



MANTSOPA LOCAL MUNICIPALITY
Human Resource Policy


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Introduction and definitions

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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.

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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

The Municipal Manager may, after consultation with the mayor in writing relax a requirement set out in this Manual or exempt an employee from compliance with any provision of this Manual-

- (a) if it is in the best interest of the Municipality; and
- (b) subject to the provisions of any collective agreement or legislation that may regulate the matter concerned; and
- (c) 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 policy document 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 be submitted to the Local Labour Forum for consultation with the trade unions before it is submitted to the Council for adoption. The Municipal Manager shall

submit the comments of the Local Labour Forum, if any, together with her/his recommendations thereon, 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 in 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.

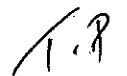
1.7 APPLICATION

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 permanent employees, temporary workers, interns, experiential trainees and fixed term employees of the Municipality, within 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) "expertise" means having special skills to perform certain tasks or expert knowledge of a particular subject;
- (j) "external equity" refers to comparisons between similar jobs in the labour market;
- (k) "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;
- (l) "gratuity" means a favour or gift, usually in the form of money, given in return for service to the Municipality;
- (m) "immediate family member" means the mother, father, husband, wife, child and siblings of an employee;
- (n) "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 the municipality;
- (o) "internal period" means a period of 12 to 24 months, whether consecutive or not;
- (p) "internship programme" means a planned, structured, managed and occupation 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
- (q) "Labour Relations Act" means the Labour Relations Act 1995 (Act No 66 of 1995);
- (r) "management structure" means the first three reporting levels indicated in the approved organisational structure of the Municipality;

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- (s) "managers" means the persons employed by the Municipality in positions on the first two reporting levels of the organisational structure;
- (t) "Municipal Manager" includes a person acting in his/her stead or in terms of a power delegated or sub-delegated in writing to her/him by the Municipal Manager;
- (u) "Municipal Systems Act" means the Local Government: Municipal Systems Act, 2000 (Act No 33 of 2000);
- (v) "Municipality" means Mantsopa Local Municipality,
- (w) "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,
- (x) "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;
- (y) "pay range" means a continuum starting at an amount and ending at a higher amount indicating remuneration packages;
- (z) "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;
- (aa) "Protected Disclosures Act" means the Protected Disclosures Act 2000 (Act No 26 of 2000);
- (bb) "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;
- (cc) "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 and includes;-
- (i) racist jokes and insinuations;
 - (ii) banner 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; or
 - (viii) being condescending or depreciation about the way colleagues dress or speak;
- (dd) "relative" means a parent, adopted parent, grandparent, great grandparent, child, grandchild, great grandchild, sibling, aunt, uncle, niece, nephew, cousin, spouse, and/or life partner;
- (ee) "relevant previous work experience" means work experience in a similar job at another institution, whether in the public or the private sector; and
- (ff) "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 and include unwanted;-
- (i) sexual advances;
 - (ii) requests for sexual favours in return for employment benefits;

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- (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; and
- (xv) Any other unwelcome form of physical or verbal behaviour that has sexual overtones;

(gg) "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.

(hh) "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;

(ii) "this Manual" means the policies and procedures contained in the separate chapters of this document as approved by the Council from time to time;

(jj) "tobacco product" means any product manufactured from tobacco and intended to be smoked or used by smoking, inhalation, chewing, sniffing or sucking;

(kk) "trade union" means a trade union that is a party to the bargaining council;

(ll) "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;

(mm) "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

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(nn) "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

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 Council supports, as a general principle and founding value of its human resources management practises, 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 Council 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 judgement 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."

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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 affiliation
- (t) Amended Employment Equity Act

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 56 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.
- 2.4.10 No person / employee who is on suspension, must vacate the office with any tools of trade

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 18 years of age or older;
- (d) if she/he has reached the age of 60 years;
- (e) she / he may not be appointed 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 requisite 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.
- (i) The Mayor may determine or alter the remuneration, benefits or other conditions of service of the Municipal Manager, after proper consultation and approval by the Council

2.6 SEXUAL HARASSMENT

2.6.1 Introduction

The Municipality recognises that everyone has the right to work in an environment that is safe, healthy, amicable and free of sexual harassment.

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, action must be taken against anyone who, on the face of it:

- (a) if found guilty of sexually harassing a fellow employee or person seeking employment.
- (b) lodges a false complaint.

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*

Sexual harassment may consist of any or all of the following:

- (a) sexual advances
- (b) requests for sexual favours in return for employment benefits
- (c) verbal abuse with sexual overtones
- (d) innuendos, including remarks or insinuations about a person's sex life or private life
- (e) suggestive remarks about a person's appearance, body or clothing
- (f) physical contact
- (g) obscene gestures
- (h) indecent exposure
- (i) staring, leering, whistling
- (j) display of sexually offensive or explicit material, including posters, magazines, pictures, videos or objects
- (k) direct sexual proposition
- (l) continued pressure for dates and sexual favours
- (m) letters or calls of a sexual nature
- (n) any of the above as a form of coercion or blackmail for advancement, or for lack of advancement or dismissal if the recipient refuses

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- (o) any other unwelcome form of physical or verbal behaviour that has sexual overtones.

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

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.

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.

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 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.

2.6.5 Administration must assist sexually harassed victims with report their cases to the South African Police Services

2.7 RACIAL AND ETHNIC HARASSMENT

2.7.1 Introduction

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.

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.

Disciplinary action must be taken against anyone who, on the face of it:

- (a) is guilty of harassing a fellow employee based on her/his race or ethnicity.
- (b) lodges a false complaint.

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2.7.2 Manifestations of racial and ethnic harassment

Racial and ethnic harassment may consist of any or all of the following:

- (a) racist jokes and insinuations
- (b) banner with racial or ethnic undertones
- (c) insults of a racial or ethnic nature
- (d) taunting based on race or ethnicity
- (e) graffiti with racial or ethnic content
- (f) shunning people because of their race and ethnic origin and background
- (g) excluding colleagues from conversations based on their race, colour, nationality or ethnic origin and background
- (h) being condescending or depreciating about the way colleagues dress or speak

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

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.

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.

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. Refer the matter to legal for investigations.

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.

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2.8.2 The Mayor may through to Council alter of the remuneration, benefits or other conditions of service of the managers directly accountable to the Municipal Manager to seek concurrence or approval of the Council. The Municipal Manager have the right to negotiate remuneration package outside the norm based on the area of the municipality.

2.8.2.1 The Municipal Manager may adjust the remuneration of staff, other managers directly accountable to the Municipal Manager to a higher post level based on the added responsibilities and functions of the affected employee and fringe benefits (equal pay for work of equal value) which is outside the salary bracket.

2.8.2.1.1 The Remuneration of the Municipal Manager and managers directly accountable to the Municipal Manager will be adjusted through the Ministerial determination of upper limits.

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-
- (b) is equipped to implement the Municipality 's integrated development plan;
- (c) operates in accordance with the Municipality 's performance management system;
- (d) is responsive to the needs of the community to participate in the affairs of the Municipality ;
- (e) 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);
- (f) the management, effective utilisation and training of staff;
- (g) the maintenance of the discipline of staff;
- (h) the promotion of sound labour relations;
- (i) compliance by the Municipality with applicable labour legislation;
- (j) implementing a staff establishment for the Municipality ;
- (k) providing a job description for each post on the staff establishment;
- (l) 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

- (m) 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 councillor who is a member of 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 section 54 and 56 manager respectively is limited to her/his participation in terms of regulation on the appointment of sec 54 and section 56 respectively during the appointment process.
- 2.9.3 An applicant who canvasses support with a view to be transferred or promoted to another post shall be disqualified for such promotion or transfer.
- 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 Chapter as Annexure A, provided that any manager appointed in terms of Section 56 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 an immediate family member or relative.

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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.

1.8.

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

3

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

- 3.1.1 The Municipal Manager must develop an organisational structure -
- (a) That is 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 proposals on the organisational structure of the Municipality, or changes to the approved structure, submit her/his proposals thereon for consultation to the local labour forum, before submission to Council for approval.
- 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 may include those comments:
- (a) amend the proposed organisational structure in view thereof; or reject.
- 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

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- (d) Above stated procedure or process will only be effected after job evaluation process has been finalised and all designation level shall be on TASK grades not on post level.

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 The Municipal Manager or managers directly accountable to the Municipal Manager may not hold political office in a political party, whether in a permanent, temporary or acting capacity
- 3.2.3 As soon as the council approved the organisational structure of the Municipality, the council must indicate which positions in the establishment other than those of the Municipal Manager and managers directly accountable 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 or a promotion 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, 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 post level / TASK job evaluation system in case job evaluation process is completed.
- (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.

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- (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 Council 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 Director Corporate Service, Chief Financial Officer on the approval of the staff establishment by the Council, create one or more temporary positions on the establishment.
- 3.5.2 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 decision with regard to the creation and abolishing of temporary position is final.
- 3.5.5 Permanent employment will not be automatic after temporary employment on fixed term contracts has elapsed.

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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. Thereafter the Municipal Manager will submit an item to Council to consider the application.

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) gaining work experience; or towards acquiring a qualification
- (b) partial fulfilment of the requirements of her/his training or education at another institution; or
- (c) serving as a reservist in any emergency services the Municipality may operate; or
- (d) 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.

3.7.2.1 A volunteer working as a fire fighter may

- (a) be remunerated in a way of receiving an allowance as per stipulated hourly rate approved by Council or Municipal Manager.
- (b) the service may be required as need arise

3.7.3 The [duration of a volunteer worker's engagement is in the sole discretion of the Municipal Manager but may in any case not exceed twelve (12) 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.

3.7.8 Any application to the municipality for experiential training should be made to the Municipal Manager who will then make his/her discretion for approval in consultation with the Departmental Head concerned and inform Corporate Services to conclude a contract with the applicant. Experiential training does not have and will not develop any expectation at any time of becoming an employee of the municipality.

RECRUITMENT, SELECTION, APPOINTMENT, PROMOTION, DEMOTION AND TRANSFER

4

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.
 - (iii) in case of deviation for filling a position not provided for in the organogram, a labour deviation form must be filled and approved by the municipal manager.

4.1.2 Advertising of vacancies

- (a) All positions that become vacant through natural attrition or that are newly created shall be advertised to facilitate open and fair competition; if there is a need.
- (b) Positions on junior / entry levels shall first be advertised internally first in the area of municipality to afford deserving employees upward mobility opportunities;
- (c) 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 manager responsible for human resources management, to the Municipal Manager in terms of paragraph

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- (d) 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.
- (e) A completed labour requisition must reach the Director Corporate Services before or on the third working day of each month.
- (f) 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 internally
Permanent elementary occupations	Internally and local newspaper
Entry and middle level occupations	Internally and local newspapers
Senior management and professional occupations	Externally, provincial and national; local newspapers

- (g) [The Municipal Manager may, after consultation with the Council, 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.
- (h) 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

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successful candidate will be subject to the annual conclusion of a performance agreement with the Municipality.

- (viii) An indication of the remuneration offered.
- (ix) The format and content of applications.
- (x) The address where, and person to whom, applications must be delivered.
- (xi) The closing date for the submission of applications.
- (xii) A statement that applications received after the closing date will not be accepted or considered.
- (xiii) The name and contact details of the person to whom enquiries may be directed.
- (xiv) A statement that canvassing will disqualify any candidate from being considered for appointment.
- (xvi) Security vetting and qualification verification
- (xvii) Recruitment, selection and appointment of section 54 and 56 Managers

Principles of recruitment

- (1) the recruitment, selection and appointment of senior manager must take place in accordance with the municipal systems and procedures contemplated in section 67 of the Act that are consistent with sections 54A, 56, 57A and 72 of the Act.
 - (2) A senior manager post must be filled through public advertising, in accordance with the procedures competence-based to enhance the quality of appointment decisions and to ensure the effective performance by municipalities of their functions.
- (xviii) Determination of recruitment needs
- (1) When the post of a senior manager becomes vacant, or is due to become vacant, the mayor, in the case of a municipal manager, or the municipal manager, in the case of a manager directly accountable to the municipal manager, must, upon receipt of official notification that the post of a senior manager will become vacant, obtain approval from the municipal council for the filling of such post in its next council meeting or as soon as it is reasonably possible to do so.
 - (2) A vacant senior manager post may not be filled unless-
 - a) approval to fill the post has been granted by the municipal council; and
 - b) the post has been budgeted for.

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- (3) Notwithstanding subregulation (1), the speaker may convene a special meeting to obtain municipal council approval for the filling of a senior manager post.
- (xix) General requirements for appointment of senior managers
- (1) No person may be appointed as a senior manager on a fixed term contract, on a permanent basis or on probation, to any post on the approved staff establishment of a municipality, unless he or she-
- (a) is a South African citizen or permanent resident; and
- (b) possesses the relevant competencies, qualifications, experience, and knowledge.
- (2) An appointment may not take effect before the first day of the month following the month during which the municipal council approved the appointment.
- (xx) Competence requirements for senior managers
- (1) A person appointed as a senior manager in terms of these regulations must have the competencies as set out in the systems act Annexure A
- (2) A person appointed as a senior manager in terms of these regulations must comply with the minimum requirements for higher education qualification, work experience and knowledge as set out in Annexure B of the systems act
- (xxi) Advertising of vacant posts
- (1) The municipal manger must, within 14 days of receipt of the approval, ensure that the vacant pot is advertised.
- (2) Vacant senior manager post must be advertised in a newspaper circulating nationally and in the province where the municipality is located
- (3) The Mayor, in the case of a municipal manager, or the municipal manage, in the case of a manager directly accountable to the municipal manager, must provide monthly reports to the executive committee regarding progress on the filling of the vacant senior manager post.
- (xxii) Application for vacant posts
- (1) An application for a senior manager must be submitted on an official application form, attached as Annexure C, accompanied by a detailed curriculum vitae.
- (2) Notwithstanding subregulation (1), a municipality that has online application procedures in place may use an online application form: Provided that the online

application form substantially corresponds to the application form in Annexure C, and complies with these regulations

- (3) An application not made on the official form, as contemplated in subregulation (1) or (2) must not be considered.
- (4) An application for a senior manager post must disclose-
 - (a) his or her academic qualifications, proven experience and competencies;
 - (b) his or her contactable references;
 - (c) registration with a relevant professional body;
 - (d) full details of any dismissal for misconduct; and
 - (e) any disciplinary actions, whether pending or finalised, instituted against such applicant in his or her current or previous employment.
- (5) Any misrepresentation or failure to disclose information contemplated in subregulation (3) and (4) is a breach of the Code of Conduct for municipal staff as provided for in Schedule 2 to the Act and shall be dealt with in terms of the Disciplinary Regulations
- (6) The municipality must compile and maintain a record of all applications received, which must contain –
 - (a) the applicants' biographical details and contact information;
 - (b) the details of the post for which the applicants were applying;
 - (c) the applicants' qualifications; and any other requirements outlined in the application form]

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

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- (a) The Director Corporate Services must design and ensure that a sufficient supply of official application forms 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 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 may, subject to the supply chain management policy, appoint an external service providers (which may include SALGA; COGTA) 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, and potential candidates.

