.10 STRATEGY

- a) To integrate health and safety responsibilities into everyday working practices and managerial responsibilities
- b) To assess work activities by identifying hazards and evaluating risks
- c) To reduce risks through the regular assessment of risks and subsequent provision and maintenance of safe machinery, buildings, facilities, equipment and systems of work;
- d) To minimize unavoidable risks through the use of physical control
- e) Measures including provision of personal protective equipment.
- f) To provide safe arrangements for the use, handling, storage and transport of articles and substances;
- g) To provide necessary information, instruction, training and supervision to ensure the health and safety of staff and others

- h) To consult with health and safety committees and employee representatives on health and safety matters
- i) To implement a monitoring, inspection and auditing procedure to ensure effective management of health and safety throughout the Municipality.
- j) To make arrangements for coordination and cooperation with and dissemination of information to, employees of other employers and contractors who may be required to work in the Municipality.

14.11 AUTHORITY

14.11.1 The Act holds the Municipal Manager of Setsoto Municipality accountable for the health and safety of the Municipality employees. He has in turn delegated operational responsibility and authority for health and safety implementation to the Director of Corporate Services and, through this office, to line managers of departments and units for their areas of responsibility

14.12 RESPONSIBILITIES OF THE EMPLOYER

14.12.1 Identify potential hazards which maybe present while work is being done, and any equipment is being used.

14.12.2 Ensure that plant, tools, equipment and machinery are safe, maintained in good working order and those materials and operational processes are without risk to health.

14.12.3 Establish the precautionary measures that are necessary to protect his or her workers against the identified hazards and provide means to implement these precautionary measures in order to reduce or remove the risks associated with the hazards

14.12.4 Provide the necessary information, instructions, training, and supervision.

14.12.5 Not permit anyone to carry on with any task unless the necessary pre measures have been taken.

14.12.6 Take steps to ensure that every person under his control complies with the requirements of the act.

14.12.7 Enforce the necessary control measures in the interest of health and safety.

14.12.8 See to it that work being done and equipment being used is under the general supervision of a worker who has been trained to understand the hazards associated with the work and such a worker must ensure that the precautionary measures are implemented and maintained.

14.12.9 Delegate responsibilities to employees appointed in terms of the Act.

14.12.10 Decide if employees appointed in terms of the Act may sub-delegate responsibilities.

14.12.11 Provide employees appointed in terms of the Act with appropriate information, training, facilities and time to execute.

14.13 DUTIES OF THE CORPORATE SERVICES DIRECTOR

14.13.1 Ensure full compliance with the OHS Act.

14.13.2 Make written appointments indicating duties, functions and responsibilities

14.13.3 Document all agreements relevant to OHS

14.13.4 Report all deviations , deficiencies and concerns to Municipal Manager for authorisation, action, and implementation within reasonable timeframes.

14.13.5 Ensuring that all aspects of the programme are identified, assessed, suitable risk control measures are implemented, maintained, evaluated and reviewed for efficiency and compliance.

14.14 DUTIES OF SHE OFFICERS

14.14.1 Incident Investigations

14.14.2 Internal Audits

14.14.3 Monitoring of legal compliance

14.14.4 Training, development and facilitation of employees, reps, awareness, information, formal and informal training. Committee meetings, remedial actions, Contractor control,

14.14.5 Support structures for reps and committees

14.14.6 Maintain OHS information, records and database

14.14.7 Supervise COID Act execution and compliance

14.14.8 Report on incidents, trends, risks

14.15 DUTIES OF EMPLOYEES

14.15.1 Take care of his or her own health and safety, as well as that of other persons who may be affected by his or her actions or negligence to act.

14.15.2 Follow all the health and safety rules and procedures that are provided and communicated by the employer or anyone authorised or competent to do so.

14.15.3 Wear the prescribed safety clothing or use the prescribed safety equipment where it is required

14.15.4 Cooperate with an employer or any person who has been authorised by the employer to carry out duties in terms of the act.

14.15.5 Inform the employer or their health and safety representative of any unhealthy or acts that they are aware of.

14.15.6 Give information to an inspector from the Department of Labour if he or she should require it

14.15.7 Formally report any incident that they were involved in or aware of that could cause a health problem or that resulted in an injury.

14.15.8 Not to interfere with, damage or misuse anything that is provided in the interest of health or safety. This applies to intentional and or careless or irresponsible actions.

14.16 RIGHTS OF EMPLOYEES

14.16.1 A workplace that is safe and without risk to health.

14.16.2 A copy of the OHS Act and Regulations must be made available in the workplace and easily accessible.

14.16.3 Know and understand the full meaning, purpose and benefits of the health and safety rules and procedures of the workplace.

14.16.4 Know the health and safety hazards, potential exposure risks and possible effects.

14.16.5 Know what precautionary measures must be taken to prevent uncontrolled exposure to self and or others.

14.16.6 Know the routine operational and emergency procedures that must be followed if an employee is exposed to hazardous substances.

14.16.7 Comment on the legislation and make representations to the advisory council and or other appropriate body on any regulation or safety standard published under the OHS Act.

Part 2: Employee wellness

14.17 GENERAL PRINCIPLES OF EMPLOYEE WELFARE

14.17.1 The Municipality views its employees as an important resource that should be retained, utilised and developed. The Municipality accepts that employees may experience social problems, which if they are dealt with in good time, can lead to better job performance.

14.18 SUBSTANCE ABUSE AND ADDICTION

14.18.1 No employee may during working hours consume any intoxicating or stupefying substance, including alcohol, for whatever reason, provided that an employee who for health reasons and under the supervision and instruction of a health care provider uses mood altering or stupefying drugs or drugs that may induce drowsiness must at the first opportunity inform her/his immediate supervisor of that fact.

14.18.2 No employee may instruct or permit another employee who is apparently under the influence of an intoxicating or stupefying substance, including alcohol, to drive any vehicle of the Municipality or to operate any machine of the Municipality.

14.18.3 The Municipality recognises that substance abuse and dependency, including alcoholism, are pathological conditions. Employees with problems of this nature may be referred for treatment in terms of this policy.

14.18.4 A physician must determine and certify the pathological condition.

14.18.5 The employee must volunteer for treatment.

14.18.6 Employees receiving treatment for substance abuse and dependency, including alcoholism, receive sick leave with full pay for the duration of the treatment, despite any provisions to the

contrary in the employee's conditions of service or these policies, subject to sub-paragraph 14.18.8.

14.18.7 An employee referred to in this paragraph may not be penalised with regard to her/his progression in the municipality's service merely because she/he suffers from a pathological condition in terms of paragraph 14.18.4.

14.18.8 An employee may be granted sick leave with full pay to undergo full-time treatment for the pathological condition on one occasion only. Any further sick leave for treatment must be considered taking into account the employee's job performance, duration of absence for treatment and the employee's period of service.

14.19 SOCIAL PROBLEMS DOES NOT PREVENT ACTION FROM BEING TAKEN IN THE EVENT OF MISCONDUCT

14.19.1 Nothing contained in any policy prevents action from being taken against an employee in terms of her/his conditions of employment for alleged misconduct or alleged poor work performance.

14.20 REPLACEMENT OF AN OFFICIAL'S PRIVATE EQUIPMENT OR ITEMS OF CLOTHING

14.20.1 *Ex gratia* payments include payments for monetary losses to a maximum amount determined by the Municipality in the event of an employee being robbed while she/he is executing her/his official duties during official working hours.

14.20.2 A claim submitted by an employee must include-

- (a) an affidavit by the employee stating the cause and circumstances of the damage or loss and confirming that she/he was performing official duties; and
- (b) at least two written quotations for the replacement of the damaged item.

14.20.3 The Director Corporate Services must consider and finalise each such claim.

Part 3: Employee health

14.21 SMOKING IN THE WORK PLACE

14.21.1 Introduction

- (a) The Municipality recognises the need to restrict smoking in the workplace for medical, legal and financial reasons, including recognition of the health effects of passive smoking, of the need to manage the risk of liability from diseases caused by passive smoking and of encouraging smoking cessation as part of health promotion in the workforce.
- (b) The Municipality believes that medical evidence shows that smoking is harmful to the health of smokers and that second-hand smoke is a significant health hazard to non-smokers.

14.21.2 Purpose and objectives

- (a) The Municipality has a legal duty to take reasonable care to protect its employees. In an attempt to consider and accommodate the reasonable needs of smokers and non-smokers and to provide all employees with a safe and healthy working environment the Municipality envisages an approach that would discourage smoking. This policy is not meant to punish the smokers but to protect and improve the health of all employees.
- (b) The specific objectives of this policy are-
 - (i) to educate smokers about the harmful effect of smoking and give advice, guidance and support if employees decide to give up smoking;
 - (ii) to change the working environment to minimize the harmful effects of passive
 - (iii) to provide employees with a healthy and efficient working environment and to avoid conflict in the workplace.

14.21.3 Education

- (a) Education and information programmes will be provided to all employees aimed at providing employees who smoke with information on the effects of smoking on health and how to stop smoking.

