

OPEN NDLAMBE COUNCIL MEETING
HELD ON THURSDAY, 27 OCTOBER 2022

**REPORT DATED 18 OCTOBER 2022 FROM THE
MUNICIPAL MANAGER TO COUNCIL: REPORT ON
REVIEW OF HUMAN RESOURCES POLICIES.**

ANNEXURE C.08

NDLAMBE MUNICIPALITY CORPORATE SERVICES



RECRUITMENT AND SELECTION POLICY

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1. PREAMBLE

Ndlambe Municipality endeavours to match the human resources to its strategic and operational needs whilst ensuring the full utilisation and continued development of the employees. All aspects of the employment – structures, recruitment, selection, interviewing and appointment of employees – shall be non-discriminatory and will afford applicants equal opportunity to compete for vacant positions, except where explicitly provided for affirmative action and employment equity.

2. PURPOSE

2.1 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 Municipal Council and its employees to comply at all times and without exception with the relevant legal prescripts governing the situation concerned.

2.2 This policy is further based on the principles of best practice human resource management that ensures the Municipality must –

2.2.1 be characterised by a high standard of professional ethics;

2.2.2 promote the efficient, economic and effective utilisation of employees;

2.2.3 conduct human resources in an accountable manner;

2.2.4 be transparent;

2.2.5 promote good human resource management and career development practices, to maximise human potential; and

2.2.6 ensure that its administration is broadly representative of the people of South Africa, with human resources management practices based on ability, objectivity, fairness and the need to redress the imbalances of the past to achieve broad representation.

3. SCOPE

To ensure a fair and equitable employment process, this policy shall apply to all permanent, fixed-term contract appointments, casual employees, temporary appointments, and fixed-term secondments made within the Municipality. This

policy will not apply to appointments arising out of a procurement process, acting appointments or rotation of portfolios.

4. LEGISLATIVE AND POLICY FRAMEWORK

- Constitution of the Republic of South Africa Act 108 of 1996
- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Skills Development Act 97 of 1998
- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014
- Local Government: Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Local Government: Guidelines for the Implementation of the Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Basic Conditions of Employment Act 75 of 1997
- Occupational Health and Safety Act 85 of 1993
- National Skills Development Strategy
- National Qualifications Framework
- South African Qualifications Authority Act 58 of 1995
- Employment Services Act 4 of 2014
- Income Tax Act 58 of 1962
- Immigration Act 13 of 2002

5. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation, or as defined and / or explained in the Glossary of the Human Resources Policies Manual.

6. PROBLEM STATEMENT

Ndlambe Local Municipality seeks to source staff with potential and nature them and impact a culture of service orientated.

7. PROVISIONS

7.1 Principles

- 7.1.1** The recruitment, selection and appointment of a staff member to a post on the staff establishment shall –
- 7.1.2** comply with the requirements of the Municipality's employment equity policy and plan
- 7.1.3** be integrated with other human resource management systems and procedures
- 7.1.4** use objective competencies specified in the job description; and
- 7.1.5** be filled through advertising in accordance with this policy.

7.2 Vacancy rate and determination of recruitment needs

7.2.1 The Municipality shall –

7.2.1.1 fill all funded vacant posts on the staff establishment within six months of a funded post becoming vacant

7.2.1.2 develop a strategy to –

- a.** fill funded vacancies
- b.** reduce turnaround times for filling of vacant funded posts

7.2.1.3 maintain a vacancy rate of not more than 25% of the total posts on the staff establishment.

7.2.2 The strategy to fill funded vacancies shall include timeframes for the various activities included in the recruitment and selection process.

7.2.3 A vacant post on the staff establishment may not be filled unless –

7.2.3.1 the municipal manager or a staff member to whom this function is delegated has approved the filling of the post; and

7.2.3.2 the post is budgeted for.

7.3 General requirements for appointment of staff members

No person may be appointed as a staff member on a fixed-term contract, permanent basis, or probation, to any post on the approved staff establishment of the Municipality, unless he or she –

7.3.1 is a South African citizen or permanent resident; and

7.3.2 possesses the relevant competencies, qualifications and experience, as set out in the Municipal Staff Regulations.

7.4 Competency requirements for staff members

A person appointed as staff member in the Municipality shall, where applicable, have competencies, and comply with the minimum requirements or education qualifications, work experience and knowledge as set out in Annexure A of the Municipal Staff Regulations.

7.5 Advertising of vacant post

7.5.1 The Municipality shall advertise the post after the Municipal Manager or assigned delegate has approved.

7.5.2 The advertisement shall, at least, specify the –

7.5.2.1 Job title

7.5.2.2 term of appointment

7.5.2.3 place of work

7.5.2.4 applicable salary scale or pay range

7.5.2.5 competency requirements of the post, and where applicable minimum qualifications and experience as set out in Annexure A of the Municipal Staff Regulations

7.5.2.6 summary of the core functions

- 7.5.2.7** need for signing of employment contract and, where applicable, a performance agreement and disclosure of benefits and interest
 - 7.5.2.8** address where applications must be sent
 - 7.5.2.9** place where applicants can obtain the application form; and
 - 7.5.2.10** closing date for submission of applications.
- 7.5.3** The advertisement shall, where necessary and at the discretion of the Municipal Manager, also contain the following:
- 7.5.3.1** Statement that Municipality subscribes to principles of employment equity.
 - 7.5.3.2** Name and contact details of person to whom enquiries may be directed.
 - 7.5.3.3** Statement that canvassing will disqualify any candidate from being considered for appointment.
 - 7.5.3.4** Statement that applications received after the closing date will not be accepted or considered.
- 7.5.4** The Human Resource Unit shall, where required, register job vacancies with the Public Employment Services (PES), as well as notify the PES when filling the vacancies.
- 7.5.5** Following the agreement entered in the Local Labour Forum, and approved by the Council, vacancies shall be advertised internally and may at the same time be advertised externally, provided that external advertisements may only be published in newspapers of record. Local Labour Forum agreed that positions from post level 2 to 10 shall be advertised only internally and if there are no suitable candidates then be advertised externally. This is with the exception of positions of General Workers (externally only) and other relevant positions for example PA or Executive Secretaries (externally only), furthermore Labour Unions will be consulted in this regard.
- 7.5.6** Where the Municipality does not have the capacity to manage recruitment processes, a recruitment agency shall be appointed to undertake the recruitment processes, including response handling, compilation of the long list of applicants who applied for the advertised post, preliminary list of applicants who meet the requirements, list of applicants who do not meet all requirements but

have the potential and list of applicants who do not meet the requirements: Provided that the advertising and recruitment procedures comply with this policy, and that the appointed recruitment agency shall not undertake the selection process.

7.5.7 Unsolicited applications received during the course of the Municipality's operations shall 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 appointed recruitment agency shall not undertake the selection process. Nobody may promise or undertake to accept an unsolicited application for appointment and to submit it when a vacancy is advertised.

7.5.8 Head hunting through recruitment agencies shall, where utilised, be applied with caution at all times, and it may be employed at any stage of the selection process, when the selection panel is of the opinion that the assessed candidates are not suitable and / or do not meet the requirements of the employment equity plan. The following conditions shall also apply:

7.5.8.1 Recruitment agencies on the preferred list of recruitment service providers shall be provided with a copy of the recruitment advert for use in finding suitable candidates.

7.5.8.2 The detailed head-hunting principles and guidelines shall be agreed to in the Local Labour Forum, and approved by Council.

7.6 Application for vacant post

7.6.1 An application for a vacant post shall be made on the prescribed form of the Municipality, in both hard copy and online version.

7.6.2 An applicant for a post shall disclose –

7.6.2.1 his or her qualifications and experience

7.6.2.2 his or her contactable references

7.6.2.3 his or her registration with a relevant professional body, if applicable

7.6.2.4 full details of any dismissal for misconduct or substandard performance

7.6.2.5 any disciplinary actions, whether pending or finalised, instituted against the applicant in his or her current or previous employment.

7.6.3 Misrepresentation or failure to disclose material information contemplated in clause 7.6.2 and the application form is a breach of the Code of Conduct for Municipal Staff and shall be dealt with in terms of the discipline policy.

7.6.4 The Municipality shall maintain a record of all applications received and the information contained in the applications shall be kept confidential and stored in a secure place on the Municipality's premises. A record of applications shall be disposed of in terms of the National Archives of South Africa Act.

7.6.5 The record shall contain –

7.6.5.1 the applicants' biographical details and contact information

7.6.5.2 the details of the post for which the applicants were applying

7.6.5.3 the applicants' qualifications; and

7.6.5.4 any other requirements outlined in the application form.

7.7 Selection panel

7.7.1 The Municipal Manager or his or her delegate shall appoint a selection panel for each of the advertised post to recommend the appointment of suitable persons to the vacant post.

7.7.2 The selection panel shall comprise of three persons not more than five persons.

7.7.3 The chairperson of the panel shall be the HOD or Supervisor or a staff member employed at least one job grade higher than that of the advertised post.

7.7.4 In deciding on the composition of the selection panel, the Municipal Manager shall consider the following:

7.7.4.1 nature of the post

7.7.4.2 gender and race balance of the panel; and

7.7.4.3 skills, expertise, experience and availability of the person to be involved.

7.7.5 A member of a selection panel shall –

7.7.5.1 disclose any interest or relationship with shortlisted candidates during the short-listing process

7.7.5.2 recuse himself or herself from the selection panel if –

- a. his or her spouse, partner, close family member or close friend has been shortlisted for the post
- b. the panel member has a de facto relationship or some form of indebtedness to a short-listed candidate or vice versa; or
- c. any other conflict of interest; and

7.7.5.3 sign a prescribed declaration of confidentiality to avert the disclosure of information to unauthorised persons.

7.7.6 A human resource specialist may provide secretarial or advisory services during the selection process but may not form part of the selection panel.

7.7.7 Each panel member shall disclose potential conflict to be considered by the full selection panel at the initial meeting of the panel.

7.7.8 If a conflict of interest becomes apparent during the selection process, the Municipal Manager or his or her delegate shall take the appropriate steps to remedy the situation, which may include declaring the selection process invalid and commencing a new process.

7.7.9 If a conflict of interest becomes apparent after the appointment, the Municipal Manager or his or her delegate shall report the matter to the Council, which shall take remedial action, including possible disciplinary action.

7.8 Compiling shortlist of applicants

- 7.8.1** The Municipality shall compile a list of all applications received for the post evaluated against the relevant competency requirements for the post.
- 7.8.2** The selection panel shall compile a short-list based on the inherent requirements of the position and with due regard to Section 20 of the Employment Equity Act.

7.9 Interviews

- 7.9.1** The list of short-listed candidates and copies of their applications shall be submitted to the selection panel prior to the interviews taking place.
- 7.9.2** The selection panel for a post shall once constituted, remain the same at all times. If a member of the selection panel is unable to proceed with the interviews due to circumstances beyond that member's control, such panel member may be replaced or withdrawn. If the selection panel does not quorate, the panel shall be reconstituted.
- 7.9.3** The Municipality shall grant observer status to one each of the recognised trade union representatives during the interviews.
- 7.9.4** The selection panel shall interview the short-listed candidates.
- 7.9.5** Before the interviews for a specific post commence, the selection panel shall confirm the selection criteria for the advertised post, based on the relevant competencies required for the advertised post.
- 7.9.6** The selection panel shall keep a written record of the interviewed candidates.
- 7.9.7** After considering all the relevant information, the selection panel shall recommend candidates in order of preference. If the recommended candidate declines an offer of employment, the next suitable candidate, where applicable, may be considered for appointment.
- 7.9.8** If it is determined that the recruitment process has not attracted suitable candidates, the post may be re-advertised.
- 7.9.9** If the post is categorised as a critical and scarce skill post, alternative recruitment methods such as executive search, head-hunting,

referrals and/ or readvertising may be considered. The details of these alternatives shall be agreed to in the Local Labour Forum and approved by Council.

7.9.10 The recommendations of the selection panel shall be determined by-

7.9.10.1 consensus; or

7.9.10.2 where the panel fails to reach consensus, the matter shall be referred to the Municipal Manager or his or her delegate for mediation or resolution.

7.9.11 If the selection panel recommends an appointment to the post, it shall submit its recommendation to the Municipal Manager or his or her delegate for approval.

7.10 Conducting proficiency tests

7.10.1 One or more relevant proficiency tests (e.g. computer skills tests, operating equipment, writing tests, technical presentations, etc.) may be required to be conducted before or after an interview is conducted.

7.10.2 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.

7.10.3 A proficiency test shall be conducted under the supervision of the selection panel.

7.11 References and personal credential verification

7.11.1 Reference checks and personal credential verification for short-listed candidates must be conducted by –

7.11.1.1 verifying the candidate's inherent requirements of the job with the current or previous employer

7.11.1.2 establishing the validity of candidate qualifications and any other verification required by the position before appointment

7.11.1.3 determining whether the candidate has been dismissed

previously for misconduct or poor performance by another municipality or employer, and, if so, the nature of that misconduct or poor performance; and

7.11.1.4 verifying any other additional personal credentials as required by the nature of the job such as criminal records, credit checks, identification document, security clearance, etc.

7.11.2 A written report on the outcome of the reference checks and personal credential verification shall be compiled before the appointment is concluded and submitted to the panel/Municipal Manager.

7.11.3 Notwithstanding clause 7.11.1.1, the absence of a previous employment record shall not disqualify a candidate for appointment to an advertised post.

7.12 Appointment

7.12.1 An applicant may be appointed as a staff member only if they –

7.12.1.1 possesses the relevant competencies as prescribed in the Municipal staff Regulations

7.12.1.2 is not disqualified in terms of the policy provisions on the re-employment of dismissed municipal staff.

7.12.2 The Municipal Manager or the staff member to whom this function is delegated (Director: Corporate Services) shall –

7.12.2.1 consider the recommendations of the selection panel; and

7.12.2.2 decide –

a. on whom to appoint; and

b. the terms and conditions of employment.

7.12.3 Before making a decision to appoint, the Municipal Manager or his/her delegate shall satisfy himself or herself that the candidate meets the relevant requirements of the post as provided in the competency framework of the Municipal Staff Regulations.

7.12.4 An appointment shall only take effect after the Municipal Manager or his or her delegate has approved the appointment.

7.12.5 The Municipal Manager or his or her delegate shall ensure that all the interviewed candidates are informed whether or not they were successful.

7.12.6 Unsuccessful candidates shall on request be provided with, or given reasons, in writing why they were not successful or appointed.

7.13 Appointment of permanent staff

Except where specifically determined in terms of this policy, appointments of staff members shall be on a permanent basis.

7.14 Appointment of support staff to offices of Mayor, Speaker and Whip

7.14.1 An applicant appointed to a post on the staff establishment in order to support the offices of the Mayor, Speaker or Whip shall either be –

7.14.1.1 seconded from a post on that Municipality's staff establishment or another Municipality's staff establishment; or

7.14.1.2 appointed on a fixed-term contract of employment.

7.14.2 The duration of the secondment or fixed-term employment contract in this regard may not be longer than one month after the Mayor, Speaker or Whip vacates office.

7.15 Appointment of temporary staff

7.15.1 Notwithstanding clause 7.13 and subject to the provisions of the Labour Relations Act, the Municipality may in exceptional circumstances and within the administrative and financial capacity appoint a person or persons on short term employment without adhering to the full provisions of this policy.

7.15.2 The Municipality may in accordance with this policy, and after satisfying reasons that there is an unforeseen temporary increase in the volume of work or need for additional capacity to perform functions, consider short term employment to complement the permanent staff under the followings circumstances:

7.15.1.1 Casual employment

- a. Casual employment may only be offered for:
 - i. relief purposes to meet special work demands; and
 - ii. seasonal work, where the work requirements may vary from day-today.
- b. A person engaged in casual employment may be employed in the Municipality on a day-to-day basis without an expressed or implied continuity.
- c. The casual employment shall terminate at the end of each day unless specified otherwise. In cases of misconduct, the Municipality can dismiss a casual worker instantly.
- d. Notwithstanding clause 7.15.1.1.c., a casual worker may be exempt from unfair dismissal access unless the casual worker:
 - i. is engaged by the Municipality on a regular and systematic basis for a sequence of periods of employment during a period of at least three months; and
 - ii. would, for purposes of dismissal, have had a reasonable expectation of continuing employment with the Municipality.
- e. Casual employment does not replace staff employed on permanent basis in the Municipality or cannot be used as a substitute for continuing or fixed term employment.

7.15.1.2 Fixed-term employment

- a. The Municipality may offer temporary employment for a period not exceeding three months only under the following conditions –
 - i. when the Municipality requires new skills to fill a vacant post to manage a new project or programme funded by an external source, which has a known fixed period
 - ii. when the Municipality is obliged to make a temporary appointment to replace a staff member who is absent from work for a period of three months or more
 - iii. when the Municipality is in a process to fill a part-time post of a staff member who works less than 24 hours per week
 - iv. when the Municipality is awaiting recruitment and selection processes to fill the post of a staff member who has reached the normal retirement age applicable to Municipalities
 - v. the fixed-term employment is for a minimum period of three months not exceeding a period of five years; and
 - vi. the post is budgeted for.

7.15.1.3 Notwithstanding clause 7.15.1.1, the Municipality may in exceptional circumstances appoint support staff to the office of the political office bearers for a period not exceeding one month after the Mayor, Speaker or Whip vacates office.

7.15.1.4 Temporary employment

- a. The Municipality shall offer temporary employment –
 - i. to replace staff members on leave or any other extended period of leave; and
 - ii. as short-term secondments; and

- iii. for temporary assistance to improve staff shortages.

7.16 Appointment of replacement labour in the event of a strike

The employment of replacement labour during a strike in terms of Section 76 of the Labour Relations Act shall be based on the main and divisional collective agreements entered in the SALGBC, and details agreed to in the Local Labour Forum.

7.17 Re-employment of dismissed municipal staff

7.17.1 A person who was dismissed from a municipality for any reason stated in the Municipal Staff Regulations may not be employed in the Municipality before the period set out, or any concurrent periods set out, has expired.

7.17.2 Notwithstanding clause 7.17.1, a person who has lodged a dispute in terms of any applicable legislation, may be appointed subject to the outcome of the dispute.

7.17.3 The Municipality shall maintain a record of staff dismissed for misconduct and staff who resigned prior to the finalisation of any disciplinary proceedings.

7.17.4 The record shall contain –

- 7.17.4.1** full names and identity number of the person
- 7.17.4.2** title of the post that the person occupied
- 7.17.4.3** nature of the misconduct
- 7.17.4.4** date of suspension, if any
- 7.17.4.5** conditions of suspension, if any
- 7.17.4.6** date on which the misconduct was referred to a disciplinary hearing or pre-dismissal arbitration
- 7.17.4.7** date of commencement of the disciplinary hearing or pre-dismissal arbitration
- 7.17.4.8** finding

- 7.17.4.9 whether a dispute was referred to the SALGBC or the Labour Court
- 7.17.4.10 costs incurred by the municipality; and
- 7.17.4.11 date of resignation or dismissal of the person.

7.18 Probation

- 7.18.1 The appointment of a person as per this policy shall be effective on a minimum probationary period of three months and a maximum probationary period of 12 months.
- 7.18.2 The probationary period shall be determined on the basis of the complexity of the job and the minimum period required to establish whether performance is satisfactory or not.
- 7.18.3 The Municipal Manager or his or her delegate shall –
 - 7.18.3.1 inform the staff member within the first two weeks of employment of that member's performance requirements
 - 7.18.3.2 ensure that the staff member completes the Municipality's induction programme; and
 - 7.18.3.3 assess the staff member's performance and provide the staff member with feedback on a quarterly basis on that member's performance.
- 7.18.4 If a staff member's performance is not satisfactory, the Municipal Manager or his or her delegate shall advise the staff member of any aspects that the staff member is considered to be failing to meet the required performance standards.

7.18.5 If the Municipal Manager or his or her delegate believes that the staff member's performance does not meet the required standards, he or she may extend the probationary period or dismiss the staff member, provided that –

7.18.5.1 the staff member shall first be given a reasonable period of time for assessment, training, guidance or counselling; and

7.18.5.2 the staff member's performance continues to be unsatisfactory after a reasonable period has been given to the staff member to improve his or her performance.

7.18.6 Notwithstanding clause 7.18.5, the Municipal Manager or his or her delegate may extend the probationary period by a period not exceeding six months, in order to afford the Municipality an opportunity to further assess the staff member's performance.

7.18.7 Within one month after the completion of the probationary period, the Municipal Manager or his or her delegate shall –

7.18.7.1 confirm the appointment if –

- a. the staff member's performance during the probationary period was satisfactory; and
- b. the staff member complied with all the conditions of the probationary appointment.

7.18.7.2 subject to the Labour Relations Act, terminate the appointment if –

- a. the staff member's performance was not satisfactory during the probationary period; and
- b. the staff member did not comply with all the conditions of the probationary appointment.

7.19 Induction

7.19.1 All new Municipal staff members shall attend a standardised induction programme within a month of commencing employment.

7.19.2 Induction programmes shall result in new staff members having a clear understanding of the operations of the Municipality, as well as its structure, strategy, objectives and culture.

7.19.3 The Municipality shall use induction programme to:

- 7.19.3.1** welcome new employees in a constructive way that projects a positive image of the Municipality
- 7.19.3.2** introduce the staff member to the working environment and his or her colleagues
- 7.19.3.3** facilitate integration into the job functions, the department, team and the Municipality as a whole
- 7.19.3.4** provide the new staff member with comprehensive information about the Municipality's policies, health and safety requirements, procedures, facilities, and services
- 7.19.3.5** highlight and introduce performance standards, expectations and required behaviour patterns for effective job performance
- 7.19.3.6** establish a solid foundation for the staff member to embrace the challenges of the post and to build commitment to the Municipality; and
- 7.19.3.7** open effective communication channels.

7.20 Roles and responsibilities

The Municipal Manager or his / her delegated assignee(s) accept overall responsibility for the implementation and monitoring of the policy. The financial implications related to implementing this policy shall be qualified and quantified by the Human Resource Unit, in consultation with the Chief Financial Officer (CFO).

8. POLICY MONITORING AND EVALUATION

- 8.1** This policy shall be implemented and effective once recommended by the Local Labour Forum and approved by Council.

8.2 Non-compliance to the stipulations contained in this policy shall be regarded as misconduct, which shall be dealt with in terms of the Code of Conduct.

8.3 Head of Corporate Services shall carry out the monitoring and evaluation of the policy's implementation.

Signature: _____ Date: _____

Approved by Municipal Council:

Signature: _____ Date: _____

NDLAMBE LOCAL MUNICIPALITY



PROMOTION, TRANSFER, SECONDMENT, AND ACTING APPOINTMENT POLICY

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1. PREAMBLE

The Municipality views the promotion, transfer, and secondment of employees as an important human resource tool to improve performance and to attain employee satisfaction. In addition, allowing employees to act in higher positions also maintains service delivery while exposing employees to skill enhancement.

2. PURPOSE

- 2.1** To ensure that employees are promoted, seconded and transferred appropriately and in line with operational requirements of the Municipality.
- 2.2** To ensure promotion of employees for higher positions and salary levels in line with the Municipality's strategies of succession planning, career management, staff retention, performance enhancement, and employment equity.
- 2.3** To ensure that promotion is based on knowledge of the job, abilities, skills, aptitude, experience, performance, and the evaluation of the incumbent's post.
- 2.4** To regulate the secondment or temporary assignment of employees to and across the Municipality's offices, sections, operating areas, and subsidiaries in line with the operational requirements, ill-health, or to fill vacancies.
- 2.5** To regulate the transfer of employees to and across the Municipality's offices, sections, operating areas, and subsidiaries in line with the operational requirements, ill-health, or to fill vacancies.
- 2.6** To provide management with a standard framework for allowing employees to act in higher positions
- 2.7** To provide management with a standard framework for paying an acting allowance to employees acting in higher positions

3. SCOPE

This policy applies to all employees of the Municipality.

4. LEGISLATIVE AND POLICY FRAMEWORK

- Constitution of the Republic of South Africa Act 108 of 1996
- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998

- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014
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- Local Government: Guidelines for the Implementation of the Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Basic Conditions of Employment Act 75 of 1997

5. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation, or as defined and / or explained in the Glossary of the Human Resources Policies Manual.

6. PROBLEM STATEMENT

In some instances staff are not compatible in their original placement therefore movement is necessary for operational efficiency.

7. POLICY PROVISIONS

7.1 Promotion

7.1.1 Promotion in the Municipality shall happen in two ways:

7.1.1.1 Notch progression within the same post grading on the criteria set out in the remuneration policy, or by resolution of the Municipal Council

7.1.1.2 Upgrading of the post the staff member occupies through job evaluation

7.1.1.3 Appointment to a post in the Municipality that is higher than the one the staff member previously occupied

7.1.2 The promoted staff member shall not forfeit his or her years of service and the benefits that accrue from those years of service.

7.2 Transfers

7.2.1 The Municipality may transfer any staff member in its service to any equivalent post in the Municipality or, subject to Section 197 of the Labour Relations Act, to an equivalent post in another municipality.

7.2.2 A staff member shall only be transferred –

7.2.2.1 if the staff member requests or consents, in writing, to the transfer;
or

7.2.2.2 in the absence of consent, if the transfer is fair taking into consideration-

- a.** the operational requirements of the affected institutions, including whether the transfer of the staff member would address such requirements
- b.** written representations from the staff member prior to the proposed transfer; and
- c.** the extent to which the interests and circumstances of the staff member may be fairly accommodated.

7.2.3 The salary and other conditions of service of a staff member shall not be adversely affected by a transfer without the consent in writing of that staff member.

7.2.4 A staff member shall not be transferred to a position at a level which is lower than the staff member's current post level.

7.2.5 The Municipal Manager shall consider all expenses associated with the transfer envisaged and approve or decline the request on his / her sole discretion.