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 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
 - (iv) if applicable, the nature of the applicant's disability
 - (v) Locality
- (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 Mayor and Municipal Manager, respectively.
- (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 like work permit 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 short list panel appointed by the Municipal Manager must select from the master list, with due regard for the numerical goals set in the Municipality's employment equity plan not more than 5 applicants who in their opinion would be the most suitable candidates to be subjected to the selection process.
- (b) Short listing must be done in accordance with the following order of preference -

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- (i) Internal applicants
- (ii) Local applicants
- (iii) Provincial applicants
- (iv) National applicants
- (vi) Qualifications
- (vii) Experience
- (viii) Gender
- (ix) Disability

The chair of the shortlist panel must submit the particulars of the short listed candidates to the Director Corporate Services.

The trade unions will assume the observatory status during the short listing of potential candidates. In case where less than 5 applications were received the trade union will form part of the interview panel.

4.2.2.2 Appointment of a municipal manager or departmental head

- (a) The Mayor must as soon as practicably possible after receipt of the master list of applications for the appointment of a municipal manager or departmental head
 - (i) convene a special council meeting on a date and at a time and venue she/he may determine for the purpose of selecting applicants for appointment to be subjected to the Municipality's selection procedures; and
 - (ii) ensure that a copy of the master list and applications are delivered to each councillor together with the notice of the meeting.
- (b) At the meeting convened in terms of paragraph (a)(i), the Council shall select not more than six applicants, who would, in its opinion, be the most suitable candidates to be subjected to the selection process, from the master list.
- (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.

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4.2.3 Notification of short listed candidates of selection proceedings

The official appointed by Council 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 –
 - (i) must undergo any screening tests required by the Municipality.
 - (ii) 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.
 - (iii) take part in all tests at their own responsibility.
- (b) The results of any screening test are confidential.

4.2.5 Interviewing in respect of vacancies

4.2.5.1 Appointments other than of Municipal Manager and section 56 managers.

- (a) Except for appointments that must be made by the Council, the Municipal Manager must appoint an interview panel, the departmental head concerned and not more than one other senior employee from the relevant department must be part of interviews for all positions.
- (b) The Municipal Manager appoint an interview panel for appointing an employee and may attend the interviews-
 - (i) on the first level below the level of departmental head;
 - (ii) in her/his department/office
- (c) 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 Mayor, 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.
- (d) Completed score sheets must be kept in safe storage for a period of at least five (5) years after an appointment decision has been made.

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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 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, secretary; driver; helper; protector and policy advisor to any political office-bearer or other councillor of the Municipality, the Municipal Manager and other managers directly accountable to the Municipal Manager, may be appointed to that position only -
- (iv) in terms of a written employment contract with the Municipality; and
- (v) subject to a separate performance agreement being concluded annually on or before 31 July each year.

(d) 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

(aa) 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;

(bb) subject to a separate performance agreement being concluded annually on or before 31 July each year.

(iii) include a provision for cancellation of the contract, in the case of non-compliance with the employment contract or the performance agreement;

(iv) the terms of the renewal of the employment contract, but only by agreement between the parties; and

(v) 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.

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

4.3.2 Appointment of employees to posts in the temporary establishment

The municipality has to differentiate between casual and temporary employee.

- (a) Casual employee means an employee who works full time or part time for a specified or unspecified time.
- (b) Temporary employment service will therefore means an employee appointed full-time or part-time for a maximum period of twelve (12) months to undertake and complete a specified task.
- (c) A person appointed to a temporary position -
 - (i) is appointed at the salary applicable to a comparable position on the permanent establishment;
 - (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 policy of the municipality; and
 - (v) is subject to the attendance requirements, rules of conduct and grievance procedures in terms of the Municipality's conditions of service.

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 chief financial officer 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

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(ii) the incumbent of that position is or will be absent from work for a prolonged period (30 days or 3 months).

(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) earn one day leave each month for the duration of the contract; 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) 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

(vi) 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

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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) positions in the offices of councillors are created 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 in line with incumbents term of office 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.

All vacant and appointment of employees for any councillor will be advertised and follow the recruitment and selection process.

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 Chief Financial Officer, 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

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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 Municipal Manager may-

- (a) issue a notice 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 an employee of her/his transfer, promotion, demotion or dismissal;
- (c) notify an employee that she/he successfully completed her/his period of probation or that her/his period of probation has been extended;
- (d) notify an employee of any change in her/his particulars of employment; and
- (e) notify 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 Municipal Manager 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;

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- (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 56 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 after being assessed by a panel for promotion assessment appointed by the Municipal Manager.
- 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 56 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.
- 4.6.4 Unless the Municipal Manager determines an earlier date, an employee's transfer to another position shall take effect on the first day of the month following the month during which she/he had been transferred.

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, and lower remuneration 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.
- 4.7.3 An employee who has been demoted as an alternative to her/his dismissal shall be placed in the relevant position and perform the job functions of that position with effect from the first day of the month following the month during which she/he was dismissed and her/his remuneration shall be adjusted accordingly with effect from that date.
- 4.7.4 An employee who refuses demotion as an alternative to being dismissed shall be dismissed immediately upon her/him refusing or failing to perform any of the job duties allocated to her/his new position.

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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 Municipal Manager may determine the post level / Task grade of the position based on the job content; job weight or any other added responsibility or even place a deserving employee on a level higher as per the approved remuneration structure.

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

4.9 REPORTING ABOUT APPOINTMENTS AND DISMISSALS

The director corporate services must on or before the seventh of each month, submit a report to the Municipal Manager regarding all appointments, promotions, transfers, demotions, dismissals, resignations and retirements during the past month which must form part of the monthly and quarterly report to the Municipal Manager.

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 and objectives as may be prescribed in terms of the Municipality's employee performance appraisal system. The HR Manager must make reminders to the department or division concerned about the evaluation of the probation.

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.

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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.

4.12 COUNTER OFFERING

Although the management has very little flexibility on how employees are paid, there are some measures that can be embarked on to find and keep Employees in scarce skills. The Municipality introduces a system of counter offer to Employee and or prospective employees with special skills who intend to resign.

The following are the guide got the effective implementation of counter offering:

4.12.1 Counter-offering will be done on scarce skills, valued skills and high risk skills

4.12.2 The Director Corporate Services shall determine, in consultation with the Chief Financial Officer what will be in the best interest of the municipality and draw up recommendations that must be approved by the Municipal Manager.

4.12.3 Directors and line managers should consult corporate services department for intervention once they have identified employees in the classified skills showing intentions to leave.

4.12.4 As a standard procedure all employees to be counter-offered, their files should be used to examine their performance as reflected in the PMS file and any other documented proof to support counter offer.

4.12.5 Counter offered employees will not be counter-offered again should he/she get another job offer elsewhere within the period of 12 months after being counter offered.

4.12.6 Counter-offer will only apply to the positions on salary levels 4 to 2

4.12.7 When counter-offering the employee will be offered the same salary level as that of the competing employee or one notch on valued skills and two notches high on scarce and high risk skills

4.12.8 Counter offer shall depend on the availability of funds to sustain the increase.

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The following guideline should apply in terms of the counter offer.

Skills	Salary Levels	Notch Legs
Scarce Skills		02
Valued Skills		01
High Risk Skills		02

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RELOCATION POLICY

5.1 INTRODUCTION

The policy contained in this Chapter deals with the relocation of employees who are newly appointed from outside Mantsopa Municipality and its units, 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 received from 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.
- 5.2.4 The employer shall arrange accommodation for Municipal Manager and managers directly reporting to the Municipal Manager for a period not more than 30 days whilst such managers are looking for accommodation and other Managers and employees coming from outside Mantsopa. For employees and other managers and employees it will be the discretion of the Municipal Manager to assist with accommodation.
- 5.2.5 If the employer second an employee from his/her current work place to go and work in another work place for a certain period of time. The employer will bear the costs for relocation, accommodation and S&T for the period of the secondment.

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LABOUR RELATIONS

6

6.1 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 **conductive** work environment.

6.2 WORKPLACE COMMUNICATION

The Municipality believes in open channels of communication between management and employees and the unit representatives.

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.

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- (f) A councillor may summon any employee to consult with her/him on urgent matters but such employee must report the fact that she/he has been so summonsed to her/his departmental head and the Municipal Manager.
- (g) A trade representative 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.
- (h) 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.
- (i) 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, Directors or another employees.

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 initiative the local community; adhere to the policies and guideline of SALGA.
- (d) The Municipality recognises and subscribes to the right of employee's to form, join and participate in the activities of the workplace trade unions. 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.

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6.6 *DISCIPLINE*

6.6.1 *Philosophy of discipline*

- (a) It is the policy of the Municipality to maintain order in its business 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 to behave correctly and in an acceptable manner.
- (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.

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- (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 to the bargaining council or the Commission for Conciliation, Mediation and Arbitration; and
 - (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.

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- (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 [an employee representative]

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

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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-

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- (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

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.

The Council believes -

- (a) 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;
- (b) 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;
- (c) 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
- (d) that the alternative ways of resolving the dispute may include conciliation, mediation, arbitration and labour court proceedings.

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6.9 *TERMINATION OF SERVICE FOR INCAPACITY DUE TO POOR WORK PERFORMANCE*

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.

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-

- (a) whether the employee has succeeded in complying with the performance standards set by the Municipality;
- (b) 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;
- (c) whether appropriate assessment, instruction, counselling, guidance and training were provided to the employee; and
- (d) whether the employee after a reasonable time for improvement has still not met the required standards.

The employee-

- (a) must be given an opportunity to be heard during an investigation; and
- (b) may during such an investigation be assisted by a union representative or a colleague.

Upon completion of the investigation the investigator must submit a comprehensive written report and recommendation to the manager responsible for human resources management who must submit the report, together with her/his recommendations, to the Municipal Manager.

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 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-

- (a) is incapable of performing her/his duties due to poor health or injury; or

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- (b) is able to continue working if the employee concerned was absent from work due to illness or injury –
- (c) for more than two consecutive days at a time on three occasions during any period of three months; or
- (d) for a continuous period of 21 days or more.

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.

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.

During an investigation in terms of this paragraph the investigator must take the following into account:

- (a) the nature of the employee's job;
- (b) the period or periods of absence of the employee due to illness or injury;
- (c) the cause of any disability or illness arising during the employee's employment with the Municipality;
- (d) the nature, seriousness and extent of the employee's illness or injury;
- (e) 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
- (f) 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.
- (g) 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.

- (h) 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.
- (i) The Municipal Manager's decision in the matter is final. In doing the above the Workman's Compensation for ill-health must be considered.

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

Whenever the Municipality contemplates –

- (a) dismissing one or more employees due to the Municipality's operational requirements it shall do so in terms of section 189 of the Labour Relations Act; or
- (b) 50 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

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- (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 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

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.

Career advancement, training and development as well as rewards will be linked to employees' work performance.

6.15 EMPLOYMENT EQUITY

The employment Equity Act 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 in effectively and fairly;
- (c) to ensure that the Municipality's employees have equitable access to learning programmes offered by the Municipality and other institutions;

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- (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 Equity Committee (hereafter referred to as the committee). The Committee shall meet as often as is necessary but at least once 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 Council 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

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remuneration and benefits received in each occupational category and level of the Municipality's workforce.

- (xiii) Advise the Executive Mayor / Mayor 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.

(a) 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 and IMATU respectively;
- (iii) one representative designated by every other trade union representing employees in the Municipality;
- (iv) departmental heads and divisional managers.

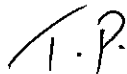
6.15.5 Training and learning

- (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 RESIGNATION

6.16.1 Resignation is a voluntary, unilateral termination of an employee's employment by that employee. An employee's resignation must be in writing.

6.16.2 A written resignation tendered by an employee -



- (a) does not have to be formally accepted for it to be valid; and
- (b) becomes effective on the date indicated in the resignation or on a date agreed between the employee concerned and the Municipal Manager.

6.16.3 An employee may withdraw her/his resignation in writing within 30 days after submitting it, but before her/his last day of work in terms thereof.

The Municipal Manager –

- (a) shall consider every notice to withdraw a resignation on its own merits; and
- (b) may accept or decline such withdrawal, provided that the Municipal Manager shall not, in order to induce an employee to withdraw her/his resignation –
 - (i) increase that employee's remuneration;
 - (ii) promote or transfer her/him; or
 - (iii) grant any allowance or additional employment benefit or special dispensation of any nature to such employee,

6.16.4 The Municipal Manager may waive the requirement that an employee must work any portion or the full period of the prescribed notice time.

6.16.5 The Director Corporate Services shall cause an exit interview to be conducted with each employee that terminates her/his employment with the municipality voluntarily for whatever reason.

6.17 ALTERNATIVE SERVICE DELIVERY MECHANISMS:

MUNICIPAL SERVICE PARTNERSHIPS

6.17.1 The Municipality subscribes to the principle that public service provision remains the preferred choice of service delivery.

6.17.2 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.

6.17.3 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.

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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 –

To ensure that the Municipality can attract and retain adequate numbers of suitable personnel in the management structure of the Municipality.

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

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.

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- (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 REMUNERATION OF THE MUNICIPAL MANAGER AND DEPARTMENTAL HEADS

- (a) The Municipal Manager and departmental heads shall be paid as an all inclusive annual remuneration package, payable in equal monthly instalments, in arrears.
- (b) The all-inclusive annual remuneration package of the Municipal Manager and departmental heads shall -
 - (i) not include a performance bonus;
 - (ii) consist of a basic salary and a flexible portion;
 - (iii) be structured in accordance with the guidelines issued from time to time by the South African Revenue Services; and
 - (iv) be adjusted annually linked according to the minister's determination of remuneration of municipal manager and managers directly accountable to the municipal manager.]
- (c) The following rules shall apply to the structuring of the flexible portion of the Municipal Manager's and departmental head's all-inclusive annual remuneration package -
 - (i) the flexible portion of the Municipal Manager's and departmental heads' all-inclusive annual remuneration package shall not exceed 40% thereof;
 - (ii) the Municipal Manager and departmental heads may annually, on or before the seventh work day of July, make a new determination as to the structuring of the flexible portion of her/his all-inclusive annual remuneration package and inform the Chief Financial Officer in writing of such new determination. Any such determination shall be valid for, and may not be changed within, a financial year; and
 - (iii) if the Municipal Manager or a departmental head fails to submit a new determination to the Chief Financial Officer as provided for here-in, it shall be assumed that the current determination shall remain valid for another year.

7.6 BASIS OF DETERMINING MANAGEMENT REMUNERATION

7.6.1 Approach to structuring senior management remuneration

Senior managers' remuneration shall be structured on a total-cost-to-employer basis.

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

- (a) his/her annual salary increase;

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

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

7.6.2 Determination of pay ranges

The pay range applicable to the Municipal Manager shall be the pay range recommended by COGTA, Gazette No 41173 for a "Section 55 employee" on the valid category of the Municipality for the determination of councillor remuneration.

The pay range for a manager who is directly accountable to the Municipal Manager shall be the pay range recommended by COGTA for a "Section 56 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

The determination of a specific manager's place on the applicable pay range referred to in par 7.6.2 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.
- (d) A person shall at the date of his/her employment by the Municipality as a manager be placed on –
- (e) 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 (a) and the Mayor is of the opinion that he/she has the capacity to acquire, within a reasonable time, the ability to do the job;
- (f) 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 (a); and
- (g) 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 (a).