14.21.4 Changes to the working environment and workplaces

- (a) Nobody may smoke, or use snuff, in a workplace or in a vehicle of the Municipality.
- (b) A departmental head may, after consultation with the relevant health and safety committee, designate a specific office or place in a workplace as a designated smoking area.
- (c) Employees who smoke or uses snuff must manage their smoking breaks in a responsible manner having due regard for their official duties.

- (d) Every supervisor must deal with prolonged or frequent absences from workplaces as a matter of performance and conduct.
- (e) No tobacco products may be sold in any workplace.

14.22 EMPLOYEES HAVING HIV, AIDS OR OTHER LIFE-THREATENING DISEASES

- 14.22.1 The following paragraphs contain the Municipality's policy and procedures for interacting with employees who have been medically diagnosed as having AIDS or HIV or who are suspected of having HIV, AIDS or another life-threatening disease.
- 14.22.2 The purpose of this policy is to reassure employees that HIV and AIDS and most life-threatening diseases are not spread through casual contact during normal work activities and to reduce unrealistic fears about contracting HIV, AIDS or another life-threatening disease. This policy also protects the legal right to work of employees who are diagnosed with HIV, AIDS or another life-threatening disease and provides rules to regulate cases where HIV, AIDS or another life-threatening disease are suspected.
- 14.22.3 Employees who have HIV, AIDS or another life-threatening disease must be treated with sensitivity, empathy and understanding.
- 14.22.4 The Municipality is committed to maintaining a healthy work environment by protecting the physical and emotional health and well-being of all employees in the workplace.
- 14.22.5 The Municipality does not require applicants for employment to be tested for life threatening diseases, including HIV.
- 14.22.6 Testing for HIV (or any other life-threatening disease) will only be undertaken on a voluntary basis when requested by an employee and at the employee's own cost.
- 14.22.7 Whenever an employee has or suspects that she/he has HIV, AIDS or another life-threatening disease she/he may inform her/his departmental head or another employee thereof. However, in the event of prolonged or repeated sick leave, the Municipal Manager may, at the Municipality's cost, request an employee to submit to medical examination by a medical practitioner appointed by the Municipality.
- 14.22.8 Where required, professional counselling services will be made available to employees who volunteer to submit to HIV-testing.

- 14.22.9 Any employees having life-threatening disease continue to work for as long as she/he is medically able to work and can continue to meet acceptable performance standards.
- 14.22.10 The Municipality will provide appropriate education and awareness programmes to all employees to help them understand how HIV is spread and to reduce unrealistic fears of contracting AIDS and other life-threatening diseases.
- 14.22.11 If a situation arises where an employee having HIV, AIDS or another life-threatening disease negatively affecting her/his work performance management must ensure compliance with the relevant legal prescripts and this policy.
- 14.22.12 Whenever an employee unreasonably refuses to work or have contact with an employee who has HIV, AIDS or another life-threatening disease and there is no risk of infection to that employee, she/he must be warned that such behaviour is unreasonable and inappropriate and that persistence may lead to disciplinary action being taken against her/him.
- 14.22.13 The Director Corporate Services must see to it that first-aid boxes that are available in workplaces are supplied with latex gloves, CPR-masks and clear written guidelines on how to prevent any blood or body-fluid contamination of skin and mucus membranes at all times.
- 14.22.14 If an employee with HIV, AIDS or another life-threatening disease requests that her/his working environment or circumstances be changed by reason of such condition, she/he must obtain a written medical opinion that he/she-
- (a) is medically fit to work and
 - (b) needs reasonable job accommodation in order to maintain her/his employment.

Health, ambulance, fire-brigade staff and cleaners

- 14.22.15 Emergency and health care workers must be equipped with special protective clothing, including face masks, goggles and latex gloves, and other gear that just be worn or used whenever they respond to an emergency call in order to prevent skin or mucus membrane contact.
- 14.22.16 Protective clothing and other gear must be worn and used in such a manner as to protect the emergency and health care worker from any blood, other body fluids and injuries that she/he may sustain.
- 14.22.17 All blood and other body fluids, irrespective of origin, must be handled with the utmost of care.

- 14.22.18 Any employee with an open wound or bleeding skin lesions must, as far as possible, prevent and avoid contact with blood, mucus and patients with open wounds. Skin lesions must be covered with waterproof bandages at all times during working hours.
- 14.22.19 All sharp instruments or tools must be handled with care.
- 14.22.20 To prevent needle-prick injuries, no one may recap, bend, break or in any other way handle used needles.
- 14.22.21 Medical waste must be handled according to the relevant statutory and policy prescripts with regard to high-risk and medical waste.
- 14.22.22 A body area that was exposed to blood, mucus or an open wound must immediately be washed with soap and water. In the case of a needle prick injury, the wound must first be bled and afterwards washed with soap and water. The wound and surrounding tissue must be treated with a hypo chloride containing a disinfectant, e.g. VIRCON, CIDEX or BIO.D.
- 14.22.23 Any incident involving a needle prick with a used needle or contact with an open wound, blood or mucus must be reported to the employee's immediate supervisor and dealt with as an injury on duty within 72 hours.
- 14.22.24 A baseline blood sample of the injured emergency or health care worker as well as a blood sample of the patient treated by the employee concerned must be taken for HIV testing with the consent of the patient. If the patient refuses to give a sample for HIV testing, it must be explained to her/him that testing is compulsory. If the patient still refuses testing after it has been explained to her/him, the emergency or health care worker may use a blood sample that was taken from the patient for another purpose for HIV testing and inform the patient accordingly.
- 14.22.25 Taking of blood specimens for HIV testing of an exposed emergency or health care worker shall be carried out according to the stipulations set by the Compensation Commissioner, as follows:
- (a) A baseline blood sample for HIV testing must be taken within 72 hours of the injury occurring or the exposure taking place. Follow-up blood specimens for HIV testing are taken 3, 6 and 12 months after the exposure.
 - (b) Every practicably possible effort must be made to establish the correct residential and work address of the patient that the emergency or health care worker treated when the injury was sustained or the exposure occurred.

(c) Should the health-care worker have sero-converted by the time of any follow-up tests, the HIV status of the patient (if previously negative) should be re-established and documented.

14.22.26 Health care and emergency service workers who have HIV or AIDS may continue with their work but that they must consistently adhere to the principles of reversed universal precautionary measures in order to protect their patients/the public from any possible exposure.

14.23 WORKING WHEN IT RAINS

14.23.1 Every employee who works in the open air must wear suitable protective clothing on any working day during which it rains.

14.23.2 Depending on the level, rate or concentration of the rainfall, the supervisor concerned may require employees who work in the open air to continue working whilst it rains, provided they wear suitable protective clothing.

14.23.3 The supervisor concerned must evaluate the rainfall level, extent, concentration and the effect it has on the safety, health and qualitative production of employees working in the rain. Should the supervisor be of the view that the level, rate or concentration of the rainfall affects the safety, health, effectiveness or qualitative production of the employees, he/she must order work be abandoned forthwith and order such employees to move to a suitable place identified by the supervisor where there is shelter. Should the supervisor upon his/her assessment of the weather conditions be of the view that there is slim and/or no prospects of the stoppage of rainfall, he/she may instruct the employees to abandon work and return to the relevant depot, workshop or plant.

14.23.4 Any employee removed from a work site in the open air due to rain may be expected to perform other duties at the depot, workshop or plant, which will not expose her/him to rain. Where no other duties can be assigned to employees who have returned from a work site the supervisor may, with the prior approval of the departmental head concerned, permit the employees to knock off work at any time falling within their normal working hours. Any employee who has been released in terms of this paragraph shall be deemed to have worked normal working hours on that day.

PRIVATE WORK

15.1 EMPLOYEES TO BE FULL-TIME OCCUPIED WITH THE MUNICIPALITY'S WORK

15.1.1 No full-time permanent employee or full-time employee appointed in terms of a fixed term employment contract may conduct any business, trade or profession (private work) without express approval (**Form 15.1.1**) granted in terms of this policy.

15.2 CONDITIONS FOR PERMISSION TO PERFORM PRIVATE WORK

15.2.1 The Director Corporate Services may approve an application for private work after consultation with the departmental head concerned subject to the following conditions:

- (a) Private work may only be carried out outside normal working hours.
- (b) Private work must not affect or disrupt the employee's official duties and no enquiries appointments or other arrangements with regard to private work may be arranged during working hours.
- (c) Under no circumstances may the municipality's equipment or materials be used for private work.
- (d) The physical, postal and electronic mail addresses, telephone and facsimile numbers of the municipality may not be used for the purpose of or in connection with private work.
- (e) The employee may not use his/her position with the municipality to canvass for private work.
- (f) No sick leave will be granted for any illness or injuries as a result of private work.
- (g) No employee may accept private work if she/he would benefit, directly or indirectly, in any way from the municipality.
- (h) Permission to perform private work may be withdrawn at any time.
- (i) Applications for private work must be submitted before July 1 every year.