7.2.6 The Letter of Transfer shall state all conditions of the transfer, including expenses that the Municipality shall cover.

7.3 Secondment of Municipal staff to another municipality

7.3.1 The Municipality may second a staff member with the relevant competencies to act in a post that is vacant in another municipality.

7.3.2 The Municipality shall conclude a written agreement regarding the secondment with the staff member, and another municipality where the staff member is being seconded to, that specifies –

7.3.2.1 the party responsible for the costs of secondment

7.3.2.2 the duration of the secondment, which shall not in each case exceed a period of twelve months

7.3.2.3 the person to whom the seconded staff member shall report to

7.3.2.4 the place at which the seconded staff member shall work; and

7.3.2.5 the new job description of the seconded staff member.

7.3.3 The employee on secondment shall return to their substantive position after the secondment, on the same conditions of service, irrespective of the level at which they operated during the secondment.

7.4 Secondment of other government employees to the Municipality

7.4.1 The Municipality may request national or provincial government, another municipality or any employer as they case may be, to second a person with the relevant competencies to act in a vacant post for a specified period or until such time that a suitable candidate has been appointed.

7.4.2 The Municipality shall conclude a written agreement regarding the secondment with the national or provincial government, another municipality or any employer as they case may be, and the employee to be seconded, that specifies –

7.4.2.1 the party responsible for the costs of secondment

7.4.2.2 the duration of the secondment, which shall not in each case exceed a period of twelve months

7.4.2.3 the person to whom the seconded staff member shall report to

7.4.2.4 the place at which the seconded staff member shall work; and

7.4.2.5 the new job description of the seconded staff member.

7.4.3 The Municipality shall inform the MEC responsible for local government of any such secondment and the terms and conditions associated with that secondment.

7.5 Acting appointment

7.5.1 An acting appointment may be made to a funded post in order to ensure that the disruption of services is minimised.

7.5.2 Unless indicated otherwise in the appointment to the acting post, a staff member of the Municipality who is acting in a higher post shall continue to perform the duties of the post that the staff member ordinarily occupies during the acting period.

7.5.3 A person acting in a higher post has no right or expectation to be appointed to that post.

7.5.4 A staff member may only act in a post that is equivalent to or one grade higher than the post that the staff member ordinarily occupies.

7.5.5 The appointment to act in a post shall be –

7.5.5.1 with the consent of the staff member

7.5.5.2 in writing; and

7.5.5.3 authorised by the Municipal Manager or the person to whom this function is delegated.

7.5.6 The staff member appointed to act in a post shall have the requisite competencies to be able to perform the duties associated with the post.

7.5.7 In selecting a person to act in a post, the following shall be considered –

7.5.7.1 the relevant requirements of the post and that person's performance

7.5.7.2 the Municipality's developmental needs; and

7.5.7.3 the Municipality's employment equity policy and plan.

7.5.8 A person may only be appointed in an acting position for a period not exceeding three months. The Municipal Manager may extend the acting period for a further period of three months, if there is a justifiable reason to do so. Any further extensions made by the Municipal manager shall not exceed a period of one year.

7.5.9 The leave status of the acting employee shall remain unchanged, though they shall not be allowed to take leave of absence unless:

7.5.9.1 it is an unplanned leave (e.g. sick leave); or

7.5.9.2 acting in a post where the permanent incumbent is on extended leave

7.5.10 The acting employee shall be informed about his or her performance during the acting period in line with the Performance Management Policy.

7.6 Roles and responsibilities

The Municipal Manager or his / her delegated assignee(s) accept overall responsibility for the implementation and monitoring of the policy. The financial implications related to implementing this policy shall be qualified and quantified by Human Resource Management Unit.

8. POLICY MONITORING AND EVALUATION

- 8.1** This policy shall be implemented and effective once recommended by the Local Labour Forum and approved by Council.
- 8.2** Non-compliance to the stipulations contained in this policy shall be regarded as misconduct, which shall be dealt with in terms of the Code of Conduct.
- 8.3** Head of Corporate Services shall carry out the monitoring and evaluation of the policy's implementation.

9. POLICY APPROVAL

Formulated by HR Management: Signature: _____ Date: _____

Consulted with Local Labour Forum: *Management Representative*: Signature: _____

_____ Date: _____

NDLAMBE MUNICIPALITY

CORPORATE SERVICES



INTERNAL BURSARY POLICY

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1. PREAMBLE

The Municipality strives to secure adequately qualified personnel for its services by providing financial assistance to employees to enable them to qualify themselves educationally and to enhance their levels of competence to perform the duties assigned to them.

2. PURPOSE

2.1 To encourage career development of employees through further education.

2.2 To encourage self-development activities that also benefit the Municipality.

2.3 To provide financial assistance to employees who wish to improve their qualifications.

3. SCOPE

This policy applies to all employees of the Municipality. The bursary scheme does not apply to full time study or overseas study leave.

4. LEGISLATIVE AND POLICY FRAMEWORK

- Constitution of the Republic of South Africa Act 108 of 1996
- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014
- Local Government: Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Local Government: Guidelines for the Implementation of the Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Municipal Finance Management Act 56 of 2003
- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Skills Development Act 97 of 1998
- Occupational Health and Safety Act 85 of 1993
- Skills Development Levies Act, No. 9 of 1999
- National Qualifications Framework
- South African Local Government Bargaining Council: Collective Agreements

shall be made at least fifteen (15) working days prior to the closing date of such application at the educational institution.

- 7.2.4** Application for payments shall be aligned with the approved study plan, and if not, a revised study plan motivation shall accompany the request that shall be considered by the Head of Corporate Services and payment shall only be done if the revised study plan is approved.

7.3 Applicable courses

- 7.3.1** The course shall be relevant to the service of the Municipality and in line with the employee's official duties.
- 7.3.2** The NQF level of the course shall be higher than the employee's already obtained qualifications.
- 7.3.3** General courses, such as management, project management shall only be approved for employees in management positions.
- 7.3.4** Short courses of one year and less shall only be approved if the cost of the course is such that it can be worked back in a period of two (2) years.
- 7.3.5** Only studies/courses which are accredited by the SAQA and/or the LGSETA and which carry NQF credits may be approved.
- 7.3.6** Notwithstanding the above, the Municipal Manager may consider and approve any specific application without setting a precedent if the:
- 7.3.6.1** employee's obtaining of qualification is in the interest of the Municipality
 - 7.3.6.2** course is beneficial to the Municipality, and upon written motivation the Municipal Manger is convinced that the course is in line with the employee's career planning and service delivery.
- 7.3.7** Bursaries may not be granted for courses which the official has already passed.

7.4 Approval of bursary

- 7.4.1** The Head of Corporate Services shall consider the application, taking into account the following:
- 7.4.1.1** Relevance of the course to the service of the Municipality.
 - 7.4.1.2** Eligibility of the official to be granted a bursary.

7.4.1.3 Availability of funds, considering the cost of the course over the intended study period.

7.4.1.4 When funds are limited, consider:

- a. Needs of the Municipality
- b. Needs of local government sector, and the cost of courses to get the maximum number of employees to further their education.
- c. Possible granting of part bursaries where the official can be liable for the payment of part of the cost, especially in cases where employees are guaranteed promotional positions upon the attainment of a specific qualification.

7.4.2 An employee shall be granted only one active bursary at a time except in cases where courses are sequential, i.e. undergraduate degree, Honours, Masters, Doctorate, or certificate, diploma, National Diploma, and so on.

7.4.3 Upon approval of the bursary the employee shall enter written agreement with the Municipality.

7.5 Contractual Obligations

7.5.1 The Head of Corporate Services may cancel the bursary if:

7.5.1.1 the employee's study progress is not satisfactory as measured against the approved study plan.

7.5.1.2 the employee failed more than 50% of the courses / subjects entered for in a particular study period.

7.5.1.3 the employee does not submit results in terms the bursary conditions.

7.5.1.4 the employee failed to enrol for courses / subjects during a study year irrespective of whether the employee or Municipality pays.

7.5.1.5 the employee fails to comply with any obligation under the bursary agreement.

7.5.1.6 it is found that the bursary application was approved on the grounds of incorrect information furnished by the employee.

7.5.2 The employee shall, within two (2) months after the examination results are available, furnish the Municipality with such results. If the employee fails to comply with the above, the Head of Corporate

Services may cancel the bursary, or further advances shall be held back until compliance is achieved.

- 7.5.3** Should an employee at any time suspend or abandon his / her studies for the approved qualification, or be refused permission by the educational institution or examining authority to continue his / her studies, or not pass any qualifying course of study during two (2) consecutive years, he / she shall be obliged, from a date fixed by the Municipal Manager to repay the Municipality the full amount of the financial assistance given to him / her, inclusive of study leave, in terms of the Scheme plus interest thereon, calculated at prime interest rate plus 1%.
- 7.5.4** Where an employee has been granted leave on full pay he / she may, at his / her option, be permitted to have his / her accumulated annual leave reduced by an equivalent number of days taken as study leave provided that such action is not in conflict with the Leave Policy.
- 7.5.5** In the event of an employee retiring, resigning or being dismissed from the Municipality's service before having obtained the qualification in respect of which he / she was granted financial assistance in terms of the Scheme, he / she shall repay to the Municipality the total financial assistance paid by the Municipality plus interest thereon, calculated at prime interest rate plus 1%.
- 7.5.6** The time frame within which an employee can complete a qualification ranges from three to more years. The employee shall be under an obligation to pay back all financial assistance over the period that he / she studied if the employee wants to resign, etc. An employee has to remain in the service of the Municipality for an equivalent of time proportional to subjects done or year of study completed.
- 7.5.7** For block release courses, an employee shall, whether or not he/she obtains the qualification concerned, serve the Municipality for two years in respect of each year in which study leave was given.
- 7.5.8** Service obligation shall not be condoned on a *pro rata* basis. Therefore, unless the employee remains in the service of the Municipality until the expiry date of his / her service obligation he / she shall remain liable for the full settlement of the financial assistance received in terms of the Scheme.
- 7.5.9** The employee shall cede to the Municipality his / her rights, title and interest in and to all amounts due to the employee by the Municipality and the Retirement Fund to which the employee contributed during his / her employment with the Municipality, both future and present, as security for the indebtedness of the employee to the Municipality arising out of the obligation created by this agreement.

- 7.5.10** The cession referred to in the policy shall endure and be of force and effect until the liability of the employee to the Municipality has been paid by the employee to the Municipality or otherwise discharged.
- 7.5.11** The certificate signed by the CFO certifying the amount due by the employee to the Municipality shall be *prima facie* proof of the amount due and payable by the employee to the Municipality.
- 7.5.12** If an employee is unable to pay the Municipality the full amount owing to the Municipality in terms of the Scheme, the CFO shall, in consultation with the employee, make suitable alternative arrangements to facilitate full settlement of the amount owing to the Municipality, provided that such arrangement shall not extend beyond one year from the date on which the employee originally became liable for the full settlement of his / her debt in terms of the Scheme.

7.6 Study Leave

An employee who is a part-time or distance learning student and who is studying for an approved qualification, shall be granted examination and study leave in terms of the leave policy.

7.7 Applications

- 7.7.1** Employees wishing to apply for financial assistance shall do so on prescribed forms, and on guidelines prescribed by the HRM Unit from time to time.
- 7.7.2** Continued financial assistance shall depend on submission of results, and on meeting other requirements of the Scheme or conditions set by the Municipal Manager and / or skills development committee.

7.8 Roles and responsibilities

- 7.8.1** The Municipal Manager or his / her delegated assignee(s) accept overall responsibility for the implementation and monitoring of the policy. Furthermore, the Municipal Manager shall:
- 7.8.1.1** Approve qualifications and their priority for inclusion in the Scheme, or delete those which are no longer appropriate.
- 7.8.1.2** Determine, with help of the CFO, the amount of and conditions governing financial assistance for approved qualifications as deemed necessary to give effect to the principles of the scheme and to safeguard the interests of the Municipality.
- 7.8.1.3** Approve the continuation, extension, variation or termination of facilities to individual students on conditions laid down in the Scheme.

7.8.1.4 Determine institutions at which students may pursue approved qualification.

7.8.1.5 In conjunction with the CFO, determine method and terms under which money owing to the Municipality for financial assistance in terms of the scheme shall be repaid.

7.8.1.6 Adopt whatever actions are deemed necessary to address any anomalous situation which is not specifically addressed by the Scheme.

7.8.1.7 Continuously monitor the effectiveness of the Scheme and submit recommendations to the Council for any required amendments to the Scheme to match changing or anomalous circumstances.

7.8.2 The financial implications related to implementing this policy shall be qualified and quantified by Human Resource Management Unit

8. POLICY MONITORING AND EVALUATION

8.1 This policy shall be implemented and effective once recommended by the Local Labour Forum and approved by Council.

8.2 Non-compliance to the stipulations contained in this policy shall be regarded as misconduct, which shall be dealt with in terms of the Code of Conduct.

8.3 Head of Corporate Services shall carry out the monitoring and evaluation of the policy's implementation.

9. POLICY APPROVAL

Formulated by HR Management:

Date: _____

Consulted with Local Labour Forum:

Signature: _____

NDLAMBE MUNICIPALITY CORPORATE SERVICES



LEAVE POLICY

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1. PREAMBLE

The Municipality abides by legislation and collective agreements to grant leave to all employees and subject to the requirements of each type of leave.

2. PURPOSE

The purpose of this policy is to provide all employees with the requirements for application for various types of leave available to them, and the management thereof.

3. SCOPE

The policy is applicable to all employees of the Municipality, except temporary employees who work less than 24 (twenty-four) hours a month.

4. LEGISLATIVE AND POLICY FRAMEWORK

- Constitution of the Republic of South Africa Act 108 of 1996
- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014
- Local Government: Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Local Government: Guidelines for the Implementation of the Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- South African Local Government Bargaining Council: Collective Agreements

5. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation, or as defined and / or explained in the Glossary of the Human Resources Policies Manual.

6. PROBLEM STATEMENT

Leave is equitable to hard cash therefore must be monitored with precision to avoid any deviation

7. POLICY PROVISIONS

7.1 Annual Leave

7.1.1 Calculation of Annual Leave

7.1.1.1 The Municipality shall grant an employee the following annual leave in a leave cycle:

- a.** Twenty-four (24) working days for a five (5) day worker, provided that the leave for an employee that works less than a five (5) day week shall be calculated on a pro rata basis.
- b.** Twenty-seven (27) working days for a six (6) day worker.

7.1.1.2 An employee shall take leave not later than six (6) months after the end of the annual leave cycle.

7.1.1.3 An employee is required to take leave within each leave cycle as follows:

- a.** A five (5) day worker shall take a minimum of sixteen (16) working days leave.
- b.** A six (6) day worker shall take a minimum of nineteen (19) working days leave.

7.1.1.4 Annual leave shall only be accumulated to a maximum of forty-eight (48) working days.

7.1.1.5 Any leave in excess of forty-eight (48) working days may not be encashed should the employee be unable to take such leave, despite applying and because the Municipality refused to grant him / her such leave, as a result of the Municipality's operational requirements.

7.1.1.6 If, despite being afforded an opportunity to take leave an employee fails, refuses or neglects to take the remaining leave due to him / her during this period, such remaining leave shall fall away.

7.1.1.7 At the end of a leave cycle, an employee may not have more than forty-eight (48) days annual leave to his / her credit.

7.1.1.8 In the event of the termination of service, an employee shall be paid his / her leave entitlement calculated in terms of the relevant provisions of the BCEA, as amended and not exceeding 48 days.

7.1.2 Application for leave

7.1.2.1 Application for leave shall be made on the prescribed form and / or system and approved by the Head of Department on the recommendation of the applicant's supervisor, before the employee may go on leave.

7.1.2.2 Annual leave shall be recorded in the annual leave register and may not be taken in advance. Any leave taken prior to approval and recording as prescribed shall be treated as unpaid leave.

7.1.2.3 All leave of absence due, granted and taken shall be recorded in a leave register at the HRM Unit and an employee's leave record shall be available for inspection by him / her during office hours.

7.1.2.4 Application must be made in advance equal to the period of Annual Leave to be taken.

7.1.2.5 Subject to consultation with the employee, the Municipality may change or withdraw annual leave already granted.

7.1.2.6 If an employee becomes ill during annual leave, paid sick leave shall be granted in lieu of annual leave in accordance with the normal sick leave policy on submission of satisfactory proof.

7.1.2.7 Annual leave can be taken at any time during the year, provided approval is given by management.

7.1.3 Unpaid Leave

The Municipality shall grant an employee unpaid leave to a maximum equivalent to the annual leave allocation subject to the following:

7.1.3.1 Application shall be made in advance equal to the period of leave without salary to be taken.

7.1.3.2 Subject to consultation with the employee, the Municipality may change unpaid leave already granted.

7.2 Sick Leave

7.2.1 Determination of Sick leave

7.2.1.1 The Municipality shall grant an employee eighty (80) days sick leave in a three (3) year leave cycle, provided that new appointments / employees may not take more than thirty (30) days sick leave in the first year of employment

7.2.1.2 If more than two (2) consecutive days are taken as sick leave, the employee shall be required to submit a medical certificate from a registered medical practitioner, or any other person who is certified to diagnose and treat patients, and who is registered with a professions council established by an Act of Parliament: Provided that the Municipality may request a sick leave certificate for every day of sick leave where there is evidence of abuse of sick leave.

7.2.1.3 The Municipality is not required to pay the employee if absent on more than two (2) occasions during an eight- (8) week period, and on request by the Municipality, does not produce 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.

7.2.1.4 Additional sick leave

An employee is entitled to a further sixty (60) working days which is 30 day on full pay and 30 days on half pay per sick leave cycle.

7.2.1.5 Sick leave without pay

- a.** An employee to whom the maximum period of full and half pay sick leave has been granted, may be granted sick leave without pay for not more than two hundred and fifty (250) working days in any cycle if the Municipality is satisfied that such an employee is not permanently incapacitated to resume his / her duties, provided where sick leave without pay exceeds forty (40) consecutive days,

the employee must be examined by a registered medical practitioner or registered traditional healer appointed by the Municipality. The cost of such examination shall be borne by the Municipality.

- b. An employee to whom the maximum period of full and half pay sick leave, and leave in terms of above clause has been exhausted, and the employee has applied for medical boarding, the Municipality shall grant such an employee additional forty (40) sick leave days without pay, and the employee shall be examined by a registered medical practitioner or registered traditional healer appointed by the Municipality. The cost of such examination shall be borne by the Municipality.

7.2.1.6 Special sick leave for injury on duty cases and occupational diseases

- a. An employee who is absent from work owing to injury arising out of his / her duties and occurring in the course thereof or owing to an illness contracted in the course of and as a result of his / her duties shall be granted special sick leave on full pay for the period during which he / she is unfit to perform his / her duties.
- b. If the case falls within the ambit of the Compensation for Occupational Injuries and Diseases Act (COIDA), the amount payable to him / her in terms of the Act by means of periodic payments of his / her monthly earnings, shall be paid over to the Municipality, provided that Municipality has already advanced the amounts to the employee.
- c. Special sick leave may only be granted if the Municipality was notified of an accident or disease as required in terms of COIDA and that a medical certificate from a registered professional is submitted to the Municipality

7.2.2 Granting sick leave

- 7.2.2.1 Sick leave shall be granted only in connection with an employee's absence from duty owing to illness, indisposition, or injury.

7.2.2.2 In the case of nervous disorders, insomnia, debility or a similar less well-defined illness or indisposition, sick leave shall be granted only if the Municipality is reasonably satisfied that the employee's state of health

- a. renders him / her unfit for work, and
- b. does not arise from failure to make use of vacation leave.

7.2.2.3 The Municipality may at any time require an employee to submit him / herself to an examination by a registered health professional appointed by the Municipality, and the cost of such examination shall be borne by the Municipality.

7.2.2.4 The Municipality may, on the recommendation of a registered health professional or traditional healer, compel an employee who, in the Municipality's opinion, is so indisposed that he / she cannot perform his / her duties properly, to take sick leave.

7.3 Maternity Leave

7.3.1 An employee, including an employee adopting a child under three (3) months, shall be entitled to receive four (4) months paid maternity leave, with no limit to the number of confinements or adoptions. This leave provision shall also apply to an employee whose child is still-born. (Subject to the SALGBC being amended)

7.3.2 To qualify for paid maternity leave, an employee must have one (1) year of service with the Municipality. Employees with less than one (1) years' service shall qualify for one (1) month's fully paid maternity leave and three (3) months unpaid maternity leave.

7.3.3 An employee may commence maternity leave any time from four weeks before the expected date of birth, unless otherwise agreed. Alternatively, an employee may commence with maternity leave from a date which a medical doctor or midwife certifies it is necessary for the employee's health and/or that of her unborn baby.

7.3.4 The application for maternity leave shall be accompanied by a certificate from the doctor, which states the expected date of confinement, or evidence of legal adoption of a child.

- 7.3.5** Maternity leave is to be taken consecutively and may in normal circumstances not be split and taken on an *ad hoc* basis.
- 7.3.6** An employee may apply to supplement maternity leave with annual leave. Approval of annual leave in these circumstances is, as with any other application for annual leave, at the sole and entire discretion of the line manager or Municipal Manager and shall be dependent on the operational needs of the Municipality. No negative leave may be applied for to supplement maternity leave.
- 7.3.7** Unpaid leave over and above maternity leave and annual leave to supplement maternity leave may be granted. Such approval is at the discretion of the employer and shall be subject to the needs of the Municipality. Any such unpaid leave may not exceed two (2) months.
- 7.3.8** It is expected that any employee who learns of her pregnancy or confirmation of adoption shall advise the employer as soon as possible. The purpose of this is to facilitate planning, both for the period of absence as well as the employee's return to work.
- 7.3.9** Employees shall submit supporting documentation prior to commencing maternity leave either by way of a medical certificate confirming the expected date of birth or documentation from the relevant authorities confirming the adoption of a child.
- 7.3.10** No employee may work for six weeks after the birth of her child, unless a medical doctor or midwife certifies that she is fit to do so.
- 7.3.11** An employee who has a miscarriage during the third trimester of pregnancy, or bears a stillborn child, is entitled to maternity leave for six weeks after the miscarriage or stillbirth, even if the employee has not yet proceeded on maternity leave.
- 7.3.12** All employees proceeding on maternity leave shall be offered their original position upon return, unless they are consulted on alternatives prior to or during the course of maternity leave, and such alternatives have been accepted.
- 7.3.13** Absence from work for the purposes of maternity leave shall count towards qualifying years of service with the Municipality (e.g. long service awards) regardless of whether this absence is unpaid, part-paid or fully paid.

7.3.14 Any incentive payable at the discretion of the Municipality, for which an employee may qualify in terms of the applicable criteria, may be pro-rated in view of the extended temporary absence from work whilst on maternity leave.

7.3.15 Employees on maternity leave shall remain eligible for increases and promotions in the normal course.

7.4 Parental leave

7.4.1 An employee who is a parent of a child is entitled to at least ten (10) consecutive days' parental leave. An employee may commence parental leave on the day that the employee's child is born, or the date that:

7.4.1.1 the adoption order is granted; or

7.4.1.2a a child is placed in the care of a prospective adoptive parent by a competent court, pending the finalisation of an adoption order in respect of that child.

7.4.2 An employee shall notify the Municipality in writing of the dates on which the employee intends to commence parental leave, and return to work, after parental leave. Notification shall be given at least one month before the employee's child is expected to be born, or the date of adoption order, or date the child is placed in the care of a prospective adoptive parent by a competent court pending the finalisation of an adoption order. A Parental leave shall be completed

7.4.3 The Municipality is not required to pay the employee during the parental leave, but the employee may qualify for benefits under the Unemployment Insurance Act 63 of 2001, as is the case with maternity leave.

7.5 Adoption leave

7.5.1 An employee who is an adoptive parent of a child who is below the age of two, is entitled to an adoption leave of at least ten (10) consecutive weeks, or the parental leave under 7.4 above. If there are two adoptive parents, one should chose adoption leave, and the other parental leave. An employee may commence adoption leave on the day that:

7.5.1.1 the adoption order is granted; or

7.5.1.2 a child is placed in the care of a prospective adoptive parent by a competent court, pending the finalisation of an adoption order in respect of that child.

7.5.2 An employee shall notify the Municipality in writing of the dates on which the employee intends to commence adoption leave, and return to work, after adoption leave. Notification shall be given at least one month before the date of adoption order, or date the child is placed in the care of a prospective adoptive parent by a competent court pending the finalisation of an adoption order. An Adopting leave shall be completed

7.5.3 The Municipality is not required to pay the employee during the adoption leave, but the employee may qualify for benefits under the Unemployment Insurance Act 63 of 2001, as is the case with maternity leave.

7.6 Commissioning parental leave

7.6.1 An employee who is a commissioning parent in a surrogate motherhood agreement is entitled to a commissioning parental leave of at least ten (10) consecutive weeks, or the parental leave under 7.4 above. If there are two commissioning parents, one should choose commissioning parental leave, and the other parental leave.

7.6.2 An employee may commence parental leave on the day that the employee's child is born as a result of the surrogate motherhood agreement.

7.6.3 An employee shall notify the Municipality in writing of the dates on which the employee intends to commence commissioning parental leave, and return to work, after commissioning parental leave. Notification shall be given at least one month before the employee's child is expected to be born as a result of surrogate motherhood agreement.

7.6.4 The Municipality is not required to pay the employee during the commissioning parental leave, but the employee may qualify for benefits under the Unemployment Insurance Act 63 of 2001, as is the case with maternity leave.

7.7 Family responsibility leave

Municipality shall grant an employee during each annual leave cycle at the request of an employee, a total of five (5) days paid leave, which the employee is entitled to take, either when:

7.7.1 The employee's child is sick

7.7.2 The employee's spouse or life partner is sick

7.7.3 In the event of death of the employee's spouse or life partner, the employee's parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling

7.8 Special leave for study and examination purposes

7.8.1 Leave for examination purposes

7.8.1.1 Special leave may be granted to an employee for the working day on which he / she sits for an examination.

7.8.1.2 The examination should be prescribed by an educational institution in order to qualify for a formal qualification.