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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.

The Council may, after it has considered the report and recommendation of the Mayor in this regard, authorise in a particular case, that a manager be appointed hereto 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.

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

The employee is considered to be acting if he / she is duly appointed in writing by the Municipal Manager or his authorised assignee in terms of the delegated powers approved by Council to act in a post.

A senior 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 10 or more consecutive working days, acts in a higher position

An acting allowance shall be calculated as the difference between the salary of the manager who acts and the basic salary of a manager on the commencing notch of the salary scale of the post in which he acts, shall be paid to such employee in addition to his salary in respect of the period in which he acts.

A senior 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. Acting in a higher position must not be more than three months.

A manager acting in a senior manager's position for a period of not less than 10 (ten) consecutive working days, an acting allowance shall be calculated as the difference between the salary of the manager

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and the basic salary of a senior manager's position in which he / she acts, shall be paid to such employee in addition to his salary in respect of the period in which he / she acts.

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 40 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 Department of Transport. 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, adjust in terms of the determination by the minister 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) The above-mentioned inclusive annual remuneration package to be structured in line with the guidelines provided by the South African Revenue Service (SARS).
- (c) The Employee's inclusive annual remuneration package shall be adjusted annually linked to a cost-of-living increase, which is not performance based.

7.8.3 Pay progression and performance bonus

In addition to the annual cost-of-living increase, the Employee shall be eligible to be considered for a performance related increase (pay progression) on an annual basis.

The Municipal Council, as a reward for outstanding performance, may pay a performance bonus between 5% and 14% of the inclusive annual remuneration package to the Employee after the end of a financial year and only after evaluation of performance and approval of such evaluation.

Details of this process and the implementation thereof are contained in the Performance Agreement and guideline document.

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

- (a) on the basis of any salary survey for managers conducted and supplied by SALGA; or

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(b) 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.

7.8.5 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.

The Remuneration Committee (hereafter referred to as the committee) is hereby established.

The committee consists of –

- (a) the Mayor, who shall be the chairperson;
- (b) the members of the Governance and Administration Committee responsible for finance (if not the Mayor) and human resources; and
- (c) an external remuneration expert appointed by the Council.

The committee is a committee contemplated in section 79 of the Local Government: Municipal Structures Act 1998 (Act No 117 of 1998).

The functions of the committee are –

- (a) to monitor the implementation of this policy; and
- (b) to review this policy as may be required.

The committee shall report to the Council as often as the Council may require.

The Council shall, when it appoints the independent remuneration expert referred to in par (b)(iii) determine –

- (a) his/her remuneration;
- (b) the other terms and conditions applicable to his/her appointment; and
- (c) his/her term of office.

A member of the committee who is a councillor may not receive any additional remuneration because she/he is a member of the committee.

The committee must have at least two ordinary meetings during a financial year at a time, place and date determined by the chairperson.

The chairperson may at any time call a special meeting of the committee at a time, place and date determined by her/him.

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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.

The chairperson presides at meetings of the committee.

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.

The majority of the members of the committee must be present before it may take a decision on any matter.

A question before the committee is decided if there is agreement among at least the majority of the members.

The committee may, to the extent necessary for the efficient and effective performance of its functions –

- (a) access and inspect any records, documents and information held otherwise by the Municipality or an employee of the Municipality;
- (b) 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
- (c) investigate or cause to be investigated by any employee of the Municipality, after consultation with the Municipal Manager, any matter.

The Municipal Manager and every other employee of the Municipality must-

- (a) assist the committee in the performance of its functions;
- (b) produce any book, record or other information required by the committee, the custody and control of which had been entrusted to him/her; and
- (c) 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.

The Municipal Manager may, after consultation with the relevant departmental head, direct any employee to assist or appear before the committee.

The Municipal Manager must, after consultation with the relevant departmental head, provide secretariat services for the committee.

The manager responsible for human resources management shall annually during June/July obtain the salary survey results and recommendations of SALGA relating to management remuneration of the next financial year.

The manager responsible for human resources management shall annually, after receipt of the survey results and recommendations of SALGA, after consultation with the Speaker and the Executive Mayor, call a meeting of the remuneration committee, provided that –

if SALGA has failed or neglected to supply the survey results and recommendations by 15 July, the manager responsible for human resources management shall arrange for a meeting of the remuneration committee to be held as if such results and recommendations have been supplied;

the remuneration committee shall meet on or before 31 July of each year.

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 Mayor at the first meeting following the completion of its work.

7.9 PERFORMANCE REWARD

7.9.1 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.

7.9.2 The maximum amount of the performance bonus to which a manager shall be entitled shall be between 5% and 14% of his/basic pay for the year in respect of which the annual performance assessment was done.

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

A performance bonus of between 5% to 14% of the all-inclusive remuneration package may be paid to the Employee in recognition of outstanding performance to be constituted as follows:

- (a) A score of 130% to 149% is awarded a performance bonus ranging from 5% to 9%; and
- A score of 150% to 200% and above is awarded a performance bonus ranging from 10% to 12%.

7.9.4 A manager whose annual performance assessment as approved by the Council is less than 120% shall –

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- (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.

7.9.5 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.

It should include performance reward for other managers and post level below 4

Part 2

Remuneration policy in respect of employees other than management employees

7.10 PURPOSE

7.10.1 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.

7.10.2 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.

7.12 COLLECTIVE AGREEMENTS

7.12.1 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.

7.12.2 Subject to paragraph 7.13.3 the remuneration of an employee referred to in paragraph 7.13.3 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.

7.12.4 At least 60% of an employee's total cost to employer remuneration shall be deemed to be her/his basic salary and the remaining 40% shall be allocated to employer's contributions to retirement and medical aid benefits and such allowances as the relevant employee may decide (except for Section 55a and Section 56 who can choose between 60/40% and 70/30%).

7.12.5 An employee shall annually during July by written notice to the Chief Financial Officer instruct the Municipality as to the proportions of the 40% of her/his salary that must be assigned as employer's contributions to retirement and medical aid and allowances during the following 12 months.

7.12.6 The annual general salary increase of an employee shall be calculated on the relevant employee's deemed basic salary in terms of paragraph 7.13.5.

Part C

Policies applicable to all employees

7.13 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.

7.14 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 25th day of every month except if on Sunday or Public Holiday. / December the second Friday of the month.

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7.15 MANNER OF PAYMENT OF SALARY

- 7.15.1 The manager responsible for financial management 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.
- 7.15.2 Employees must be paid in South African currency.

7.16 ANNUAL BONUS

- 7.16.1 Subject to the paragraph 7.13.3 every employee is entitled to a 13th cheque payable together with her/his salary for last month of every annual employment cycle, provided that an employee appointed in terms of Section 56 of the Municipal Systems Act may only receive a 13th cheque if she/he has chosen to receive an annual bonus.
- 7.16.2 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 to take up service with another municipality;
- upon her/his death.

7.17 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 such a pay slip must be explained to him/her.

7.18 DEDUCTIONS FROM SALARY

- 7.18.1 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;
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- (e) Any deductions permitted in terms of a collective agreement;
 - (f) Any deduction authorised in terms of a stop-order/ as regulated by treasury guidelines; and
 - (g) Any fines and reimbursements imposed as a penalty for misconduct.
- 7.18.2 Any deduction must be clearly shown on the employee's salary advice.

7.19 MONIES OWED UPON TERMINATION OF SERVICE

- 7.19.1 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,
 - (c) will be due and payable within 30 days on his/her last working day (within 30 days on termination of services), provided that the Municipality may deduct any amounts owed to it from an employee's final pay.
- 7.19.2 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.

7.20 OVERTIME PAY

- 7.20.1 No employee may be required or permitted to work overtime except in terms of an agreement between such employee and the Municipality.
- 7.20.2 No employee may work more than 15 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.
- 7.20.3 Except in the case of the Municipal Manager and a departmental head no overtime may be worked without the express prior authorisation 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.

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7.20.4 Compensation for overtime work shall be in the form of time-off as prescribed in the Basic Conditions of Employment Act. **8**

7.21 STOP-ORDER FACILITIES

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

- (a) the payment of insurance premiums;
- (b) any deductions authorised in terms of a collective agreement;
- (c) the payment of any deductions in terms of any policy contained in the Manual;
and
- (d) the payment of monies owed to a medical aid scheme or in relation to the supply of medicine under prescription of a medical practitioner.

7.22 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

NOTE: The allowances provided for in this Chapter except any reimbursement in terms of paragraphs 8.2 and 8.7.4(c) shall be phased out in terms of the provisions of paragraph 7.3.3 of Chapter 7 of the Manual.

8.1 TELEPHONE ALLOWANCE

8.1.1 The Municipal Manager may, after consultation with the managers responsible for financial and human resources management and the departmental head concerned, designate any position in the staff establishment (except the position of a manager appointed in terms of Section 56 of the Municipal Systems Act) as an authorised position to have telephone pin code for official calls.

8.1.2 An employee who is in a full-time capacity involved in disaster management must receive an authorised telephone pin code.

8.1.3 An employee who occupies a position with an authorised telephone pin for official calls -

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- (a) is entitled to make official calls and pay for private calls which will be deducted from 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.
- 8.1.4 A telephone allowance with an authorised pin code should be for official calls only. Employees must be billed for private calls.

8.2 REIMBURSEMENT OF MOBILE PHONE COSTS

8.2.1 The Municipal Manager may, after consultation with the Chief Financial Officer and the departmental head concerned, designate any position in the staff establishment (except a position of a manager appointed in terms of Section 56 of the Municipal Systems Act) as a mobile phone carrying position.

8.2.2 An employee who is full-time involved in disaster management, firefighting services security services must receive a mobile phone.

8.2.2.1 The Municipality is not liable for any cost in relation to –

- (a) the upgrading of any mobile phone equipment or accessories;
- (b) insurance of any mobile phone equipment;

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

- (a) any insurance excess resulting from a claim in relation to the loss of or damage to a mobile phone;
- (b) 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;
- (c) the replacement of damaged, lost or stolen equipment or repairs to mobile phone equipment or accessories;
- (d) the acquisition of any additional or replacement batteries, battery chargers or other accessories related to a mobile phone;
- (e) an active mobile phone account after the phone in question has been stolen, lost, damaged or the participant ceased to participate in the scheme; and

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- (f) after the cell phone contract has expired the hand set becomes the property of the employee / Councillor who was in possession of it.

8.2.4 An employee must:

- (a) ensure that she/he is available on her/his mobile phone at all 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.

8.2.5 The Municipality shall pay, in relation to each participant, an amount equal to R500.00 per month or any 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 Chief Financial Officer must, in consultation with the Municipal Manager, in each operating budget provide for entertainment expenses to be incurred by the Mayor; Speaker; Municipal Manager and departmental heads.

8.4 STAND-BY ALLOWANCE

8.4.1 An employee is entitled to a standby allowance when he/she is requested in a written instruction by the Municipal Manager or his / her superior to be available for the performance of duty outside his/her normal working hours.

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 in accordance with the Collective agreement approved by all parties involved.

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.

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- 8.4.5 A stand-by shall not exceed a calendar week provided that an employee shall not be on stand-by for more than two (2) weeks per month.

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 per the approved Collective agreement.
- 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 shall be in line with applicable collective agreement or as bargaining council may determine from time to time.
- (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;
 - (iv) the property must be situate within the municipal area;
 - (v) the employee must ordinarily occupy the property; and

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- (vi) a mortgage bond obtained from a financial institution or another institution that grants mortgage bonds must be registered against the property.
- 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) for 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
- 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 Chief Financial Officer 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 the -
 - (a) overpayment thereof, the amount of the overpayment must be recovered on the employee; or

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- (b) underpayment thereof, the amount of the underpayment must be paid to the employee or the mortgager.

8.7 TRAVELLING ALLOWANCE SCHEME

8.7.1 INTRODUCTION

In terms of Local Government: Municipal Performance Regulations for Municipal Manager and Managers directly accountable to Municipal Managers as well as middle management and supervisors that are entitled to travel allowance (Government Notice No R.805 of 01 August 2006) the Municipal manager and the managers who are directly accountable to him/her must supply and have a motor vehicle for the performance of their functions and discharge of their duties. It further states in regulation 9(2) that in the event that a manager utilizes his/her vehicle to carry out official duties, he/she will be compensated for kilometres travelled, within as well as outside the municipality, according to the tariffs payable for privately owned vehicles as prescribed by the Department of Transport, fluctuating on monthly basis.

In terms of Local Government Gazette No. 34869 of 14 December 2011, Councillors may receive a fixed travelling /motor vehicle allowance, which forms part of their total remuneration package. The fixed travelling/motor vehicle allowance includes running and maintenance costs incurred by the councillor using his/ her privately owned vehicle on official business. In addition to the fixed travelling/motor vehicle allowance, a councillor may claim and be reimbursed for travelling on official business of the municipality during a particular month in accordance with the applicable tariffs prescribed by the Department of Transport for the use of privately owned vehicles, provided that the councillor concerned maintains a logbook that is acceptable to the South African Revenue Service reflecting the official and private kilometres travelled per month must be kept.

A councillor may, in exceptional circumstances and upon good cause shown, and with the approval of the Municipal Manager and Speaker, utilise the municipal-owned vehicle for official purposes: Provided that the municipal manager must, in line with the approved municipal council policy, exercise prudent financial management to ensure that the provision of motor vehicle does not undermine the need to prioritise service delivery and sustain viable municipalities.

If a councillor uses a municipal-owned motor vehicle for official purpose, such councillor will not be reimbursed for kilometres travelled.

8.7.2 POLICY OBJECTIVES

The objectives of this policy are –

- (a) To fairly reimburse councillors and officials at the municipality who must undertake official journeys on behalf of the municipality in accordance with the relevant statutory prescripts; and
- (b) To promote honesty and integrity in disbursing public money entrusted to the municipality

8.7.2.1 DEFINITIONS

In this policy unless the context otherwise indicates –

“National territory” means any place within the national territory of the Republic of South Africa, including the Kingdom of Lesotho, the Kingdom of Swaziland and the Republic of Botswana.

“Official businesses” -

- (a) in relation to an employee and a councillor includes –

- (i) attending any training programme as a nominee of the municipality
- (ii) attending as duly delegated representative of the municipality any meeting, workshop, conference or similar event; and
- (iii) delivering or fetching any goods, including documents, machinery, money, posted equipment of or acquired by the municipality;

- (b) in relation to a ward committee member, means –
 - (i) attending a meeting of the ward committee of which he/she is a member; and
 - (ii) attending as the duly delegated representative of the ward committee concerned, any event regarding or requiring representation of ward committee; and

“official journey” means a journey of longer than 40km from the point of origin undertaken by an employee or councillor on official business, whether within or outside the municipality or whether using privately owned vehicle, a municipal vehicle or public transport, excluding any journey between her/his residence and ordinary work place in the case of an employee and the municipality’s administrative headquarters in the case of a councillor.