15.2.2 Any approval to perform private work lapses every year on July 1.

15.3 REFUSAL OF APPLICATIONS TO PERFORM PRIVATE WORK AND WITHDRAWAL OF PERMISSION

15.3.1 An application for permission to perform private work must be refused if, in the opinion of the Director Corporate Services, a conflict of interest could develop between the interest of the municipality and that of the employee.

15.3.2 The Director Corporate Services may withdraw any approval in terms of this paragraph to perform private work if she/he suspects that a conflict of interest arose.

TRAINING AND DEVELOPMENT

16.1 INTRODUCTION

- 16.1.1 The Municipality believes that its employees form the cornerstone of service delivery to the communities within the Municipality. It therefore adopts a policy of giving priority to the training and development of its staff, within the parameters at what is feasible and sensible in the context of the municipality's resource deployment requirements. It will identify and assess the training needs and potential of staff, match it with the requirements of the Municipality and afford all employees the opportunity to develop their potential, improve their performance and advance their career prospects within the municipality. Special attention will be paid to training and development opportunities for employees belonging to designated groups.
- 16.1.2 The Municipality is committed to the structured and systematic training and development of all its employees on an ongoing basis to enable them to perform their duties effectively and efficiently. Training and development programmes will also be provided to enable employees to acquire the skills, knowledge and other attributes and develop their potential to meet the Municipality's future human resources needs.
- 16.1.3 The training and development of an employee will commence with her/his appointment and continue as long as she/he is employed by the Municipality. Current employees will be drawn into the training process in accordance with priorities established by way of a structured analysis of training needs.
- 16.1.4 The council shall, in addition to any provision that it must make in its operating budgets for the payment of a statutory skills levy, provide additional funds in order to conduct training of its employees and councillors in order to comply with the approved integrated development plan.

16.2 PRINCIPLES OF TRAINING AND DEVELOPMENT

- 16.2.1 Training and development must-
- (a) be needs-based
 - (b) be systematic
 - (c) be cost-effective
 - (d) be developmental in approach

- (e) consist of externally developed and presented, as well as in-house, training and development programmes
- (f) be related to an employees current or possible future job
- (g) deliver results that are measurable against pre-determined outcomes
- (h) recognise that learning routine tasks and obtaining primary knowledge to perform better, should be done in the work environment
- (i) appreciate the primary role of supervisors in the identification of training needs and teaching employees to perform their allocated jobs better.

16.2.2 All training and development initiatives must be properly planned, programmed and administered and their results reviewed in order to determine-

- (a) how training methodologies and programme content can be improved;
- (b) to what extent a particular programme has supplied the needs of the individual learners who completed it and the Municipality;
- (c) how maximum benefit can be obtained from resources devoted to training and development;
- (d) how procurement and development of training programmes can be improved; and
- (e) what impact completion of a programme had on the performance of a learner.

16.3 INSTITUTIONAL ARRANGEMENTS FOR TRAINING AND DEVELOPMENT

16.3.1 The Director Corporate Services-

- (a) must advise and assist other departmental heads with regard to training and development, especially with regard to the identification of training needs and selecting appropriate programmes to supply those needs
- (b) is responsible for the administration of the training process and programmes and events
- (c) must ensure that the impact of any training programme is established at appropriate intervals after the programme was completed and compared with the potential impact
- (d) establish a training schedule at the beginning of each financial year taking into account the needs of employees and the Municipality

- (e) must, in consultation with the Director Financial Services, make provision in the annual operating budget for training and development of employees in addition to the payment of the skills development levy
- (f) submit the resolutions and recommendations of the Training Committee to the Heads of Departments Committee and the Human Resources Standing Committee.
- (g) make recommendations to the Municipal Manager regarding employees' participation in training programmes and attendance of seminars, workshops and similar training events upon receiving nominations for departmental heads.

16.3.2 Any employee who wishes to apply attend training must complete the relevant form (**Form 16.3.2**) and submit it to the Director Corporate Services.

16.3.3 The Training Committee must-

- (a) ensure the co-ordination and integration of the training and development activities of the municipality
- (b) promote equitable access to training and development opportunities
- (c) assess and monitor training needs of employees and prioritise identified needs
- (d) review, monitor and make recommendations on employment and training practices in order to achieve relevant objectives and targets of the Municipality
- (e) evaluate employment decisions in terms of the approved employment equity plan
- (f) oversee ongoing communication and feedback on all matters relating to equity, unfair discrimination and affirmative action in employment and training practices
- (g) assess the workplace skills and employment equity plans and make recommendations thereabout to the human resources committee
- (h) assess the effectiveness of training and training programmes
- (i) make recommendations on allocation of resources for training
- (j) review and formulate training and development policies for the Municipality
- (k) act as a contact between the department responsible for human resources management, other departments and councillors in matters relating to skills development and employment activities.

16.3.4 The Training Committee consists of councillors, management and trade union representatives.

16.3.7 The member of the EXCO responsible for human resources management is the chairperson of the committee. The chairperson must-

- (a) determine the time, date and place of meetings of the committee
- (b) preside at meetings of the committee
- (c) ensure compliance with the rules and orders during committee meetings
- (d) ensure, together with the manager responsible for human resources that agendas for, minutes of and documentation relating to the committee's activities are prepared
- (e) submit such reports regarding the committee's activities to the Human Resources Standing Committee as may be prescribed.

16.4 PROCEDURE FOR THE NOMINATION OF STAFF MEMBERS TO ATTEND EXTERNAL CONFERENCES, SEMINARS AND SIMILAR EVENTS

16.4.1 Purpose

The purpose of this procedure is to:

- (a) Ensure that the objectives of attending conferences and similar events and the potential benefits that may be derived from such attendance are defined.
- (b) Ensure that the necessary authority is obtained for attendance of conferences and similar events.
- (c) Ensure that duplication and inappropriate nomination is eliminated
- (d) Ensure that feedback on the benefits derived is made available to others in the Municipality.
- (e) Ensure maximum transfer of new skills and knowledge to the work place.

16.4.2 Procedure

The form that must be completed when an employee is nominated to attend a external conferences, seminars and similar events is attached (**Form 16.4.2**). The form is divided into 5 parts

→ **Part 1**

This must be completed by the nominee. The important elements in this part are the cost codes to be debited. Documentation must be attached.

The item labelled 'Motivation for Attendance' must reflect the benefits that will be derived from attendance as well as an explanation why the particular event and nominee/s are selected.

→ **Part 2**

This must be completed by the nominee's supervisor and must include the reasons why attendance is recommended.

→ **Part 3**

This will be completed by the Corporate Services Department.

→ **Part 4**

This will be completed by the Divisional Head concerned or the Municipal Manager.

→ **Part 5**

This part will be completed once attendance is approved.

Apart from keeping track of the administrative arrangements it will also be used to ensure that attendance is followed up effectively, both in the form of a report submitted to the Manager concerned after the event as well as a follow up at a later stage to assess transfer of new knowledge and skills to the work place.

16.4.3 General

- (a) The Director Corporate Services will make the arrangements for enrolment, reservations and payments.
- (b) In the event that a reservation made on behalf of an employee must be cancelled and the employee fail to inform the Director Corporate Services timeously the employee will be held liable for the fruitless expenditure incurred by the municipality

16.5 INDUCTION

- 16.5.1 Every new employee, regardless of function or job level must, within one month of her/him commencing employment, receive systematic induction training, which will enable her/him to become fully oriented in her/his job and the Municipality in the shortest possible time.

16.6 ON-THE-JOB (IN-SERVICE) TRAINING

16.6.1 The objective of on the job training is to provide an employee with the skills and knowledge that she/he needs in order to improve her/his performance and to modify the attitude of an employee in order to improve his/her competency.

16.6.2 A departmental head, after consultation with the relevant supervisor, must nominate an employee to participate in any training programme or to attend a seminar, workshop or similar training event and submit such nomination to the Director Corporate Services.

16.6.3 Whenever a departmental head, after consultation with the relevant supervisor, requires an employee to participate in a specific training programme offered by an institution other than the Municipality the Municipality must pay for all costs incurred for registration, learning materials, tuition fees, travelling and subsistence costs and accommodation.

16.7 BURSARY SCHEME AND INTERNSHIP PROGRAMME

16.7.1 Preamble

- (a) Whereas the Municipality believes that one of the critical factors for sustainable social development and economic growth is a skilled population;
- (b) Whereas the Municipality further believes that the most important contribution that it can make to sustainable economic growth and social development is to provide, operate and maintain basic household and business infrastructure in an effective and efficient manner
- (c) Whereas the Municipality also believes that sustainable economic growth and social development will only be achieved in circumstances of good local governance
- (d) NOW therefore the Municipality adopts the following a policy on internship.