7.8.1.3 Two (2) working days special leave for every paper / examination for which an employee sits for an examination shall be granted to enable him / her to prepare for the examination.

7.8.1.4 The examination roster shall be included with the submission of the study leave application.

7.8.1.5 Results of the examination shall be submitted to the Human Resources Office as soon as they are available, and not later than three (3) months after the examination was written.

7.8.1.6 In cases where examinations were not written, the examination and study leave shall revert to annual leave unless a medical certificate is provided, in which case sick leave may be granted.

7.8.1.7 In case where the employee fails the examination and has to sit for a re-examination, the above provisions may apply again, once only.

7.8.2 Additional leave for Post Graduate Studies

Special leave for a dissertation or thesis shall be granted with full pay to a maximum of five (5) working days in a year, per qualification.

7.8.3 Attending of classes during working hours

7.8.3.1 An employee who studies part time or through correspondence in a field applicable to the Municipality and who, as a result of his / her studies is required to be absent from work shall be granted vacation leave and special leave on a 50:50 basis for the time he / she is released from duty, subject to the requirements of the department.

7.8.3.2 If no leave to his / her credit, unpaid vacation leave shall be granted.

7.9 Special leave for ad hoc instances

Special leave with a maximum of ten (10) days on full pay per annum may be granted to an employee when the employee:

7.9.1 performs police duties in terms of the South African Police Act 68 of 1995, after the Municipality has given permission that the employee may become a member of the reserve police force.

7.9.2 partake in a recognised sport activity at provincial and higher level, in which case the special leave with full pay shall not exceed three (3) working days per event and these three (3) working days may include travelling time.

7.9.3 has been arrested or is to appear in court on a criminal charge and is later acquitted or the charge is withdrawn.

7.9.4 gives evidence in a court case after a summons were served on the employee.

7.9.5 attends a meeting or conference approved by the Municipality.

7.9.6 participate in trade union activities as a shop steward in terms of the Recognition Agreement.

7.10 Additional Leave Conditions

- 7.10.1** No employee shall take leave whilst serving a notice period following the tendering of a resignation. Any such leave of absence shall be recovered as leave without pay from portion of pay due to the employee as a result of termination of service.
- 7.10.2** The Municipal Manager and Heads of Department shall use their discretion to ensure that the Municipality remains operational during any mass leave periods, by ensuring an equitable granting of leave during the most-preferred periods of the year.
- 7.10.3** In all cases, and especially in the most critical functional areas of the Municipality, application of leave by an employee and the granting of leave by any manager shall at all times be made against the necessary arrangements made to ensure continuity of the work during leave.

7.11 Long service leave bonus

7.11.1 An employee shall qualify for long service leave (bonus) as recognition for continuous service at the Municipality, additional to normal leave. The long service leave / bonus shall apply as follows:

7.11.1.1	After 5 years' service	-	5 working days
7.11.1.2	After 10 years' service	-	10 working days
7.11.1.3	After 15 years' service	-	15 working days
7.11.1.4	After 20 years' service	-	15 working days
7.11.1.5	After 25 years' service	-	15 working days
7.11.1.6	After 30 years' service	-	15 working days
7.11.1.7	After 35 years' service	-	15 working days
7.11.1.8	After 40 years' service	-	15 working days
7.11.1.9	After 45 years' service	-	15 working days

7.11.2 An employee may choose to utilise the leave as annual leave within any days as long as the employee is in the service of the Municipality and the days must not be encashed in any circumstances.

7.12 Roles and responsibilities

7.12.1 The Municipal Manager or his / her delegated assignee(s) accept overall responsibility for the implementation and monitoring of the policy.

7.12.2 The financial implications related to implementing this policy shall be

qualified and quantified by Human Resource Management in consultation with the Chief Financial Officer.

8. POLICY MONITORING AND EVALUATION

8.1 This policy shall be implemented and effective once recommended by the Local Labour Forum and approved by Council.

8.2 Non-compliance to the stipulations contained in this policy shall be regarded as misconduct, which shall be dealt with in terms of the Code of Conduct.

8.3 Head of Corporate Services shall carry out the monitoring and evaluation of the policy's implementation.

9. POLICY APPROVAL

Formulated by HR Management: Signature: _____ Date: _____

Consulted with Local Labour Forum: *Management Representative*: Signature: _____

_____ Date: _____

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1. PREAMBLE

The Municipality views the termination of service as a necessary management tool on the one hand, and as an inevitable process of employment contract on the other hand. The Municipality would strive to apply termination of service in accordance with the circumstances of the employment contract, and the applicable legislation.

2. PURPOSE

- 2.1** To provide framework for all instances for termination of service within the Municipality.
- 2.2** To ensure that employees' services are terminated appropriately and in line with the best practices and legislation within the Municipality.
- 2.3** To regulate the termination of services of employees across the Municipality's offices, sections, operating areas in line with the applicable reasons for termination of service.

3. SCOPE AND APPLICATION

This policy applies to all employees of the Municipality except Section 56 Senior Managers.

4. LEGISLATIVE AND POLICY FRAMEWORK

- Constitution of the Republic of South Africa Act 108 of 1996
- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014
- Local Government: Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Local Government: Guidelines for the Implementation of the Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Basic Conditions of Employment Act 75 of 1997
- Occupational Health and Safety Act 85 of 1993
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- South African Local Government Bargaining Council (SALGBC): Collective Agreements

5. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation, or as defined and / or explained in the Glossary of the Human Resources Policies Manual.

6. PROBLEM STATEMENT

Termination should be a process that will not lead to constructive dismissal.

7. POLICY PROVISIONS

7.1 *Voluntary Resignation*

7.1.1 An employee may resign from the service of Municipality with or without stating any reason.

7.1.2 A permanent employee shall give at least thirty (30) days' written notice of resignation.

7.1.3 The Municipal Manager may approve other periods of notice of resignation in exceptional cases.

7.2 *Termination by Mutual Agreement*

7.2.1 An employee's services may be terminated by mutual agreement between the employee and the Municipality.

7.2.2 The employee and the Municipal Manager may agree on the period of notice.

7.3 *Termination on Completion of Project or Condition of Employment*

7.3.1 An employee's services may be terminated on completion of a project where the employee was appointed as a temporary employee in terms of the limited duration of the project and / or employment agreement, or in fulfilment of a written stipulation in the conditions of employment.

7.3.2 The notice period is not applicable in this instance.

7.4 *Retirement at Normal Retirement Age*

An employee shall retire on pension at the end of the month in which the employee reaches retirement age established by the Municipality on the basis of collective agreements or pension fund rules.

7.5 *Early Retirement*

7.5.1 An employee may retire earlier than normal retirement age in terms of the rules of the Retirement or Pension Fund of the Municipality.

7.5.2 The reasons could vary from medical fitness, to exercising of choice provided in the Fund rules.

7.5.3 Early retirement as a result of medical disability is subject to the terms and conditions of the relevant insurance policy or retirement fund applicable to the disability of the employee.

7.6 *Incapacity due to ill-health*

7.6.1 An employee's services may be terminated due to ill-health on their part.

7.6.2 The process shall be handled through the Municipality' policy on Incapacity due to ill-health.

7.7 *Incapacity due to operational requirements*

7.7.1 An employee's services may be terminated as part of operational requirements of the Municipality, where such requirements could be based on the economic, technological, structural or similar needs of the Municipality.

7.7.2 The process shall be handled through the Municipality' policy on Incapacity due to operational requirements.

7.8 *Incapacity due to poor performance*

7.8.1 An employee's services may be terminated due to the persistent poor performance on their part.

7.8.2 The process shall be handled through the Municipality' policy on Incapacity due to poor performance.

7.9 *Termination due to misconduct*

7.9.1 An employee's services may be terminated as a result of being found guilty of misconduct in terms of the code of conduct and ethics.

7.9.2 The process shall be handled through the Municipality' policy on Discipline.

7.10 *Employee-initiated / voluntary severance package*

An employee may apply for an employee-initiated or voluntary severance package when affected by transformation and restructuring. The application is subject to the approval of Council, on recommendation of the Municipal Manager.

7.11.1 Matters for considering the application

7.10.1.1 In considering the application, the following shall, as a minimum, be taken into account:

- a. The impact of the employees' exit from the Municipality on its service delivery capabilities.
- b. The employee's competence and suitability for continued employment.
- c. The manner in which the employee's exit will support transformation and restructuring of the Municipality.
- d. The specific reasons for the employee's request.
- e. The ability of the Municipality to finance the costs related to the payment of the severance package (e.g. refunding Pension Fund, severance pay, leave pay, etc.).
- f. The impact of the granting of the severance package on the morale of other employees.
- g. Whether the employee occupies a post on the Municipality's establishment or whether the employee is held additional to the establishment.

7.10.1.2 If misconduct or incapacity due to poor performance proceedings are underway against the employee, the decision regarding their application shall be postponed until such proceedings have been finalized.

7.10.1.3 If the Council or Municipal Manager does not approve the application, the employee shall, in writing, be informed that the application is not approved. The employee shall also be provided with adequate reasons for the decision and be informed of any right of review.

7.10.1.4 If the Council or Municipal Manager approves the application, the employee shall be notified in writing of the decision and their exit from the Municipality shall take effect not later than two months after the date of such notice.

7.11.2 Severance package payable

If the Council or Municipal Manager approves the employee-initiated or voluntary severance package application, the following measures shall apply:

7.10.2.1 Retirement / Pension benefits: Employee to be paid retirement benefits in line with the rules of the applicable Retirement or Pension Fund.

7.10.2.2 Severance pay: Employee shall be paid severance package amount or through a formula agreed to in the SALGBC, and approved by Council.

7.10.2.3 Leave pay: Employee shall be paid all unused vacation leave days accumulated in accordance with the leave policy. Leave shall be audited before any leave payments may be made to an employee.

7.10.2.4 Compensation for medical benefits

a. Employees aged 55 and older on the date of service termination who have been members of the registered medical scheme for the year ending with service termination and chose to continue to be members of a medical scheme, will qualify for continued employer contribution at the scale determined for active employees.

b. Employees who are younger than 55 at the date of service termination, and employees who are 55 and older who are not members of registered medical scheme, shall be paid a once-off all-inclusive amount determined by the SAGBC. This amount is in lieu of medical benefits regardless of the employee's participation in the benefit before service termination. These employees shall not qualify for post-retirement medical assistance in future.

7.10.2.5 Service bonus: Employee shall be paid a pro rata service bonus calculated on the basis of the service period of the employee at the date of service termination.

- 7.10.2.6 Contractual obligations:** Employees are to be released from contractual obligations that require from them to remain in service. Payments to third parties and other Municipality debt shall be recovered from retirement benefits, if employees do not make suitable arrangements to settle their debt.
- 7.10.2.7 Official housing:** Where official Municipality housing was provided, employees shall be given a SALGBC-determined notification to vacate official Municipality housing, unless a different period is specified in an individual contract of employment.
- 7.10.2.8 Notice of termination of service:** The employee's termination of service by the Municipality shall take effect within two months after the date of the notice of the approval of their application.
- 7.10.2.9 Subsidized scheme:** Subsidized motor vehicles, where applicable, shall be dealt with in terms of the scheme rules, and where relevant, the travel and transport policy.
- 7.10.2.10 Resettlement benefits:** Notwithstanding the provisions of the resettlement policy, the Municipality shall meet, at the request of the employee who is 55 and older, reasonable costs of resettlement of the employee and their immediate family to a place in South Africa where they were recruited from, or to their country of origin if they were recruited from abroad.

7.11 *Actions by the Municipality on Termination of Service*

Upon termination of service, the Municipality, through the HRM Unit, shall ensure the following are carried out:

7.11.1 Notice periods

- 7.11.1.1** Any period of notice may not run concurrently with any period of leave by the employee.
- 7.11.1.2** No notice or payment in lieu of notice shall be required to be given or paid to an employee whose services are terminated as a result of misconduct or as a result of the termination of a temporary employment agreement by natural expiry of time.

7.11.2 Payment of leave credit

Upon termination of service for any reason all leave due to an employee shall be paid out to such employee and all retirement funds due shall be paid out in terms of the rules of such Retirement Fund unless the monies have been ceded to the Municipality by the employee, or the employee has authorised the Municipality to make deductions from such monies.

7.11.3 Payment of all monies due to employee

All monies due to an employee after termination of service shall be paid to the employee within three (3) months or as soon as possible after termination of service.

7.11.4 Recovery of debts from employee

On termination of service any debt of an employee to the Municipality shall be deducted from such employee's remuneration or any monies owed to the employee, if the employee signed an acknowledgement of debt in terms of the Basic Conditions of Employment Act, or by order of the court.

7.11.5 Issue of Certificate of Service

A Certificate of Service shall be issued to employees on termination of service on the conditions determined by the Council, on recommendations supported by the Local Labour Forum.

7.12 *Roles and responsibilities*

The Municipal Manager or his / her delegated assignee(s) accept overall responsibility for the implementation and monitoring of the policy. The financial implications related to implementing this policy shall be qualified and quantified by Human Resource Management Unit.

8. POLICY MONITORING AND EVALUATION

- 8.1** This policy is in a draft stage and shall be final once approved by the next Council.
- 8.2** Non-compliance to the stipulations contained in this policy shall be regarded as misconduct, which shall be dealt with in terms of the Code of Conduct.
- 8.3** Head of Corporate Services shall carry out the monitoring and evaluation of the policy's implementation.

9. POLICY APPROVAL

Formulated by HR Management:

Signature: _____

Date: _____

NDLAMBE MUNICIPALITY CORPORATE SERVICES



SKILLS DEVELOPMENT POLICY

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1. PREAMBLE

A skills development policy aligned to the Municipality's goals affords opportunities to benefit from better co-ordination and alignment of development initiatives. The Municipality commits to provide skills development to all employees on an equal opportunity basis.

2. PURPOSE

The purpose of this policy is:

- 2.1 To ensure that skills development occur in a coherent and structured manner
- 2.2 To provide clear alignment of the strategic plan, National Skills Development Strategy, and other internal Human Resource policies
- 2.3 To facilitate access to appropriate skills development
- 2.4 To support personal development plans and career development
- 2.5 To support the Municipality's succession planning
- 2.6 To promote and facilitate participation of unemployed learners in learnerships

3. SCOPE

This policy applies to all employees of the Municipality, learners in cases of learnership programmes for students who are not employees, and interns, where applicable.

4. LEGISLATIVE AND POLICY FRAMEWORK

- Constitution of the Republic of South Africa Act 108 of 1996
- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014
- Local Government: Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Local Government: Guidelines for the Implementation of the Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Municipal Finance Management Act 56 of 2003
- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Skills Development Act 97 of 1998

- Occupational Health and Safety Act 85 of 1993
- Skills Development Levies Act, No. 9 of 1999
- National Skills Development Strategy
- National Qualifications Framework

5. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation, or as defined and / or explained in the Glossary of the Human Resources Policies Manual.

6. PROBLEM STATEMENT

The municipality strives to be the hub of skill development and envisage to retain skills developed.

7. POLICY PROVISIONS

7.1 Principles of skills development

7.1.1 Skills development shall –

- 7.1.1.1** support the achievement of the Municipality's goals set out in the Integrated Development Plan by providing critical skills that ensure the delivery of quality services
- 7.1.1.2** promote the development and retention of competent Municipal staff, including the development of technical, professional and specialist staff who have the required qualifications and skills
- 7.1.1.3** support the employment equity objectives of the Municipality
- 7.1.1.4** be based on high quality provision and effective workplace learning and development practices, including coaching, mentoring, on-the-job learning and opportunities for the practical application of skills in the workplace
- 7.1.1.5** seek to continuously improve its results and the returns on learning investments, by defining measures of success, conducting regular evaluations and improving the impact of learning, training and development; and
- 7.1.1.6** be designed to support and reinforce other capacity building programmes in the Municipality.

- 7.1.2** A staff member shall take responsibility for his or her development and own career growth.

7.1.3 The Municipality shall support its staff members by –

- 7.1.3.1** clarifying the skills required for jobs, identifying relevant skills needs and developing opportunities to satisfy the skills needs
- 7.1.3.2** identifying new skills and knowledge required by staff to support their career growth and progression
- 7.1.3.3** creating learning opportunities that will allow their staff to develop the skills and expertise to enable them to compete effectively for placement in new or vacant posts; and
- 7.1.3.4** allocating responsibilities to senior managers and supervisors to promote career development and to conduct career development consultations with staff members.

7.1.4 The skills development process shall involve planning, skills assessment, implementation, and review.

7.2 Skills development planning

7.2.1 Alignment to strategic planning cycles

The determination of Municipal skills needs, priorities and budgets shall be –

- 7.2.1.1** developed once every five years at the commencement of the integrated development planning process, and shall be reviewed annually thereafter; and
- 7.2.1.2** aligned to the strategic planning cycles associated with the –
 - a.** Integrated Development Plan
 - b.** Municipal budget
 - c.** human resource planning; and
 - d.** performance management cycle.

7.2.2 Determination of skills needs

Skills needs in the Municipality shall be determined by conducting –

- 7.2.2.1** skills needs analysis, in which the Municipality shall identify skill needs at Municipal and department levels based on critical roles and job categories and associated competencies; and
- 7.2.2.2** a staff skills audit, which shall identify skills needs for each staff member based on specific competency needs associated with current roles and future career aspirations.

7.2.3 Skills needs analysis

- 7.2.3.1** The Municipality shall conduct a skills needs analysis that analyses the Municipality's skills needs and assesses the skills constraints on service delivery in the Municipality as a whole and in each department or function.
- 7.2.3.2** The skills needs analysis shall identify the priority skills needs, which if effectively developed, will have a marked impact on the Municipality's performance.
- 7.2.3.3** The process of identifying the skills needs shall –
 - a.** be guided by the critical and scarce skills lists for the sector published by the Minister for Higher Education and Training and the Local Government: Competency Framework for Occupational Streams as contained in Annexure A of the Municipal Staff Regulations.
 - b.** take into account the related institutional capacity needs and workplace skills plan of the Municipality; and
 - c.** cover all major roles in the Municipality, including –
 - i.** management and leadership roles that –
 - (1)** require strategic and analytical functions
 - (2)** involve a relatively high degree of discretionary decision-making
 - (3)** have a relatively high level of risk associated with decisions made; or
 - (4)** require long lead times (2+ years) to develop the qualifications and a further time (3+ years) to develop the experience required to be able to perform competently.
 - ii.** technical, specialist, professional and administrative roles; and

iii. specified priority skills needs.

7.2.3.4 The skills needs analysis shall be based on –

- a. a strategic evaluation of skills needs that have constrained the service delivery and performance of the Municipality and each of its departments or functions in the current year
- b. a review of community feedback information and an assessment as to whether a lack of skills has contributed to the shortcomings in respect of service delivery
- c. a review of the effectiveness of the implementation of previous priority skills development programmes and interventions; and
- d. an analysis of individual staff member personal development plans to identify common skills needs across job categories.

7.2.4 Staff skills audit

7.2.4.1 The Municipality shall conduct a skills analysis using programmes or systems determined by the Minister to ascertain the skills needs of staff members in respect of their current roles.

7.2.4.2 A skills audit may comprise –

- a. biographical audits, which includes information on the educational qualifications and experience of the staff member
- b. perception based assessments; and
- c. evidence based assessments, including assessments using psychometric instruments.

7.2.5 Personal development plans

7.2.5.1 Every staff member shall have a personal development plan that sets out the strategies to –

- a. address the staff member's development needs and specific skills to be developed for their current roles arising from the skills audit, as well as the learning interventions required to build these skills; and

- b. develop new skills and provide exposure to new areas of work, which are linked to the realistic career aspirations of and opportunities available to the staff member.

7.2.5.2 The personal development plan shall take account of the skills audit and the implementation of the performance management system.

7.2.5.3 No staff member shall undergo training unless –

- a. the training is contained in personal development plan of the staff member; or
- b. the Municipal Manager or his or her delegate approves the training intervention.

7.2.6 Workplace skills plan

7.2.6.1 The Municipality shall, in consultation with the trade unions, develop a workplace skills plan arising from the outcomes of institutional skills needs analysis and the individual skills audits.

7.2.6.2 The workplace skills plan shall include –

- a. the priority skills needs for the Municipality and each department or function;
- b. the associated interventions that the Municipality intends conducting; and
- c. an aggregation of the learning and development initiatives from staff personal development plans.

7.2.6.3 The workplace skills plan shall be included in the Municipality's Integrated Development Plan.

7.2.7 Discretionary grants

The Municipality shall make use of discretionary grants to fund the development of critical and scarce skills that coincide with the published lists of critical and scarce skills or roles of the LGSETA or the Department of Higher Education and Training.

7.2.8 Budgeting for skills development

7.2.8.1 The Municipality shall establish a skills development budget that provides funding for the priority skills needs identified in the workplace skills plan.

7.2.8.2 The sources of funding for priority learning interventions shall be –

- a. the Municipality's dedicated training budget from own budget
- b. the grants available from the LGSETA on approval of the workplace skills plan and resulting from discretionary grant submissions; and
- c. additional funding available for skills development for the Municipality from provincial and national government.

7.2.9 Recognition of prior learning assessment

7.2.9.1 Recognition of prior learning assessment determine a staff member's skills and knowledge acquired through formal or informal training conducted by industry or educational institutions, work experience and on-the-job training.

7.2.9.2 Recognition of prior learning assessment shall be conducted –

- a. by service providers that are accredited by the relevant Education and Training Quality Assurance Body; and
- b. in line with the provisions of the National Qualifications Framework established in terms of the National Qualifications Framework Act.

7.3 Implementing skills development

7.3.1 Types of skills development programmes

The Municipality shall focus on developing priority skills through –

7.3.1.1 structured learning programmes, which shall include learnerships, apprenticeships, technicians-in-training programmes, and graduates-in-training programmes

7.3.1.2 structured on-the-job learning and development, which may include –

- a. professional coaching of staff members by an external or internal expert coach where such capacity exists
- b. coaching of staff by supervisors, including guiding a staff member to develop new skills

- c. mentoring staff to master technical, professional or specialist roles, which may include pairing a staff member with an expert for a period of time
- d. the creative allocation of work to accelerate learning, including –
 - i. allocating staff members to a specific project
 - ii. seconding a staff member to another department or work area to increase the staff member's exposure to other work processes and systems
 - iii. increasing the responsibilities allocated to a staff member
 - iv. rotating staff through the full range of activities of a particular process or department; and
 - v. work shadowing, where a staff member is given the opportunity to observe a more senior professional or manager at work enabling the staff member to understand more complex and challenging roles in a structured and secure manner; and

7.3.1.3 professional development programmes.

7.3.2 Succession planning

The Municipality shall develop future managers in order to ensure seamless succession of competent leaders, as follows:

- 7.3.2.1** Carry out a potential staff member search and matching through -
- a. nomination of staff members who are considered for succession planning, ensuring representation of qualified women, Black people, and employees with disabilities
 - b. nomination criteria that include staff member who –
 - i. show an interest to be nominated
 - ii. are able to work without supervision
 - iii. show a commitment to deliver beyond what is required
 - iv. display consistent high performance in their duties, in attaining targets, and with a rating scored at outstanding level; and

- v. demonstrate potential to operate at a high level

7.3.2.2 Create a succession pool of staff members who demonstrate desirable values, behaviour and competencies to be potential successors, and -

- a. where a number of jobs are of similar type and need similar skills, the number of potential successors to the succession pool shall be increased; and
- b. nominate two (2) or more staff members for possible succession per post to cater for natural attrition / turnover.

7.3.2.3 Enter formal agreements with staff members earmarked for succession planning to protect the interests of both the staff member and the Municipality. The agreement shall outline the following:

- a. Staff members shall not be guaranteed appointments in posts that they are prepared for, and shall have to compete for the posts when advertised
- b. The succession period for each successor shall range from six (6) to twelve (12) months
- c. A successor who has failed to make an impression during the interviews shall not be guaranteed a stay in the programme

7.3.2.4 Consultants contracted to the Municipality shall be obliged to act as mentors to nominated employees for skill transfer during contract duration.

7.3.2.5 Successors shall have properly designed career paths to ensure that they gain most appropriate experience for their future roles.

7.3.3 Obligations of the Municipality

7.3.3.1 Supervisors shall collaborate on the re-allocation, rotation and secondment of staff members across functions within the Municipality.

7.3.3.2 The Municipality shall ensure the effective management of the quality of learning delivery, especially that provided by external training providers.

7.3.3.3 Supervisors shall be encouraged to gain coaching skills and shall actively coach and support the development of staff members who report to them.

- 7.3.3.4** The Municipality shall prioritise the appointment of mentors who are experts in their fields to support structured skills transfers in order to achieve the required specialist and technical skills for priority roles.

7.4 Evaluating skills development quality and impact

7.4.1 The Municipality shall –

- 7.4.1.1** conduct regular evaluations of the workplace skills plan and personal development plans, as well as their implementation; and
- 7.4.1.2** adjust its learning programmes to improve its effectiveness, including the impact on reducing the skills constraint on service delivery.

7.4.2 The Municipality shall ensure that –

- 7.4.2.1** every supervisor reports annually on progress on implementing staff personal development plans and the other programmes contained in the workplace skills plan
- 7.4.2.2** the effect of implementing personal development plans for staff is evaluated
- 7.4.2.3** evaluations, using standard benchmarks determined by the Minister, respond to priority learning programmes and contribute to the development of skills which result in improved performance and service delivery; and
- 7.4.2.4** regular skills development reports and evaluation results are –
- a.** integrated into the wider capacity building initiatives within the Municipality; and
 - b.** reported to the relevant provincial and national capacity building structures.