8.7.3 ETHICS OF SUBSISTANCE AND TRAVELLING

Whenever it is discovered at any-time after payment was made to an employee or councillor in terms of this policy that –

- (a) The journey in respect of which payment was made, did not take place or was not undertaken; or
- (b) The journey in respect of which payment was made, was of shorter duration than originally planned; or
- (c) The person to whom payment was made to according to terms did not travel with his/ her own vehicle or did not use public transport in respect to that particular journey

It is then expected of the municipal manager to recover such payments, should the municipal manager be involved in the above, then the Mayor must immediately take steps to recover the payment concerned or part thereof that exceeds the amount to which the person concerned was entitled and forthwith –

- i) Institute disciplinary proceedings against him/her if he/she is an employee; or
- ii) Report the matter in writing to the Mayor, if he/she is a councillor

8.7.4 AUTHORIZATION OF OFFICIAL JOURNEYS

8.7.4.1 No employee or official shall undertake a journey unless he/she has been authorized in writing to undertake such a journey prior to it commencing. An application to obtain approval to undertake an official journey shall be submitted to the relevant person for consideration on the relevant application form.

8.7.4.2 Authorizations to official journeys abroad shall be given by Council

8.7.4.3 No official journey which may result in budget vote concerned being exceeded shall be approved

8.7.4.4 The municipal manager shall at every meeting of the portfolio committee responsible for Governance & Administration submit in written report setting out-

- (a) The official journey he /she and any department head approved since his/her last report
- (b) The purpose of such journey;
- (c) The names of the employees who undertook such journeys; and
- (d) The travelling, subsistence and accommodation cost paid or payable in respect of such journeys

8.7.4.5 Each departmental head is responsible for ensuring that official journeys by employees allocated to his/her department are kept to a minimum.

8.7.5 MODE OF TRAVELLING

8.7.5.1 An employee who is delegated to undertake a journey within the national territory shall –

- (a) if he/she is the municipal manager, or a manager who directly accountable to the municipal manager or receives a fixed travelling allowance, supply her/his own vehicle to undertake such journey; and
- (b) in all other cases, utilizes official transport if suitable vehicle is available, provided that an employee who does not have a valid driver's license may not use the official transport.

8.7.5.2 A councillor who is required to undertake an official journey within the national territory shall make use of official transport unless the municipal manager approves otherwise. The municipal manager may when an official journey is to be undertaken by a councillor –

- (a) designate an employee of the municipality as the driver of the vehicle; or
- (b) permit the councillor concerned to drive the municipality's vehicle if he/she has a valid driver's license

8.7.5.3 whenever more than one person undertakes an official journey within the national territory to the same event and the municipal manager is of the opinion that it is practically possible and in the best interest of the municipality for those persons to travel together, having regard to the risk to which the municipality will be exposed, only one vehicle shall be utilized for such journey, provided that –

- (a) not more than 4 persons may travel at the same time per sedan motor vehicle;
- (b) not more than 2 managers may travel together in the same vehicle at the same time;
- (c) not more than 2 political office bearers may travel together in the same vehicle;
- (d) the mayor and the municipal manager may not travel together in the same vehicle

8.7.5.4 No travelling allowance may be paid to an employee or councillor for using his/her own vehicle contrary to a decision of the municipal manager in terms of paragraph 4.3 or who travels with another person, whether or not such person receives a travel allowance, or an official journey.

8.7.5.5 The municipal manager may authorize a councillor or employee who must undertake an official journey within the national territory to make use of air travel instead of road transport. Alternative transport within the national territory shall be in economy class.

8.7.5.6 Whenever air travel is used within national territory, the municipality will pay –

- (a) the rent in terms of GROUP A (1300cc) rental vehicle for travelling by the employee or councillor concerned at his/her destination if he/she has a valid drivers license, provided that –
 - (i) an employee or councillor who is physically disabled, who has a valid drivers license and who can drive an automatic vehicle may rent a GROUP D (automatic) vehicle;
 - (ii) if more than one person from the municipality travels to the same destination, the municipality shall rent only one vehicle for their use at their destination; and
 - (iii) if the destination to which is travelled is more than 100km from the airport, a vehicle with power steering and air conditioning may be rented; and
- (b) the employer or the councillor concerned according to this policy for travelling from his/her residence to airport if he/she does not use official transport.

8.7.5.7 A person who uses air travel and does not have valid drivers license, shall make use of shuttle services and/or public transportation at his destination. A person utilizing shuttle services or public transportation in terms of this paragraph shall be reimbursed for the costs incurred in this regard upon submission of documentary proof of the expenses incurred.

8.7.5.8 When an employee does not own a vehicle and has to undertake an official journey and an official vehicle is not available or such an official does not have a valid driver's license, he/she must use public transport

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for the journey concerned. A councillor may not use a taxi when undertaking an official journey, except to commute between an airport or bus station and the place where he/she stays or must attend to the municipality's official business.

8.7.5.9 Official journeys abroad, except to the Kingdom of Lesotho or the Kingdom of Swaziland, shall be undertaken by airplane.

8.7.5.10 Travels on international flights shall be in economy class

8.7.5.11 whenever an employee or councillor is required when using air travel, to purchase two seats, the municipality shall only pay for the first seat

8.7.5.12 The Council, the Mayor, or the municipal manager, as the case may be, may authorize an employee or councillor who will use air travel to travel in business class upon presentation by such employee or councillor of a medical certificate stating the reason why he/she should not travel in economy class.

8.7.5.13 Air travel arrangements and arrangements for transportation at the destination shall be made –

- (a) by the municipality's travelling agency service provider; or
- (b) an official instructed by the municipal manager.

8.7.6 ACCIDENTS INVOLVING RENTAL VEHICLES, THEFT OF AND DAMAGE TO RENTAL VEHICLES

8.7.6.1 The driver of the rental vehicle that was in the accident must, unless injury prevents him/her from doing so, immediately after the accident took place, call a police or traffic officer or somebody else to make such a call.

8.7.6.2 the driver of the rental vehicle must, as soon as possible he/she becomes aware that the vehicle may have been stolen or that it may have incurred damage whilst left unattended –

- (a) report the theft or the damage at the nearest police station and obtain the case number (MR); and
- (b) inform the rental company of the theft or damage

8.7.6.3 The driver of the rental vehicle that was in the accident or which was stolen or which 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 witness to the accident (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 accident (if any);
- (c) obtain the vehicle registration numbers of every vehicles involved in the accident (if any)
- (d) as soon as possible after the accident, make a drawing of the scene where the accident took place, paying special attention to the landscape, type of road, incident related obstructive objects on or around the road, road make up including fencing and weather at the time of the incident;
- (e) confirms the incident when he/she returns the vehicle (unless it has been stolen) or any replacement vehicle provided by the rental company to the rental company as soon as he/she arrives at his/her ordinary place of work, report -
- (f) the incident to his/her immediate supervisor and thereafter prepare and submit a written report explaining the full details of the incident including the statements of any witnesses (if any) and passengers (if any);
- (g) within 24 hours after the incident, ensure that the employee responsible for insurance claims completes the incident report form and submit any statements of witnesses and other relevant documents to him/her (if any);

- (h) upon receipt of any summons, subpoena or notice to appear in a court in relation to the incident inform the employees responsible for insurance claims of that fact; and
- (o) submit any claim or notice received from a third party or insurance in relation to the incident immediately to the employee responsible for insurance claims.

8.7.7 REIMBURSEMENT OF TRAVELLING COST FOR PRIVATELY OWNED VEHICLES

8.7.7.1 An employee –

- (a) who receives a travelling allowance in terms of his/her employment contract with the municipality;
- (b) who undertakes an official journey within the municipality outside a radius of 40km from his/her ordinary work place with a privately owned vehicle;
- (c) is in terms of his/her employment contract authorized to claim for such travelling;

Shall be reimbursed according to the travel rates stipulated in his/her employment contract or if no such rates are stipulated, at the rates determined from time to time by the Department of Transport.

8.7.7.2 An employee who receives a travelling allowance in terms of his/ her employment contract with the municipality who undertakes an official journey with a privately owned vehicle to a place outside the municipality, shall be reimbursed for travelling costs at the rate stipulated in his/her employment contract or if no such rates are stipulated, at travel rates determined from time to time by the Dept of Transport. The distance of such journey shall be calculated from his/her residence to his/her destination and back.

8.7.7.3 An employee who does not participate in any travelling allowance scheme of the municipality who uses a privately owned vehicle to undertake an official journey because a municipal vehicle was not available to undertake the journey concerned, shall be reimbursed at the running cost tariff as determined by the Department of Transport from time to time in respect of the vehicle he/she used.

8.7.7.4 An employee who does not have a valid driver's license who undertakes an official journey with public transport shall be reimbursed for any out of pocket expenses he/she incurred in respect of such official journey. The amount payable to her/him is the lesser of the amount indicated on a signed and dated receipt issued by the person who provided the transport and the amount that the journey would have cost had the travelling allowance been calculated on the running cost determined from time to time by the Dept of Transport in respect of engine capacity of the vehicle.

8.7.7.5 No employee or councillor may be paid or reimbursed in respect of any cost incurred for travelling between his/her residence and workplace

8.7.7.6 The distance for which any employee or councillor may be reimbursed in terms of this policy for undertaking official journeys is the shortest distance between his/her ordinary place of work and his/her destination.

8.7.7.7 An employee who participates in a travelling allowance scheme who exceeds the amount of kilometres in respects of which he/she receives a fixed travelling allowance for official journeys within the municipality, shall be paid an allowance calculated on the running cost as determined by the Dept of Transport from time to time of the vehicle he/she used in respect of every kilometre exceeding such allocation.

8.7.7.8 A payment for travelling costs in terms of this policy shall include a reimbursement for tollage and parking paid upon submission of valid electronic receipts issued at a toll gate or parking area/garage.

8.7.7.9 Such taxes as may be prescribed shall be deducted from any payment in terms of this policy and paid over to the South African Revenue Services

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8.7.8 PAYMENT OF TRAVELLING ALLOWANCE TO WARD COMMITTEE MEMBERS

8.7.8.1 A member of a ward committee (except the chairperson) is entitled to a travelling allowance in respect of

- (a) attendance of meetings and other similar events of the ward committee of which he/she is a member; and
- (b) attending to the official business of the ward committee of which he/she is a member provided he/she is delegated to attend to such business by the ward committee or the chairperson of the ward committee.

8.7.8.2 A member of a ward committee shall submit a claim on a prescribed form to receive travelling allowance. The chairperson of the ward committee concerned shall render such assistance to a member of the community who cannot write to complete a form as may be necessary.

8.7.8.3 The chairperson of the ward committee shall certify each claim of a member of a ward committee of which he/she is the chairperson.

8.7.9 TRAVELING SCHEME

- (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 :
 - Post level 1/ relevant TASK grade = 850 kilometres
 - Post level 2/ relevant TASK grade = 750 kilometres
 - Post level 3/ relevant TASK grade = 650 kilometres
 - Post level 4/ relevant TASK grade = 550 kilometres

8.7.10 DISCRETIONARY

- (a) Incumbent in any position who is required to regularly travel on the official business of the Municipality and designated by the Municipal Manager and consultation with the relevant departmental head- 450km.
- (b) The Municipal Manager may at any stage require an employee who receives a traveling allowance to keep a log sheet for a period of 4 months to review an employee's allocation.
- (c) "Non-accountable" in relation to a fixed monthly traveling allowance means that the recipient is not required to provide proof of the distance travelled in order to receive payment of the allowance
- (d) Whenever a participant, during four or more consecutive months, travels more than the allocated distance in terms of paragraph (8.7.9)(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.
- (e) The Municipal Manager may at the 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.
- (f) The Municipal Manager may, upon receipt of a report of a committee contemplated in paragraph (e)
 - i) Increase the amount of kilometres allocated to a participant for the purpose of calculating her/his fixed monthly traveling allowance; or
 - ii) Decrease the amount of kilometres allocated to a participant for the purpose of calculating her/his fixed monthly traveling allowance
- (g) Any increase or decrease in a participant's fixed monthly traveling 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



8.7.10.1 SUBSISTANCE ALLOWANCE

8.7.10.2 Any employee undertaking an official journey outside the municipality is entitled to be paid subsistence allowance for every 24 hours he/she is required to be outside the municipality. (taxable less than 24 hours)

BREAKFAST BEFORE	07:00	R80.00
LUNCH		R120.00
DINNER AFTER	19:00	R160.00

8.7.10.3 No accommodation arrangements may be made or paid by the municipality in respect of any event scheduled at or after 09:00 and closing before 16:30 on the same day if such an event is within 200km from the place of residence of the employee who attends it.

8.7.10.4 Whenever an event that must be attended is scheduled over more than one day at a place further than 200km from the place of residence of the person who shall attend it, travelling expenses including foliage, shall be paid in respect of only one return journey between his/her place of residence and the place where the event takes place.

8.7.10.5 No subsistence allowance or costs for meals are payable to an employee in respect of official journeys within the municipality unless he /she is required to stay overnight away from home in which event an inconvenience allowance of R170 is payable in respect of each day he/she is away from home, R270 for councillors and section 56 managers. On instances where the accommodation is not arranged by employer and an employees on post level 1 & 3 the overnight allowance will amount to R750 payable in respect of each day he/she is away from home.

8.7.11 ACCOMMODATION

8.7.11.1 The Municipal Manager shall designate an employee assigned for his/her department to make air travel, when approved, and accommodation arrangements for employees and councillors who are required to overnight whilst on official business.

8.7.11.2 Whenever an employee or councillor is requires to attend official business outside the municipality and he/she must overnight payment for accommodation will be refunded as follows:

- (a) Accommodation cost: an amount equivalent to bed and breakfast, plus parking for a 4 star hotel, or the amount claimed, whichever is the lesser; plus
- (b) Dinner: the Council shall pay the amount claimed that the person concerned submit proof that she/he actually stayed at and paid for such accommodation and meals.

8.7.11.3 The municipality may not refund/pay for any costs incurred in respect of bar(alcohol), telephone, laundry, valet, gratuity or similar cost incurred by an employee or councillor on official business provided that laundry costs shall be refunded if the councillor or official stayed five or more working days away from home on official business.

8.7.11.4 The municipality is not liable for payment for accommodation, meals, subsistence or any other expenses incurred by or in respect of a person accompanying an employee or councillor on an official journey unless the prior approval of the municipal manager has been obtained for such a person to accompany that employee or councillor.

8.7.12 TRAVEL OUTSIDE SOUTH AFRICAN BORDERS

The council must determine the travelling, accommodation and subsistence allowance payable to an employee or councillor on the official business of the municipality outside South African boundaries

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provided that such allowances may not exceed any amount determined by South African Revenue Services, except Kingdom of Lesotho, Kingdom of Swaziland and Botswana.

8.7.13 TRAVELLING AND ACCOMMODATION OF PERSONS ATTENDING INTERVIEWS

An application for a job with the municipality who is required to attend an interview or submit to any other selection procedures determined by the municipality, and who resides outside the municipality, shall be reimbursed as follows:

- (a) [Travelling kilometres shall be paid at R3.55 per kilometre]
- (b) Toll gate, provided electronic receipts issued at all tollgates are submitted; and
- (c) Accommodation: as determined in respect of employees.