16.7.2 Definitions

In this part, unless the context indicates otherwise –

- (a) “bursars” means a person who pursues studies towards the achievement of a qualification on NQF levels 5, 6, 7 or 8 with financial assistance of the Municipality;
- (b) “contract” means a contract between an intern, the Municipality and an education or training institution regarding the practical training of that intern;
- (c) “intern” means a student pursuing a qualification on NQF levels 5, 6, 7 or 8 in a full- or part-time capacity or a recently qualified person undergoing practical training in a working

environment offered by the Municipality, whether or not the Municipality provided financial or other assistance to such person in pursuing her/his studies and who is not a councillor or an employee of a municipality;

- (d) “internship period” means a period of 12 months, whether consecutive or not;
- (e) “internship programme” means a planned, structured, managed and occupationally based work experience that is designed to produce meaningful competencies which may earn an intern an education and training credit or which would enhance a recently qualified person’s employability in the labour market; and
- (f) “mentor” means one or more officials of the Municipality designated to provide guidance and advice to an intern.

16.7.3 Bursary scheme

- (a) The objectives of this policy are twofold, namely:
 - (i) to enable successful candidates who wish to further their qualifications through studies to obtain the necessary funds for these studies;
 - (ii) to present grants to four (4) successful candidates for the tuition and registration fees for an academic year, on condition that no grant is made for repetitious fees, in which case the student involved will have to pay such repetitious fees.
- (b) The following person(s) qualify for participation in the scheme:
 - (i) Any person under the age of 25 years, who is a citizen of South Africa and a resident of SETSOTO MUNICIPALITY for the preceding two (2) years, is in the possession of at least a South African school-end certificate and who wishes to further their studies through full-time or part-time registration, or through correspondence courses may apply for a grant not later than 31 October every year, subject to the following conditions:-
 - i. the successful candidate(s) will be appointed by an authorised committee;
 - ii. that the successful candidate pursues an approved field of study;
 - iii. that the successful candidate registers at an approved institution
 - iv. that the maximum period to qualify for a grant is four (4) years

- v. that the successful candidate enter into a bursary agreement with the Municipality that contains the terms and conditions as the Municipality may determine from time by resolution of the Council, provided that different conditions may be set for different persons (See Annexure C for Bursary Agreement).

(c) Method of application and selection of successful candidate(s):

- (i) The Municipal Manager shall for this purpose by notice in the local press and media invite interested persons to apply for bursaries.
- (ii) The applicants must supply the following information in writing before or on the due date as determined by the authorised committee:-

- i. Full Name and Surname, ID Number and Address
- ii. Age and period of citizenship of Setsoto
- iii. Highest qualification and name of school
- iv. The latest school report (and school-end results if applicable)
- v. Field of study
- vi. Educational institution to be registered with
- vii. Any special quality to be mentioned.

(d) Amount of grant and method of payment.

- (i) The maximum grant amount is R10 000.00 per successful candidate per year for a maximum of four (4) years.
- (ii) The payment will be made directly to the educational institution involved, on submission (by the student) of an account showing clearly the amounts due for tuition (repetitious fees excluded) and registration fees for the current period.
- (iii) It is the responsibility of the student to certify the account is correct and to submit it to the municipality for payment in good time. Any interest payable will be for the account of the student.

(iv) If a student has already paid the current fees direct to the institution he/she may apply for a refund payment, the necessary documentary prove of the payment must be submitted before the refund can be done.

(v) A bursary may be granted to a person who is not a councillor or an employee of any municipality who wishes to study to acquire a qualification in any of the following disciplines –

- i. Administration
- ii. Finance
- iii. Technical (Civil-, Mechanical-, Electrical engineering, Town Planning, Water/Sewerage care, Building inspections, Roads/Streets Building, Plumbing)
- iv. Tourism and Liaison
- v. Emergency and Disaster Management
- vi. Human Resources
- vii. Information Technology
- viii. Health- Nursing / Environment
- ix. Traffic and Fire-Fighting
- x. Education

(vi) The following institutions registered in the Republic of South Africa as educational institutions:-

- i. Universities
- ii. Technikons
- iii. Technical College

(e) The Council of the SETSOTO LOCAL MUNICIPALITY will make funds available through its annual operating budget. The amount to be budgeted will be as follows:

- (i) for the 2003/2004 financial year an amount of R40 000.00
 - (ii) for the 2004/2005 financial year an amount of R80 000.00
 - (iii) for the 2005/2006 financial year and annually there-after an amount of R120 000.00.
- (f) These funds must be managed according to the rules of this scheme and the Financial and Budget Policies, including the reporting aspects, of the council.
- (g) The council may, if necessary, increase the annual budget vote to meet increases of the institution's fees.
- (h) Bursary Selection Committee
 - (i) Composition of the committee
 - i. The total members of the committee will be determined by Council but will not be less than three (3) and not more than seven (7) persons.
 - ii. The members will be councillors and members of the committee in the ratio as determined by Council.
 - iii. The Mayor will be chairperson of the committee.
- (i) Administration
 - (i) The administration of the fund will be done by the office of the Mayor.
 - (ii) The payment of the fees will be done by the financial department after the necessary documentation has been submitted by the administration to them.
- (j) Meetings
 - (i) The Mayor will call in each financial year a meeting before the end of November to consider the applications received
- (k) Applications and selection of successful candidates
 - (i) The call for applications regarding grants is the responsibility of the administration of the scheme.

- (ii) The committee must determine the procedures and system for the selection (of not more than four (4) successful candidates
- (iii) All candidates whether successful or unsuccessful must be informed of the outcome of the committees decision.
- (iv) There must be a meeting held with successful candidates to inform them of the procedures and rules of the scheme and to motivate them for their studies.
- (v) The outcome of the selection must be reported to Council.

16.7.4 Internship programme

- (a) The Municipality may require any bursar to complete its internship programme.
- (b) Subject to the operational requirements and circumstances of the Municipality, the Municipality may enroll other persons in its internship programme, provided that:
 - (i) Adequate resources and facilities are available; and
 - (ii) Appropriately qualified mentor(s) are available to guide and advise interns.

16.7.5 Conditions for enrolment in the Municipality's internship programme

- (a) A bursar will only be allowed to participate in the internship programme if she/he has otherwise satisfied the requirements for her/his field of study. Preference will be given to bursars when considering applications for enrolment in the internship programme.
- (b) The Director Corporate Services is responsible for the coordination, implementation and management of the internship programme.
- (c) The Director Corporate Services shall every year during the preparation of the Municipality's budget, together with the Municipal Manager and departmental heads –
 - (i) determine the possible areas in the Municipality's operations where interns could be engaged;
 - (ii) determine the number of interns that could be utilised in such areas and the period during which they may be so utilised; and
 - (iii) ensure that adequate provision is made in the budget to supply or acquire the necessary resources and facilities to accommodate such interns.

- (d) The relevant departmental head shall, in cooperation with the Director Corporate Services in respect of each intern that may be assigned to her/his department –
- (i) clearly identify the functions each such intern must perform and duties she/he must discharge and ensure that the intern understands and agrees to perform them;
 - (ii) determine the specific outcomes that the intern is expected to achieve;
 - (iii) determine the specific milestones that must be achieved and timeframes within which they must be achieved in order for the outcomes to be realised;
 - (iv) designate one or more suitably qualified persons in that department as each intern's mentor;
 - (v) determine the manner in which record will be kept of the intern's progress and achievements;
 - (vi) determine the manner in, and frequency at, which the progress of an intern shall be assessed;
 - (vii) make the necessary infrastructure, facilities and resources available to the intern to perform her/his functions and discharge her/his duties; and
 - (viii) determine the minimum number of hours that the intern must remain in the programme.

16.7.6 Recruitment, selection and appointment of interns

- (a) The Director Corporate Services shall as soon as the Council has approved its budget for a financial year in which provision has been made for the engagement of interns, by notice published in the local press and media invite interested persons to apply for enrolment in the Municipality's internship programme.
- (b) An application in terms of par (a) must be made on the official application form supplied by the Municipality for this purpose and must be accompanied by the relevant supporting documentation required by the Municipality.
- (c) The Municipality may require an applicant for enrolment in the internship programme to attend and participate in such interviews and other selection methods as the Municipality may determine.
- (d) A person who is selected to enrol in the internship programme –
- (i) shall be appointed on the temporary staff establishment of the Municipality;

- (ii) shall be appointed in terms of a written employment contract, setting out the precise period of her/his engagement;
- (iii) may at any time tender her/his resignation in writing, provided that she/he shall work at least one week notice;
- (iv) shall not be entitled to any additional remuneration or compensation in respect of the completion of her/his internship. Termination of an intern's employment at the completion of the programme shall not constitute a dismissal of the employee and the employee shall not be entitled to any additional remuneration or compensation due to such termination. An intern's employment will come to an automatic end on expiry of the programme and such termination shall not be construed as a termination based on the Municipality's operational requirements, nor as an unfair or unlawful dismissal. Accordingly, reference in this paragraph to additional remuneration or compensation to which the employee shall not be entitled, includes but is not limited to, severance pay, notice pay, retirement and medical aid fund benefits to which an employee may otherwise be entitled to in the event of a termination based on an employer's operational requirements;
- (v) shall not be required or allowed to supervise or approve the work of any employee of the Municipality;
- (vi) shall not be appointed to a position existing in the permanent staff establishment, whether in an acting capacity or otherwise;
- (vii) shall not be required or allowed to investigate, prosecute or preside during any disciplinary enquiry into an employee's alleged misconduct;
- (viii) shall not be required or allowed to appraise an employee's performance, whether formally or informally;
- (ix) shall not be required or allowed to sign, authorise, authenticate or execute any documents on behalf of the Municipality;
- (x) shall at all times comply with the disciplinary code of the Municipality, the Code of Conduct for Employees and the Municipality's work place rules, work procedures and policies.