7.5 Payment for skills development programmes

- 7.5.1** The Municipality may agree to pay full or part payment for a staff member's learning programme and for reasonable travel and accommodation expenses on receipt of official proof of the structured learning programme.

7.5.2 If the Municipality agrees to pay for a learning programme, the staff member shall be required to work for the Municipality for a reasonable period that is 24 months after the completion of the programme, failing which the staff member shall pay back the costs, or part of the costs, associated with the programme.

7.5.3 Despite clause 7.5.1, if a staff member fails to attend or fails a learning programme, the Municipality shall recover the costs associated with the programme after complying with Section 34 of the Basic Conditions of Employment Act.

7.6 Roles and responsibilities

7.6.1 A staff member shall –

- 7.6.1.1** actively manage their own development, whether for their current role or for their future career opportunities, based on their personal development plan
- 7.6.1.2** participate actively in skills audits
- 7.6.1.3** develop and reflect on their personal development plans with their supervisor
- 7.6.1.4** commit to development that coincides with the Municipality's priority skills
- 7.6.1.5** participate actively in all forms of learning, training and development which will assist the staff member to meet agreed needs
- 7.6.1.6** stay abreast of and apply new knowledge and skills in their field of expertise; and
- 7.6.1.7** provide feedback on the outcomes, effectiveness and relevance of training and development received.

7.6.2 A supervisor shall –

- 7.6.2.1** link skills development to the priorities of their function, the integrated development plan and to the outcomes of the performance management process
- 7.6.2.2** monitor skills needs and constraints that have, or may have, a major impact on the achievement of their objectives and report on these during the institutional skills needs analysis process

- 7.6.2.3** develop, report on and review progress with the personal development plans of the staff members who report to the supervisor or supervisor
- 7.6.2.4** ensure that development proposed in the personal development plans of the staff members who report to the supervisor is relevant to the functions of the Municipality
- 7.6.2.5** provide coaching to and support for the development of their staff members
- 7.6.2.6** provide input into the content of training programmes, if relevant
- 7.6.2.7** allow their subordinates time off for training, as agreed in training schedules and plans; and
- 7.6.2.8** actively facilitate the application of learning back on the job.

7.6.3 The Skills Development Facilitator shall –

- 7.6.3.1** facilitate the adoption of the Workplace Skills Plan, including liaising with the registered trade unions
- 7.6.3.2** facilitate the implementation of skills development programmes with supervisors, staff and external training providers; and
- 7.6.3.3** liaise with the LGSETA and ensure that the Municipality meets all the requirements of the LGSETA.

7.6.4 The Chief Financial Officer shall ensure that proof is provided to the LGSETA that all funds obtained from the LGSETA and the 1% budgeted towards skills development have been used for skills development purposes.

7.6.5 The Training Committee shall –

- 7.6.5.1** be chaired by a senior manager
- 7.6.5.2** have an equal number of managers and representatives of staff
- 7.6.5.3** include the Integrated Development Planning Manager, the Skills Development Facilitator, the Manager responsible for human resources, individual and institutional performance managers, and the Chief Financial Officer, as representatives of the Municipality

- 7.6.5.4** include representatives of the registered trade unions recognised by the Municipality as representatives of staff members or, in their absence, staff members who are representative of the Municipality's staff as a whole; and
- 7.6.5.5** consult, and make recommendations to the Municipal Council, on –
- a. proposed improvements to skills audit processes
 - b. findings and priorities emerging from the skills audit presented by management
 - c. the draft workplace skills plan
 - d. management's regular skills development report; and
 - e. skills development policy of the Municipality.

8. POLICY MONITORING AND EVALUATION

- 8.1** This policy shall be implemented and effective once recommended by the Local Labour Forum and approved by Council.
- 8.2** Non-compliance to the stipulations contained in this policy shall be regarded as misconduct, which shall be dealt with in terms of the Code of Conduct.
- 8.3** Head of Corporate Services shall carry out the monitoring and evaluation of the policy's implementation.

9. POLICY APPROVAL

Formulated by HR Management:

Signature: _____ Date: _____

Consulted with Local Labour Forum:

Management Representative:

Signature: _____ Date: _____

Union Representative:

Signature: _____ Date: _____

Union Representative:

Signature: _____ Date: _____

Recommended by Portfolio Committee on Corporate Services:

Signature: _____ Date: _____

Approved by Municipal Council:

Signature: _____ Date: _____

NDLAMBE MUNICIPALITY

CORPORATE SERVICES



OVERTIME POLICY

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1. PREAMBLE

The Municipality acknowledges that overtime work is a necessary element of service delivery and thereby makes necessary arrangements for employees to access the benefit. This policy does not take precedence over any collective agreement which may be in force at the time of its approval.

2. PURPOSE

The purpose of this policy is to regulate overtime work and ensure that overtime work is pre-authorised, except in the case of an emergency, and is in compliance with relevant legislation.

3. SCOPE

The policy is applicable to all employees of the Municipality with the exception of those who earn above the threshold published by the Minister of Employment and Labour from time to time, the senior managers, and employees who work shifts in terms of their employment contracts.

4. LEGISLATIVE AND POLICY FRAMEWORK

- Constitution of the Republic of South Africa Act 108 of 1996
- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014
- Local Government: Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Local Government: Guidelines for the Implementation of the Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Basic Conditions of Employment Act 75 of 1997
- South African Local Government Bargaining Council: Collective Agreements

5. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation, or as defined and / or explained in the Glossary of the Human Resources Policies Manual.

6. PROBLEM STATEMENT

Overtime is one of expenses that the municipality incurs as result of many challenges and needs to be properly managed

7. POLICY PROVISIONS

7.1 Remunerated overtime

7.1.1 Remunerated overtime is calculated on the basis of hours worked in excess of prescribed working hours and shall not exceed 40 hours, hours worked during the months of December, January and periods of disasters and drought may not exceed 60 hours for essential services employees as others hours if exceeds 60 will be converted to leave days.

7.1.2 Duty performed by an employee during a period of leave is not considered for purposes of the payment of remunerated overtime.

7.1.3 Overtime shall only be paid to staff that are below the statutory threshold published by the Minister of Employment and Labour.

7.2 Calculation of overtime payment

7.2.1 Mondays to Saturdays - 1½ X normal pay calculated to an hourly or half-hourly rate.

7.2.2 Sundays and Public Holidays – 2 X normal pay calculated on an hourly or half-hourly rate.

7.3 Conditions for remunerated overtime

7.3.1 Employees shall not be required or permitted to work overtime for period exceeding

7.3.1.1 Ten (10) hours in a week

7.3.1.2 Three (3) hours on any working day

7.3.2 No employee shall perform overtime before the relevant person with delegated authority has granted the necessary approval in writing.

7.3.3 An employee's monthly compensation for overtime shall not exceed thirty per cent (30%) of the employee's gross monthly salary.

7.3.4 In cases where the monthly overtime compensation exceeds the above limits, the Head of Department where overtime is performed

may grant the employee time-off, based on one hour for every excess hour worked.

7.3.5 Time-off can only be taken if an employee has accumulated eight hours, and shall not constitute more than five working days during a given financial year.

7.3.6 An employee performing overtime duty shall not be compensated for travelling time, hence overtime shall be arranged in a manner that the start and end times coincide with times during which public or other alternative transport is available.

7.3.7 If an employee performs authorised overtime duty at a place other than his / her normal place of work, the travelling time between the two places shall be regarded as overtime duty.

7.3.8 Remunerated overtime shall not be approved for a continuous period of more than four months.

7.3.9 An employee shall not do overtime as per conditions below, unless in cases where circumstances prevent the employee to meet these conditions and the relevant Head of Department has ensured that such circumstances are brought to the attention of the HRM Unit when a claim form for such hours is submitted. The Municipal Manager shall then be approached to approve such deviation from conditions:

7.3.9.1 If an employee did not book overtime duty on a Saturday, the employee shall not be allowed to book overtime duty for Sunday.

7.3.9.2 If an employee took vacation, sick or special leave on a Friday, that employee shall not be allowed to book overtime duty for either the Saturday or Sunday.

7.3.9.3 If an employee did not start overtime duty immediately following normal knock-off time during the week.

7.3.10 The decision to remunerate overtime with cash, or with time off, shall be made by the Municipal Council from time to time.

7.4 Time off for emergency work

7.4.1 Emergency work means the performing of work that cannot be completed during normal working hours, on instruction of the Head of Department, provided that such work is required to be done immediately owing to unforeseen circumstances and one day or less prior notice has been given to this effect.

7.4.2 In cases where employees are expected to perform overtime duty before approval is obtained due to circumstances beyond the Municipality's control; such duty shall for the purpose of this policy be viewed as emergency work.

7.4.3 In such cases employees shall be granted time off in respect of the first day that such overtime duty was performed prior to obtaining approval.

7.4.4 The time off will be granted on the basis of one hour for every excess hour worked.

7.4.5 Heads of Department shall be responsible for managing of these hours.

7.5 Authorisation and Information for remunerated overtime

7.5.1 Authorisation for remunerated overtime duty shall be in accordance with the Municipality delegations.

7.5.2 The following information shall be provided when an application for overtime is submitted for approval:

7.5.2.1 The circumstances that necessitated the performance of the overtime duty.

7.5.2.2 The steps, which were taken to prevent the performance of overtime duty such as redistribution of duties among employees or temporary utilisation of employees.

7.5.2.3 Information about any voluntary unpaid overtime duty performed by employees with regard to the task in respect of which remunerated overtime duty is performed and about general work in the department.

7.5.2.4 Clearly defined and measurable outputs for the overtime work in respect of every individual employee for which overtime is requested.

7.5.2.5 The names and ranks of the employees who will be required to perform overtime duty.

7.5.2.6 The duration of the overtime duty.

7.5.2.7 The estimated expenditure and total hours on the planned overtime duty, as well as a clear differentiation between normal and double-time, indicating the amount that will be needed next to each of the above-mentioned.

7.5.2.8 If the performance of overtime is aimed at the completion of work, which has fallen in arrears, an investigation of the circumstances shall be done before overtime is authorised.

7.5.2.9 Specific indication about the responsible manager who shall supervise the remunerated overtime, if authorised.

7.6 Control measures for remunerated overtime

It is the responsibility of the Heads of Department to ensure that:

7.6.1 There is adequate supervision and control measures at all times during the performance of remunerated overtime duty.

7.6.2 Remunerated overtime is not performed for a continuous period of more than four months.

7.6.3 Overtime remuneration is efficient and cost effective.

7.6.4 Record of all overtime duty is kept.

7.6.5 When the overtime claim is submitted for payment, the output produced during the period covered by the claim form is clearly provided.

7.6.6 All claim forms and a copy of overtime authorisation shall be submitted to the Payroll Office.

7.7 Administrative measures

7.7.1 A request for remunerated overtime shall be approved by the Head of Department before submission to the Payroll Office further processing.

7.7.2 All claim forms for approved remunerated overtime duty shall be submitted to the Payroll Office to certify that all information provided, is correct and department must keep a record of for audit purposes.

7.7 Roles and responsibilities

7.8.1 The HODs / delegated assignee(s) accept overall responsibility for the implementation and monitoring of the policy.

7.8.2 The financial implications related to implementing this policy shall be qualified and quantified by Human Resource Management in consultation with the Chief Financial Officer.

8. POLICY MONITORING AND EVALUATION

- 8.1** This policy shall be implemented and effective once recommended by the Local Labour Forum and approved by Council.
- 8.2** Non-compliance to the stipulations contained in this policy shall be regarded as misconduct, which shall be dealt with in terms of the Code of Conduct.
- 8.3** Head of Corporate Services shall carry out the monitoring and evaluation of the policy's implementation.

9. POLICY APPROVAL

Formulated by HR Management: _____ Signature: _____ Date: _____

Consulted with Local Labour Forum:

Management Representative: _____ Signature: _____ Date: _____

**NDLAMBE LOCAL MUNICIPALITY
CELL PHONE ALLOWANCE AND DATA CARD POLICY**



CELL PHONE ALLOWANCE AND DATA CARD POLICY

**NDLAMBE LOCAL MUNICIPALITY
CELL PHONE ALLOWANCE AND DATA CARD POLICY**

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**NDLAMBE LOCAL MUNICIPALITY
CELL PHONE ALLOWANCE AND DATA CARD POLICY**

1. OBJECTIVES:

In order to enable and enhance the service delivery of the Municipality, it is critical to make use of the latest means of communication and technology. Based on this, Ndlambe Municipality acknowledges that cellular phones can be effectively used for sound business reasons, primarily for receiving business calls and making business calls when not located in the office.

Cellular phones are assets of the Municipality in cases when purchased by the Municipality. They are meant to assist the staff members in carrying out their daily takes in an effective manner. Through this policy Ndlambe Municipality seeks to ensure that assets of the Municipality are used in a fair and accountable manner. The utilization of cellular phones, if it cannot be regulated, would soon reach alarming proportions and that would be unacceptable to the Receiver of Revenue, Auditor General and the Public in General.

2. DEFINITIONS

In this policy, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and unless the context otherwise indicates –

"Batho Pele" means the 'people first" principle of the White Paper published in terms of Government Gazette No. 1459 of 1997;

"Cell phone allowance" means an additional taxable monthly allowance paid to listed employees as may be applicable in terms of their respective positions or conditions of work, as part of their salary, to cover the costs of:

- Cell phone calls made from their private cell phones for official purposes as per the guidelines provided for in this policy
- Additional use of data card, as may be required for selected employees, for internet access for official purposes only.

**NDLAMBE LOCAL MUNICIPALITY
CELL PHONE ALLOWANCE AND DATA CARD POLICY**

3. LEGISLATIVE FRAMEWORK:

- The Municipal Systems Act No.32 of 2000 section 9 regulates against use of council's property and assets. A Staff (Councillor) member of a municipality may not use, take, acquire or benefit from any property to which staff member has no right.
- Batho Pele impress upon the principles of accountability; cost effectiveness; etc, by the personnel in the execution of their tasks.
- The Municipal systems Act No.32 of 2000 section 12 code of conduct for municipal staff remind the staff about the legal obligation to perform the functions of office in good faith, diligently honestly and in a transparent manner.

4. CELLPHONE ALLOWANCE:

- This policy recognizes the fact that the Managers and certain other staff members make use of their private telephones for official purposes.
- A fixed monthly cell-phone allowance which includes rental/subscriptions and official calls will be paid as follows:

EMPLOYEE OCCUPATION	COST P/M
Deputy Directors	R500,00
Managers	R500,00
Other identified and approved officials	R200,00

- The fixed monthly allowance and the beneficiaries thereof will be reviewed by the Municipal Manager on an annual basis depending on the financial position of the Municipality.

5. CONDITIONS FOR CELLULAR PHONE ALLOWANCE

All officials in receipt of a monthly cell phone allowance must acquire cell phone service from either of the mobile phone operators in the Republic of South Africa

Officials may furnish Corporate Services department with cell numbers that they use for official purposes as soon as they have entered into a contract or obtained a gadget through prepaid.

**NDLAMBE LOCAL MUNICIPALITY
CELL PHONE ALLOWANCE AND DATA CARD POLICY**

Official in receipt of a cell phone allowance must be available at all times to their employer.

6. DATA CARD ALLOWANCE (WIFI MODEM)

A monthly allowance for data card (Wifi modem) contract to enable only selected employees internet access to work after hours from home, or when on business away from the office, for official purposes. The amount will be determined by the Municipal Manager but not unlimited. No open line shall be allowed for employees below section 56 Managers.

7. APPEAL MECHANISMS

In the event of the employee being dissatisfied with the decision, the normal grievance procedure may be followed.

8. REVIEW

This policy shall be reviewed when the amount changes or when necessary

NDLAMBE MUNICIPALITY
CORPORATE SERVICES



**PRIVATE WORK AND DECLARATION OF
INTEREST POLICY**

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1. PREAMBLE

The Municipality is committed to managing the declaration of interest and applications for private work of councillors and employees to avoid and prevent conflicts of interests.

2. PURPOSE

The purpose of this policy is to manage declaration of interests and applications for private work outside the Municipality on a continuous basis.

3. SCOPE

The policy shall apply to Council members and all employees of the Municipality.

4. LEGISLATIVE AND POLICY FRAMEWORK

- Constitution of the Republic of South Africa Act 108 of 1996
- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Labour Relations Act 66 of 1995
- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014
- Local Government: Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Local Government: Guidelines for the Implementation of the Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- South African Local Government Bargaining Council: Collective Agreements
- Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings, 2014
- Public Administration Management Act 11 of 2014
- National Anti-Corruption Strategy 2020-2030

5. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation, or as defined and / or explained in the Glossary of the Human Resources Policies Manual.

6. PROBLEM STATEMENT

Permanent employee are not permitted to undertake private work especial when it conflicts with what the employee is employed for.

7. POLICY PROVISIONS

7.1 Private Work [See Annexure A]

7.1.1 No employee shall be granted permission to perform private work after hours that is in direct conflict with his / her profession and / or authority. For instance:

7.1.1.1 Electrician performing electrical work in his / her private capacity and issuing a certificate of competence in his / her official capacity.

7.1.1.2 Building Control Officer drawing building plans after hours, and approving the same building plans in his / her official capacity, etc.

7.1.2 Any request to perform private work shall be stated in writing and accompanied by sound motivations, according to the following criteria:

7.1.2.1 capacity of the employee.

7.1.2.2 nature of the duties of the employee at the Municipality.

7.1.2.3 nature and extent of the proposed remunerated work outside the Municipality, as well as the time (hours) estimated to be spent on it and the possible conflict thereof with normal duties within the employment contract.

7.1.3 The following conditions, where applicable, shall be taken into account when an application is considered and shall, if such application is approved, apply as conditions for approval:

7.1.3.1 The proposed remunerated work shall not interfere with the employee's normal duties and/or cause a conflict of interests of whatever nature to arise.

7.1.3.2 The proposed remunerated work shall take place entirely outside the employee's prescribed hours of work.

7.1.3.3 The proposed remunerated work shall not be of such a nature that it is detrimental to the relationship between the Municipality and employee or causes the employee to violate the Code of Conduct.

7.1.3.4 The Municipality resources shall under no circumstances be used in the performance of the envisaged remunerated work.

7.1.3.5 Permission to perform the envisaged remunerated work shall be valid for a period of one (1) year only, provided that if the employee wishes to continue performing the outside work after the said one (1) year has passed, he / she shall renew the application to do so for the following one (1) year at least thirty (30) days prior to the expiry of the first year. The abovementioned procedure is repeated each and every following year for as long as the employee concerned wishes to continue with his / her outside work.

7.1.4 Disciplinary action shall be taken against an employee:

7.1.4.1 who performs remunerated work outside his / her duties at the Municipality without written permission; or

7.1.4.2 who, after permission has been given to perform private work, in the opinion of the Municipality breaks or does not comply with any stipulation or condition as stated in this policy.

7.1.5 The Municipality retains the right at any time to withdraw permission given in terms of the stipulations of this policy to an employee, on condition that the reasons given are justified and reasonable.

7.1.6 Permission may not be granted to an employee to perform remunerated work outside his / her duties at the Municipality after they have already started with the private work.

7.1.7 The HRM Unit shall keep a register of employees who perform remunerated work outside their duty at the Municipality. The register shall contain the following information:

7.1.7.1 name

7.1.7.2 employee number

7.1.7.3 rank

7.1.7.4 department

7.1.7.5 division / section

7.1.7.6 application for remunerated work approved / denied

7.1.7.7 period and hours for which permission was granted

7.1.7.8 name of the employer, type of work, nature of work and contact details; and

7.1.7.9 starting date

7.2 Declaration of Interest/s [See Annexure B]

7.2.1 Should an employee have a business interest in any number of any form of business entity he / she shall declare such business interests as required by legislation.

7.2.2 In addition, where a staff member 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, he / she shall disclose in writing, full particulars of the benefit to the Municipality.

7.2.3 Interests to be declared, which may give rise to a conflict of interest with the employee's relationship with the Municipality, include:

7.2.3.1 shares and securities in any company

7.2.3.2 membership of any close corporation

7.2.3.3 interest in any trust

7.2.3.4 directorships

7.2.3.5 partnerships

7.2.3.6 consultancies and retainerships

7.2.3.7 other financial interests in any business undertaking

7.2.3.8 other employment and remuneration

7.2.3.9 interest in property

7.2.3.10 pension; and

7.2.3.11 subsidies, grants and sponsorships by any organisation

7.3 Application for and approval of private work or declaring a business interest

7.3.1 An application to do private work or have a business interest by the Municipal Manager shall be approved or refused by the MAYCO / EXCO / of the Municipal Council.

7.3.2 Applications to do private work or have a business interest by any other member of staff shall be approved by the Municipal Manager.

7.3.3 Applications for private work or declaring a business interest shall be submitted in writing on the prescribed form for consideration.

7.3.4 A copy of the application with the decision of the competent authority shall be filed on the employee's personal record. The HRM Unit shall be the custodian of the administrative infrastructure and processes to safeguard the relevant documentation and files.

7.4 Roles and responsibilities

7.4.1 The Municipal Manager or his / her delegated assignee(s) accept overall responsibility for the implementation and monitoring of the policy.

7.4.2 The financial implications related to implementing this policy shall be qualified and quantified by Human Resource Management in consultation with the Chief Financial Officer.

8. POLICY MONITORING AND EVALUATION

8.1 This policy shall be implemented and effective once recommended by the Local Labour Forum and approved by Council.

8.2 Non-compliance to the stipulations contained in this policy shall be regarded as misconduct, which shall be dealt with in terms of the Code of Conduct.

8.3 Head of Corporate Services shall carry out the monitoring and evaluation of the policy's implementation.

9. POLICY APPROVAL

Formulated by HR Management:

Signature: _____ Date:

_____ Consulted with Local Labour Forum:

Management Representative: Signature: _____ Date: _____

ANNEXURE A: APPLICATION TO UNDERTAKE PRIVATE WORK FORM

APPLICATION TO UNDERTAKE PRIVATE WORK FORM

TO: Municipal Manager

Full Name		Employee number	
Position		Contact number	
Department		Division	

1. I hereby wish to apply for permission to do private work, as set out below.

Nature and extent of work / activity:

2. I declare that I am acquainted with the provisions of the Private Work and Declaration of Interests and undertake to comply with requirements as set out in the said Policy.

3. I indemnify the Municipality against any claim of whatever nature that may arise from doing private work or having other business interests.

Your favourable consideration of my application will be appreciated.

Signature of Applicant / Employee		Date	
RECOMMENDATION BY HEAD OF DEPARTMENT (Mark appropriate box with an X)			
Recomm ende d	<input type="checkbox"/>	Not Recomm ended	<input type="checkbox"/>
		Recommended with amendments	<input type="checkbox"/>
Remarks (state reason if Not Recommended, OR amendments if any)			

Head of Department's Signature:		Date:	
APPROVAL BY MUNICIPAL MANAGER (Mark appropriate box with an X)			
Approv e d	<input type="checkbox"/>	Not Approved	<input type="checkbox"/>
		Approved with amendments	<input type="checkbox"/>
Remarks (provide motivation if not approved, or approved with amendments)			

Municipal Manager's Signature:	Date:
---------------------------------------	--------------

ANNEXURE B: DECLARATION OF INTEREST FORM

DECLARATION OF INTEREST FORM

TO: Municipal Manager

EMPLOYEE DETAILS			
Name		Employee number	
Position		Contact number	
Division		Department	
SPOUSE'S / PARTNER'S DETAILS			
Surname			
Names			
Identity Number			
DECLARATION			
(Please ensure that every question is answered by placing a tick on the "yes" or "no" box, even if the details have remained unchanged from previous financial interest form submissions. Attach also additional details if there is insufficient space to fill in an answer, with the appropriate referencing.)			
1. FINANCIAL INTEREST			
		YES	NO
Do you or your partner own shares or securities in any company? <i>(this includes listed shares and other financial instruments on the Stock Exchange)</i> If yes, please provide details by completing "Schedule A"			
Are you a member of a close corporation? If yes, please provide details in "Schedule B"			
Do you have an interest in any trust? If yes, please provide details in "Schedule C"			
Are you a director/ member of any company or its Committee? <i>(This includes executive and non-executive directorship of companies, SOC/Es, NGOs, Section 21 companies, etc.)</i> If yes, please provide details in "Schedule D"			
Do you have financial interest in any partnerships? If yes, please provide details in "Schedule E"			
Do you have financial interest in any business undertaking? <i>(e.g. trader, consultancy)</i> If yes, please provide name in "Schedule F"			
Are you currently in paid employment over and above that of being a Municipality employee? If yes, please provide details in "Schedule G"			
Are you receiving any financial interests from businesses other than what was defined in questions above? If yes, please provide details in "Schedule H"			
Do you have a financial interest in any property? If yes, please provide details in "Schedule I"			
Are you receiving a pension of any kind? If yes, please provide details in "Schedule J"			
Are you the beneficiary of any subsidies, grants or sponsorships by any organisation? If yes, please provide details in "Schedule K"			
Are you or your partner a vendor of Municipality or deliver any services, goods, etc. to the Municipality? If yes, please provide details in "Schedule L"			

2. REWARDS, GIFTS & FAVOURS			
--	--	--	--

		YES	NO
Did you receive any gifts / benefits exceeding R350 or hospitality as a gift for the past financial year? If yes, please provide details in "Schedule M"			
Did you declare gifts exceeding R350? If yes, was authority obtained to enjoy the gift?			
Did you or your partner receive any rewards (financial and or other) from:			
	Municipality		
	Vendors		
	Contractors		
	Fellow Staff		
Did you or your partner receive any favours (financial and other) from:			
	Municipality		
	Vendors		
	Contractors		
	Fellow Staff		
Did you travel abroad during the last financial year? (Foreign travel for which the employee / Council member / Municipality did not pay) If yes, please provide details in "Schedule N"			
3. OTHER			
Have you or your partner made use of Municipality assets -		YES	NO
	<ul style="list-style-type: none"> without authority; and/or while not performing Municipality duties? 		
Is there any member of your family or relative employed by the Municipality? If yes, please provide details in "Schedule O"			
I declare that the information furnished in this declaration is to the best of my knowledge a true and correct reflection of my compliance to the Private Work and Declaration of Interests as at the date of my signature and I indemnify the Municipality against any claim of whatever nature that may arise from my having other business interests			
Signature of Applicant / Employee		Date	
NOTING BY HEAD OF DEPARTMENT (Mark appropriate box with an X)			
Declaration noted			Declaration noted with remarks
Remarks			
Head of Department's Signature:		Date:	
NOTING BY MUNICIPAL MANAGER (Mark appropriate box with an X)			
Declaration noted			Declaration noted with remarks
Remarks			
Municipal Manager's Signature:		Date:	

				SCHEDULE A
Company(s) where shares/securities are kept	Nature of shares (e.g. ordinary, preference, etc)	Number of shares	Nominal value of shares	Total value of shares

				SCHEDULE B	
Name of Close Corporation	Reg. number	Details of ownership (i.e. sole member of 50% share etc.)	Remuneration received from membership (per annum)	Does the CC do business with Municipality?	
				YES	NO

		SCHEDULE C
Name of Trust	Nature of Interest	

					SCHEDULE D	
Name of company/ institution/ organisation	Type of business activity	Reg. Number (Not applicable for non-owners)	Details of ownership (% of shareholding) or membership	Remuneration received from directorship/ membership (per annum)	Does the Institution do business with Municipality?	
					YES	NO

				SCHEDULE E	
Name of partnership	Reg. Number	Details of ownership (% of partnership)	Remuneration received from partnership (per annum)	Does the partnership do business with Municipality?	
				YES	NO

SCHEDULE F							
Name of business undertaking	Type of business	Remuneration received from undertaking (per annum)	Does the undertaking do business with Municipality?		Does the undertaking do business with Municipality Vendors?		Who is primary client?
			YES	NO	YES	NO	

SCHEDULE G					
Name of business	Type of business activity	Designation	Remuneration received for such employment	Does the organisation do business with Municipality?	
				YES	NO

SCHEDULE H						
Name of organisation	Type of business	Nature of benefit	Reason for benefit	Does the organisation do business with Municipality?		Expected life span of benefit?
				YES	NO	

SCHEDULE I					
Type/description of property (i.e. residential, flat, vacant land, industrial, commercial, etc.)	Area / Location	Physical address or Erf Number	Nature of Interest (owner, landlord, lessor, etc.)	Is Municipality making use of property?	
				YES	NO
Other properties outside of South Africa (description)			Where is the property situated – Country		

SCHEDULE J	
Source of the pension (Pension Fund)	Value of the pension

SCHEDULE K				
Source of subsidy(s), grant(s) or sponsorship(s)	Description of subsidy(s), grant(s) or sponsorship(s)	Is assistance from a non-party source?		Value of subsidy(s), grant(s) or sponsorship(s) (per annum)
		YES	NO	

SCHEDULE L			
Service Provider (Name of Organisation)	Description of service	Value of Service	Department In which Service was rendered

SCHEDULE M		
Description of gift	Source of gift	Value of gift(s) per source per annum.