8.7.14 INDEMNITY

The municipality is not liable for the payment –

- (a) any damage or breakage or loss of an employee's or ward committee member's vehicle or other property or possessions that he/she may incur whilst on official business; and
- (b) any traffic fine issued to an employee, councillor or ward committee member whilst on official business, whether he/she used his/her own, an official or rented vehicle.

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 for only shift workers as per the BCEA;
- (b) Attending funerals; or (Employee, spouse, children and parents) authorised by the Municipal Manager

Attending trade union and local labour forum 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 for more than 10 working days, the departmental head designated by the Municipal Manager on a rotation basis, shall act in her/his stead.

Whenever the Municipal Manager is absent, on leave or unable to attend his/her duties for more than 10 working days, a Council shall designate one Director to act in his/her position.

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- 8.9.2 Whenever a departmental head is absent or unable to perform the duties of office, the Municipal Manager must designate an employee of that 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 10 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 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.

8.10 EX GRATIA GRANTS

- 8.10.1 The Municipal Manager may, after consultation with the managers responsible for financial and human resources management make ex gratia grants to employees who are selected by a recognised amateur or professional sports, art and culture association which association must be recognised by NOCSA or the Council of Sport of South Africa and the Council for Art and Culture to:
- (a) represent South Africa or any province as participant in international or national sport, art and cultural competitions inside as well as outside the Republic of South Africa;
 - (b) accompany teams that will represent South Africa at international sports competitions inside as well as outside the Republic of South Africa as coach or Manager;
 - (c) officials at national or international events shall be granted paid special leave for these purposes.
- 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.
- 8.10.4 To promote health and wellbeing of employees sports club be re-established be linked to the collective agreement on sports.

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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 R/ as may be determined by bargaining council from time to time 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.

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All employees not covered by the Bargaining Council in terms the earnings threshold shall receive a rental allowance to the amount of R350.00 as per the council resolution. The rental allowance excludes the Municipal Manager; managers accountable to the Municipal Manager.

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EMPLOYEE BENEFIT SCHEMES

9

PART A

STUDY ASSISTANCE SCHEME

- 9.1.1 The purpose of the study assistance scheme is to encourage employees appointed on the permanent establishment, including employees appointed in terms of Section 56 of the Municipal Systems Act for a fixed term, to improve their skills and knowledge for their own benefit and that of the Municipality and local government in general. An employee may obtain a study bursary from the Municipality –
- (a) subject to the conditions set out herein;
 - (b) if she/he successfully completed an approved course or subject;
 - (c) the approved course or subject is relevant to her/his current job or possible future job with the Municipality;
 - (d) upon submission of proof that a course or subject had been successfully completed
- 9.1.2 The Municipality may approve courses and subjects for the purpose of the study assistance scheme.
- 9.1.3 An employee appointed on the permanent establishment may apply for study assistance from the Municipality in terms of, and subject to, this policy.
- 9.1.4 Successful completion of a course or subject for which an application is made in terms of this policy must be -
- (a) assessed by formal examination or submission of a thesis, dissertation or publishable article; and
 - (b) lead to the student acquiring a certificate of competency or similar certificate recognised by the Municipality .
- 9.1.5 The study assistance scheme consists of a study bursary.
- 9.1.6 Any benefit in terms of this scheme is subject to the financial situation of the Municipality.
- 9.1.7 The amount of a bursary may not exceed the tuition and registration fees paid by an employee in respect of an approved course or subject, provided that in respect of post-graduate studies, such other costs related to such study as the Municipality may determine from time to time may be paid.

9.1.8 An employee who received a bursary from the Municipality must remain in its service for a period equivalent to the period of study. An employee starts working back her/his study obligations on the first day of the month following the date on which the relevant institution certifies the course or subject as completed or that the last examination of each academic year was successfully completed, whichever is applicable.

9.1.9 An employee whose employment with the Municipality has been terminated before she/he has completed his/her working back obligation in terms of paragraph 9.1.8 shall reimburse the Municipality pro rata in respect of any study bursary granted to her/him.

- (a) Criteria
- (b) Area of speciality
- (c) First time applicant 100%
- (d) Post graduate 80% - 20%
- (e) Passing will serve as a condition
- (f) Serve the institution a period more than two years
- (g) Be permanent
- (h) Refer to the bursary policy

PART B

RETIREMENT FUND

9.2 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.

PART C

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 one third 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 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.

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LEGAL AID TO EMPLOYEES AND CESSION OF ACTION

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10.1 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.

10.2 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.

10.3 LEGAL REPRESENTATION

10.3.1 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 summoned 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.

10.3.2 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

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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. **11**

WORKING HOURS AND ATTENDANCE

11.1 MAXIMUM WORKING HOURS PER WEEK

11.1.1 Full-time employees

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

11.1.2 Part-time employees

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

11.2 MAXIMUM WORKING HOURS PER DAY

11.2.1 Full-time employees must work from 07:30 to 13:00 and 14:00 to 16:30 on every working day in summer and in Winter. On the pay day, that is on the 25th of every month the employees may be released at 15:30 to allow them to run errands before the close of business which is roughly at 17:00.

11.2.2 Lunch may be taken for 30 minutes time between 12:30 and 13:30 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.

11.2.3 An employee except the municipal manager, shall be required to signify her/his presence at work not later than 07:30 and 16:30 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.

11.3 ATTENDANCE

11.3.1 All senior managers, managers other employees except the municipal manager must sign attendance registers

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

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- 11.3.3 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.
- 11.3.4 A Senior manager; manager or supervisor must take appropriate disciplinary action against any employee who transgresses any rule in this paragraph.

LEAVE

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12.1 GENERAL

- 12.1.1 An employee is entitled to leave as prescribed in the relevant collective agreement.
- 12.1.2 Leave must be applied for on the prescribed application for leave form.
- 12.1.3 Any application for leave, except sick leave, must be handed to the employee's immediate supervisor at least three working days before the commencement of the leave.

13.2 APPLICATION AND APPROVAL

- 13.2.1 The departmental head concerned must consider an application for leave 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 as prescribed by a Doctor or applicable collective agreement 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 manager responsible for human resources management.
- 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

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

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-

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- (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 ten 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.

13.9 CALCULATION OF PRO RATA LEAVE

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

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 1 working day for every 11 working days 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

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

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 Annual leave may be commuted after the obligatory 16 days have been taken.

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13.13.2 An application to commute accumulated leave 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. The application should be submitted on or before the 15th of the month.

13.13.4 An employee may not commute less than 5 days.

13.13.5 The amount of such leave less any employee's tax must be paid to the employee together with his/her salary of a particular month during which he/she applied.

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 or any other reason, 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

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

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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 sub- paragraph

13.16.4 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 Municipal Manager.

13.16.5 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

13.18 ACCUMULATION OF SICK LEAVE

13.18.1 Sick leave to the credit of an employee at the expiration of any sick leave cycle may be accumulated.

13.18.2 Accumulated sick leave to the credit of an employee may not be paid out upon termination of the employee's employment for whatever reason nor may such leave be commuted.

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13.19 REASONS FOR GRANTING SICK LEAVE

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

13.19.2 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

13.19.3 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.

13.20 MEDICAL CERTIFICATE

13.20.1 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.

13.20.2 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.

13.20.3 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.

13.20.4 Any absence for alleged illness or injury in terms of sub-paragraph 13.20.1 that is not supported by a medical certificate is leave without pay.

13.20.5 if an employee to whom annual leave has been granted is certified sick by a registered medical or dental practitioner after his/her annual leave has commenced that part of his/her annual leave during which he/her was thus certified sick shall be converted into sick leave on submission of the prescribed certificate by such medical or dental

practitioner or a traditional healer registered with a recognised professional council in terms of relevant legislation.

13.21 ABUSE OF SICK LEAVE

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

13.22 NOTIFICATION OF ABSENCE

13.22.1 Absence from duty as a result of illness or injury must be reported within 3 hours before 10:30am 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.

13.22.2 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.

13.23 PERIOD WITHIN WHICH APPLICATION FOR SICK LEAVE MUST BE MADE

13.23.1 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.

13.23.2 If an employee fails to submit an application in terms of sub-paragraph 13.23.1 any absencedue to alleged illness or injury must be treated as unpaid leave.

13.23.3 An employee who's on sick-leave before or after public holiday is expected to submit medical certificate prior to the commencement of his / her normal duties.

13.24 INDISPOSITION IN THE COURSE OF A WORKING DAY

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.

13.25 LEAVE WITHOUT PAY

[The Municipal Manager may grant special leave without pay to an employee for a period or periods not exceeding 5 working days during an annual leave cycle for urgent private matters of Jan 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 annual leave to her/his credit.

13.26 OFFICIAL BUSINESS

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.

13.27 QUARANTINE

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.

13.28 COURT CASES AND APPEARANCES BEFORE OFFICIAL TRIBUNALS

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.

13.29 EXAMINATION AND STUDY LEAVE

13.29.1 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.

13.29.2 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.

13.29.3 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.

13.29.4 Any study leave to attend block classes by an employee the departmental head must make an application to the Municipal Manager for approval except for Section 56 Managers whom will apply directly to the Municipal Manager for approval.

13.30 LEAVE FOR INJURY ON DUTY

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.

13.31 LEAVE FOR RESEARCH

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.

13.32 MATERNITY LEAVE

13.32.1 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.

13.32.2 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.

13.32.3 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.

13.32.4 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.

13.32.5 An employee who is on maternity leave retains her usual leave benefits and her normal incremental date.

13.32.6 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

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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 ADOPTION LEAVE

- 13.33.1 The South African labour law is not explicit to provide guide on paternity for parents who have adopted a child. Upon the adoption of a child, employees shall be entitled to at least 5 days family responsibility leave.
- 13.33.2 Adoption leave is unpaid leave.
- 13.33.3 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.
- 13.33.4 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.
- 13.33.5 An employee's application for adoption pay must be accompanied by a copy of the court order issued in respect of the adoption.
- 13.33.6 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.
- 13.33.8 An employee to whom adoption leave had been granted retains her/his normal leave benefits and normal increment date.

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13.34 VISITS TO HEALTH CARE PROVIDERS

13.34.1 No employee may visit a 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.

13.34.2 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. (Within the Province)

13.34.3 An employee may not apply for or be granted sick leave in order to visit a health care provider.

13.35 ENTITLEMENT TO FAMILY RESPONSIBILITY LEAVE

13.35.1 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) in the event of the death of the employee's spouse or life partner, parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling.

13.35.2 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.

13.35.3 Unused family responsibility leave lapses at the end of the annual cycle leave during which it accrues.

13.36 PARTICIPATION IN PROVINCIAL/NATIONAL SPORTS ARTS AND CULTURE ACTIVITIES

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, arts and cultural events.

13.37 UNAUTHORISED ABSENCE FROM WORK

13.37.1 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.

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13.37.2 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.

13.37.3 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.

13.38 PARTICIPATION IN STRIKES AND OTHER INDUSTRIAL ACTION

13.38.1 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.

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

13.39 LEAVE DURING PERIODS OF DETENTION

13.39.1 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.

13.39.2 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.

13.39.3 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.

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OCCUPATIONAL HEALTH, EMPLOYEE WELLNESS AND WORK PLACE SAFETY

14

Part 1

Safety in the workplace

14.1 EMPLOYEES TO BE INFORMED OF SAFETY MEASURES

A departmental head must inform, or cause every employee to be informed, of relevant legislation and safety measures applying to her/his job and the work place where she/he ordinarily works.

14.2 SAFE CONDUCT

14.2.1 Both the Municipality's and employees' conduct must be such that no employee endangers her/his own safety or impairs her/his health or that of a colleague.

14.2.2 Any instruction given to an employee to disregard a safety measure, rule or procedure is an unlawful instruction.

14.3 WEARING OF PROTECTIVE CLOTHING AND EQUIPMENT

14.3.1 Every employee must always wear protective clothing when on duty and observe safety protocols at all times.

14.3.2 Any instruction given to an employee not to wear any protective clothing or other safety equipment is an unlawful instruction.

14.3.3 Uniforms and protective clothing are issued free of charge to employees in terms of the schedule for issuing uniforms and protective clothing.

14.3.4 The manager responsible for human resources management must, after consultation with the relevant departmental heads and such health and safety committees as may exist, establish and maintain a list of protective clothing (including clothing designed to keep humans dry during rain) and uniforms that must be issued and worn.

14.3.5 Any item of protective clothing or uniform issued to an employee-

- (a) remains the property of the Municipality;
- (b) may not be used for any other purpose than that for which it was issued; and

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Part 2

Employee wellness

14.4 GENERAL PRINCIPLES OF EMPLOYEE WELFARE

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.

14.5 SUBSTANCE ABUSE AND ADDICTION

14.5.1 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.

14.5.2 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.

14.5.3 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.

14.5.4 A physician must determine and certify the pathological condition.

14.5.5 The employee must volunteer for treatment.

14.5.6 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 14.5.8.

14.5.7 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 14.5.4.

14.5.8 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

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

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.

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

- 14.7.1 An employee may submit a claim for the replacement of her/his private equipment or items of clothing which might be damaged in the execution of her/his official duties, only if it was not due to a negligent behaviour.
- 14.7.2 The manager responsible for human resources must consider and finalise each such claim.
- 14.7.3 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.
- 14.7.4 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 was not negligent; and
 - (b) at least two written quotations for the replacement of the damaged item.

Part 3

Employee health

14.8 SMOKING IN THE WORK PLACE

- 14.8.1 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.
- 14.8.2 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.

14.8.3 The Municipality should allow smokers a smoking break at a scheduled area safe distance to protect none smokers.

14.9 Purpose and objectives

14.9.1 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.

14.9.2 The specific objectives of this policy are-

(a) to educate smokers about the harmful effect of smoking and give advice, awareness on the danger of smoking during the wellness day;

(b) to change the working environment to minimize the harmful effects of passive smoking on non-smokers;

(c) to provide employees with a healthy and efficient working environment and to avoid conflict in the workplace.

14.10 Education

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.

14.11 Changes to the working environment and workplaces

14.11.1 Nobody may smoke, or use snuff, in an un-demarcated area or a vehicle of the Municipality.

14.11.2 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.

14.11.3 Employees who smoke or uses snuff must manage their smoking breaks in a responsible manner having due regard for their official duties.

14.11.4 Every supervisor must deal with prolonged or frequent absences from workplaces as a matter of performance and conduct.

14.11.5 No tobacco products may be sold in any of the Municipal premise.

14.12 Employees having HIV, AIDS or other life-threatening diseases

- 14.12.1 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.
- 14.12.2 The purpose of this policy is to ensure 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.
- 14.12.3 Employees who have HIV, AIDS or another life-threatening disease must be treated with sensitivity, empathy and understanding.
- 14.12.4 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.
- 14.12.5 The Municipality does not require applicants for employment to disclose or be tested for life threatening diseases, including HIV.
- 14.12.6 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.
- 14.12.7 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.
- 14.12.8 Where required, professional counselling services will be made available to employees who volunteer to submit to HIV-testing.
- 14.12.9 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.
- 14.12.10 The Municipality must 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.
- 14.12.11 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.

14.12.12 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.

14.12.13 The manager responsible for human resources management 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.

14.12.14 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.

14.12.15 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.

14.12.16 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.

14.12.17 All blood and other body fluids, irrespective of origin, must be handled with the utmost of care.

14.12.18 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.