16.7.7 Relationship management

- (a) The Director Corporate Services shall regularly meet with interns' mentors and ensure that progress is made toward the achievement of the agreed outcomes and milestones by each intern.
- (b) The Director Corporate Services shall regularly report in writing to the Municipal Manager

regarding the internship programme and the progress made by interns.

- (c) The Director Corporate Services shall in writing inform the relevant departmental head, mentor, the Director Financial Services and intern when an intern's employment with the Municipality ends in terms of the internship programme or for any other reason.

16.7.8 Employment conditions of interns

- (a) An intern shall complete the Municipality's induction programme within one month after she/he first starts working.
- (b) The department to which an intern shall be assigned shall provide her/him with the necessary protective clothing, if applicable.
- (c) No intern shall be allowed to start working unless the particulars of her/his employment has been communicated to her/him in writing, provided that –
 - (i) such particulars of employment shall at least contain the matters referred to in section 29(1) of the Basic Conditions of Employment Act;
 - (ii) such particulars of employment need not be communicated separately to the intern if it is reduced to an employment contract between the intern concerned and the Municipal Manager
- (d) Interns shall be entitled to:
 - (i) Vacation leave. Interns are entitled to one day vacation leave with full pay for every seventeen days worked. Interns may only take annual leave once they have such leave to their credit.
 - (ii) Sick leave. Interns are entitled to one day sick leave with full pay for every month worked.
 - (iii) Maternity leave. Female interns are entitled to a maximum of four (4) consecutive month's maternity leave without pay.
 - (iv) Family responsibility leave. Interns who have worked for at least four months shall be entitled to three days family responsibility leave with full pay when the intern's spouse/life partner gives birth to a child or her/his dependent child, spouse/life partner is sick or her/his child, adopted child, spouse/life partner, mother or father or mother or father in law dies.
- (e) An intern may not commuted any vacation leave to her/his credit. Any vacation leave to the credit of an intern at the termination of her/his employment shall be paid out to her/him on his/her last working day.

- (f) An intern, who does not receive any remuneration from another person or body, shall be paid a salary equal to the minimum notch of an employee on post level 8. An intern shall not be entitled to any further payments, whether in the form of allowances, bonuses, payments in kind, gratuities or employer contributions to any scheme or fund. The Municipality shall deduct the prescribed income tax from an intern's pay and pay it over to the relevant authority.

16.7.9 Roles and Responsibilities

16.7.9.1 Departmental heads

A departmental head to whose department one or more interns have been assigned shall:

- (a) Manage her/his department's budget allocation under the internship programme.
- (b) Provide suitable office space and related facilities to any interns assigned to her/his department.
- (c) Regularly assess the progress made by an intern and report thereon in terms of the prescripts in this policy.

16.7.9.2 Interns

An intern shall –

- (a) Diligently execute all the tasks and duties allocated to her/him and to which she/he agreed.
- (b) Comply at all times and in all respect with the terms and conditions of her/his employment contract with the Municipality.

16.7.9.3 Director Corporate Services

The Director Corporate Services shall –

- (a) Manage the internship programme.
- (b) Ensure compliance with this policy.
- (c) Implement mechanisms for the monitoring and evaluation of the internship programme.

- (d) Liaise regularly with the relevant educational and training institutions in regarding interns' progress.
- (e) Supply the necessary forms and documentation required for the proper administration of the programme.

16.7.10 Monitoring and Evaluation

- (a) The Director Corporate Services will monitor implementation of the internship programme through the following mechanisms:
 - (i) Determining the total number of interns who successfully complete the programme, obtain a qualification and secure employment after the completion of the programme.
 - (ii) The degree to which managers are satisfied with the value and contribution made by interns.
- (b) The Director Corporate Services shall prepare and submit such reports as the Municipal Manager may require.
- (c) The Director Corporate Services shall review the programme at least annually for the purposes of making improvements and aligning it to the Municipality's strategic goals.
- (d) The Director Corporate Services shall monitor sector education and training trends and patterns for forecasting and planning purposes.

16.8 ROLE OF SUPERVISORS IN TRAINING AND DEVELOPMENT

The Municipality recognises that every supervisor of employees has a duty to ensure that her/his subordinates have the required skills, knowledge and attitude to perform her/his functions effectively and efficiently. Supervisors therefore have primary responsibility for identifying the training needs and improving the skills and knowledge of their subordinates. The Municipality recognises that routine tasks must be learned in the work environment under close guidance and instruction. Where the skill deficiency of any employee cannot be supplied by learning under the guidance of a supervisor, it is the duty of such supervisor to communicate the training need of that employee to her/his superiors.

16.9 LINKAGE BETWEEN PERFORMANCE IMPROVEMENT AND TRAINING AND DEVELOPMENT

The Municipality recognises that the quality and level of institutional and individual performance results from applying available capacities. Therefore, supervisors and management have the duty to ensure that

training and development receive adequate consideration as interventions to improve the skills, knowledge and attitudes of employees throughout the municipality. However, at the same time, the Municipality realises that training and development are not a magic wand that will ensure improved performance in all areas of underperformance.

CAREER OPPORTUNITIES, SUCCESSION PLANNING AND RAPID PROGRESSION

17.1 INTRODUCTION

17.1.1 It is important that the Municipality has a sound staffing strategy and that it takes steps to retain staff in general and in particular those employees that-

- (a) show potential
- (b) competently occupy key positions
- (c) possess scarce or specialised skills and knowledge or
- (d) are Black, female or disabled.

17.2 OBJECTIVES

17.2.1 The objectives of this policy are-

- (a) To create an ongoing supply of well trained, broadly experienced and motivated employees who are ready to step into key positions as may be needed from time to time
- (b) To ensure alignment between the career goals of individual employees and the goals of the Municipality
- (c) To establish special programmes to expose employees mentioned in paragraph 17.1 to a variety of job experiences and familiarise them with the Municipality's processes and systems
- (d) To align the future staffing needs of the Municipality with the current availability of appropriate resources within the Municipality
- (e) To define employee career paths, which will help the Municipality to train and retain a pool of suitably qualified employees.

17.3 PHILOSOPHY

17.3.1 The Municipality realises that-

- (a) not all employees have the potential to progress to management level and beyond to executive level;
- (b) excellent performance at one job level does not necessarily mean that the employee concerned will perform equally remarkably at a higher level or in another job on the same level although it may be an indicator of reasonable prospect of satisfactory performance at a higher level;
- (c) preparing employees to advance from one level to a next level within the Municipality may create expectations that the Municipality cannot always fulfil in the short and medium term and that, consequently, investing time and other resources in selected employees may increase staff turnover as employees are dissatisfied with the prospects of advancement in the municipality' service
- (d) to some extent, resignation and retirement of employees in key positions can be predicted and, consequently, that the Municipality can make appropriate arrangements not to suffer negative consequences from such resignation/ retirement
- (e) succession planning does not necessarily mean that internal candidates must be promoted to vacancies at higher levels if no suitable candidate is available internally.

17.3.2 In view of paragraph 17.3.1-

- (a) the Municipality will approve rules and criteria for the identification of individual employees that have the potential to progress to management levels and beyond
- (b) management must ensure that candidates for advancement into higher positions must understand that although they have been identified for this purpose, that it may not be always possible for the Municipality to promote them in the short or medium term
- (c) rapid career progression may only be considered if an employee is appointed in a position that spans different ranks across two or more job levels
- (d) succession and rapid progression must be linked to the employee performance management system and, specifically, the personal performance plans and personal development plans of each individual employee
- (e) career and succession planning and rapid progression must be done on the basis of, and consistent with, specific and unambiguous job descriptions and job specifications

17.4 PROCEDURES FOR SUCCESSION PLANNING AND RAPID PROGRESSION

17.4.1 Rapid progression

- (a) The rapid progression policy applies to incumbents in all positions that span two or more job levels in the same career track.
- (b) The Director Corporate Services must, together with the relevant departmental head-
 - (i) identify those positions to which the rapid progression policy can be applied and
 - (ii) set qualification and experiential standards for progressing from one level to the next or from one salary notch to the next.