SCHEDULE N				
Where	Reason	Sponsor (incl. Self)	Authority obtained (if paid by another person other than self)	
			YES	NO

SCHEDULE O				
Name of employee	Employee number	Designation (level)	Department	Years of Service

NDLAMBE MUNICIPALITY CORPORATE SERVICES



DRAFT DANGER ALLOWANCE POLICY

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1. BACKGROUND

- 1.1 The working environment or locations where most employees are working at and defined as Essential Services or Blue-Collar employees inherently is a dangerous to work in. These areas require a special attention and provision when it comes to employee health and safety. It is therefore imperative that employees who are exposed to dangers or hazards related areas or with deadly diseases such coronavirus should be compensated through the payment of an allowance. When it comes to dread diseases such COVID 19 a once of payment will be considered in terms of policy. Local government and public sector institutions.
- 1.2 The declaration of the National State of Disaster in 2020 illustrated a number of lockdowns regulations promulgated and gazetted by the Department of Employment and Labour as well as the office of the Minister of Cooperative Governance and Traditional Affairs. Municipalities experienced a challenge where employees demanded that they be paid an allowance as a benefit for being exposed to an environment prone to COVID 19. A Risk assessment is attached as **Annexure A** to this policy which depicts the reality of the spread of the COVID 19 across departments.
- 1.3 Whilst the focus was on employees designated as Essential Services, the demand extended to other categories who attended at work during the Lockdown and other applicable levels. COVID 19 pandemic is a new disease and very little information was available about it. Municipal employees viewed themselves as equally endangered next to the frontline employees, like those in the Medical and other health sectors.

2. PREAMBLE

- 2.1 The municipality acknowledges that each job inherently has its own dangers and risks that an incumbent may be exposed to; however danger should be construed as when your life is confronted with a possibility of death.
- 2.2 The municipality acknowledges its duty that at all material times provide a safe work environment and take reasonable steps to mitigate risks that may give rise to an unsafe work environment.
- 2.3 Despite all measures taken to safeguard employees within their various workplaces some other work or functions have an omnipresent high level of safety risks.
- 2.4 Taking into account the varied levels of hazards and safety threats that incumbents of certain positions are exposed to some recognition of such an above average risk exposure becomes necessary.

3. PURPOSE

- 3.1 To establish terms and conditions regulating danger allowance in its respective Occurrence [Be it working with dangerous equipment, environment or diseases related].
- 3.2 To identify positions and/or categories of jobs that qualifies for danger allowance a continued danger allowance.
- 3.3 To determine applicable rates or specific quantum for the payment of a once off and continued danger allowance.
- 3.4 To establish a framework to identify or define the basis upon which a municipality may pay a danger allowance as a symbol of goodwill in appreciation in recognition of employees who may, on occasion or continuously, be subjected to life-threatening situations in the course of duty.
- 3.5 To ensure that a compensatory benefit in the form of a Danger allowance is paid to qualifying category of municipal employees.
- 3.6 To ensure that the employer subscribes to the principles of adhering to Occupational Health and Safety regulations by creating a safe working Environment at all material time.

4. SCOPE AND APPLICATION

- 4.1 The policy applies to municipal employees who would be deemed eligible for payment of danger allowance by the outcomes of the risk assessment to be conducted by the municipality to determine the level of risk exposure to danger.
- 4.2 There maybe categories and designations that is considered high risk functions and high-risk designation and eligible for payment of danger allowance.
- 4.3 The policy is applicable to all employees of the Municipality who are deemed to be exposed in high risk/danger in mitigating exposure of others, resulting in them not being entirely protected to hazardous conditions and imminent risk to their health and well-being.
- 4.4 Essential Services employees who under Covid 19 pandemic total lockdown level 4 - 5 lockdown declaration would be required to attend to work.
- 4.5 Non-Essential Services employees who under Covid 19 pandemic total lockdown level 4 – 5 lockdown declaration would be required to attend to work.
- 4.6 The non – essential services employees cited in 4.5 above would refer to those employees required to physically attend to work but could not function from home to process salaries, procurement or payment of Debtors and Creditors.

- 4.7 Employees defined on clause 4.5 and 4.6 will require a written instruction from a designated person to report at work to carry out the necessary functions.

5. ELIGIBILITY

- 5.1 A qualifying employee as per clause 4 above will be entitled to receive a monthly danger allowance on fulfilling specific qualification or conditions.
- 5.2 That the employee was not absent without leave (AWOL) during that month for any number of days.
- 5.3 Has not taken more than fifteen [15] leave days in a given month.
- 5.4 Has not engaged in unprotected industrial action / strike.
- 5.5 The employee remains appointed permanently to designation classified as qualifying designation.
- 5.6 For a designation to qualify to be classified as high risk a specific criterion must be met:
- 5.7 The designation must be within a department / division / sub-division designated / classified as high-risk function.
- 5.8 The nature of the employee's duties, the work environment and the frequency of the risk, i.e. when do the employees experience a genuine risk to life during the course of execution of related work must be such that it creates / poses an imminent substantial risk.
- 5.9 The determination of risk exposure and the applicable level must be fairly based, informed and supported by a comprehensive danger risks exposures assessment report compiled in consultation with line management, Safety Committee and submitted for consideration and recommendation of the appropriate workplace consultative structures responsible for processing and proposing policy reviews.
- 5.10 The risk assessment report must identify specific class or category of danger risks exposures associated / inherent in the position / designation including available mitigation options, below is a risk determination of each section: Marked as Annexure A.
- 5.11 The risk assessment must be conducted and reported by an appointed municipal Occupational Safety Officer or Representative to form part of the policy as an Annexure.
- 5.12 The level of risk assessment results shall be used in determining what allowance at various categories is eligible for.
- 5.13 The identified category of danger risk exposure must be life threatening.

- 5.14 A determination must be made by the recommending and approving authority that the specific or class of danger risks exposures associated / inherent in the position / designation have not been adequately mitigated or cannot be proactively eliminated with amongst others the use of reasonable precautionary health and safety measures.
- 5.15 If mitigating measures are in place, the degree to which the risk could be mitigated.
- 5.16 If not mitigated or partially mitigated the reasons that the risk persists and degree to which it continues to present a genuine life-threatening risk to the employee/s;
- 5.17 In an instance where the risks cannot be mitigated through safety and/ or precautionary measures a substantive motivation must be provided by the respective Head of Department and approved by the Municipal Manager.
- 5.18 That the factors giving rise to a danger risks exposure are consistent (not of an Ad hoc nature) and may occur expectantly.
- 5.19 A determination by a legislative authority and /or an industry standard application.

6. EXCLUDED EMPLOYEES FROM THE POLICY

- 6.1 Employees above the age of 60 who are at a higher risk of complications of death if they are infected with COVID-19.
- 6.2 Employees with comorbidities who did not physically attend work in term of the register during level 3, 4 and 5.
- 6.3 Certain employment occupation that do not face danger in term to the risk.

7. LEGISLATIVE FRAMEWORK

- 7.1 Constitution of the Republic of South Africa No 108 of 1996
- 7.2 Basic Conditions of Employment Act, No 75 of 1997
- 7.3 Compensation for Occupational Injuries and Diseases Act, No 130 of 1993
- 7.4 Occupational Health and Safety Act, No 85 of 1993
- 7.5 Disaster Management Act, No 57 of 2002.
- 7.6 Labour Relations Act, No 66 of 1995
- 7.7 Essential Services - Coronavirus COVID-19.
- 7.8 The employee terms and conditions of service within the South African Local Government Bargaining Council (SALGBC) Collective Agreement.

8. DANGER CLASSIFICATION FOR VIRAL INFECTIOUS DISEASES

- 8.1 Based on a workplace risk assessment (annexure A) and classification of employee risk or occupational exposure to danger the following level descriptors shall guide classification of various jobs and / employees

8.1.1 VERY HIGH-RISK EXPOSURE JOBS

These are jobs with very high potential for direct unavoidable exposure to known or suspected sources of a viral infectious disease classified as a pandemic and / or declared as a disaster during execution of specific work processes.

8.1.2 HIGH RISK EXPOSURE JOBS

These are jobs with high potential for direct unavoidable exposure to known or suspected sources of a viral infectious disease classified as a pandemic and / or declared as a disaster during execution of specific work processes.

8.1.3 MEDIUM EXPOSURE RISK JOBS

Medium exposure risk jobs include those that require frequent and / or close contact (i.e. within 2 meters) of people who may be infected or suspected to have been infected with a viral infectious disease classified as a pandemic and / or declared as a disaster.

8.1.4 LOW EXPOSURE RISK JOBS

Low exposure risk jobs are those that do not require contact with people known to be, or suspected viral infectious disease classified as a pandemic and / or declared as a disaster, nor frequent close contact (within 2 meters of) the general public. Workers in this category have minimum occupational contact with the public and other co-workers.

9. PAYMENT OF DANGER ALLOWANCE – GENERAL CIRCUMSTANCES

- 9.1 Danger allowance shall be a monthly benefit and applicable tax prescription shall apply.
- 9.2 The monthly fixed tax inclusive benefit shall be R500.00 month of July 2022 to October 2022 and thereafter R300 per qualifying employee.
- 9.3 The payment of danger allowance on general circumstance shall be reviewed every two [2] years and would be based on budget availability.
- 9.4 The allowance will be paid along with normal salary and subject to applicable taxation and disclosures.

9.5 Categories of employees who are regarded as susceptible to dangerous condition due to inherent requirement of the post are as follows:

- 9.5.1. Traffic Officers
- 9.5.2. Refuse removal employees
- 9.5.3. Municipal drivers
- 9.5.4. Electricians
- 9.5.3. Fire Fighters
- 9.5.4. Environmental Officers
- 9.5.5. Water and sewer Employees
- 9.5.6. Mechanics and Mechanic assistance
- 9.5.6. Security Officer
- 9.5.7. Any other employee deemed by the Municipal Manager to be facing danger due to the inherent requirements of the post.
- 9.5.8. Each HOD will have to motivate if there is a case where the occupation

10. POLICY REVIEW

- 10.1 The policy will be reviewed in a period of two [2] years after approval and revised as and when necessary.
- 10.2 A review may be necessitated by a legislative change in which the policy shall be reviewed to be aligned with national legislative prescripts.

11. BUDGET AND RESOURCES

- 11.1 The financial and resource implications related to the implementation of the policy should be provided for in the appropriate municipal budget vote.

12. ROLES AND RESPONSIBILITIES

- 12.1 The Human Resource Management Office and Payroll Office shall be responsible for overall implementation of the policy.
- 12.2 Departmental Heads must ensure that attendance registers are dully signed and submit to HR and Payroll as p for processing.
- 12.3 The qualifying employee's department shall generate monthly variation advisory reports to Human Resources division regarding compliance or non-compliance qualifying criteria.
- 12.4 A qualifying employee has a responsibility to adhere to provisions of the policy.

13. DISPUTE RESOLUTION

- 13.1 Any dispute arising from this policy must be referred to the SALGBC Dispute Resolution mechanism for adjudication.

14. COMMENCEMENT & TRANSITIONAL ARRANGEMENTS

- 14.1 The policy shall come into effect on a date determined by Council as an effective date of the policy.
- 14.2 The approved policy shall automatically repeal and replace any similar policy or benefit as may have been applicable.

Sections	Total Male POSITIVE	Total Female POSITIVE	Total Male NEGATIVE	Total Female NEGATIVE	Total Male (PUI)	Total Female (PUI)	0/60	Recoveries	Fatalities	New Cases	New Recoveries
HOD / ACTING HOD	2	2	1					4			
Internal Audit	1	1		1				2			
SPEAKER OFFICE		1						1			
ADMIN MUNICIPAL MANAGER / PMS		2						2			
IDP			1					0		1	1
LED		2	2					2			
SPU			1					0			
HIV AIDS COORDINATOR							1	0			
COMMUNICATION OFFICER	1							1		1	1
IT				1				0			
PUBLIC PARTICIPATION UNIT			1					0			
ADMIN FINANCE								0		1	1
SCM	2			3			1	2		1	1
BTO	2	2		5			1	4			
Stores	1							1			
Expenditure		1	1	2				1			
Income	4	5	1	4				9			
Parks (PA)			1					0			
Refuse (PA)	4	1	1				1	5			
Cleansing (PA)	4	1						5		1	1
Parks & Refuse (KOS/BRM)			2	1				0	1	1	
Parks & Refuse (Alex)			1					0			
Env Compliance			2					0		1	1
Env Conservation			1				3	0			
Env Health	1			1				1		1	1
Security Coordinator			1					0			
By-law compliance	1							1			
Traffic Services	2	3	1	4			2	5		4	4
Fire & Emergency Services	1		1	1			2	1	1	1	
CPS Admin							1	0			
PMU	1	5						6		1	1
Building Control		3	1				1	3			

OPEN NDLAMBE COUNCIL MEETING

HELD ON FRIDAY, 09 DECEMBER 2022

**REPORT DATED 01 DECEMBER 2022 FROM THE
MUNICIPAL MANAGER TO COUNCIL: REPORT ON
REVIEW OF HUMAN RESOURCES POLICIES, ANTI
- CORRUPTION, FRAUD PREVENTION AND
MAYOR'S EXTERNAL BURSARY POLICY**

ANNEXURE C.08

NDLAMBE MUNICIPALITY CORPORATE SERVICES



MAYOR'S EXTERNAL BURSARY POLICY

1. DEFINITIONS

The following are definitions of the terms applicable to this Policy:

"Academic year"	The year on which the bursar undertakes his/her studies.
"Bursar/Student"	Means persons to whom a study bursary/ aid is granted.
"Bursary"	Means the financial assistance provided by the Municipality to enable the bursar to study at the Universities, University Of Technology and TVET Colleges.
"Bursary Agreement"	Means this signed agreement
"Municipality"	Means Ndlambe Local Municipality
"Parties"	Means the bursar and his/her legal guardian/parent and the municipality.
"Year"	Refers to an academic year of the higher institution of learning.

2. PREAMBLE

- 2.1. This External Mayoral Bursary Policy provides guidelines for the implementation and effective management in the awarding of the bursary and learning process accessed through the Municipal External Mayoral Bursary.
- 2.2. The Ndlambe Local Municipality is committed to increase the level of investment in education and training in the labour market within the Municipal area of operation.
- 2.3. The Municipality also seeks to improve the employment prospects of persons previously disadvantaged and creation of education opportunities for its residents.
- 2.4. This Policy is external and focuses on the recruitment and financing ordinarily municipal residents to obtain qualifications to enhance literacy base within the Municipal area of jurisdiction.
- 2.5. The Municipality set out to enhance human resource development, the level of education and training, growth and development within the Ndlambe Local Municipality thereby mitigating unemployment over medium to long term.

3. OBJECTIVES

- 3.1. To give financial assistance to the needy students of the Municipality who pursue qualifications which would ensure a supply of skills for the Municipal area of jurisdiction.
- 3.2. To support skills development in anticipation of the current and future skills needs of the municipality and her population thereby supporting fields of studies that seek to uplift the socio-economic development of the municipal jurisdiction.
- 3.3. To promote an integrated strategic approach in addressing education, training and skills development.
- 3.4. To increase the levels of investment in education and training in the labour market within the Municipal area of its jurisdiction.
- 3.5. To cultivate a culture of learning.

4. SCOPE OF APPLICATION

- 4.1. The Policy is applicable to Ndlambe Local Municipality's residents who are the recipients of the External Mayoral Bursary. It shall apply to ordinarily residents of the Ndlambe Local Municipality.

5. LEGISLATIVE AND REGULATORY FRAMEWORK

- 5.1. The Policy derives its mandate from the following inter alia:
 - a) Constitution of the Republic of South Africa, 1996;
 - b) Skills Development Act, 97 of 1998;
 - c) Skills Development Levies Act 9 of 1999;
 - d) South African Qualifications Authority Act (including National Qualification Framework), 58 of 1995;
 - e) National Skills Development Strategy (2011);
 - f) Municipal Finance Management Act 56 of 2003; and
 - g) Local Government: Municipal Systems Act 32 of 2000.

6. BURSARY CONDITIONS

The conditions stipulated hereunder shall apply with regard to awarding and payment of bursary transactions to all bursary recipients.

- 6.1.** A contractual agreement is formed when the Municipality grants a bursary to the student and the student enters into an agreement to that effect with the Municipality. Each party must keep to the terms and conditions of the Agreement.
- 6.2.** Payment of the bursary which is due for only registration fees will be made directly to the relevant institution after receiving specific account/invoices.
- 6.3.** The Municipality's Mayoral Bursary award will focus on skills identified in this policy.
- 6.5.** The recipient or student is obliged to utilize the bursary only for the approved study direction, no changes will be permitted.
- 6.6.** The Municipality may at any time withdraw or suspend financial assistance to the recipient in its sole discretion if the bursar is not making satisfactory academic progress.
- 6.7.** Bursary allocation will happen subject to the availability of funds approved annually on the Municipality's Council.

7. REQUIREMENTS

- 7.1.** Admission to the External Mayoral Bursary will be considered in accordance with the bursary allocation criteria provided in this Policy as well as in the advertisement.
- 7.2.** Availability of bursaries will be advertised annually in the local newspaper, Municipal Notice Board and any other public platform available for the Municipality.
- 7.2.** A student must register at the University, University of Technology or TVET College.
- 7.3.** The following must be submitted as supporting documents for application:
 - > Application letter;
 - > Certified copy of ID and Matric/ Grade 12 certificate;
 - > Proof of residential address;
 - > Latest academic record if already studying;

- > Certified Proof of ID copies of Parents/Guardian and indigent status;
- > A letter of acceptance or provisional acceptance letter from the University, University Of Technology or TVET College through which applicant wishes to enrol.

8. CRITERIA FOR AWARDING OF BURSARIES

8.1. FIELD OF STUDY

8.1.1. The Committee shall determine the field of study chosen for funding considering skills needs, scarcity, critical skills of the Local Government Sector and the current economic realities of the Municipality.

8.1.2. The following are the preferred fields of study the bursary will cover:

8.1.2.1 Civil Engineering;

8.1.2.2 Tourism;

8.1.2.3 Agricultural Engineering;

8.1.2.4 Electrical Engineering;

8.1.2.5 Regional and Town Planning;

8.1.2.6 Medicine

8.1.2.7 Law; and

8.1.2.7. Any other field of study the Committee considers that it would uplift the socio-economic development of the municipal population.

8.1.3. Where applicable, consideration is to be made to the geographical representation of the municipality in terms of skills needs and scarcity when selecting the applicants.

9. COMPOSITION OF THE MAYORAL BURSARY COMMITTEE

9.1. The Mayoral Bursary Committee shall comprise of the Mayor, Municipal Manager and the Director: Corporate Services.

9.2. The Mayoral Bursary Committee shall approve applicant from the master list compiled by the Human Resources Section.

- 9.3.** The Mayoral Bursary Committee shall also identify a number of standby Bursar(s) in case a selected student does not/ cannot take up the offer of an award.

10. FINANCING OF THE BURSARY

- 10.1.** The Municipal Council shall make budgetary provisions on an annual basis for the Bursary Scheme in line with the quest to address scarce and critical skills within the Municipality's area of jurisdiction.
- 10.2.** Payment of the bursary will only cover the registration fee payable to the successful Bursar's University, University of Technology or TVET College.

11. IMPLEMENTATION AND MONITORING

- 11.1.** This Policy will be implemented once approved by the Municipal Council.
- 11.2.** The Executive Support Department takes responsibility for monitoring the implementation of this Policy.

12. COMMUNICATION

- 12.1.** This Policy will be communicated to the municipal population including young people of the Municipality using the full range of communication methods available to the municipality.
- 12.2.** Successful applicants will be informed in writing of the outcomes of the application.

13. POLICY REVIEW

- 13.1.** This Policy shall be reviewed as and when necessary.

NDLAMBE LOCAL MUNICIPALITY



ANTI-CORRUPTION AND FRAUD PREVENTION POLICY

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1. DEFINITIONS

"Accounting Officer" means the Municipal Manager referred to in Section 60 of the MFMA;

"Councillor" means a member of the Ndlambe Municipality;

"Chief Financial Officer" means a Chief Financial Officer designated in terms of Section 80 (2) (a) of the MFMA;

"Designated official" means the individuals identified in a Municipality to receive reports of allegations of financial offences against Councillors, currently the Municipal Manager, Speaker and Executive Mayor in terms of the terms of reference of the disciplinary board on financial misconduct;

"Disciplinary board" means a disciplinary board established in terms of paragraph 4 of Regulations on financial misconduct, 2014;

"Internal Audit" The Institute of Internal Auditors defines internal audit as an independent, objective assurance and consulting activity designed to add value and improve an organization's operations. It helps an organization accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes. The Internal Audit unit will evaluate and contribute to the improvement of risk management, control and governance systems through the annual internal audit programme and surprise audits;

"Investigator" means the disciplinary board, treasury, person or team conducting a full investigation in terms of paragraph 5 of Regulations on financial misconduct, 2014;

"Management" includes the Senior Management in terms of section 56 of the MSA and include Managers on the first three levels of the organizational structure;

"MFMA" means the Municipal Finance Management Act, 2003 (Act 56 of 2003);

"Staff" any employee not considered as Management, which is a full-time employee, an individual seconded or contracted to the Municipality in his / her personal capacity;

"Whistle-blower" any employee, ratepayer, member of the public or provider of goods and / or services or any other person reporting corruption in terms of this policy;

1.1 Description of Fraud and Corruption

The following definition summarizes the act of corruption and fraud to be dealt with in terms of this policy:

"Abuse of power / discretion" this involves for example a Municipal official using his or her vested authority to improperly benefit another Municipal official, person or entity (or using vested authority to improperly discriminate against another Municipal official, person or entity).

"Abuse of privileged information misconduct" this inter alia involves the use of privileged information and knowledge that a Municipal official or Councilor's possesses as a result of his or her office to provide unfair advantage to another person or entity to obtain a benefit, or to accrue a benefit to him or herself.

"Act of failure" omitting to report or refusing to report or act upon reports of any such irregular or dishonest conduct.

"Billing fraud" occurs when suppliers of goods and services to a Municipality overcharge or otherwise produce false invoices, and payment is secured on those with the help of an employee.

"Bribery" is the bestowing of a benefit in order to unduly influence a decision or action. It can be initiated by a person who seeks or solicits bribes or by a person who offers and then pays bribes. Bribery is the most common form of corruption. The 'benefit' of bribery can be virtually any inducement: money and valuables, company shares, inside information, sexual or other favours. Once bribery has occurred, it can lead to other forms of corruption. Public sector bribery can target any individual who has the power to make decisions or to take an action affecting others and is willing to resort to bribery to influence the outcome of that decision.