14.12.19 All sharp instruments or tools must be handled with care.

14.12.20 To prevent needle-prick injuries, no one may recap, bend, break or in any other way handle used needles.

14.12.21 Medical waste must be handled according to the relevant statutory and policy prescripts with regard to high-risk and medical waste.

14.12.22 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.

14.12.23 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.

14.12.24 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 zero-converted by the time of any follow-up tests, the HIV status of the patient (if previously negative) should be re-established and documented.

14.12.25 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.

14.13 WORKING WHEN IT RAINS

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

14.13.2 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.

14.13.3 The supervisor concerned must evaluate the veracity of 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.

14.13.4 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

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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.

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PRIVATE WORK

15

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

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 by Council.

15.2 CONDITIONS FOR PERMISSION TO PERFORM PRIVATE WORK

15.2.1 The Municipal Manager may approve an application for private work after consultation with the Council on 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) Applications for private work must be submitted before 1 July of every financial year.

15.2.2 Any approval to perform private work lapses every year on 30 June.

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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 Council, constitute a conflict of interest could develop between the interest of the municipality and that of the employee.

15.3.2 (a) The manager Municipal Manager may withdraw any approval in terms of this paragraph to perform private work if she/he suspects that a conflict of interest arose.

15.3.2 (b) Permission to perform private work may be withdrawn at any time.

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TRAINING AND DEVELOPMENT

16

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 [until his/her competency is sufficient to carry the daily tasks and responsibility. Current employees will be drawn into the training process in accordance with priorities established by way of a structured analysis of training needs as determined by their performance outcomes.

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

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- (f) be related to an employee's current or possible future job
- (g) deliver results that are measurable against pre-determined outcomes
- (h) be performance oriented
- (i) recognise that learning routine tasks and obtaining primary knowledge to perform better is paramount and, 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 have benefited the municipality;]
- (b) to what extent a particular programme has supplied the needs of the individual learners to perform his/her tasks competently;
- (c) how maximum benefit can be obtained from resources devoted to training and development;
- (d) [in terms of service delivery; 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 skills development facilitator responsible for human resources development- The manager

- (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 evaluate the impact of any training programme at appropriate intervals after the programme was completed and compared with the desired impact

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- (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 manager responsible for financial management, 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 [Human Resources training sub-committee / WSP /ATR to the Council.]
- (g) make recommendations to the Municipal Manager regarding employees' participation in training programmes and attendance of seminars **training**, workshops and similar training events upon receiving nominations for departmental heads.

16.3.4 The role of Human Resources training sub-committee must-

The committee on training 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 identify training needs of employees and prioritise appropriately.
- (d) review, monitor and make recommendations on training programs 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 relevant sub-committee;
- (h) assess the effectiveness of training and training programmes
- (i) make recommendations on allocation of resources for training
- (j) [review and propose training and development policies for the Municipality]
- (k) act as a contact between the department responsible for human resources management, other departments and LLF in matters relating to skills development and employment equity.

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- 16.3.5 The Governance Committee consists of councillors.
- 16.3.6 The chairperson of the Governance Committee responsible for human resources management is the chairperson of that 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 Executive Committee (EXCO) as may be prescribed.

16.4 INDUCTION

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.

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

- 16.5.1 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.
- 16.5.2 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 manager responsible for human resources management.
- 16.5.3 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.

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16.6 BURSARY SCHEME AND INTERNSHIP PROGRAMME

16.6.1 Preamble

Whereas the Municipality believes that one of the critical factors for sustainable social development and economic growth is a skilled population;

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

Whereas the Municipality also believes that sustainable economic growth and social development will only be achieved in circumstances of good local governance

NOW therefore the Municipality adopts the following a policy on internship.

16.6.2 Definitions

In this part, unless the context indicates otherwise –

“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;

“contract” means a contract between an intern, the Municipality and an education or training institution regarding the practical training of that intern;

“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;

“internship period” means a period of 18 months, whether consecutive or not;

“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

“mentor” means one or more officials of the Municipality designated to provide guidance and advice to an intern.

16.6.3 Internship programme

- (a) The Municipality may require any bursar to complete its internship programme.

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- (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.

16.6.4 Conditions for enrollment in the Municipality's internship programme

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 enrollment in the internship programme. The manager/SDF is responsible for the coordination, implementation and management of the internship programme.

The manager / Skills Development Facilitator shall every year during the preparation of the Municipality's budget, together with the Municipal Manager and departmental heads -

- (a) determine the possible areas in the Municipality's operations where interns could be engaged;
- (b) determine the number of interns that could be utilised in such areas and the period during which they may be so utilised; and
- (c) 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 Skills Development Facilitator in respect of each intern that may be assigned to her/his department -
- (e) 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;
- (f) determine the specific outcomes that the intern is expected to achieve;
- (g) determine the specific milestones that must be achieved and timeframes within which they must be achieved in order for the outcomes to be realised;
- (h) designate one or more suitably qualified persons in that department as each intern's mentor;
- (i) determine the manner in which record will be kept of the intern's progress and achievements;



- (j) determine the manner in, and frequency at, which the progress of an intern shall be assessed;
- (k) make the necessary infrastructure, facilities and resources available to the intern to perform her/his functions and discharge her/his duties; and
- (l) determine the minimum number of hours that the intern must remain in the programme.

16.6.5 Recruitment, selection and appointment of interns

- (a) The manager / skills development facilitator responsible for human resources development 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 enrollment in the Municipality's internship/ learnership 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 enrollment 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 enroll 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

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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;
 - (vi) Shall not be shortlisted, retained in a position existing in the permanent structure until he/she has completed the programme;
- (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.

16.6.6 Relationship management

- (a) The manager / skills development facilitator 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 manager responsible for human resources management shall regularly report in writing to the Municipal Manager regarding the internship programme and the progress made by interns.
- (c) The manager responsible for human resources management shall in writing inform the relevant departmental head, mentor, the manager responsible for financial management and intern when an intern's employment with the Municipality ends in terms of the internship programme or for any other reason.

Reflect a stipend and duration and training, please do as requested.

16.6.7 Employment conditions of employees

- (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 months 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 charity, 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.

16.6.9 ROLES AND RESPONSIBILITIES

16.6.9.1 Departmental heads

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

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- (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.

16.6.9.2 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.

16.6.9.3 Manager responsible for human resources management

The manager responsible for human resources management 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.

16.6.10 MONITORING AND EVALUATION

- (a) The manager responsible for human resources management 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 manager responsible for human resources management shall prepare and submit such reports as the Municipal Manager may require.
- (c) The manager responsible for human resources management shall review the programme at least annually for the purposes of making improvements and aligning it to the Municipality's strategic goals.
- (d) The manager responsible for human resources management shall monitor sector education and training trends and patterns for forecasting and planning purposes.

16.7 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.

16.8 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 under-performance.

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CAREER OPPORTUNITIES, SUCCESSION PLANNING AND RAPID PROGRESSION

17.1 INTRODUCTION

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

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
- (e) 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
- (f) 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 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

17.4.1 Succession planning

The manager responsible for human resources management 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 -

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- (a) which employees will achieve retirement age during the next year and the date on which they will reach it
- (b) which employees' employment contracts will terminate during that year and the date on which such contracts expires

The Departmental Heads Committee must consider the schedule submitted by the manager responsible for human resources management and submit its report and recommendations to the Governance Committee.

The Governance 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 Executive Committee. The Governance Committee may not unless it's not in contravention with Labour Relations Act; sec 198b 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 which is higher.

The Executive Committee 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. 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 Municipal manager 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

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- (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 functions of positions on higher level to ensure that she/he acquires the attributes, skills and knowledge to occupy such future position
 - (a) the identity and positions of the person or persons who will act as the targeted employees mentor(s)
- (j) the frequency and methodology of assessing the employee's progress toward acquiring the required attributes, skills and knowledge.

17.5.4 The manager responsible for human resources management 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).

17.5.5 As soon as the manager responsible for human resources management and the targeted employee reach agreement on the content of that employee's career plan, the manager responsible for human resources management must submit such plan to the municipal manager for approval, where after the plan must be implemented.

17.5.6 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 manager responsible for human resources management and the relevant departmental head once during every month.

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18. USE OF MUNICIPAL EQUIPMENT AND VEHICLES

18.1 VISION

To assure that fleet management unit provides an efficient and most cost effective service for the supply of municipal transport and plant requirements to the various functional areas of the Mantsopa Local Municipality.

18.2 MISSION

To establish efficient and effective municipal fleet services by providing Mantsopa Local Municipality with safe reliable, economical, environmentally – sound transportation and related support services that are responsive to the needs of the Mantsopa community and that conserve vehicle value and equipment investment.

To establish a uniform code of practice and conduct for all users, drivers and operators of the Municipality's motorized fleet in order to attain optimum productivity and cost effectiveness and eliminate vehicle abuse.

To address most aspects of daily vehicle and plant operations, including professional driving techniques (K53 & defensive driving) necessary to develop knowledge & competence, reduced accident and incidents, less downtime caused by breakdowns and improved efficiencies which results in increased productivity within various functional areas.

To introduce pool vehicle system which will ensure easy access to municipal vehicles by all departments, as vehicles will be controlled and managed from a central point i.e. Fleet Management office and introduction of operational controls which explains clearly who can use the vehicles with regard to drivers, passengers, keys, equipments, issuing, parking, authority to use and fuel management (fuel cards).

18.3 Issue form

Refers to the trip authority form that allows the driver to operate a municipal vehicle as per the route detailed in such a form. (ANNEXURE A)

18.4 Management of Pool Vehicle

Refers to the management activities which will include servicing, maintenance, issuing of vehicles, purchasing and disposal thereof.

18.5 Log Book

Give details of the route travelled by the driver, including kilometers reading of the vehicle used for the authorized purpose and any comments. (ANNEXURE B)

18.6 Covered Areas

The following areas are Mantsopa Local Municipality's jurisdictions

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- ✓ Ladybrand
- ✓ Hobhouse
- ✓ Thaba Patswa
- ✓ Excelsior
- ✓ Tweespruit

18.7 SECTION 1.

18.7.1 ACCOUNTABILITY, MANAGEMENT AND RESPONSIBILITY OF MANTSOPA LOCAL MUNICIPALITY'S FLEET ASSETS:

The fleet management policy and procedures will be the responsibility of the corporate service department and will be administered by fleet management office.

This policy and procedures will apply to all Mantsopa Local Municipality officials, who are required to use pool vehicles when conducting their official duties (contract or temporary as well as fulltime employees).

HOD of MLM will be accountable for the vehicles allocated to their respective departments.

Authorization for the usage of MLM vehicles will be only approved by HOD, Fleet Manager, MM and senior officials within departments if delegated such powers by relevant HOD.

HOD's are required to budget in the operational budget for the usage o vehicles by the employees within their departments.

Director corporate service and/or Human Resource Manager are responsible for the disciplinary action arising from misuse of municipal fleet assets by the employees.

18.7.2 RESPONSIBILITY OF THE FLEET MANAGER

Develop uniform policies & guidelines for fleet acquisition, usage, maintenance and disposal.

Keep up to date records on operational vehicle performance evaluations and replacement vehicles.

Screen all requests for additional or replacement of vehicles prior forwarding requests to the Municipal Manager for approval.

Maintain an inventory and register of all fleet Assets.

Designate and review vehicle assignments

Establish fleet maintenance procedures and ensure adherence & compliance by maintenance staff and accredited service providers.

Authorize use of Municipal Fleet Assets

Monitor direct & indirect fleet costs.

Evaluate and recommend vehicle procurement needs.

Accident & Incident Management.

Conduct monthly vehicle inspections (random spot checks and / or planned inspections) ANNEXURE E

Monitor day-to-day fleet assets activities through web based Fleet Management System.

18.7.3 RESPONSIBILITY OF DRIVERS

All drivers are expected to accept and exercise the responsibilities associated with the operation of vehicles as described in this policy and procedure document.

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18.7.4 Usage

Municipal transport is provided strictly for official services only and is not to be used for private purposes. Municipal vehicles are also not to be used for party politics or industrial unions activities. When a municipal vehicle is to be used, the driver must ensure that a copy of the Trip Authority duly authorized and signed is held in the vehicle.

All municipal fleet assets (vehicles and equipment) must be issued with a logbook. The driver or operator is required to record all daily trips and / or activities in the logbook of which the top sheet is detached and handed to the supervisor for checking and retention for record purposes on weekly basis. All drivers and operators must possess a valid unendorsed driver's license and Professional Driver's Permit where necessary.

Pre-trip inspections of vehicles and plant/equipment are to be carried out by drivers / operators on daily basis prior to operation. (Pre-trip inspections should be in duplicates; original issued to supervisor for scrutiny and filing and copy retained by driver.)

Every driver of the municipal vehicle must at all times ensure that the vehicle is in a roadworthy condition, failing which responsibility for the payment of any traffic fines lies with him/her.

The last user of the vehicle will be held responsible for any unreported damage, defects or loss. Therefore, the onus is on each driver to thoroughly inspect vehicle and/ or equipment prior to acceptance.

All municipal vehicles will be periodically inspected by the Fleet Manager or any designated official appointed by the Accounting Officer without prior notice in order to ensure proper state of vehicle condition; cleanliness, repair and efficiency are being maintained by the driver or person responsible for the vehicle.

Municipal fleet assets must be kept in clean and neat condition at all times.

No Smoking is allowed in Municipal Pool vehicles.

No Intoxicating Substances must be consumed before or whilst driving and / or operating municipal fleet assets. Passengers carried in pool vehicles must be authorized to travel in the vehicle and the driver will be held responsible for ensuring that unauthorized passengers are not conveyed.

The picking up of casual passengers (hitch hikers) is strictly prohibited – not allowed under any circumstances.

Indemnification letter must be signed by the HOD authorizing the driver or official who intends to carry passengers who are not municipal employees. (ANNEXURE C)

Employees in charge of vehicles shall ensure at all times that the ignition, door lock, fuel cap; gear lock and other items of the vehicle in use are suitably safeguarded against loss or theft.

At no time shall the driver leave the vehicle unattended without first switching off the engine and removing the ignition key.

A driver or operator of the municipal fleet assets must ensure that any damage or loss is immediately brought to the notice of the Supervisor and / or Fleet Manager immediately and in writing.

Any person found siphoning or removing fuel or engaged in unauthorized removal and / or exchange of any component from the municipal fleet assets will be subjected to the strictest discipline as prescribed in the prevailing conditions of employment.

18.8 FLEET ASSETS SAFETY AND SECURITY

All municipal fleet assets shall be parked and / or garaged at the designated municipal premises.

In respect of municipal vehicles taken home by officials, the following should be noted;

- ✓ The official responsible for fleet or transport must allocate an approved parking place for each vehicle.
- ✓ Such vehicle must be parked on the premises of the official preferably in a lockable garage and/ or 24 hour security available.