17.4.2 Succession planning

- (a) The Director Corporate Services must, at the beginning of every financial year, and thereafter as often as is necessary, prepare and submit to the Departmental Heads Committee, a written schedule of all employees setting out –
 - (i) which employees will achieve retirement age during the next year and the date on which they will reach it
 - (ii) which employees' employment contracts will terminate during that year and the date on which such contracts expires
 - (iii) which employees at that time (if any), comply with the job specifications of any position that may be vacated during the year in question and who may be considered for promotion or transfer into any vacancy that may arise due to the retirement of an employee or the expiration of an employee's employment contract.
- (b) The Departmental Heads Committee must consider the schedule submitted by the Director Corporate Services and submit its report and recommendations to the Standing Committee responsible for human resources management.
- (c) The Standing Committee responsible for human resources management must consider the recommendations of the Departmental Heads Committee and submit the report, together with its comment and recommendations to the Mayor.
- (d) The Standing Committee may recommend that the employment contract of any employee that expires during the year in question be extended for another period on the same or different conditions.
- (e) The Mayor must, in respect of the positions of Municipal Manager and departmental heads, and after consideration of the report and comment of the Standing Committee, submit a report and recommendations to the council for its consideration.
- (f) The Executive Committee may decide on all other cases.

17.5 METHODOLOGY OF CAREER PLANNING

- 17.5.1 The primary methodologies of career advancement involves two human resources management processes, namely job enrichment and job rotation, linked to a structured learning programme utilising different training methodologies.
- 17.5.2 An employee who satisfies the criteria and/or standards to qualify for career advancement in terms of this policy (hereafter the targeted employee), will be expected to subject her/him to job enrichment and/or job rotation and such training programmes as may be required, without any additional compensation of whatever nature.
- 17.5.3 The Director Corporate Services must, together with the relevant departmental head, compile a career plan and log book in respect of each targeted employee.
- 17.5.4 A career plan must contain at least the following information-
- (a) the name, race, age and sex of the targeted employee
 - (b) the targeted employee's current position
 - (c) the targeted employee's qualifications and job experience when she/he entered the Municipality' service and any changes thereto since that date
 - (d) an assessment of the targeted employee's performance against the standard performance criteria in terms of the employee's personal performance plan
 - (e) the position for which the targeted employee is being prepared
 - (f) the duty sheet and job specification of such future position
 - (g) the attributes, skills and knowledge that the targeted employee will require to successfully occupy that future position
 - (h) a schedule indicating-
 - (i) the period during which the targeted employee must complete any training programme that may be required and the nature and content of such programme
 - (ii) the period or periods she/he must spend performing the work allocated to other positions on the same level or performing
 - (iii) functions of positions on higher level to ensure that she/he acquires the attributes, skills and knowledge to occupy such future position
 - (iv) the identity and positions of the person or persons who will act as the targeted employees mentor(s)

- (v) the frequency and methodology of assessing the employee's progress toward acquiring the required attributes, skills and knowledge.

17.5.5 The Director Corporate Services must submit the draft career plan to the targeted employee for consideration and comment and conduct an interview with her/him to ascertain her/his comment (if any).

17.5.6 As soon as the Director Corporate Services and the targeted employee reach agreement on the content of that employee's career plan, the Director Corporate Services must submit such plan to the Municipal Manager for approval, where after the plan must be implemented.

17.5.7 The targeted employee's mentor(s) must ensure that she/he-

- (a) is rotated between the jobs identified in her/his career plan
- (b) performs that functions allocated to other positions as prescribed in her/his career plan
- (c) complete the training programmes prescribed in her/his career plan
- (d) maintains her/his log book and submit it, together with the mentor(s) comment to the Director Corporate Services and the relevant departmental head once during every month.

USE OF MUNICIPAL EQUIPMENT AND VEHICLES

18.1 INTRODUCTION

The Municipality is obliged to protect municipal assets from abuse, loss and damage.

Part 1: Municipal vehicles

18.2 OBJECTIVES

18.2.1 The objectives of this policy are-

- (a) to regulate the use of municipal vehicles;
- (b) to ensure that municipal vehicles are used in a safe and efficient manner in order to minimise abuse, loss and damage and decrease expenditure; and
- (c) to provide procedures for reporting and investigating abuse and loss of and damage to vehicles

18.3 DRIVER'S LICENCES

18.3.1 Every employee who is required to drive a municipal vehicle from time to time must furnish the Municipality with a certified copy of his/her driver's licence and every renewal thereof. Only the credit card type driver's licence is acceptable.

18.4 USE OF VEHICLES AND AUTHORITY TO USE VEHICLES

18.4.1 No employee may use a vehicle of the Municipality without the express prior approval of her/his immediate supervisor, departmental head or the Municipal Manager.

18.4.2 Approval of a person to use a vehicle must be signified in writing in the logbook of the vehicle concerned.

18.4.3 Nobody may-

- (a) authorise or permit an employee who does not have a valid driver's license to drive a

- vehicle of the Municipality;
- (b) authorise or permit an employee who is apparently under the influence of a stupefying or intoxicating substance, including alcohol, to drive a vehicle or operate a machine of the Municipality;
 - (c) drive a vehicle or operate a machine of the Municipality whilst under the influence of an intoxicating or stupefying substance, including alcohol, or any drug that induces drowsiness;
 - (d) use, or allow a municipal vehicle to be used for any purpose other than undertaking an authorised trip;
 - (e) use, or allow a municipal vehicle to be used by any person that is not an employee or councillor of the Municipality without the express prior approval of the manager responsible for managing the Municipality's fleet;
 - (f) use, or allow a municipal vehicle to be used to transport persons other than employees or councillors of the Municipality without the express prior approval of the manager responsible for managing the Municipality's fleet and without an indemnity form being completed before the trip;
 - (g) use, or allow a municipal vehicle to be used if that vehicle is not roadworthy or properly licensed and insured;
 - (h) use, or allow a municipal vehicle to be used for any purpose other than the purpose for which it was designed;
 - (i) use, or allow a municipal vehicle to be used to carry a heavier load than the load that it may safely carry according to the manufacturer's specifications;
 - (j) use, or allow a municipal vehicle to be used when that vehicle has some or other mechanical or electrical fault that may affect the safety of its users or that of other road users or pedestrians; and
 - (k) use, or allow a municipal vehicle to be used to transport employees of the Municipality from their residences/work to work/residences except with the express prior written approval of the departmental head concerned and which approval will only be granted in extraordinary and exceptional cases.

18.4.4 The authorised user of a vehicle or machine-

- (a) is responsible and accountable for the proper and safe use of the vehicle or machine she/he uses;
- (b) must at all times comply with the prescribed traffic rules, including any speed limits that may be imposed;

- (c) must before her/his journey or work commences, ensure-
- (i) that the engine oil and water levels, including the water level of the window washer and battery is correct;
 - (ii) that the tyres, including the emergency/spare wheel, are correctly inflated;
 - (iii) that the tread on the tyres, including the spare/emergency wheel, is within legal limits;
 - (iv) that its windshield is clean and free of cracks and its wipers working properly;
 - (v) its exhaust pipe does not have holes in it and is complete;
 - (vi) that the brakes are fully functional;
 - (vii) that the jack and tools necessary for jacking the vehicle up and to loosen and tighten its wheel nuts are in the vehicle;
 - (viii) that it has a valid and legible license;
 - (ix) that it has enough fuel for the journey to be undertaken; and
 - (x) to check the body of the vehicle for dents, scrapes and other defects
- (d) may use such vehicle or machine only in accordance with the manufacturer's specifications and the conditions of any warranty, if any;
- (e) may not authorise, permit or instruct any other employee, a councillor or member of the public to use a vehicle or machine assigned to her/him;
- (f) whilst he/she is using a vehicle or machine undertake any other journey not stipulated in the trip authorisation except with the express prior approval of her/his immediate supervisor;
- (g) transport any person who is not a councillor or an employee or any property that is not the Municipality's property or that of the user of the vehicle or machine or her/his passengers, if any;
- (h) diligently complete the logbook of the vehicle or machine after finishing the journey;
- (i) must switch off any lights and other electronic equipment, ensure that all windows and doors are properly closed and properly lock the vehicle or machine and when she/he leaves it; and

- (j) immediately upon her/his return report any damage or mechanical and electronic problems experienced with the vehicle or machine during the journey.

18.4.5 The manager responsible for managing the Municipality's vehicle fleet must ensure that a logbook is supplied and maintained in respect of every municipal vehicle. Any employee who drives a municipal vehicle must properly complete the logbook before and at the end of each trip.

18.4.6 The manager responsible for managing the Municipality's fleet must ensure that an adequate supply of trip authorisation forms is available and that every departmental head has a supply of such forms. Departmental managers must ensure that a trip authorisation form is completed for every trip.

18.5 VEHICLE ACCIDENTS AND DAMAGE TO VEHICLES LEFT UNATTENDED

18.5.1 The driver of a municipal vehicle that was in an accident must, immediately after the accident took place, call a police or traffic officer or request somebody else to make such call. If a police or traffic officer is not available, the driver must as soon as possible report the accident at the nearest police station and obtain the case (MR) number.

18.5.2 The driver of a vehicle may supply her/his particulars and that of her/his immediate supervisor to any person to whom she/he reports an accident and to any other person who may reasonably require such information.

18.5.3 Neither the driver of, nor any passenger in or on, a municipal vehicle that was involved in an accident may admit liability for that accident, neither may she/he make or receive any payment or offer of payment at any accident.