"Cheating" this type of corruption is usually perpetrated by an individual or a group of individuals who are out to influence or distort the truth for their selfish gains, e.g. taking leave without completing an application therefor.

"Fraud" is the unlawful and intentional making of a misrepresentation / deceit resulting in actual or potential prejudice to the Municipality and include; Financial Statement fraud, cheque fraud, conflict of interest, gifts and Electronic Fund Transfer fraud.

"Collusion" means conspiring with others by staff/Councilors/bidders/suppliers especially in planning fraud or conniving and entering into secret agreement for wrongful and improper purposes.

"Conflict of Interest" this involves a Municipal official failing to disclose within a reasonable time in writing to the Municipal manager:

- (a) full particulars of any benefit / purchase by an official that he / she might have received from a supplier of goods and services, and / or any interest that his / her spouse, partner or close family member stands to acquire from any contract / friendship concluded with a supplier of goods and services of the Municipality;
- (b) all relationships / friendships with any supplier of goods and services to Ndlambe Municipality;- and

(c) any private business / venture that any employee is involved in.

"Conspiracy" any person who unlawfully and intentionally conspires with any other person to aid or procure a commission from or to commit any offence, whether at common law or against statute or a statutory regulation, shall be guilty of an offence and liable on conviction to the punishment to which the person convicted of actually committing offence would be liable.

"Corporate corruption / theft" this occurs in relationships between officials and the suppliers or clients, when officials use the Municipal resources / contracts for private gain, at the expense of the Municipality.

"Corruption" giving or offering; receiving or agreeing to receive; obtaining or attempting to obtain any benefit which is not legally due to, or by a person who has been charged with a duty or power by virtue of any employment, to do any act or omit to any act in relation to that power or duty.

"Cronyism" it is the practice of appointing friends to high-level, especially in Municipal posts regardless of their suitability.

"Embezzlement" this is a form of theft. It is the appropriation of someone else's property that is already in your possession or control. It is something referred to as theft by conversion in that someone else's property is converted into your own private use e.g. False accounting entries, Unauthorized withdrawals, Unauthorized disbursements, Paying personal expenses from bank funds, Unrecorded cash payments, Theft of physical property, and Moving money from dormant accounts.

"Equipment or resources misconduct" where the Municipality's equipment is used for personal benefit and include;

- (a) Personal use of Municipal or vehicles hired by the Municipality;
- (b) Theft of any equipment and or material or other items; and
- (c) Irregular / unauthorised destruction, removal or abuse of records (including Intellectual property) and equipment.

"Ethical" being in accordance with the accepted principles of right and wrong that govern the conduct of a profession e.g. good, just, fitting, fair, responsible, principled, correct, decent, proper, upright, honourable, honest, righteous and virtuous.

"Extortion" is committed when a person unlawfully and intentionally obtains some advantage which is not due to him from another by subjecting the latter to pressure which induces him to hand over the advantage. It could also be used to coerce individuals into 'cooperating' in a particular manner or towards a specific cause.

"Favouritism / discrimination" it is the practice of giving special treatment to a person or a group of people. This involves the provision of services or resources according to personal affiliation (for example; ethics, religious, gender, geographical factors, political or other affiliations).

"Forgery" is the unlawful and intentional making of a false document with intent to defraud which can include cheques and handwritten receipts.

"Financial misconduct" to be read with sections 170 to 173 of the MFMA and the description of financial misconduct and financial offences as defined in the MFMA and the regulations on financial misconduct, 2014, and where individuals or companies have fraudulently obtained money from the Municipality by:

- (a) Making profit from insider knowledge;
- (b) Irregular conspiracy in awarding contracts or orders for goods and / or services;
- (c) Suppliers submitting invalid invoices or invoicing for work not done;
- (d) Revenue fraud; and
- (e) Theft or Improperly handling or reporting of monies or financial transactions.

"Forms of Corruption" as described in these definitions are by no means exhaustive as corruption appears in many forms and it is virtually impossible to list all of them.

"Friendship" is a form of interpersonal relationship generally considered to be closer than association / colleagues. For this purpose it would mean people connecting/communicating/spending time with one another after office hours as friends.

"Looting / robbing" this is when an individual is involved in the illegal and illegitimate transfer / handover of money or goods from the Municipality or the Municipal bank account to another company / individual. Looting may also take the form of diversion of goods and services from an intended destination to another (un-intended one). An example of this type of corruption is where suppliers or contractors collude with staff to be paid for goods and services that were never delivered.

"Maladministration" is a political term which describes the actions of a government body which can be seen as causing an injustice. Municipalities can only investigate "maladministration causing injustice". Complaints can be considered about the way a decision was taken by Council, but cannot ignore the decision, only because the person complaining does not agree with it. It also means that the person complaining must have suffered an "injustice" as a result of the faulty decision-making process. Maladministration can include; delays, incorrect action or failure to take any action, failure to follow procedures or the law, failure to provide information, inadequate record-keeping, failure to investigate, failure to reply, misleading or inaccurate statements, inadequate liaison, inadequate consultation, or broken promises.

"Malpractice" improper / refusal or unethical conduct or unreasonable lack of skill by a holder of a professional or official position; such as engineers, lawyers, and professional public / Municipal officers / staff to stand for negligent or. Malpractice is a cause of action or no action, by an official or councillor for which damages/claims to the Municipality are occurred / allowed / claimed.

"Misappropriation" is:

- (a) A non-violent criminal taking of property which includes embezzlement, theft, and fraud. Often applied to a staff member's taking of an employer's property such as stationary, fuel, tools and equipment.
- (b) Taking / using what belongs to someone else like Municipal quotes and tenders and using it unfairly for one's own gain; for example, or using your position with suppliers for own gain.
- (c) To use wrongly or improperly. In terms of copyright, it is the act of theft or improper use of intellectual property for financial or personal gain.
- (d) Often called unfair competition. A common law form of unfair competition in which an individual or firm copies or appropriates some creation of another that is not protected by patent, copyright, or trademark law, or any other traditional theory of exclusive rights.

"Misconduct" includes all the definitions mentioned in this policy and also means to act badly or dishonestly or improperly and / or to manage the activities of the Municipality poorly.

"Nepotism" When a Municipal official or Councillor uses his influence to ensure that family members or friends or partners are appointed into any Municipal vacancies or that family members or friends or partners receive contracts from the Municipality, is it regarded as nepotism.

"Other misconduct" activities undertaken by the staff or Councilors of the Municipality which may be unlawful and against the Municipality's regulations or policies, or drop below established standard or practices and result in improper conduct can also be dealt with in terms of this policy and include receiving gifts and favours for rendering services;

"Patronage" systems consist of the granting favors, contracts, or appointments to positions by a local public office holder or candidate for a political office in return for political support. Many times patronage is used to gain support and votes in elections or in passing legislation. Patronage systems disregard the formal rules of a local government and use personal instead of formalized channels to gain an advantage.

"Petty corruption" is common in very normal day-to-day interactions and relations in society. It usually involves small gifts, favours or bribes. However, small as petty corruption may sound, its destructive power is as bad as grand corruption due to its pervasiveness in society and due to its apparent appearance as 'harmless'. It is therefore possible for many people to dismiss it and think its consequences are not destructive to a society e.g. fast-track the delivery of essential services e.g. issuing of a certificate, payment, building plan approval, receipt, or driving license.

"Political corruption" involves Councilors seeking bribes or other rewards for their own political or personal benefit in return for political favours to their supporters at the expense of the public interest.

"Systemic Corruption" is when corruption becomes accepted as the 'norm' and as part and parcel of the procedures of running public affairs of a Municipality or a society at large. A common manifestation of systemic corruption in our country is the frequent bribes by offenders to traffic police officers either to ignore the lack of road worthiness, or over-loading, or over-speeding.

"Systems misconduct" where a process / system exists which is prone to abuse by either staff or the public, e.g.:

- (a) Misadministration or financial misconduct in handling or reporting of money, financial transactions or assets;
- (b) Conspiracy in allocation of housing;
- (c) Disclosing confidential or proprietary information to outside parties; and
- (d) Irregular approval in the writing off of bad debt;
- (e) Destruction, removal, or inappropriate use of records, furniture, vehicles, fixtures, and equipment.
- (f) Accepting or seeking anything of material value from contractors, vendors, or persons providing services / materials to the Municipality.

"Theft" is the unlawful and intentional misappropriation / misuse / stealing / fiddling / embezzlement of Municipal property with the intention to deprive the Municipality of its right permanently.

"Trans-active corruption" arises from dealings between an official and a supplier of goods and services. It may occur when particular officials want to enrich themselves at the expense of the Municipality. For instance, when an official colludes with a supplier of uniforms and the latter supplies goods of substandard quality to the Municipality at an inflated cost so that they not only share the profits but also so that colleagues get poor quality uniforms, then trans-active corruption is said to have taken place.

"Unethical" not conforming to approved standards of social or professional behaviour e.g. immoral, wrong, improper, illegal, dirty, unfair, shady (informal), dishonest, unscrupulous, under-the-table, unprofessional, disreputable, underhand, unprincipled, dishonourable.

2. INTRODUCTION

Ndlambe Municipality subscribes to the principles of good corporate governance, which require the conducting of business in an honest and transparent fashion. Consequently, Ndlambe Municipality is committed to fighting fraudulent and corrupt behavior at all levels within the Municipality.

The purpose of this policy is to:

- Prevent fraudulent conduct before it occurs by encouraging a culture within the Municipality where all employees, members of the public and other stakeholders continuously conduct with and promote integrity in their dealings with, or on behalf of the Municipality.
- Encourage all employees and other stakeholders to strive towards the promotion of integrity and the prevention and detection of unethical conduct, fraud and corruption impacting or having the potential to impact on the Municipality.
- To encourage employees, Councilors and members of the public to feel confident in raising breeches, concerns or disclosing of information relating to fraud and corruption or irregular or criminal activities in workplace in a responsible manner without fear of victimization.

3. SCOPE OF POLICY AND APPLICATION

This policy covers all matters relating to the prevention, detection, investigation and resolution of fraud and corruption in the Municipality involving the following persons and/or entities:

- (a) Ndlambe Municipality staff members (permanent, temporary, contract)
- (b) Ndlambe Municipality Councilors
- (c) Consultants, suppliers, contractors, and other providers of goods or services to Ndlambe Municipality.
- (d) Other stakeholders of Ndlambe Municipality.

4. LEGISLATIVE CONTEXT OF THE POLICY

This policy aims to give effect to the requirements and stipulations of the

- (a) Prevention and Combating of Corrupt Activities Act (No. 12 of 2004)
- (b) Promotion of Access to Information Act (No. 2 of 2000)
- (c) Promotion of Administrative Justice Act (No. 3 of 2000)
- (d) Protected Disclosures Act (PDA) (No. 26 of 2000)
- (e) Municipal Finance Management Act (MFMA) (No. 56 2003)
- (f) Financial Intelligence Centre Act (FICA) (No. 38 of 2001)
- (g) Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings (No. 430 of 2014)

- (h) Code of Conduct for Councilors in terms of Schedule 1 of the Municipal Structures Act (No. 32 of 2000)
- (i) Code of Conduct for Municipal Staff Members in terms of Schedule 2 of the Municipal Structures Act (No. 32 of 2000)
- (j) Labour Relations Act (No. 66 of 1995)
- (k) Ndlambe Municipality Code of Ethics
- (l) Ndlambe Municipality Risk Management Strategy
- (m) Ndlambe Municipality Risk Management Policy

5. POLICY STATEMENT

It is the policy of Ndlambe Municipality that fraud, corruption, maladministration or any other dishonest activities of a similar nature will not be tolerated. Such activities will be investigated and actions instituted against those found responsible. Such actions may include the laying of criminal charges, administrative / disciplinary actions and civil action for recoveries where applicable.

The municipal Council is committed to protecting its revenue, property and information from any attempt, either by members of the public, contractors, subcontractors, agents, intermediaries, service providers or its own employees, to gain by deceit financial or other benefits. This policy is designed to protect public money and property, protect the integrity, security and reputation of the municipal Council and maintain a high level of services to the community consistent with good governance.

Prevention, detection, response and investigative strategies will be designed and implemented. These will include any existing controls (system controls and manual internal controls) and those currently prescribed in existing policies, procedures and other relevant prescripts to the activities of the Municipality.

All Managers are responsible for the prevention, detection and sanctioning of fraud and corruption within their areas of responsibility.

6. ETHICS

All corruption and fraud risks arise due to a lack of ethics. Many of the controls implemented to prevent corruption and fraud requires human involvement and can be circumvented by two or more persons colluding. People without a strong ethical character will not report corrupt and/or fraudulent acts they are aware of.

Anti-corruption and fraud prevention measures can thus only succeed in an environment of ethical behaviour, not only due to the need to prevent corrupt and fraudulent acts, but also to detect corruption and fraud when it does occur.

7. ROLE-PLAYERS IN ANTI-CORRUPTION AND FRAUD PREVENTION

7.1. Oversight

7.1.1. Council

Council takes an interest in anti-corruption and fraud prevention to the extent necessary to obtain comfort that properly established and functioning systems of anti-corruption and fraud prevention are in place to protect Ndlambe Municipality against losses, comply with legislation and discipline offenders.

Council may institute investigations into alleged instances of corruption and/or fraud involving Councillors and is responsible for the disciplinary process of Councillors implicated in acts of corruption and/or fraud.

7.1.2. Audit and Performance Audit Committee (APAC)

The APAC is responsible for providing the Municipal Manager and Council with independent counsel, advice and direction in respect of anti-corruption and fraud prevention.

The APAC will include a specific focus on fraud risks when advising on internal financial control, the accuracy and reliability of the financial statements, governance and compliance with legislation.

7.2. Implementers

7.2.1. Accounting Officer / Municipal Manager

The Accounting Officer is ultimately accountable for anti-corruption and fraud prevention within the Municipality. The Accounting Officer must set an example at the top and promote ethical behaviour within Municipality.

7.2.2. Directors

Directors support the Municipality's anti-corruption and fraud prevention philosophy, integrate it into the operational routines of the Municipality and monitor the anti-corruption and fraud prevention activities within their areas of responsibility.

The Directors are ultimately accountable to the Accounting Officer and Council for the anti-corruption and fraud prevention measures in their directorates.

7.2.3. Management

Management is responsible for designing, implementing and monitoring anti-corruption and fraud prevention controls and integrating it into the day-to-day activities of the Municipality.

Management is also risk action owners and must formulate appropriate action plans to combat corruption and fraud risks identified during risk identification and assessment.

7.2.4. Other municipal officials

Other municipal officials are responsible for adhering to and monitoring the process of anti-corruption and fraud prevention and integrating it into their day-to-day activities.

7.3. Support

7.3.1. Risk Management and Internal Unit

The Risk Management Unit's coordination function enables, through risk identification and assessments, the inclusion of corruption and fraud related risks in the Municipality's risk register. Throughout the unit's monitoring activities, special focus is given to ensure that appropriate action plans are formulated by management to mitigate corruption and fraud related risks and sufficient reporting is conducted to the relevant oversight structures

Internal Audit investigates alleged instances of corruption and/or fraud. As part of their investigations, they must provide recommendations for the improvement of anti-corruption and fraud prevention measures to prevent a similar corruption or fraud incident from occurring in the future.

7.4. Assurance Providers

7.4.1. Internal Audit

In addition to investigations and recommendations, Internal Audit can also provide assurance on the Municipality's anti-corruption and fraud prevention measures.

Due to the independence requirements of Standard 1130.A1 of the International Standards for the Professional Practice of Internal Auditing, Internal Audit may only provide assurance on anti-corruption and fraud prevention activities they were not involved with.

7.4.2. External Audit / Auditor General (AG)

The AG provides an independent opinion on the effectiveness of the Municipality's anti-corruption and fraud prevention measures.

In providing an opinion the AG:

- (a) determines whether the anti-corruption and fraud prevention strategy, policy and plan are in place and appropriate;
- (b) assesses the implementation of the anti-corruption and fraud prevention strategy, policy and plan;
- (c) reviews the corruption and fraud risk assessment process to determine if it is sufficiently robust to facilitate timely and accurate risk rating and prioritization;
- (d) determines whether management action plans to mitigate the key corruption and fraud risks are appropriate and being implemented effectively.

Findings and recommendations from an external audit can be used in the evaluation and improvement of anti-corruption and fraud prevention measures.

8. REPORTING

Councillors, staff members and the public are encouraged to report any alleged incident of fraud and

corruption.

8.1. Regulations for Financial Misconduct

In terms of Regulation 17 (1) of the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings (No. 430 of 2014), the Council has established reporting procedures for persons to report allegations of financial misconduct (including corruption and fraud) on a confidential basis.

A person must report allegations of financial misconduct in the following manner:

Allegations against	Report to
Accounting Officer (Municipal Manager) Senior Manager (Director) Chief Financial Officer	Council and Provincial Treasury and National Treasury
Other municipal officials	Accounting Officer (Municipal Manager)

8.2. Reporting lines

8.2.1. Staff

It is the responsibility of all staff to report all incidents of fraud or corruption that may come to his/her attention to his/her manager. If the staff member is not comfortable reporting such matters to his/her manager, the matter should be reported to the manager's superior, with final recourse to the Accounting Officer. Where the Accounting Officer is implicated in the incident, the staff member must report the matter to the Speaker.

Alternatively, such reports can be made by way of submitting a report through the prescribed whistle blowing mechanisms.

It is the responsibility of the Managers to report and/or escalate all incidents of fraud, corruption, theft, maladministration and other suspected irregularities of this nature to the Accounting Officer. Such reporting by managers must be made as follows:

- (a) Verbally, immediately after discovery of the incident in question;
- (b) Such verbal report must be followed by a detailed written report to be submitted within five working days after the discovery of such an incident.

It is the responsibility of the Accounting Officer to immediately report all incidents of fraud, corruption, theft, maladministration and other suspected irregularities of this nature to Provincial Treasury. This reporting must take place as follows:

- (a) a detailed written report to be submitted within five working days after discovery of such an incident.

In the event where the Accounting Officer is implicated, the Speaker must report the incident to Provincial Treasury.

The Accounting Officer must assess all reported incidents against the Prevention and Combating of Corrupt Activities Act (No. 12 of 2004) to determine whether the incident must be reported to the South African Police Service (SAPS).

Regardless of whether or not incidents of fraud, corruption, theft, maladministration and other suspected irregularities must be reported to the SAPS in terms of the abovementioned Act, it is the Municipality's policy to refer all alleged fraud and corruption of a criminal nature for prosecution by the appropriate authorities. The Accounting Officer must consult with Internal Audit to determine whether the matter warrants the laying of criminal charges.

8.2.2. Councillors

A Councillor must report all incidents of fraud or corruption involving staff to the Accounting Officer and incidents of fraud or corruption involving Councillors to the Speaker.

8.2.3. Public

Members of the public may report incidents of corruption and fraud involving the Municipality to any member of management, a Director, the Municipal Manager, Internal Audit or a Councillor.

The person receiving the report has the responsibility to escalate the matter to the appropriate person / authority.

8.3. Confidentiality

All reports received will be treated with the requisite confidentiality and will not be disclosed or discussed with parties other than those charged with investigation into such reports.

8.4. Anonymous Reporting

Should a Councillor, staff member or member of the public wish to report allegations of fraud or corruption anonymously, they can contact or write to any member of management, the Municipal Manager, Executive Mayor, the Speaker or Internal Audit or make use of the national fraud hotline - 0800 701 701.

9. PROTECTION OF WHISTLE BLOWERS

A whistle blower who reports suspected fraud and / or corruption may remain anonymous should he/she so desire.

The Protected Disclosures Act (No. 26 of 2000) protects whistle blowers who are employed by the Municipality. No employee will be subjected to any occupational detriment by the Municipality on account, or partly on account of having made a protected disclosure.

No person will suffer any penalty or retribution for good faith reporting of any suspected or actual incident of

fraud and corruption which occurred within the Municipality. The Municipality will not tolerate harassment or victimisation and will take action to protect staff and Councillors when they raise a concern in good faith. This does not mean that if a staff member or Councillor is already the subject of disciplinary or other action, that action will be halted as a result of their whistle blowing.

The malicious reporting of any false allegations by any staff member or Councillor constitutes a serious disciplinary infraction and is not protected by the provisions in this section.

10. INVESTIGATIONS

10.1. Responsibility for conducting Investigations

The responsibility for conducting investigations relating to fraud and corruption lies with the Accounting Officer, who may delegate such responsibility, whether generally or in specific cases, to managers of the Municipality as he may consider appropriate.

10.2. Anonymous Allegations

The Municipality encourages staff and Councillors to put their names to allegations. Concerns expressed anonymously are difficult to investigate; nevertheless they will be followed up at the discretion of the Municipality. This discretion will be applied by taking into account the following:

- (a) seriousness of the issue raised;
- (b) credibility of the concern; and
- (c) likelihood of confirming the allegation.

10.3. Investigators

The assistance of the following people / entities may be sought for purposes of carrying out investigations into corruption and fraud:

- (a) External and internal audit services;
- (b) Disciplinary Committee;
- (c) External state investigating agencies, e.g. SAPS, where matters fall within their mandate;
- (d) External consultants, e.g. forensic accounting consultants;
- (e) Office of the National Director of Public Prosecutions;
- (f) Special Investigating Units established under any law;
- (g) The Public Protector;
- (h) Any other authority as determined by Council.

Council and management of the Municipality must, within the bounds of their authority, render appropriate support and assistance to any investigation undertaken by an authorised investigator and must arrange/take the necessary steps to facilitate free access to the Municipality's buildings, equipment, staff, councillors and

Information sources required by the investigator.

10.4. Confidentiality

All information relating to fraud and corruption that is received and investigated will be treated confidentially. The progression of investigations will be handled in a confidential manner and will not be disclosed or discussed with any persons other than those who have a legitimate right to such information.

10.5. Feedback to complainants

The Municipal Manager or his/her delegate will upon receiving a report of alleged / suspected fraud or corruption, write to the complainant acknowledging receipt.

The Municipality accepts that those people who reported alleged fraud or corruption need to be assured that the matter is progressing or has been properly addressed, but confidentiality during and after investigations must also be maintained. Thus, subject to legal constraints, information about any investigation will be disseminated on a 'need to know basis' only.

11. DISCIPLINARY / LEGAL ACTION

Where a staff member is alleged to have committed an act of fraud, corruption, theft, or maladministration, the Manager or immediate senior (if the manager is the alleged offender) must institute disciplinary proceedings within a reasonable period in terms of the disciplinary code and procedures of the Municipality. Where the Accounting Officer or a councillor is the alleged offender, the Speaker or Council (if the Speaker is the alleged offender) must institute disciplinary proceedings.

Any fraud or corruption allegations against staff or councillors will be pursued by thorough investigations and to the full extent of the law by the Disciplinary Committee established by Council in terms of the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings (No. 430 of 2014, whose actions will include:

- (a) Taking disciplinary action;
- (b) Instituting civil action (particularly to recover losses suffered by the Municipality);
- (c) Initiating criminal prosecution by reporting the matter to the SAPS or any other relevant law enforcement agency; and
- (d) Any other appropriate legal remedies available.

As soon as a disciplinary hearing is completed, the outcome must be reported to the Accounting Officer, for hearings of staff, or the Speaker, for hearings of councillors. Such report must contain the following:

- (a) The name and position of the staff member or councillor against whom proceedings are instituted;

- (b) The disciplinary charges, indicating the misconduct the staff member or councillor is alleged to have committed;
- (c) The findings of the disciplinary hearing;
- (d) Any sanction imposed on the staff member or councillor; and
- (e) Any further action to be taken against the staff member or councillor, including criminal charges or civil proceedings.

The Accounting Officer must ensure that losses or damages suffered by the Municipality as a result of an act committed or omitted by a staff member, councillor or external person are recovered from such person if he/she is liable in law. The Accounting Officer must determine the amount of the loss or damage and, in writing, request that person to pay the amount within 30 days or in reasonable instalments. If the person fails to comply with the request, the legal process for recovery will be initiated by the Accounting Officer. In the event where recovery actions must be instituted against the Accounting Officer, the Mayor must execute the aforementioned processes.

12. RESPONSE TO INCIDENTS

In all instances where incidents of fraud, corruption, theft, maladministration and other similar irregularities of this nature take place, all Managers must immediately review the controls which have been breached in order to prevent similar irregularities from taking place in future.

Internal audit obtains, assembles and researches information on acts of fraud, corruption, other unlawful and/or irregular conduct and practices in order to identify causes and advice and consult on interventions / action plans to improve controls and prevent similar incidents in future.

13. TRAINING, EDUCATION, COMMUNICATION AND AWARENESS

In order for this policy to be sustainable, it must be supported by a structured training, education, communication and awareness programme.

It is the responsibility of all heads of department and managers to ensure that all staff are made aware of and receive appropriate training and education with regards to this Policy.

Council, in consultation with the Accounting Officer, must arrange training for councillors.

14. CONFLICTS OF INTEREST

All staff and Councillors of Ndlambe Municipality must declare any possible conflicts of interests. Once possible conflicts are disclosed, there are several decision paths:

- (a) If the Municipal Manager/Council declares that there is in fact a conflict that cannot be avoided, the Municipal Manager/Council must require the individual to end the conflict of interest or to resign from

the Municipality, otherwise the individual must be charged with misconduct;

- (b) The Municipal Manager/Council may determine that there is a potential for conflict of interest and impose certain constraints on the individual to manage the conflict and avoid opportunities for a conflict to arise. If the individual fails to adhere to the constraints, he/she must be charged with misconduct.
- (c) The Municipal Manager/Council may accept the disclosure and determine that there is no conflict of interest in the situation described.

15. REVIEW

~~This~~ Anti-Corruption and Fraud Prevention Policy must be reviewed and approved by Council annually.