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- ✓ When the vehicle is away from the municipal parking, the driver must use all available anti-theft devices which are fitted on the vehicle (I.e. gear lock, steering lock, immobilizer and alarm) and they should be in working condition with the key kept safely.
- ✓ The driver is responsible for the municipal vehicle and all the tools and equipment left on the vehicle when taken home.
- ✓ The driver or employee must take possible and practical precautions for the safeguarding of municipal property and municipal vehicle.
- ✓ To eliminate the possibility of the theft or loss of municipal assets and personal belongings whilst vehicle is being serviced or repaired, all such valuable and/ or items must be removed before the vehicle is delivered to the Fleet Management Office or the relevant external service provider.

18.9 AUTHORITY TO USE A MUNICIPAL VEHICLE OR EQUIPMENT

- All officials requiring a vehicle must have a signed trip authority from their respective management or from the Fleet Manager before the vehicle is allocated.
- The authorizing official must be at Manager Level or above and/ or be a senior to the person requesting transport and is in their direct management line.
- If a vehicle is moved in an emergency, a trip authority must be obtained immediately after the event or within 24 HOURS of the movement. (This process is only to be used in case of extreme emergency and the HOD must be satisfied that the journey was necessary.)

18.9.1 PERMANENT ALLOCATION

- This process will be due to the nature of the municipal official duties performed, frequency of usage of the vehicle and for emergency services. Permanent allocation will be received annually or when the Accounting Officer deem necessary.
- An official with a council vehicle allocated to, will be required to sign a trip authority monthly which will be approved by the relevant HOD (Head Of Division) AND/ or ACCOUNTING OFFICER.
- Logbooks for permanently allocated vehicles should be submitted to the Fleet Manager on weekly basis; every Friday before COB for those officials based in Ladybrand and for those not based in Ladybrand, logbooks should be copied and faxed through.
- Every Month end, logbooks copies for that particular month should be forwarded to the budget and treasury for costing purposes.
- The Fleet Management Office will be responsible for arranging for repairs and maintenance of the permanently allocated vehicles to the official. However, it will be the responsibility of the official allocated with the vehicle to notify the Fleet Manager of any defects and to take in the vehicle in for service and repairs.
- HOD shall take full responsibility and be accountable for officials' allocated vehicles in their respective departments and / or divisions.
- Departments or divisions are under no circumstances allowed to lend vehicles that are permanently allocated to them to users from other department or divisions without consulting the Fleet Manager.
- The signed trip authority must be carried in the vehicle at all times and the copy filed at the respective HOD office and Fleet Management Office.
- The person responsible for signing trip authority must sign overnight vehicle parking authorization.

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18.9.2 SHORT TERM ALLOCATION

- All vehicles should be issued on the day of travel unless advance authority to park the vehicle at home has been obtained.
- The Fleet Manager or designated official will complete the issue form and a visual inspection or checklist before and after each trip.
- The driver takes responsibility for the vehicle at this point and signs the issue form.
- The intended time for departure and return is to be recorded on the vehicle issue form and compared against the actual time of return. (Continued late return of vehicles may lead to a refusal to allocate vehicles in future)
- The driver must hand in all the petrol/diesel/oil purchase slip and fuel card to the Fleet Manager for checking and allocation after every trip.

18.10.SUSPENSION OF MUNICIPAL OFFICIALS FROM DRIVING OR OPERATING MUNICIPAL FLEET ASSETS

- In the event of a municipal fleet assets being or having been subjected to flagrant misuse or irregular use, or the fleet assets being maliciously damaged by the driver and/ or operator.
- Where evidence exists that a driver / operator is or was guilty of recklessness or negligent conduct whilst driving or operating municipal fleet assets or such fleet assets was involved in an accident whilst so driven or operated.
- Where a driver or operator of municipal fleet assets has been found guilty of driving or operating such a vehicle or equipment;
- Under the influence of intoxicating liquor or narcotics,
- Whilst the concentration of alcohol in his / her blood was more than 0.02 g/100ml for driver in possession with Public Driving Permit (PDP) and 0.05g/100ml for other drivers shall be suspended immediately from driving or operating municipal fleet assets until such time as a disciplinary hearing has been concluded.
- In the event of a driver or operator developing any disease or disability which will render him/her incapable of effectively controlling a vehicle and/or equipment and subject to a report from the HEALTH PRACTITIONER, the driver or operator will be suspended temporarily or permanently from operating or driving municipal fleet assets.
- In the event of a municipal fleet assets being used for private matters whilst parked at home by the allocated municipal official.

18.11 SECTION 2

18.11.1 INCIDENTS AND ACCIDENTS

The following procedure shall be followed in the event of a Municipality owned motor vehicle becoming involved in an accident, no matter how trivial, and irrespective of whether or not any person or animal or property, other than the council vehicle is involved: -

- Immediately stop the vehicle.
- Ascertain the nature and extent of any injury sustained by any person.

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- Call a police or a traffic officer and, if requested to do so supply name and address of the driver of the motor vehicle to any person having reasonable grounds for requiring this information.
- If a police or traffic officer is not available, report the accident to a police station as soon after the occurrence of the accident as practicable.
- In no circumstances shall liability be admitted or unguarded statements be made to any person or payment offered or made to a third party.
- Should any third - party involved admit liability, endeavours should be made to obtain a statement in writing from him/her to this effect.
- Should a driver of a vehicle be suspected of being under the influence of intoxicating liquor or narcotic drugs, this fact must be brought to the notice of the police or traffic officer present at the scene of the accident, with the least possible delay and every assistance should be rendered to such police or traffic officer in ensuring that the suspected person is examined by a doctor as soon as possible, or be subjected to a legally permissible Alco-test
- Obtain as soon as possible, preferably at the scene of the accident, at least the following particulars, which are required for completing the accident report form and be kept in the vehicle: -
- Registration number, make and type of other vehicle.
- Name(s) and address of driver(s) of the other vehicle.
- Name(s) and address (es) of person(s) involved in an accident be it she/he/they was/were passenger/s of the Municipal vehicle's driver or the third-party or pedestrian(s).
- Name and address of the third party's Insurance Company.
- Name, occupation and address and age or estimated age of any pedestrian(s) involved in the accident and of any pedestrians killed or injured
- Description of animals and fixed objects involved in the accident and the name and address of the owner.
- Name and address of witnesses including the occupants of the other vehicle(s) in their capacities as witnesses.
- Measurements for the preparation of a sketch of the scene of the accident (pace off the distance if there is no scientific tape measure).
- Note the geographical landscape of the place of accident, type of road, accident related obstructive substances of object on or around the road, road make-up including any fencing and weather condition at the time of the accident.
- The Council's vehicle user should obtain identity of the third party involved in the accident.

18.11.2 Internal Accident Reporting

The driver of the Municipal vehicle shall, within twenty-four hours after the accident, submit a written report to the officer responsible for transport, who will ensure that the accident report form is completed and forwarded to the Senior Insurance Clerk."

The Senior Insurance Clerk or his/her superior shall make endeavors (in addition to obtaining a mechanical report on the condition of the vehicle after the accident) to obtain a minimum of two repair quotations from different repairing agencies or write- off report if applicable and trade-in value of the vehicle.

In the event of institution of a legal action by the third party, the driver concerned shall upon receipt of summons, subpoena or notice to appear in court pass that information to the Fleet Manager or his/her superior so that the Municipality's insurers may be approached.

Any accident, damage or third party claim received shall immediately be submitted to the Senior Insurance Clerk. Any damage made to the Municipal vehicle as a result of an accident involving another vehicle or animal/s or any object, shall be reported to the officer responsible for transport who will ensure that the accident report form is completed and forwarded to the Senior Insurance Clerk.

Upon admission of complete liability in the accident report a driver of the Municipal vehicle involved in accident shall be given an option to personally bear all repair costs.

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18.11.3 Accident Committee

This is a Committee appointed by the Director: Corporate Services and Administration to assist him in the investigations of misuse of Council fleet and motor vehicle accidents.

2.3.1 Duties of the Accident Committee:

- ✓ To consider reports on the misuse of Council vehicles.
 - ✓ To consider reports on any non-compliance of Council's Fleet Management Policy and Asset Management Policy.
 - ✓ To consider reports on motor vehicle accidents.
 - ✓ Interview the driver, assessor, third party or any other person with information relevant to the accident.
- In addition, the Accident Committee may:
- ✓ Request witnesses to make a verbal/written statement about the accident.
 - ✓ Probe the nature of the trip and granting of authority to the driver.
 - ✓ Recommend actions to be taken against drivers to the Accounting Officer and/ or Director Corporate Services.
 - ✓ The committee must meet 2 weeks (or earlier) after the accident occurred.

18.11.3.1 Duties of the Fleet Manager:

- ✓ Shall investigate all Vehicle Accidents and gather all documentary, photographic and other evidence that may be relevant to the case and submit to accident committee.
- ✓ If feasible the officer responsible for transport, with the assistance of any designated official, may conduct an inspection of the accident scene.
- ✓ The officer responsible for transport must submit a report on results and/ or findings to the Accident Committee and / or Accounting Officer.

18.11.4 Frame Work for Remedial Actions:

All remedial and corrective actions will be subject to and governed by the Mantsopa Local Municipality's disciplinary procedure.

The following structure of progressive imposition of fines on drivers who have been found partly or mainly responsible for the occurrence of the accident involving a Municipal vehicle through direct or indirect means, shall be adhered to: -

18.11.4.1 TABLE OF FINES

RATE OF DAMAGE (%)	RATE OF FINE @
0-5	250
6-10	500
11-15	750
16-20	1000
21-25	1 250
26-30	1500
31-35	1 750
36-40	2000

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41-45	2250
46-50	2500
51-55	2750
56-60	3000
61-65	3250
66-70	3500
71-75	3750
76-80	4000
81-85	4250
86-90	4500
91-95	4750
96-100	5000

These represent minimum fines. Should the cost of repairs be less than the amounts shown above, the amount of the fine will not exceed the total cost of repairs. The rate of damage shall be determined as follows:-

$$\frac{\text{Approved cost of repairs}}{\text{Trade-in-value}} \times 100$$

These fines may be imposed in addition to any sanction, which a Disciplinary Hearing may decide upon.

The fine is payable by means of deduction from an employee's salary over a period not longer than 6 months. A motivation letter must be submitted to the Director: Corporate Services and Administration where an employee requires the period to exceed 6 months.

The Municipal employee shall sign an acknowledgement of debt in which the time frame for the payment of the fine shall also be captured.

18.12 BREAK DOWN PROCEDURES:

In the event of a breakdown, all care should be taken that the vehicle and its load are in the safest position possible and that warning triangles be placed at a distance of 45 metres in line with the centre of the vehicle and in the direction of approach. If the breakdown results in a traffic hazard, assistance must be requested from the Traffic Authorities.

In the event of a breakdown involving suspected brake failure, *THE VEHICLE MUST REMAIN STATIONARY*, to be moved only by the mechanic and/ or breakdown crew.

Breakdowns during normal working hours must be reported to Fleet Manager, who would then notify external service provider if recovery vehicle is needed.

In order to guide the breakdown crew regarding the choice of equipment best suited for the speedy repair or recovery of the vehicle / equipment, the following information should be provided:

- Names of driver and department or division
- Vehicle registration and make
- Exact location where the vehicle has broken down
- Possible causes of breakdown
- Any evidence of leaks (oil, water, hydraulic fluid, air etc...)
- Where suspected fault is located (e.g. front, rear, side, engine, etc...)
- Whether the vehicle is bogged down

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Breakdowns outside normal working hours should be reported to the accredited service provider:
THOMSON'S AUTO BODY REPAIRS and TOWING
21 KING STREET
LADYBRAND
9745
TELEPHONE NUMBERS: 051 924 2095
MOBILE 24 HOURS:
DRIVERS ARE TO REMAIN WITH THE VEHICLES / OR EQUIPMENT UNTIL ASSISTANCE ARRIVES.

18.13 TRAFFIC OFFENCES

The driver of the municipal vehicle shall diligently obey all traffic laws and shall be responsible for the payment of all traffic fines which may be attributed to his or her negligence.

Mantsopa Local Municipality, at its sole discretion, financially assist a driver convicted of a road traffic offence with the payment of a fine or private legal assistance to enable a driver to defend a criminal or civil claim against him / her in a court of law.

The Fleet Management Office will direct traffic fines to relevant users / drivers for payment by the offenders. The logbook or trip authority (Issue form) will be used as a source document to ascertain the offenders of traffic rules.

18.14 TYRE MAINTENANCE AND MANAGEMENT:

Drivers / Operators are to ensure that the inflation of tyres is in accordance with the pressures recommended by the manufacturer of the vehicle. Incorrect inflation, particularly under inflation, is the greatest single factor contributing to undue wear, overheating and premature failure of tyres. Any deviation from the specified pressures will have adverse effects on steering, braking, road holding and safety.

18.15 PRECAUTIONARY MEASURES:

- The checking and correction of tyre pressures should be performed in cold tyres only.
- Scuffing or running into kerbs and running over projections should be avoided.
- Mechanical defects that cause uneven tyre wear should be rectified immediately.
- Regular inspections should be held for tread wear, cuts, bruises and stones wedged between dual wheels. Tread depth at any point across the entire breadth of the tread and circumference of the tyre must not be allowed to be less than 1mm. A tyre that does not meet this requirement must be replaced immediately.
- Dust caps on tyre valves must be replaced.
- Sudden or fierce braking, unnecessary accelerations and fast cornering should be avoided.
- Dumping sites are always littered with sharp projections, which cause an ongoing puncture problem. Special care must be taken to avoid sharp obstacles in the final approach to dumping. When the vehicle is clear of the dumping area, the tyres must be inspected immediately and any foreign objects removed before they become embedded in the tyre.
- The removal of any imbedded foreign objects will deflate the tyre, therefore must be reported to Fleet Management Office and not be removed by the driver.
- The abusive or negligent treatment of tyres should be avoided as any tyre damage caused through abuse or negligence will be for the account of the driver / operator.
- A daily check for any loose nuts on all vehicles and heavy vehicles must be carried out by drivers and / or operators.

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18.16 FUEL AND LUBRICANTS (OIL):

Where employees in charge of municipal vehicles require fuel and/ or oil, they shall obtain supplies from accredited and / or designated supply point. Drivers are to ensure that the vehicle registration number, odometer reading and quantity of fuel supplied are entered correctly on the appropriate forms and correspond with details on the fuel card. Tanks are to be filled to a constant level. Wastage due to overfilling of the fuel tank must be avoided and vehicles / equipments must wherever possible, be parked on level ground and in the shade. The fuel card is to be treated as cash and the driver / operator will be held liable and responsible for the transactions that take place on it whilst it is in their possession. All fuel receipts must be kept and handed in to the fleet management office when the vehicle is returned (short term allocations) fortnightly (permanent allocation.)

Fuel cards are not to be loaned out to other vehicles for fuelling purposes. Fuel cards will not be used while the driver is on annual leave, sick leave or any administrative leave. The driver is responsible to **immediately** notify the Fleet Management Office to report loss or theft of fuel card and a full written report covering circumstances of the fuel card loss or theft shall be forwarded to the Fleet Manager and respective HOD.

Replacement costs of the lost card or damaged card will be on individual driver's account. Municipal employees found responsible for unauthorized purchases will be subject to cash reimbursements to the municipality and subject to penalties in accordance to the municipality disciplinary code of practice as per conditions of employment. Fuel cards are vehicle specific, should not be used for additional or separate containers.