18.5.4 The driver of a municipal vehicle that was involved in an accident or that was damaged whilst left unattended must-

- (a) obtain the names and contact details (including the work and residential addresses and telephone and mobile phone numbers) of any person who was a witness to the incident (if any);
- (b) obtain the names and contact details (including the work and residential addresses and telephone and mobile phone numbers) of any person who was involved in the incident and who is not an employee (if any);
- (c) obtain the vehicle registration numbers of every vehicle involved in the incident (if any);
- (d) as soon as possible after the incident, make a drawing of the scene where the incident took

place, paying special attention to the landscape, type of road, incident related obstructive objects on or around the road, road make-up including any fencing and weather conditions at the time of the incident;

- (e) as soon as she/he arrives at her/his ordinary place of work, report the incident to her/his immediate supervisor and thereafter prepare and submit a written report explaining full details of the incident, including statements of any witnesses (if any) and passengers (if any);
- (f) within twenty-four hours after the incident, ensure that the employee responsible for insurance claims completes the incident report form and submit
- (g) any statements of witnesses and other relevant documents to her/him (if any);
- (h) upon receipt of any summons, subpoena or notice to appear in a court in relation to the incident inform the employee responsible for insurance claims of that fact; and
- (i) submit any notice or claim received from a third party or insurance company in relation to the incident immediately to the employee responsible for insurance claims.

18.5.5 The person responsible for insurance claims must, as soon as she/he completed the incident report form-

- (a) make arrangements to and obtain a report on the mechanical condition of the vehicle;
- (b) make arrangements to and obtain at least two quotations from different repairing agencies for the repair of the vehicle;
- (c) make arrangements to and obtain the sales and trade-in values of the vehicle; and
- (d) promptly submit an insurance claim.

18.5.6 The healthy and safety representative appointed by the relevant departmental head or the manager responsible for managing the Municipality's fleet-

- (a) must investigate any accident involving a municipal vehicle and any damage sustained by a municipal vehicle left unattended and gather such documentary, photographic and other evidence as may be relevant;
- (b) may conduct an inspection of the scene where the incident happened;
- (c) may interview the driver, assessor, third party or any other person with information relevant to the incident;
- (d) may request witnesses to make written statements regarding the incident;
- (e) must establish whether, on the face of it, the driver was on official business when the

incident occurred; and

- (f) must submit her/his written report and recommendations to the relevant departmental head or the manager responsible for managing the Municipality's fleet.

18.5.7 The departmental head or manager responsible for managing the Municipality's fleet must, upon receipt of the health and safety representative's report decide whether, on the basis of the report, disciplinary or any other appropriate action must be taken against the driver.

18.6 ADMISSION OR PROOF OF LIABILITY

18.6.1 The Municipality may deduct the amount of damage to a municipal vehicle which was sustained whilst an employee was in control of that vehicle from that employee's salary, if the employee-

- (a) agrees in writing to the deduction; or
- (b) the damage occurred in the course of the employee's employment and was due to the fault of the employee;
- (c) the Municipality has followed a fair procedure and has given the employee a reasonable opportunity to show why the deduction must not be made; and
- (d) the total amount of the deduction does not exceed the total amount of the damage.

18.6.2 The total amount of any deduction in terms of paragraph 18.6.1 may not exceed one-quarter of the employee's pay.

Part 2: Use of office machinery and equipment

18.7 COMPUTER EQUIPMENT

18.7.1 The Municipality provides electronic mail facilities to personnel in order –

- (a) to improve the Municipality's efficiency;
- (b) to enhance the effectiveness of communication; and
- (c) to expedite the administration of the Municipality's affairs.

18.7.2 Electronic mail facilities are not provided for the convenience of, or use by, employees for their own private purposes. The Municipality realises that electronic mail messages, including any

attachments to such messages, received and sent using an electronic mail facility supplied by the Municipality are “indirect communications” and therefore may be intercepted in terms of section 6 of the Regulation of Interception of Communications and Provision of Communication-related Information Act 2002 (Act No. 70 of 2002).

18.7.3 The Municipality may monitor computer activity and particularly electronic mail traffic in the Municipality for the purpose of establishing or keeping a record to establish the existence of facts, investigating or detecting the unauthorised use of the Municipality’s telecommunications system or in order to secure the effective operation of the Municipality’s telecommunications system.

18.7.4 No employee may –

- (a) play, view, copy, upload or download computer games on or to any computer in any workplace, whether or not the Municipality supplied such computer;
- (b) supply any electronic mail address of the Municipality to receive electronic mail of a private nature, nor may an employee transmit any electronic mail of a private nature using such an address or by means of any electronic mail facility supplied by the Municipality;
- (c) access the Internet from a computer in any workplace, whether or not the Municipality supplied such a computer, unless she/he had been instructed to conduct research on any subject matter or to find and download a specific document by a person who is competent to give such an instruction;
- (d) at any time view, upload, download or access any offensive material, including but not limited to sexually or racially offensive material, on or from the Internet;
- (e) attempt to change or repair any computer hard- or software or any computer system or computer network infrastructure;
- (f) install a modem in any computer or, when a computer has a modem, connect such modem to a telephone line of the Municipality without the express prior permission of the Municipal Manager;
- (g) install, load, delete or change any computer programme installed on any computer in any workplace whether or not the Municipality supplied such a computer or programme;
- (h) use or access any records, files, folders or documents whether of a private or official nature, stored in any computer or network device other than a computer assigned or supplied to her/him without the express prior approval of –
 - (i) the person to whom such other computer has been assigned or supplied; or

- (ii) the Municipal Manager;
- (i) change the user name, access code or password to any computer or a computer assigned or supplied to another employee without the express prior approval of:-
 - (i) the person to whom such other computer has been assigned or supplied; or
 - (ii) the Municipal Manager;
- (j) move, rename or make any changes to a file, folder, record or document stored on any computer storage device, digital memory or a network device used for storing and exchanging files, folders, records and documents unless she/he –
 - (i) is the author of such file, folder, record or document;
 - (ii) is the Municipal Manager or a departmental head; or
 - (iii) acts with the permission or under the express instruction of any person in subparagraphs (i) or (ii);
- (k) add a private electronic mail address to any electronic mail account or change or remove an electronic mail address supplied by the Municipality to her/him;
- (l) access or attempt to access a document on any computer, computer system or network device to which she/he does not have the required security access; or
- (m) “lock” a document she/he is the sole author of or collaborated on, for editing or printing without the express consent of her/his departmental head or the Municipal Manager.

18.7.5 An employee who has been assigned a computer to perform her/his work -

- (a) shall choose a user name and password or other access code for that computer and shall in writing, in a sealed envelope, submit particulars thereof to the Municipal Manager;
- (b) shall ensure that her/his user name and password or other access code remains confidential and shall not disclose particulars thereof to any other person unless instructed to do so by the Municipal Manager or her/his departmental head

18.7.6 Whenever an employee’s user name, access code or password changes, she/he must inform the Municipal Manager of any such change in terms of paragraph 18.7.5.

18.7.7 Every employee has a duty to ensure that the integrity of information stored in or on a computer or network device is not compromised.

18.7.8 The Municipal Manager may, after consultation with managers directly accountable to her/him and the Network/System Administrator, determine the security and access levels of different classes of files, folders, records and documents stored in a computer or network device, and may for this purpose design, approve and implement a document classification system.

18.7.9 Any file, folder, records and documents, including any electronic mail messages on computer hard drive, including a removable hard disk, stiffy disk, compact disk, digital video disk or flash memory found in a work place or issued by the Municipality shall be deemed to be the property of the Municipality.

18.8 TELE- AND MOBILE PHONE AND TWO-WAY RADIO FACILITIES

18.8.1 No employee may-

- (a) use any tele- or mobile phone or two-way radio supplied by the Municipality for official business of the Municipality for private business; and
- (b) authorise or permit another person, whether it is a councillor, a co-employee or member of the public to use a tele- or mobile phone or two way radio issued to her/him.

18.8.2 The Municipality may require an employee to pay for any and all telephone calls of a private nature made by her/him from a telephone issued by the Municipality.

18.9 USE OF DUPLICATING AND TELEFACSIMILE TRANSMISSION MACHINES

18.9.1 No employee may-

- (a) use any duplicating machine supplied by the Municipality to make copies of a private nature;
- (b) supply any telefacsimile number of the Municipality to receive telefacsimile transmissions of a private nature; or
- (c) transmit any telefacsimile messages of a private nature using a telefacsimile machine supplied by the Municipality.

Annexure A: Confidentiality Undertaking

SETSOTO LOCAL MUNICIPALITY

(Note: To be signed by every manager as contemplated in section 57 of the Municipal Systems Act (Act No 32 of 2000) and every other employee who, in the ordinary course of her/his work at the municipality, may have access to personal information of other employees).