OPEN NDLAMBE COUNCIL MEETING
HELD ON THURSDAY, 30 MARCH 2023

**REPORT DATED 16 MARCH 2023 FROM THE
MUNICIPAL MANAGER TO COUNCIL: REPORT ON
REVIEW OF HUMAN RESOURCES POLICIES,
EMPLOYEE WELLNESS AND ESSENTIAL USER
SCHEME POLICY**

ANNEXURE C.09

NDLAMBE MUNICIPALITY



ESSENTIAL USER CAR SCHEME POLICY 2023

ESSENTIAL USER CAR SCHEME

1 APPLICATION

This policy shall be observed by the Ndlambe Local Municipality. It will apply to all employees of Ndlambe Municipality who qualify for and/or apply for participation in the Essential User Car Scheme under the criteria set out below.

2 AIM OF SCHEME

Employees may qualify for participation in the Essential User Scheme where the duties of such an employee necessitate the daily use of a vehicle, where Ndlambe Municipality does not provide an official vehicle for such duties, and where the employee, per the agreement, provides a vehicle for the execution of the duties attached to the employee's position.

The essential user car scheme must be seen as an operational allowance and not as a condition of service.

The Essential User Scheme is not linked to or reserved for any post designation, task grade, or post level. However, qualifying staff must be at Task Grade 12 and higher and this does not waive the requirement of the scheme

3 CRITERIA FOR PARTICIPATION

- Employees shall only be considered for participation in the Essential User Scheme where Ndlambe Municipality does not provide an official vehicle for use by the Employee in the execution of duties attached to the position the Employee holds;
- The position the Employee holds must require the regular use of a vehicle equal to not less than 600 kilometres per month, averaged over a six (6) month period within the jurisdiction of Ndlambe
 - Where an Employee travels less than 600 kilometres per month in the execution of the duties attached to the position the Employee holds, the Employee shall be compensated for costs incurred in travelling as per the provisions of the Traveling and Substance Policy of Ndlambe Municipality;
- The department in which the Employee is employed must ensure that sufficient funds have been provided on the budget to cover the cost of the Essential User Scheme Allowance payable to the Employee
 - Continued participation in the scheme shall require the constant and continued completion of vehicle log books by the employee, with the necessary trip authorizations completed by the employee's immediate supervisor and verified by the Head of the relevant department.
 - Continued participation in the scheme shall require the annual submission of vehicle invoices to the Human Resources

In considering applications for participation, the head of the department shall, through the office of the Director Corporate Services submit the following to the Municipal Manager for consideration:

- The authorized vehicle log sheets for a period not less than six (6) months in respect of the employee in respect of whom an application is made for participation, or if the position qualifies automatically as per the Inherent requirement, the requirement will not be needed.
- A motivation for participation by the employee, detailing the following aspects:

- How is the department currently dealing with the transportation needs attached to the position?
- Is there an existing Council vehicle in use or an alternative vehicle available for use?
- Is participation in the Essential User Scheme the most economic option?
- What are the job requirements of the incumbent, and does it require a specific type of vehicle for official use?
- Does the duty of the employee require the frequent transportation of heavy goods or machinery?
- Is the employee's current vehicle suitable for official use? Does the vehicle belong to the employee?

4. WHICH EMPLOYEES QUALIFY FOR THE SCHEME

4.1 Where an employee must regularly make use of transport to perform his/her official duties, the Municipal Manager or Delegate may, at his/her sole discretion, approve an essential user transport allowance to such an employee for the use of his/her private vehicle. The Municipal Manager or Delegate also reserves the right to immediately withdraw an employee from the scheme should any of the criteria under which the employee was allowed to participate in the scheme not be met.

4.2 Participation in the scheme shall be restricted to those employees who:

- are permanently signed or have not less than a one-year contract.
- continuous daily use of motor transport to perform their official duties efficiently. Operate under circumstances where his/her regular use of an official Council pool vehicle becomes impractical or uneconomical.
- Are not required to drive either a 'functional' vehicle with special fittings or with municipal logo/markings as part of their normal official duties. Travel a minimum of 600km per month and a maximum of 2000km per month on official duties within the jurisdiction of Ndlambe.
- Has a suitable vehicle available, registered in the name of the employee.

5. CALCULATION OF ALLOWANCE

The allowance payable will be under the following elements:

A fixed amount of R6000 monthly allowance will be paid directly

In cases of any absence from duty, the allowance will not be paid except under the following circumstances:

when the employee is absent on annual leave.

when the employee is delegated on Council business;

when the employee is absent during the paid portion of maternity leave or full maternity leave.

when an employee is suspended on full pay.

6. ADJUSTMENT TO ALLOWANCE

The allowance is a fixed amount, and the review shall be at the discretion of the council,

considering economic factors.

7. HOME-TO-OFFICE TRIPS

The Essential User Scheme allowance is only payable for official kilometres travelled for the execution of official duties and shall not be paid for trips between the place of residence of the employee and his or her place of work.

The only exception to this rule is in the event of an after-hours call out where the employee has to travel from his home to the location where his/her services are required or concerning an identified post as determined by the Municipal Manager.

8. AVAILABILITY OF VEHICLE

Participation in the scheme contractually binds the participating employee to provide his/her transport on a full-time basis to fulfill his/her duties as an official of the municipality, following the requirements of his/her post.

If a vehicle, in respect of which a transport allowance is paid, breaks down and as a result is unavailable for use, it shall be the employee's responsibility to provide a suitable replacement vehicle. If necessary the employee will have to make available a temporary suitable vehicle for use at his/her own cost.

The employee shall at all times be responsible to inform the employer of any replacement vehicle provided and shall submit the following details relative to the replacement vehicle, type of vehicle, make, model and engine size.

9. FURTHER CONDITION

- 9.1 Subject to the provisions of paragraph 3 of clause 8 above, each departmental head shall indicate the post that qualifies for participation in the scheme. The number of kilometres that are requested shall be verified and a final decision shall be made by the authorized authority.
- 9.2 A vehicle purchase/used in terms of the scheme shall be required by the employee's Head of Department, to be suited to the nature of the employee's post, e.g. if the job content requires the use of an LDV, the employee cannot purchase a sedan.
- 9.3 Monitoring of vehicle usage will be conducted at monthly intervals. Heads of departments are, therefore, required to ensure that records reflecting official trips and distance travelled of a vehicle participating in the scheme are in use and kept up to date at all times.
- 9.4 Employees participating in the scheme shall be required to meet the maintenance repair costs of their vehicles and keep the vehicles in a roadworthy condition at all times.
- 9.5 No employee in any post shall be entitled to claim participation in the scheme as a right.
- 9.6 Where an employee chooses not to participate in the scheme, it shall be the Council's responsibility to provide the employee with official Council transport for the performance of his/her duties, provided that agreement to participate in the scheme shall contractually bind the Employee to provide a vehicle for official purposes for at least six (6) months. The Employee is thus under an obligation to give six (6) months' notice to Ndlambe Municipality if the Employee has the intention to withdraw from participating in the scheme.

- 9.7 If any employee participating in the scheme is promoted or appointed to a post which does not qualify for such benefits, a new contractual relationship is created and the employee concerned will not be able to claim continuation of allowance.
- 9.8 Private vehicles including vehicles of subsidized employees shall not be permitted in the Municipal workshop, and no work shall be done on such vehicles.

Employees who participate in the scheme must comply with the following:

- A daily log be completed on the prescribed form.

N.B the participation must ensure that such accessories that would normally have been installed in the vehicle by the Municipality, e.g. radio and antenna are installed at the cost of the Municipality.

- 9.10 Employees participating in this scheme will not be entitled to official parking facilities because they participated in this scheme but will be dealt with following Council's Parking Policy.
- 9.11 Employees who do not qualify for Essential User participation but are required to use their vehicles for official Council purposes will be paid in terms of the Subsistence and Travell Policy.

10. TERMINATION

Ndlambe Municipality shall have the right to terminate participation in the Essential User Scheme in writing upon giving six (6) months' notice to the Employee;

The Employee shall be entitled to terminate participation in the scheme upon giving six (6) months' written notice to Ndlambe Municipality;

Participation in the scheme shall automatically terminate on termination of service of the Employee for whatever reason;

Non-compliance with the provisions of this policy subject to disciplinary procedures may result in the immediate termination of participation of any Employee irrespective of other notice periods that may be reflected in this policy.

11. DATE OF APPLICATION OF POLICY

This policy shall come into effect from the first day of the month succeeding approval thereof by the Council of the Municipality.

NDLAMBE MUNICIPALITY

CORPORATE SERVICES



EMPLOYEE WELLNESS POLICY

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1. PREAMBLE

The Municipality acknowledges the existence of employees' personal and work-related problems that may have a negative influence on work performance. As a result, it recognises its responsibility through the establishment of the Employee Wellness Programme (EWP) aimed at enhancing the performance and quality of work life of all employees. The EWP works closely with other wellness policies such as HIV/AIDS, Harassment, Occupational Health and Safety, and Intoxicating Substances Abuse.

2. PURPOSE

To provide guidance and a standard framework for establishing and managing an Employee Wellness Programme (EWP).

3. SCOPE

This policy applies to all employees of the Municipality.

4. LEGISLATIVE AND POLICY FRAMEWORK

- Constitution of the Republic of South Africa Act 108 of 1996
- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014
- Local Government: Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Local Government: Guidelines for the Implementation of the Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Basic Conditions of Employment Act 75 of 1997
- South African Local Government Bargaining Council: Collective Agreements
- Occupational Health and Safety Act 85 of 1993
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Medical Schemes Act 131 of 1998

- Medical, Dental and Supplementary Health Service Professions Act.56 of 1974
- South African Nursing Council as referred to in the Nursing Act 50 of 1978
- Skills Development Act 97 of 1998
- EAPA-SA Standards of 2002
- Mental Health Care Act 17 of 2002

5. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation, or as defined and/or explained in the Glossary of the Human Resources Policies Manual.

6. PROBLEM STATEMENT

Employers have a duty to intervene in the wellness of the employees however employees have a reciprocal duty to avail themselves of such activities

7. POLICY PROVISIONS

7.1 Interventions and timing

7.1.1 There shall be a balance between reactive interventions, proactive interventions and the development of employees. Intervention shall be done at three levels, namely:

7.1.1.1The primary intervention focuses on prevention, health promotion, education and risk assessment.

7.1.1.2The secondary intervention focuses on early identification and management and/or resolution of problems or concerns.

7.1.1.3The tertiary intervention focuses on the treatment, rehabilitation, care and support of employees experiencing personal or work-related problems.

7.1.2 Efforts shall be made to ensure early identification and treatment of employee problems. Managers shall be involved to ensure timely problem identification, referral and assessment.

7.2 Confidentiality

- 7.2.1** Any information shared during consultation or counselling shall not be disclosed to anyone, including management, without the employee's written consent except when disclosure is required in terms of a law or court order.
- 7.2.2** The information provided by the employee during consultation shall not be utilised for any purpose other than those agreed upon between the counsellor and the employee.
- 7.2.3** All employee records in this regard shall be kept strictly confidential and not in the employee's personnel files or any official record of the Municipality.

7.3 Eligibility and accessibility

The EWP shall be accessible and available to all employees irrespective of position or level in the Municipality, and their immediate family members where appropriate in the opinion of the counsellor.

7.4 Neutrality

The EWP shall not be frustrated in the traditional interface between management and employees; and shall not clash with existing administrative procedures. For instance, EWP is not a replacement for the disciplinary procedure.

7.5 Impartiality

Participation in the programme shall not jeopardise the employee's job security or chances for promotion or other related benefits.

7.6 Equal treatment

Employees who use EWP services shall receive the same consideration as those with medical problems. No employee shall receive preferential or adverse treatment due to his / her participation in the programme.

7.7 Voluntarism

Participation in the programme shall be voluntary. However, management shall have the prerogative to recommend assistance for seemingly troubled employees. Refusal by an employee recommended for assistance due to poor performance could result in disciplinary action when poor performance persists.

7.8 Prevention of abuse

The programme shall be used solely for its purpose, and not as a pretext to engage in activities aimed at unfairly treating the employee or abusing the generosity of the Municipality.

7.9 EWP services and method of provision

The Municipality shall, at the discretion of the Municipal Manager in consultation with the HRM Department, provide all or part of the EWP services utilising an internal staff of the Municipality, or opt to outsource the provision of the EWP services in part, or as a whole, covering the following:

- 7.9.1** Full service for employees, and focus on sports, education and social benefits.
- 7.9.2** Training supervisors and managers and equipping them with the skill to identify negative job performance issues related to either work or personal life, and the knowledge to refer them to relevant wellness practitioners.
- 7.9.3** A direct, multilingual, confidential, limited access and 5 days a week clinical and life management services through professional, qualified, registered clinicians and specialists.
- 7.9.4** Provision of wellness clinic services on an agreed-upon basis.
- 7.9.5** A 48 to 72 hours response turnaround to offer individual and group trauma debriefing for critical incidents.
- 7.9.6** An education legal wellbeing service to assist employees with consumer affairs, social benefits and legal matters.

- 7.9.7** A financial well-being service focussing mainly on financial literacy and debt management while maintaining sound mental and social health
- 7.9.8** Managed sessions, creating awareness and education about the EWP service, as an introduction to employees, and promotion of EWP at various work sites through employee forums.
- 7.9.9** Development and implementation of a health calendar, with wellness days and events incorporated into it and must be financially funded subject to the availability of budget
- 7.9.10** Development of a comprehensive EWP and its successful implementation, supported by ongoing marketing and periodic reporting to the management of the Municipality.
- 7.9.11** Advice on recreational and sporting activities, incorporating physical fitness, and work gyms, if required.
- 7.9.12** Support employees battling substance abuse through counselling on willing employees.
- 7.9.13** Provision of services to manage absenteeism, incapacity, and proactive alerting of observed risks/threats following professional employee assessments.
- 7.9.14** Continuous assessment and analysis of statistical data, ongoing feedback of themes and trends, as well as communication of all developments, issues, concerns, compliments and other information to the Municipality.
- 7.9.15** Facilitation of annual voluntary counselling and testing (VCT) campaigns for HIV/AIDS, as well as referrals, peer educator support and training.
- 7.9.16** Annual review report to provide an overall review of the service utilisation data and to discuss organisational trends
- 7.9.17** Facilitation of Council-approved involvement of the Municipality's management and employees upon the death of a fellow employee and/or Councillor, through measures not limited to:
 - 7.9.17.1** Arrangement of workplace memorial service, where applicable
 - 7.9.17.2** Participation in bereaved family memorials, where

applicable

7.9.17.3 Arrangement of Municipal transport for employees and Councillors to attend the funeral, where applicable

7.9.17.4 The offering of condolences on behalf of the Municipality provision of counselling services to the bereaved employee, where required

7.10 Institutional arrangements

7.10.1 The Municipal Manager may ensure that EWP is a key performance area of all managers, and shall furthermore appoint the HRM Department as the nodal point for managing EWP across the Municipality.

7.10.2 The HRM Department shall, from time to time and based on case-by-case experience, provide guidelines to both line managers and appointed EWP professionals on referral procedures for each type of case requiring assistance.

7.10.3 The HRM Department shall, in consultation with the CFO, ensure there are financial resources for the implementation of EWP across the Municipality in particular, utilisation of external counselling services, paying or subsidising sporting activities in a form of affiliation fees, hosting of wellness day and partnerships with other Municipalities and Government Department

7.10.4 The HRM Department shall, from time to time, advise line managers and employees on the integration of the EWP with other Municipality programmes.

7.11 Roles and responsibilities

7.11.1 The Municipal Manager or his / her delegated assignee(s) accept overall responsibility for the implementation and monitoring of the policy.

7.11.2 The financial implications related to implementing this policy shall be qualified and quantified by Human Resource Management in consultation with the Chief Financial Officer.

8 POLICY MONITORING AND EVALUATION

8.1 The Head of Corporate Services shall carry out the monitoring and evaluation of the policy's implementation.

9 POLICY REVIEWAL

The policy shall be reviewed annually.

NDLAMBE MUNICIPALITY



CORPORATE SERVICES JOB EVALUATION POLICY

POLICY OBJECTIVE:

To implement the TASK Job Evaluation System within the Ndlambe Local Municipality, to achieve uniform norms and standards in the description of similar jobs and their grading across the municipal sector.

To provide for the necessary structures, institutional arrangements and procedures for the evaluation of jobs in the Ndlambe Local Municipality;

To ensure that a single job evaluation system is implemented to avoid remuneration disparities for similar categories of municipalities within the Local Government Sector;

POLICY PHILOSOPHY AND PRINCIPLES:

The wage curves for the different categories of municipalities applicable at the time (SALGBC/SALGA) shall be utilized to determine the salaries of TASK-graded jobs;

Any post that undergoes a permanent and substantial change in job content shall be re-evaluated.

No post in the local government sector shall be filled without having been subjected to the TASK Job Evaluation process, or Councils approval with the motivation

The job description for all posts shall be the responsibility of the Municipal Manager or his/her designated Job Evaluation and Organisational Development Manager;

The compilation of job descriptions shall be in the prescribed TASK format.

2. DEFINITIONS

All expressions used in this Policy, which are defined in the Labour Relations Act, 1995 (Act No 66 of 1995), shall bear the same meaning as in the Act and unless the contrary the intention appears, words importing the masculine gender shall include the feminine.

- 2.1 **“Auditing”** shall mean a technical exercise in verifying that the TASK System is being consistently applied in terms of its rules and any other rules on the implementation;
- 2.2 **“Audit Trail”** shall mean the report generated by the TASK System detailing the skill level and corresponding factor statements, weighting and points;
- 2.3 **“Designated Job Evaluation Manager”** shall mean the Manager appointed by the Municipal Manager to manage the implementation process;
- 2.4 **“Effective Date”** shall mean the date of implementation should a job be graded, and shall be 01 January 2023.
- 2.5 **“Factors”** shall mean the four TASK System factors of Complexity, Knowledge, Influence and Pressure.
- 2.6 **“Job Description”** shall mean a description of the content and duties of a post in terms of criteria and guidelines determined;
- 2.7 **“PAC”** shall mean Provincial Audit Committee or Appointed Services Provider;
- 2.8 **“Review”** shall mean an application by an employee who is aggrieved with their Final Job Grade Outcomes.
- 2.9 **“Review Procedure”** shall mean the process by which the PAC or Services Provider shall follow to review grading results arrived at;
- 2.10 **“Skill Level”** shall mean the Basic, Discretionary, Specialised, Tactical and Strategic Level as per the TASK System;
- 2.11 **“Sub-factors”** shall mean the fine-tuning of sub-factors in the TASK system;
- 2.12 **“TASK”** shall mean Tuned Assessment of Skills and Knowledge;
- 2.13 **“TASK System”** shall mean the Task Job Evaluation System in terms of its rules, application, definition and terminologies.

3. ROLE AND RESPONSIBILITIES OF THE MUNICIPAL MANAGER

- 3.1. The Municipal Manager is responsible for ensuring the implementation of the TASK Job Evaluation System in the Municipality;
- 3.2. The Municipal Manager must ensure that the designated JE Manager takes full responsibility for supporting and directing the job evaluation implementation and maintenance process.

3.3. The Municipal Manager shall ensure that sufficient staff and resources are allocated to support the process;

3.4. The Municipal Manager shall in terms of Section 66 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000 as amended) ensure that there is a job description for each post on the staff establishment of the municipality;

3.5. The Municipal Manager must ensure that the municipality keeps custody of the copies of job descriptions for all posts;

3.6 The Municipal Manager shall incorporate the responsibility for the compilation of the job description in the performance contract of every Manager (Municipality to determine);

3.7 The Municipal Manager shall ensure that all staff is informed of the objectives of the TASK JE System as required in terms of Section 67 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000 as amended);

3.8 The Municipal Managers for the cluster of municipalities who are responsible for job evaluation at the District level shall appoint appropriate persons to serve on the Job Evaluation Unit;

3.9 Municipal Managers shall ensure that Job Evaluation Units are established and are functional.

4 JOB EVALUATION UNITS

4.1 Establishment and Composition

4.1.1 Job Evaluation Units may be established at a "District" level as agreed provincially by Municipalities and due to capacity challenges;

4.1.2 The Job Evaluation Unit established at a District level shall comprise members from the relevant local municipalities; or

4.1.3 The Municipal Manager shall establish a Job Evaluation Unit in a municipality, to take responsibility of implementing the job evaluation process when funding permits

4.1.4 The composition of the JE Unit shall at least consist of the following:

- (a) Head of JE Unit (or his/her nominee) ;
- (b) Administrative/secretarial support;
- (c) At least two (2) additional members to undertake the grading of jobs; and/ or
- (d) Representatives from local municipalities (in the case of the JE Unit which operates at district level).

4.2 Trade Union Representation

4.2.1 One Trade Union representative from each of the recognized trade unions may participate as observers in the Job Evaluation Unit.

4.3 Training of Job Evaluation Unit Members

4.3.1 All nominees for membership shall undergo TASK Job Evaluation System training.

4.4 Roles and Responsibilities

4.4.1 The JE Unit shall evaluate all jobs within the municipalities falling under its jurisdiction and present the outcomes for auditing by the Provincial Audit Committee or the Service Provider appointed to perform auditing.

4.4.2 The responsibility of a JE Unit is both administrative (planning, prioritizing grading programs, quality control, receiving checking and filing job descriptions etc.) and the grading of jobs before submission to the Provincial Audit Committee (PAC) or Service Provider

4.4.3 For purposes of grading, a quorum shall consist of at least 50% plus 1 member of the JE Unit;

4.4.4 The JE Unit may invite both the incumbent of the job, as well as his/her Manager and

the Head of the Department's input to confirm if the full particulars of the job were taken into account.

5. PROVINCIAL AUDIT COMMITTEE OR SERVICES PROVIDER PERFORMING AUDITING

5.1 Composition

5.1.1 The provincial structures of SALGA shall establish a Provincial Audit Committee to audit the outcomes of the JE results from the JE Unit(s); or the District have the discretion to utilise a service provider knowledgeable with the TASK system to serve as a Provincial Audit Committee

5.1.2 The PAC shall consist of at least four (4) members who are trained and experienced in the TASK Job Evaluation System; or a service provider

5.1.3 A quorum shall consist of at least 50% plus 1 of members of the Provincial Audit Committee (PAC); or in the case of a service provider it will determine its own rules pertaining to clauses 5.1.3 to 5.1.8

5.1.4 Secretarial/administrative services will be provided by the provincial office of SALGA;

5.1.5 Members of the PAC shall serve on the panel for at least one year;

5.1.6 One Trade Union representative from each of the recognized trade unions may participate as observers in the TASK Job Evaluation Auditing Process;

5.1.7 The PAC shall convene on an ad hoc basis depending on the outcomes to be audited.

5.1.8 All nominees for membership may undergo additional training on how to conduct the TASK Job Evaluation Auditing Process.

5.2. Responsibilities and Powers

5.2.1 It is the responsibility of every member of a PAC or the appointed service provider to:

- (a) Conduct auditing with due regard to the integrity of the TASK Job Evaluation System, its accepted rules, applications, definitions and terminology;
- (b) Request any information relevant to the task which the PAC or service provider has to perform;
- (c) Decide on the outcome of the evaluation results which will be final and binding.

6. TASK IMPLEMENTATION REQUIREMENTS

6.1 The critical elements required to implement the TASK Job Evaluation System in a municipality are as follows:

- (a) An approved staff establishment recording the position of all jobs and their designation;
- (b) Job Descriptions are written in the prescribed TASK format;
- (c) That (a) and (b) at minimum have been used to evaluate the job using the TASK Software to determine a TASK Grade.

6.2 The TASK Job Evaluation Policy shall be strictly adhered to by all concerned to ensure both consistency and adequate implementation.

6.3 SALGA or the appointed service provider shall communicate the list of all evaluated jobs from other municipalities to the Municipal Managers for purposes of assisting JE Units in the grading of jobs.

7. JOB EVALUATION PROCESS

7.1 If a job has changed substantially and permanently, a job incumbent or his/her relevant manager may make an application through the departmental head that the job be re-evaluated; provided that such functions were performed for more than 6 months.

7.2 The TASK Job Evaluation Process shall be done on a continuous basis by the JE Unit

for as long as there are new posts being added to the staff establishment of the the municipality as per Section 66 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000 as amended);

7.3 If required, the JE Unit shall gather the relevant facts from both the incumbent of the job as well as the relevant manager and the Head of the Department of the job in question to ensure adequate information is available for the evaluation of the post;

7.4 A compilation of a job description should be preceded by a proper job analysis;

7.5 The incumbent of the post as well as the relevant supervisor and the Head of Department shall be required to sign off the job description prior to the JE Unit grading the job on the TASK Job Evaluation System;

7.6 In the event of no consensus is reached, the Municipal Manager or his/her nominee will determine the content of the job description;

7.7 The evaluation takes place by:

- (a) Determination of the *skill level* of the post;
- (b) The scoring of the *factors* relating to Complexity, Knowledge, Influence and Pressure;
- (c) The scoring of the *sub-factors* relating to Complexity, Knowledge, Influence and Pressure.

7.8 The JE Unit shall then compile a JE Outcome Report for the PAC or service with the appropriate audit trail;

7.9 The PAC or Services Provider shall be furnished with all relevant documentation within seven (7) working days prior to the date of the meeting to ensure sufficient time for preparation;

7.10 A representative of the JE Unit shall present the results to the PAC or Service Provider.

7.11 The Chairperson of the PAC or the Service Provider shall sign off the results of the job evaluation process before the JE Unit communicating the same to the Municipal Manager for implementation on the effective date determined by the Municipality.

8. MEETING RULES OF THE JE UNITS AND PAC

8.1 The JE Units and the PAC shall appoint a chairperson/ convenor and the Service Provider in this case shall determine its own rules, not outside Task.

8.2 The JE Units and PAC or Services Provider shall function in terms normally understood rules of meeting procedures;

8.3 An agenda must be prepared for every meeting;

8.4 The proceedings of all meetings must be recorded with particular reference to all prescribed administrative requirements.