18.17 IDENTIFICATION AND MAINTAINING THE APPEARANCE OF MUNICIPAL FLEET ASSETS

Except for the usual number plates, municipal crests, manufacturers' mascots, name and model inscriptions and license tokens, municipal vehicles may not display any private insignia, mascots, stickers, advertising or advertising material.

Information in respect of carrying capacity is displayed on certain vehicles. In terms of the requirements of the National Road Traffic Act, information relative to the Tare Mass('T'), Gross Vehicle Mass (GVM) and, where applicable, the number of passengers, is displayed on buses and goods vehicles.

Every driver / operator must keep his / her vehicle in a clean and hygienic condition. The littering of vehicle interiors with papers, bottles, etc. is not allowed.

Only cleaning materials and disinfectants' that are compatible with automotive finishes may be used. Any advise on this subject can be obtained from Fleet Management Office.

18.18 SERVICING AND REPAIR OF MUNICIPAL VEHICLES

When a vehicle needs to be serviced, the vehicle user will receive an advance notification and then arrange for the vehicle to be delivered to the Fleet Management Office or relevant service provider at the stipulated time and day. An alternative service appointment, necessitated by unavoidable circumstances, may be negotiated with Fleet Management Office or the relevant service provider at least two working days before the original service date. When handing the vehicle over for servicing or repair, the driver or operator in charge of the vehicle shall report to Fleet Management Office or the relevant service provider any adjustments or repairs that needs attention. A brief description of the repair required should be recorded in the vehicle logbook which must accompany the vehicle due for service.

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All vehicles requiring a Certificate of Fitness (COF) must be presented to the Fleet Management or relevant service provider at least six weeks prior to expiry of the COF. Failure to observe this directive will result in additional costs / penalties imposed in respect of expired COF being charged to the driver / department. All municipality fleet assets shall be serviced and repaired in accordance with manufacturer's specifications and recommendations.

Drivers and Operators in charge of municipality's fleet assets shall be responsible for ensuring that service arrangements are strictly adhered to.

18.19 ROADWORTHINESS OF MUNICIPAL FLEET ASSETS:

Every driver / operator of a motor vehicle must at all times ensure that the vehicle or equipment is in roadworthy condition, failing which he/she will be responsible for the payment of any traffic fines imposed.

Should any of the following safety features be found to be defective, the driver may not drive the vehicle and must report them in writing to the Fleet Management Office, Supervisor or external service provider and await further instructions; Brakes, lights, wipers, wheel nuts, steering, hooter, tow hitch and coupling, mirrors tyre wear and condition and speedometer.

Any defects discovered must be reported immediately to the Fleet Manager, Supervisor and / or relevant external service provider.

18.20 ACQUISITION AND DISPOSAL OF FLEET ASSETS BY MANTSOPA LOCAL MUNICIPALITY

Fleet Assets will be acquired and disposed in line with the Supply Chain Management regulations as per the MFMA.

Vehicles would be replaced every 5-7 years or 200 000 km, and subject to the overall condition of the vehicle.

For every vehicle that falls outside the warranty period, municipality would require a Certificate of Fitness (COF) annually from a reputable organization.

18.21 HIRED FLEET ASSETS:

In the case when no pool vehicles or equipment are available the HOD must approve the hire of vehicle or equipment and confirm funding.

It will be the responsibility of the Fleet Manager to hire such vehicle or equipment without delay.

Hired Fleet Assets should be treated as municipal fleet assets as per the contents of this manual.

18.22 SAFE DRIVING AND DEFENSIVE DRIVING

- ✓ Municipal fleet assets must not be driven at speeds that may endanger the lives of occupants and other road users.
- ✓ Speed must be adjusted to suit weather conditions, road conditions and the particular type of vehicle being used.
- ✓ All drivers of the Municipal fleet assets must strictly adhere to the rules of the road;
- ✓ Maintain a thorough knowledge of traffic regulations and signs applicable to streets, main roads, through roads etc.
- ✓ Overtake or pass other traffic only when the road is clear and safe.

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- ✓ Always use safety belts.
- ✓ Stop or park off the road surface only where it is safe to do so.
- ✓ Do not communicate on any hand held communication devices such as cell phones while driving the vehicle.
- ✓ The driver shall not move any vehicle unless he/she is sure that there is sufficient clear space around and above the vehicle to permit the manoeuvre. Extreme care must be exercised when reversing and / or manoeuvring
- ✓ Defensive driving is a term used for system of vehicle control to prevent accidents in spite of adverse conditions and the incorrect action of others. It is a practical system or drill, each feature of which is to be considered in sequence by the driver at the approach of any hazard.

ABC OF DEFENSIVE DRIVING (ATTITUDE, BACK DOWN AND CLEAR SPACE)

Attitude is a mental condition combining action and behavior toward the job, fellow employees, and life in general. Attitude is determined by the way a person talks, acts and works. Wrong attitudes cause problems, whilst right attitudes are important contributors to success.

"Don't Care Attitude"

Many drivers run into constant difficulty because of their "Don't Care" attitude. This attitude results in damage to vehicles and / or equipment, and can lead to accidents by negligence.

"Temper"

When a person is angry he loses sense of judgments and values. Temper must be controlled; a good driver has learnt the best means of temper control is to evaluate the relative importance of events.

"Over-confidence"

It is necessary for all drivers to have a certain amount of self-confidence. When a driver reaches the expert stage where he/she is good and knows that, he/she must become wary of over-confidence. This leads to increasingly poor driving habits.

"Poor Judgment"

Driving involves using good judgment in knowing when to move and when to stop. Over-confidence plays its part in urging a driver to go ahead, even under unfavorable conditions. Over-confidence promotes poor judgment.

"Irresponsibility"

The irresponsible driver has no regard for his/her vehicle or other road users. He/she has no clear concept of the possible consequences of his/her behavior and therefore projects a poor image.

18.23 HOW TO AVOID ACCIDENTS

12.1 ACCIDENTS

A motor vehicle accident can be defined as an unintentional, chance event often resulting in damage and sometimes causing injury or death. Accidents are costly in terms of lost productivity and vehicle repair costs. A large number of motor accidents contain an element of driver negligence and whilst it is impossible to completely eradicate pure accidents, it is possible to minimize the incidence of motor accidents in the municipal fleet assets on two fronts by;

- ✓ Eliminating driver negligence as a contributing factor.
- ✓ Reducing the chance factor to below the national average.

These objectives can be achieved if each municipal driver/operator strove to attain the proficiency of a "Professional Driver".

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18.24 AVOIDANCE OF ACCIDENTS

There are only two ways in which accidents can be avoided. These are either a change in speed, or a change in direction, or a combination of both. The three methods applicable are BRAKING; STEERING AND ACCELARATION.

18.24.1 BRAKING

A vehicle can only be stopped in order to avoid an accident if it is travelling at a speed that will enable it to stop within the available clear space.

18.24.2 STEERING

A driver can only change direction to avoid an accident if the vehicle has sufficient clear space in which to move. Two objects cannot occupy the same clear space at the same time. A driver must surround himself with enough clear space to cope with unexpected.

18.24.3 ACCELARATION

If it is necessary to accelerate out of a danger situation, the engaged gear ratio must be able to provide sufficient power and speed to move the vehicle into safety.

18.26 USE OF TRAILERS

- ❖ Trailers are designed to meet specific needs. They are therefore only compatible with specific vehicles and /or tractors and equipments.
- ❖ When coupling up a trailer to a towing vehicle or equipment, the following checks apply;
- ❖ The towing unit must have sufficient capacity to pull the trailer.
- ❖ The height of the tow hitch and trailer drawbar must correspond
- ❖ The types of coupling on a prime mover and trailer must correspond.
- ❖ The brake system must be compatible
- ❖ The electrical systems must be of the same voltage
- ❖ When the trailer is coupled, the jockey wheel must be retracted and secured.
- ❖ The park brake must be released.
- ❖ If the trailer is fitted with an overriding brake, the reverse lock must be disengaged before moving forward.
- ❖ Air brake connections must be checked for any air leaks
- ❖ The trailer rear lights, stop lights and indicators must be tested.
- ❖ The brakes of the vehicle with the trailer must be tested after moving off.
- ❖ Only the correct type and size of coupling pins must be used and these are to be permanently fastened to tow-bar attachments.
- ❖ Daily pre-drive checks are essential, with particular attention to be directed to signaling lights, brake connections, conditions of tow-bar, trailer "A" frame and tyres.
- ❖ Tow hitches and ball pins must be inspected for wear and if found to be defective, the matter should be reported to Fleet Management
- ❖ Municipal trailers may not be modified without approval by Fleet Manager and/ or Accounting Officer.

- ❖ The trailer wheels have a smaller turning radius than those of the towing vehicle. Consequently, when negotiating a turn, it is necessary for the driver to compensate by widening the turning radius of the towing vehicle/equipment. This will prevent the trailer from climbing over kerbs/pavements when turning.
- ❖ When turning from a two or more lane situation, special caution must be exercised, since a trailer with a long overhang can swing and collide with adjacent traffic. This situation arises where the width of the road compels tight positioning.

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Appendix A

CONFIDENTIALITY UNDERTAKING

(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 -

the remuneration

a performance appraisal

the disciplinary record

the health status

the personal circumstances

the personal affairs or

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 _____

1.P.

EMPLOYEE

T.P.

Appendix B

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 –

Housing or accommodation allowance or subsidy or housing or accommodation received as a benefit in kind;

Car allowance or provision of a car, except to the extent that the car is provided to enable the employee to work;

Any cash payments made to an employee, except those listed as exclusions in terms of this schedule;

Any other payment in kind received by an employee, except those listed as exclusions in terms of this schedule;

Employer's contributions to medical aid, pension, provident fund or similar Schemes; and

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 –

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);

A relocation allowance;

Gratuities (for example, tips received from customers) and gifts from the employer;

Share incentive schemes;

Discretionary payments not related to an employee's hours of work or performance (for example, a discretionary profit-sharing scheme);

An entertainment allowance; and

An education or schooling allowance.

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

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

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 –

the employee received the payment or enjoyed, or was entitled to enjoy, the payment in kind during the relevant period; or

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.

PROPOSED CODE OF CONDUCT

(as contained in Schedule 2 of the Local Government: Municipal Systems Act no 32 of 2000)

1. General Conduct

A staff member of the municipality must at all times:

- loyally execute the lawful policies of the municipal council
- perform the functions of office in good faith, diligence, honestly and in a transparent manner
- act in such a way that the e spirit, purpose and objects of section 50 are promoted
- act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised and
- act impartially and treat all people, including other staff members, equally without favour or prejudice

2. Commitment to serving the public interest

A staff member as the municipality is a public servant in a developmental local system and must accordingly:-

- implement the provisions of section 50(2)
- foster a culture of commitment to serving the public and a collective sense of responsibility for performance in terms of standards and targets
- promote and seek to implement the basic values and principles of public administration described in section 195 (1) of the Constitution
- obtain copies of or information about the municipality's integrated development plan and as far as possible within the ambit of the staff member's job description see to implement the objectives set out in the integrated development plan and achieve the performance targets set out for each performance indicator
- participate in the overall performance management system for the municipality as well as the staff member's individual performance appraisal and reward system if such exists in order to maximise the ability of the municipality as a whole to achieve its objectives and improve the quality of life of its residents.

3. Personal gain

A staff member as the municipality may not:-

- use the position or privileges of staff members or confidential information obtained as a staff member for private gain or to improperly benefit another person or
- take a decision on behalf of the municipality concerning a matter in which that staff member or that staff members spouse, partner or business associate has a direct or indirect personal or private business interest

Except with the prior consent of the council of a municipality a staff member of the municipality may not be a party to a contract for:-

- The provision of goods or service to the municipality or
- The performance of any work for the municipality otherwise than a staff member
- Obtain a financial interest in any business of the municipality or
- Be engaged in any business, trade or profession other than the work of the municipality.

4. Disclosure of benefits

A staff member of the municipality who or whose spouse, partner or business associate or close family member acquired or stands to acquire any direct benefit from a contract concluded with the municipality must disclose in writing full particulars of the benefit to the council.

This item does not apply to a benefit which a staff member, partner or business associate of close family member has or acquires in common with all other residents of the municipality.

5. Unauthorized disclosure of information

A.P.

A staff member of a municipality may not without the permission disclose any privileged or confidential information obtained as a staff member of the municipality to an unauthorized person.

For the purpose of this item privileged or confidential includes any information:-

- determined by the municipal council or any structure or functionary of the municipality to be privilege or confidential
- discussed in a closed session by the council or a committee of the council
- disclosure of which would violate a person's right to privacy or
- declared to be privileged, confidential or secret in terms of any law.

6. Undue influence

A staff member of the municipality may not:-

- unduly influence or attempt to influence the council of the municipality or a structure or functionary of the council or a councillor with a view to obtaining any appointment, promotion, privilege, advantage or benefit or for a family member, friend or associate
- mislead or attempt to mislead the council, or a structure or functionary of the council, in its consideration of any matter; or
- be involved in a business venture with a councillor without the prior written consent of the council of the municipality.

7. Rewards, gifts and favours

A staff member of the municipality may not request, solicit or accept any reward, gift or favour for:

- persuading the council of the municipality, or any structure or functionary of the council, with regard to the exercise of any power or the performance of any duty
- making a representation to the council, or any structure or functionary of the council
- disclosing any privilege or confidential information or
- doing or not doing anything within as staff member's power or duties.

8. Council property

A staff member of the municipality may not use, take, acquire or benefit from any property or asset owned, controlled or managed by the municipality to which that staff member has no right.

9. Payment of arrears

A staff member of the municipality may not be in arrears to the municipality for rates and services charges for a period longer than 3 months, and a municipality may deduct any outstanding amounts form a staff member's salary after this period.

10. Participation in elections

A staff member of the municipality may not participate in an election of the council of the municipality, other than in an official capacity pursuant to any constitutional right.

11. Sexual harassment

A staff member of the municipality may not embark on any action amounting to sexual harassment.

12. Reporting duty of staff members

K.P.

Whenever a staff member of the municipality has reasonable grounds for believing that there has been a breach of this Code, the staff member must without delay report the matter to a superior officer or to the speaker of the council.

13. Breaches of Code

Breaches of this Code must be dealt with in terms of the disciplinary procedures of the municipality envisaged in section 67 (1)(h) of the Act.

14. Sanctions for different misconducts

Offence	First offence	Second offence	Third offence
1. Theft	Dismissal		
2. Fraud	Dismissal		
3. Absenteeism	Written warning	Final written	Dismissal
4. Under the influence of alcohol/drugs	Written warning	Final written warning	Dismissal
4. Sexual harassment	Verbal warning	Written warning	Final written warning
6. Misuse of municipal property	Written warning	Final written warning	Dismissal
7. Insubordination	Verbal warning	Written warning	Final written
8. Carrying dangerous weapons at workplace	Written warning	Final written warning	Dismissal
9. Fighting at work	Final written warning	Dismissal	
10. Unlawful distribution or in possession of privileged municipal information	Final written/dismissal	Dismissal	
11. Negligence	Final written warning	Dismissal	
12. Accepting bribery	Dismissal		
13. Late coming	Verbal warning	Written warning	Final written warning