I, (full names and surname) _____ (identity number
_____) hereby undertakes that I will not-

- ➔ unless clearly instructed by the Municipal Manager; or
- ➔ unless ordered by a Court or similar tribunal to do so; or
- ➔ without the written permission of the individual concerned; or
- ➔ unless required by any law

disclose to, or discuss with, any third party, including a trade union, a trade union official or representative of a trade union any detail regarding –

- (a) the remuneration
- (b) a performance appraisal
- (c) the disciplinary record
- (d) the health status
- (e) the personal circumstances
- (f) the personal affairs or
- (g) any grievance contemplated or lodged

of or by an employee or any group of employees of, or person seeking employment with, the Municipality regardless of whether I have official custody of such information or learned such information in any other manner, except in the course of the performance of my official duties.

I understand that non-compliance with this undertaking will result in disciplinary charges against me which may lead to dismissal, should I be found guilty.

SIGNED AT _____ ON _____

EMPLOYEE

Annexure B: Government Notice No. 691

**Government Gazette No 24889, 23 May 2003 No. 24889
Government Notice No. 691**

CALCULATION OF EMPLOYEE'S REMUNERATION IN TERMS OF SECTION 35(5) OF THE BASIC CONDITIONS OF EMPLOYMENT ACT, 1997 (ACT 75 OF 1997)

1. The following payments are included in an employee's remuneration for the purposes of calculating pay for annual leave in terms of section 21, payment instead of notice in terms of section 38 and severance pay in terms of section 41 –
 - (a) Housing or accommodation allowance or subsidy or housing or accommodation received as a benefit in kind;
 - (b) Car allowance or provision of a car, except to the extent that the car is provided to enable the employee to work;
 - (c) Any cash payments made to an employee, except those listed as exclusions in terms of this schedule;
 - (d) Any other payment in kind received by an employee, except those listed as exclusions in terms of this schedule;
 - (e) Employer's contributions to medical aid, pension, provident fund or similar Schemes; and
 - (f) Employer's contributions to funeral or death benefit schemes.

2. The following items do not form part of remuneration for the purpose of these calculations –
 - (a) Any cash payment or payment in kind provided to enable the employee to work (for example, an equipment, tool or similar allowance or the provision of transport or the payment of a transport allowance to enable the employee to travel to and from work);
 - (b) A relocation allowance;
 - (c) Gratuities (for example, tips received from customers) and gifts from the employer;
 - (d) Share incentive schemes;
 - (e) Discretionary payments not related to an employee's hours of work or performance (for example, a discretionary profit-sharing scheme);
 - (f) An entertainment allowance; and
 - (g) An education or schooling allowance.

3. The value of payments in kind must be determined as follows –

- (a) a value agreed to in either a contract of employment or collective agreement, provided that the agreed value may not be less than the cost to the employer of providing the payment in kind; or
 - (b) the cost to the employer of providing the payment in kind.
- 4. An employee is not entitled to a payment or the cash value of a payment in kind as part of remuneration if –
 - (a) the employee received the payment or enjoyed, or was entitled to enjoy, the payment in kind during the relevant period; or
 - (b) in the case of a contribution to a fund or scheme that forms part of remuneration, the employer paid the contribution in respect of the relevant period.
- 5. This schedule only applies to pay for annual leave accrued from the date of operation of this Schedule.
- 6. If a payment fluctuates, it must be calculated over a period of 13 weeks or, if the employee has been in employment for a shorter period, that period.
- 7. A payment received in a particular period in respect of a longer period (e.g. a thirteenth cheque) must be pro-rated.
- 8. This Schedule only applies to the minimum payments that an employer is required to make in terms of the Basic Conditions of Employment Act, 1997.

Annexure C: Bursary Agreement

MEMORANDUM OF AGREEMENT

1. Memorandum of an agreement entered into by and between -
 - 1.1 Municipality (hereinafter called the Municipality) and
 - 1.2 _____ (RSA Identity No _____) assisted by
_____ (being her/his parent or legal guardian) (RSA Identity No _____) (hereinafter called the bursar) (jointly referred to as the parties).
2. This agreement will commence on the date that the last of the parties attaches its signature to it and will continue in force and effect until –
 - 2.1 the parties have discharged all their obligations in terms hereof; or
 - 2.2 it is terminated in terms hereof.
3. The Municipality hereby grants to the bursar and the bursar hereby accepts a bursary consisting of :-
 - 3.1 the amount demanded by the institution at which the bursar's has been accepted as student in respect of registration, tuition, examination and residence fees in respect of the bursar's studies, which amount shall be paid directly to the institution concerned within 30 days after receipt of its invoice; and
 - 3.2 an amount of R _____ which shall be deposited directly into the bank account nominated by the bursar on or before _____ each year for the purchase by the bursar of text books, stationary and such instruments and equipment as may be required for her/his studies (hereinafter referred to as the bursary).
4. Subject to clause 5 the bursary will be renewed each year during the course of the bursar's studies, provided that –
 - 4.1 the bursar passes the prescribed examinations; and

4.2 obtains and submits to the Municipality before the start of an ensuing academic year a satisfactory report as regards her/his conduct and diligence during the previous year.

5. If the bursar fails any year or subject the Municipality may in its sole discretion –

5.1 terminate the bursary forthwith; or

5.2 allow the bursar to repeat the year or the subjects which she/he failed at her/his own cost.

6. If the Municipality –

6.1 terminates the bursary in terms of clause 5 it may, in its sole discretion –

6.1.1 require the bursar to enter into and remain in its employ in an appropriate position for the period equivalent to the period during which she/he received the bursary;

or

6.1.2 release the bursar from her/his obligations towards the Municipality;

6.1.3 allow the bursar to repeat the year or the subjects which she/he failed at her/his own cost, it may reinstate the bursary for the remainder of the bursar's studies after she/he has passed the year or the subjects she/he failed upon passing them.

7. If the bursar fails any examination more than once or for any reason abandons or defers his/her studies payment of the bursary will be terminated and the bursar will be liable to reimburse the Municipality as hereinafter set out.

8. Such vocational training as may be required by the institution concerned will be undertaken by the bursar in the Municipality's service and the bursar will be paid at normal rates applicable to vacation students for every hour worked to complete such training. Such training will not be deemed employment for the purpose of recognising any prior employment, determining the employee's seniority or for making any leave calculation.

9. The bursar undertakes to join the employ of the Municipality not later than the first day of the month following the month during which she/he wrote the last paper for her/his degree/diploma and to remain in the service of the Municipality for a period amounting to one year's service for each year that he/she has received a bursary, unless the Municipality in its sole discretion, release the bursar from his/her service obligations. Should the bursar's employ with the Municipality be terminated for whatever reason before her/his work back period has been completed the Municipality may, in its sole discretion –

- 9.1 release the bursar from any outstanding obligation she/he may have towards the Municipality; or
 - 9.2 with the permission of the bursar claim any leave that have accrued to the bursar and which has not be taken; or
 - 9.3 demand that the bursar reimburse the Municipality for the full outstanding amount owing due to the premature termination of the bursar's employ with the Municipality.
10. Notwithstanding the provisions of clause 9 the Municipality does not guarantee that it shall employ the bursar upon completion of the course. If the Municipality does not employ the bursar in terms of clause 9 it shall automatically waive and indemnify the bursar against any claim that the Municipality may have for reimbursement of monies owing.
 11. The Municipality shall have the right to claim and collect from the bursar any and all amounts paid to or for the benefit of the bursar if she/he -
 - 11.1 of his/her own initiative abandons the bursary or abandons the course; or
 - 11.2 fails to comply with his/her obligation to enter the service of the Municipality.
 12. The Municipality may at any time terminate the bursary. Should the Municipality terminate the bursary the bursar shall have no claim against the Municipality for continuing to pay the bursary and the Municipality shall have no claim against the bursar for repayment of the bursary.
 13. After entering into this agreement the bursar will obtain a certificate of satisfactory health. The Municipality shall meet the cost of any medical examination the bursar has to undergo in order to obtain such certificate. The Municipality may at any time during the currency of this agreement require the bursar to submit a further certificate of health at the expense of the Municipality.
 14. The repayment by the bursar of any indebtedness to the Municipality arising from this agreement shall be on demand. The Municipality may, in its sole discretion approve that nay such debt be settled in such instalments and under such conditions, including the payment of interest, as the Financial Manager may determine.
 15. This agreement, where entered on behalf of the bursar by his/her parent or guardian will be equally binding upon such parent or guardian who shall remain jointly and severally liable with the bursar for all financial obligations of the bursar in terms of this agreement notwithstanding that the bursar may become a major during the currency of this agreement.
 16. The bursar undertakes to advise the Municipality should his/her parent or guardian die during the currency of this agreement.

SIGNED AT _____ ON BEHALF OF THE
..... MUNICIPALITY THIS _____ DAY OF _____ 20__

AS WITNESSES:

1. _____

2. _____

MUNICIPAL MANAGER

SIGNED AT _____ ON BEHALF OF THE BURSAR
THIS _____ DAY OF _____ 20__

AS WITNESSES:

1. _____

2. _____

BURSAR

BURSAR'S PARENT/GUARDIAN