9. COSTS

9.1 Municipalities shall bear the proportional costs associated with Job Evaluation and auditing of results;

9.2 Municipalities shall bear the cost of the training of JE Unit members.

10. TASK REVIEW PROCESS

10.1 All employees shall be furnished with the JE outcomes for the positions they occupy TASK Grades.

10.2 An employee may lodge a review application no later than 30 working days from the Date of notification of the JE results. The onus shall be on the employee to prove that The Task System was inconsistently applied when the post was graded, and the review must be directed to the District Job Evaluation Committee.

10.3 Employees may request the re-evaluation of their positions only if:

10.3.1 The job description utilized is not the same as the job the employee performs or there have been some/any changes.

10.3.2 The employee has added responsibilities which are not covered in the job description.

10.4 Re-evaluation applications shall be referred to the JE Unit (convenor) for an evaluation to be undertaken and submitted to the PAC or Services Provider for auditing of the provisional grade outcome.

11. CONFIDENTIALITY

11.1 Members of the JE Unit and the PAC, as well as observers shall maintain confidentiality on all scores and grading *outcomes* before formal notification and shall otherwise avoid disclosing information obtained in the process of job evaluation in a manner that may prejudice effective implementation.

12. ROLE OF PROVINCIAL STRUCTURES OF SALGA/ SERVICE PROVIDER

12.1 Establish a Provincial Audit Committee/Service Provider to deal with auditing of JE Results comprising of JE specialists;

12.2 Such representatives should preferably be active **JE Unit members** but shall in any the event has undergone training in the TASK Job Evaluation System in the case of PAC;

12.3 Negotiate with the service provider for the acquiring of licenses for JE Units.

12.4 All jobs evaluated after the implementation of the Policy shall be forwarded to SALGA for archiving and ease of reference if the PAC is used for Final Outcomes Results

12.5 Responsible for monitoring the implementation and maintenance of the TASK Job Evaluation System;

12.6 Concerning issues of the establishment of standards for the content and quality of

job descriptions and uniform national job designations, SALGA or the Services Provider shall:

- (a) Develop guidelines and criteria for job description writing and collect and promote the use of sample job descriptions reflective of the spectrum of jobs in the local government sector;
- (b) Develop a common framework for the designation and identification of jobs in the local government sector;
- (c) Identify generic and critical benchmark jobs and encourage the adoption by municipalities of the common national job descriptions and job designations;
- (d) Analyse stand-alone jobs in particular municipalities in the national context and encourage the adoption of more generic national standards in the designation and description of such jobs.

13. IMPLEMENTATION OF TASK RESULTS

The following conditions apply when placing staff on a new TASK grade and salary scale:

13.1 Employees will be placed on the salary notch on the new pay scale for the applicable

TASK grade which is the closest higher salary notch to their existing salary notch.

13.2 Employees whose current salary notch is lower than the minimum of the applicable TASK grade scale will be placed on the minimum of the applicable new TASK salary scale

13.3 Employees whose existing basic salary is higher than the new TASK grade maximum will retain their existing basic salary on a *personal-to-holder* basis.

13.4 In the event of Clause 13.3 above, the annual cost of living adjustments as determined by the South African Local Government Bargaining Council will be applied to the salary rate as retained by an employee from the date on which such an adjustment is applicable;

13.5 The implementation date for a new TASK JE outcome will be the 1st of January 2023

and outcomes receive after the date will be implemented retrospectively and will not exceed a period of six months retrospective payment.

14 REVIEW OF THE POLICY

The Policy shall be reviewed on a bi-annual basis or when it's necessary.

OPEN NDLAMBE COUNCIL MEETING
HELD ON WEDNESDAY, 31 MAY 2023

**REPORT DATED 16 MAY 2023 FROM THE
MUNICIPAL MANAGER TO COUNCIL: REPORT ON
REVIEW OF HUMAN RESOURCES POLICIES,
STAND-BY, SHIFT AND NIGHT WORK
ALLOWANCE POLICY, LEAVE POLICY**

ANNEXURE C.06

NDLAMBE MUNICIPALITY CORPORATE SERVICES



LEAVE POLICY

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1. PREAMBLE

The Municipality abides by legislation and collective agreements to grant leave to all employees and subject to the requirements of each type of leave.

2. PURPOSE

The purpose of this policy is to provide all employees with the requirements for application for various types of leave available to them, and the management thereof.

3. SCOPE

The policy is applicable to all employees of the Municipality, except temporary employees who work less than 24 (twenty-four) hours a month.

4. LEGISLATIVE AND POLICY FRAMEWORK

- Constitution of the Republic of South Africa Act 108 of 1996
- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014
- Local Government: Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Local Government: Guidelines for the Implementation of the Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- South African Local Government Bargaining Council: Collective Agreements

5. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation, or as defined and / or explained in the Glossary of the Human Resources Policies Manual.

6. PROBLEM STATEMENT

Leave is equitable to hard cash therefore must be monitored with precision to avoid any deviation

7. POLICY PROVISIONS

7.1 Annual Leave

7.1.1 Calculation of Annual Leave

7.1.1.1 The Municipality shall grant an employee the following annual leave in a leave cycle:

- a.** Twenty-four (24) working days for a five (5) day worker, provided that the leave for an employee that works less than a five (5) day week shall be calculated on a pro rata basis.
- b.** Twenty-seven (27) working days for a six (6) day worker.

7.1.1.2 An employee shall take leave not later than six (6) months after the end of the annual leave cycle.

7.1.1.3 An employee is required to take leave within each leave cycle as follows:

- a.** A five (5) day worker shall take a minimum of sixteen (16) working days leave.
- b.** A six (6) day worker shall take a minimum of nineteen (19) working days leave.

7.1.1.4 Annual leave shall only be accumulated to a maximum of forty-eight (48) working days.

7.1.1.5 Any leave in excess of forty-eight (48) working days may not be encashed should the employee be unable to take such leave, despite applying and because the Municipality refused to grant him / her such leave, as a result of the Municipality's operational requirements.

7.1.1.6 If, despite being afforded an opportunity to take leave an employee fails, refuses or neglects to take the remaining leave due to him / her during this period, such remaining leave shall fall away.

7.1.1.7 At the end of a leave cycle, an employee may not have more than forty-eight (48) days annual leave to his / her credit.

7.1.1.8 In the event of the termination of service, an employee shall be paid his / her leave entitlement calculated in terms of the relevant provisions of the BCEA, as amended and not exceeding 48 days.

7.1.2 Application for leave

7.1.2.1 Application for leave shall be made on the prescribed form and / or system and approved by the Head of Department on the recommendation of the applicant's supervisor, before the employee may go on leave.

7.1.2.2 Annual leave shall be recorded in the annual leave register and may not be taken in advance. Any leave taken prior to approval and recording as prescribed shall be treated as unpaid leave.

7.1.2.3 All leave of absence due, granted and taken shall be recorded in a leave register at the HRM Unit and an employee's leave record shall be available for inspection by him / her during office hours.

7.1.2.4 Application must be made in advance equal to the period of Annual Leave to be taken.

7.1.2.5 Subject to consultation with the employee, the Municipality may change or withdraw annual leave already granted.

7.1.2.6 If an employee becomes ill during annual leave, paid sick leave shall be granted in lieu of annual leave in accordance with the normal sick leave policy on submission of satisfactory proof.

7.1.2.7 Annual leave can be taken at any time during the year, provided approval is given by management.

7.1.3 Unpaid Leave

The Municipality shall grant an employee unpaid leave to a maximum equivalent to the annual leave allocation subject to the following:

7.1.3.1 Application shall be made in advance equal to the period of leave without salary to be taken.

7.1.3.2 Subject to consultation with the employee, the Municipality may change unpaid leave already granted.

7.2 Sick Leave

7.2.1 Determination of Sick leave

7.2.1.1 The Municipality shall grant an employee eighty (80) days sick leave in a three (3) year leave cycle, provided that new appointments / employees may not take more than thirty (30) days sick leave in the first year of employment

7.2.1.2 If more than two (2) consecutive days are taken as sick leave, the employee shall be required to submit a medical certificate from a registered medical practitioner, or any other person who is certified to diagnose and treat patients, and who is registered with a professions council established by an Act of Parliament: Provided that the Municipality may request a sick leave certificate for every day of sick leave where there is evidence of abuse of sick leave.

7.2.1.3 The Municipality is not required to pay the employee if absent on more than two (2) occasions during an eight- (8) week period, and on request by the Municipality, does not produce 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.

7.2.1.4 Additional sick leave

An employee is entitled to a further sixty (60) working days which is 30 day on full pay and 30 days on half pay per sick leave cycle.

7.2.1.5 Sick leave without pay

- a.** An employee to whom the maximum period of full and half pay sick leave has been granted, may be granted sick leave without pay for not more than two hundred and fifty (250) working days in any cycle if the Municipality is satisfied that such an employee is not permanently incapacitated to resume his / her duties, provided where sick leave without pay exceeds forty (40) consecutive days,

the employee must be examined by a registered medical practitioner or registered traditional healer appointed by the Municipality. The cost of such examination shall be borne by the Municipality.

- b. An employee to whom the maximum period of full and half pay sick leave, and leave in terms of above clause has been exhausted, and the employee has applied for medical boarding, the Municipality shall grant such an employee additional forty (40) sick leave days without pay, and the employee shall be examined by a registered medical practitioner or registered traditional healer appointed by the Municipality. The cost of such examination shall be borne by the Municipality.

7.2.1.6 Special sick leave for injury on duty cases and occupational diseases

- a. An employee who is absent from work owing to injury arising out of his / her duties and occurring in the course thereof or owing to an illness contracted in the course of and as a result of his / her duties shall be granted special sick leave on full pay for the period during which he / she is unfit to perform his / her duties.
- b. If the case falls within the ambit of the Compensation for Occupational Injuries and Diseases Act (COIDA), the amount payable to him / her in terms of the Act by means of periodic payments of his / her monthly earnings, shall be paid over to the Municipality, provided that Municipality has already advanced the amounts to the employee.
- c. Special sick leave may only be granted if the Municipality was notified of an accident or disease as required in terms of COIDA and that a medical certificate from a registered professional is submitted to the Municipality

7.2.2 Granting sick leave

- 7.2.2.1 Sick leave shall be granted only in connection with an employee's absence from duty owing to illness, indisposition, or injury.

7.2.2.2 In the case of nervous disorders, insomnia, debility or a similar less well-defined illness or indisposition, sick leave shall be granted only if the Municipality is reasonably satisfied that the employee's state of health

- a. renders him / her unfit for work, and
- b. does not arise from failure to make use of vacation leave.

7.2.2.3 The Municipality may at any time require an employee to submit him / herself to an examination by a registered health professional appointed by the Municipality, and the cost of such examination shall be borne by the Municipality.

7.2.2.4 The Municipality may, on the recommendation of a registered health professional or traditional healer, compel an employee who, in the Municipality's opinion, is so indisposed that he / she cannot perform his / her duties properly, to take sick leave.

7.3 Maternity Leave

7.3.1 An employee, including an employee adopting a child under three (3) months, shall be entitled to receive four (4) months paid maternity leave, with no limit to the number of confinements or adoptions. This leave provision shall also apply to an employee whose child is still-born. (Subject to the SALGBC being amended)

7.3.2 To qualify for paid maternity leave, an employee must have one (1) year of service with the Municipality. Employees with less than one (1) years' service shall qualify for one (1) month's fully paid maternity leave and three (3) months unpaid maternity leave.

7.3.3 An employee may commence maternity leave any time from four weeks before the expected date of birth, unless otherwise agreed. Alternatively, an employee may commence with maternity leave from a date which a medical doctor or midwife certifies it is necessary for the employee's health and/or that of her unborn baby.

7.3.4 The application for maternity leave shall be accompanied by a certificate from the doctor, which states the expected date of confinement, or evidence of legal adoption of a child.

- 7.3.5** Maternity leave is to be taken consecutively and may in normal circumstances not be split and taken on an *ad hoc* basis.
- 7.3.6** An employee may apply to supplement maternity leave with annual leave. Approval of annual leave in these circumstances is, as with any other application for annual leave, at the sole and entire discretion of the line manager or Municipal Manager and shall be dependent on the operational needs of the Municipality. No negative leave may be applied for to supplement maternity leave.
- 7.3.7** Unpaid leave over and above maternity leave and annual leave to supplement maternity leave may be granted. Such approval is at the discretion of the employer and shall be subject to the needs of the Municipality. Any such unpaid leave may not exceed two (2) months.
- 7.3.8** It is expected that any employee who learns of her pregnancy or confirmation of adoption shall advise the employer as soon as possible. The purpose of this is to facilitate planning, both for the period of absence as well as the employee's return to work.
- 7.3.9** Employees shall submit supporting documentation prior to commencing maternity leave either by way of a medical certificate confirming the expected date of birth or documentation from the relevant authorities confirming the adoption of a child.
- 7.3.10** No employee may work for six weeks after the birth of her child, unless a medical doctor or midwife certifies that she is fit to do so.
- 7.3.11** An employee who has a miscarriage during the third trimester of pregnancy, or bears a stillborn child, is entitled to maternity leave for six weeks after the miscarriage or stillbirth, even if the employee has not yet proceeded on maternity leave.
- 7.3.12** All employees proceeding on maternity leave shall be offered their original position upon return, unless they are consulted on alternatives prior to or during the course of maternity leave, and such alternatives have been accepted.
- 7.3.13** Absence from work for the purposes of maternity leave shall count towards qualifying years of service with the Municipality (e.g. long service awards) regardless of whether this absence is unpaid, part-paid or fully paid.

7.3.14 Any incentive payable at the discretion of the Municipality, for which an employee may qualify in terms of the applicable criteria, may be pro-rated in view of the extended temporary absence from work whilst on maternity leave.

7.3.15 Employees on maternity leave shall remain eligible for increases and promotions in the normal course.

7.4 Parental leave

7.4.1 An employee who is a parent of a child is entitled to at least ten (10) consecutive days' parental leave. An employee may commence parental leave on the day that the employee's child is born, or the date that:

7.4.1.1 the adoption order is granted; or

7.4.1.2 a child is placed in the care of a prospective adoptive parent by a competent court, pending the finalisation of an adoption order in respect of that child.

7.4.2 An employee shall notify the Municipality in writing of the dates on which the employee intends to commence parental leave, and return to work, after parental leave. Notification shall be given at least one month before the employee's child is expected to be born, or the date of adoption order, or date the child is placed in the care of a prospective adoptive parent by a competent court pending the finalisation of an adoption order. A Parental leave shall be completed

7.4.3 The Municipality is not required to pay the employee during the parental leave, but the employee may qualify for benefits under the Unemployment Insurance Act 63 of 2001, as is the case with maternity leave.

7.5 Adoption leave

7.5.1 An employee who is an adoptive parent of a child who is below the age of two, is entitled to an adoption leave of at least ten (10) consecutive weeks, or the parental leave under 7.4 above. If there are two adoptive parents, one should chose adoption leave, and the other parental leave. An employee may commence adoption leave on the day that:

7.5.1.1 the adoption order is granted; or

7.5.1.2 a child is placed in the care of a prospective adoptive parent by a competent court, pending the finalisation of an adoption order in respect of that child.

7.5.2 An employee shall notify the Municipality in writing of the dates on which the employee intends to commence adoption leave, and return to work, after adoption leave. Notification shall be given at least one month before the date of adoption order, or date the child is placed in the care of a prospective adoptive parent by a competent court pending the finalisation of an adoption order. An Adopting leave shall be completed

7.5.3 The Municipality is not required to pay the employee during the adoption leave, but the employee may qualify for benefits under the Unemployment Insurance Act 63 of 2001, as is the case with maternity leave.

7.6 Commissioning parental leave

7.6.1 An employee who is a commissioning parent in a surrogate motherhood agreement is entitled to a commissioning parental leave of at least ten (10) consecutive weeks, or the parental leave under 7.4 above. If there are two commissioning parents, one should choose commissioning parental leave, and the other parental leave.

7.6.2 An employee may commence parental leave on the day that the employee's child is born as a result of the surrogate motherhood agreement.

7.6.3 An employee shall notify the Municipality in writing of the dates on which the employee intends to commence commissioning parental leave, and return to work, after commissioning parental leave. Notification shall be given at least one month before the employee's child is expected to be born as a result of surrogate motherhood agreement.

7.6.4 The Municipality is not required to pay the employee during the commissioning parental leave, but the employee may qualify for benefits under the Unemployment Insurance Act 63 of 2001, as is the case with maternity leave.

7.7 Family responsibility leave

Municipality shall grant an employee during each annual leave cycle at the request of an employee, a total of five (5) days paid leave, which the employee is entitled to take, either when:

7.7.1 The employee's child is sick

7.7.2 The employee's spouse or life partner is sick

7.7.3 In the event of death of the employee's spouse or life partner, the employee's parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling

7.8 Special leave for study and examination purposes

7.8.1 Leave for examination purposes

7.8.1.1 Special leave may be granted to an employee for the working day on which he / she sits for an examination.

7.8.1.2 The examination should be prescribed by an educational institution in order to qualify for a formal qualification.

7.8.1.3 Two (2) working days special leave for every paper / examination for which an employee sits for an examination shall be granted to enable him / her to prepare for the examination.

7.8.1.4 The examination roster shall be included with the submission of the study leave application.

7.8.1.5 Results of the examination shall be submitted to the Human Resources Office as soon as they are available, and not later than three (3) months after the examination was written.

7.8.1.6 In cases where examinations were not written, the examination and study leave shall revert to annual leave unless a medical certificate is provided, in which case sick leave may be granted.

7.8.1.7 In case where the employee fails the examination and has to sit for a re-examination, the above provisions may apply again, once only.

7.8.2 Additional leave for Post Graduate Studies

Special leave for a dissertation or thesis shall be granted with full pay to a maximum of five (5) working days in a year, per qualification.

7.8.3 Attending of classes during working hours

7.8.3.1 An employee who studies part time or through correspondence in a field applicable to the Municipality and who, as a result of his / her studies is required to be absent from work shall be granted vacation leave and special leave on a 50:50 basis for the time he / she is released from duty, subject to the requirements of the department.

7.8.3.2 If no leave to his / her credit, unpaid vacation leave shall be granted.

7.9 Special leave for ad hoc instances

Special leave with a maximum of ten (10) days on full pay per annum may be granted to an employee when the employee:

- 7.9.1 performs police duties in terms of the South African Police Act 68 of 1995, after the Municipality has given permission that the employee may become a member of the reserve police force.
- 7.9.2 partake in a recognised sport activity at provincial and higher level, in which case the special leave with full pay shall not exceed three (3) working days per event and these three (3) working days may include travelling time.
- 7.9.3 has been arrested or is to appear in court on a criminal charge and is later acquitted or the charge is withdrawn.
- 7.9.4 gives evidence in a court case after a summons were served on the employee.
- 7.9.5 attends a meeting or conference approved by the Municipality.
- 7.9.6 participate in trade union activities as a shop steward in terms of the Recognition Agreement.

7.10 Additional Leave Conditions

- 7.10.1** No employee shall take leave whilst serving a notice period following the tendering of a resignation. Any such leave of absence shall be recovered as leave without pay from portion of pay due to the employee as a result of termination of service.
- 7.10.2** The Municipal Manager and Heads of Department shall use their discretion to ensure that the Municipality remains operational during any mass leave periods, by ensuring an equitable granting of leave during the most-preferred periods of the year.
- 7.10.3** In all cases, and especially in the most critical functional areas of the Municipality, application of leave by an employee and the granting of leave by any manager shall at all times be made against the necessary arrangements made to ensure continuity of the work during leave.
- 7.10.4** Leave in lieu of overtime shall be allocated to all hours exceeding 40 hour and 60 hours as per the policy and these days shall not be encashed and must be taken within a period of 12 months. The same process shall be followed when applying for annual leave.

7.11 Long service leave bonus

7.11.1 An employee shall qualify for long service leave (bonus) as recognition for continuous service at the Municipality, additional to normal leave. The long service leave / bonus shall apply as follows:

7.11.1.1	After 5 years' service	-	5 working days
7.11.1.2	After 10 years' service	-	10 working days
7.11.1.3	After 15 years' service	-	15 working days
7.11.1.4	After 20 years' service	-	15 working days
7.11.1.5	After 25 years' service	-	15 working days
7.11.1.6	After 30 years' service	-	15 working days
7.11.1.7	After 35 years' service	-	15 working days
7.11.1.8	After 40 years' service	-	15 working days
7.11.1.9	After 45 years' service	-	15 working days

7.11.2 An employee may choose to utilise the leave as annual leave within any days as long as the employee is in the service of the Municipality and the days must not be encashed in any circumstances.

7.12 Roles and responsibilities

7.12.1 The Municipal Manager or his / her delegated assignee(s) accept overall responsibility for the implementation and monitoring of the policy.

7.12.2 The financial implications related to implementing this policy shall be qualified and quantified by Human Resource Management in consultation with the Chief Financial Officer.

8. POLICY MONITORING AND EVALUATION

8.1 This policy shall be implemented and effective once recommended by the Local Labour Forum and approved by Council.

8.2 Non-compliance to the stipulations contained in this policy shall be regarded as misconduct, which shall be dealt with in terms of the Code of Conduct.

8.3 Head of Corporate Services shall carry out the monitoring and evaluation of the policy's implementation.

9. POLICY APPROVAL

Formulated by HR Management: Signature: _____ Date: _____

Consulted with Local Labour Forum: *Management Representative*: Signature: _____

_____ Date: _____

NDLAMBE MUNICIPALITY
CORPORATE SERVICES



STAND-BY, SHIFT AND NIGHT WORK ALLOWANCE
POLICY

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1 DEFINITIONS

- *Emergency work* means any work to be done without delay in respect of the interruption of essential services, arising from fire, an accident, a mishap, a storm, an epidemic, an act of violence, failure of equipment or machinery or any other unforeseen event. Emergency work excludes the performance of routine maintenance work outside normal working hours.
- *Night Work* means work performed between 18h00pm and 06h00am the next day.
- *Overtime* means the time worked by an employee which is in excess to the employee's ordinary hours of work.
- *Shift allowance* means a non-pensionable allowance which is payable to employees who do shift work on a regular basis.
- *Stand-by service* means the period determined by the employer during which an employee shall be on the alert for a call-out in the event that they are required to present themselves for duty.
- *Structured overtime* means planned and/or programmed overtime determined and/or approved by the employer including Council, Committee and official meetings of which minutes are to be kept that continues or scheduled after normal working hours.

2 LEGISLATIVE FRAMEWORK

This policy is established within the framework of the following legislation and regulations:

- The Basic Conditions of Employment Act, 1997 (Act no 75 of 1997)
- Labour Relations Act, 1995 (Act No. 65 Of 1995)
- Municipal Systems Act 32 of 2000
- All collective agreements as amended from time to time, concluded in the South

African Local Government Bargaining Council (SALGBC)

3 OBJECTIVES

To provide guidelines for the administration and remuneration of shift, night and standby work as provided for in the applicable legislation and Collective Agreements.

4 APPLICABILITY

This Policy is applicable to all employees of the Municipality excluding:

- The Municipal Manager.
- Section 56 Managers and other Managers reporting directly to the Municipal Manager.
- Employees who work less than 24 hours in a month.

5 STAND-BY ALLOWANCE

5.1 Standby Conditions

- 5.1.1. Persons providing essential services will be required to do standby duty from time to time during which the person must be available should their services be needed.
- 5.1.2. An employee must be authorised by the manager or his/her nominee and HR to be eligible for stand-by allowance payment.
- 5.1.3. An employee shall be eligible for stand-by allowance calculated in accordance with the Collective Agreements.
- 5.1.4. When an employee is placed on stand-by, it is expected that s/he will be within a reasonable radius that will enable him/her to be readily available for duty when called out.
- 5.1.5. Should the employee on stand-by duty not be called out s/he will still be eligible for stand-by allowance payment as determined in accordance with the Collective Agreement.
- 5.1.6. In the event that an employee is called out after his/her normal working

- 5.3.1 Based on valid reasons, analyze the need for an employee(s) to be on standby and make recommendations to the Head of Department and the HR Department.
- 5.3.2 Responsible for drafting a standby schedule on a monthly basis and ensure that the schedule is approved by the Head of the Department before any employee is assigned on standby duty.
- 5.3.3 All Managers are responsible for ensuring that approved standby claims are submitted to Pay Office and that employees are reimbursed timeously;
- 5.3.4 Ensure fair and equitable administration of remuneration of standby allowance
- 5.3.5 Consider budget and availability of funds;
- 5.3.6 Assist employees in the completion of forms for standby allowance;
- 5.3.7 Maintain accurate and up-to-date records of employees' remuneration of standby allowance for audit purposes, when required; and
- 5.3.8 Evaluate standby allowance in an equitable and non-prejudicial manner and ensure that they are considered only as a last resort.

6 NIGHT WORK ALLOWANCE

- 6.1 *Night work conditions*
 - 6.1.1 Night work is applicable to an employee who is required to work some or all of his/her work duty hours between 18h00pm and 06h00am the next day.
 - 6.1.2 The municipality shall ensure that transportation is available for night work employees between their place of residence and the workplace at the commencement and conclusion of the night work hours.
 - 6.1.3 An employee who works at night shall be paid a night work allowance.
 - 6.1.4 The municipality must inform the employee in writing if it is required that the employee work on a regular basis at night between 18h00pm and

06h00am the next day.

- 6.1.5 An employee paid a night work allowance shall not be entitled to a shift work allowance.
- 6.1.6 Night work allowance shall not be paid to employees whose salary is a minimum and above of R241,110.59 per annum.
- 6.1.7 The need for having employees available on a readiness basis must be dictated by the possibility that situations could arise which could lead to losses, interruptions in service delivery and risks to the safety of persons and property.
- 6.1.8 The need for having officials on standby need not be of a continuous nature. The duration of a standby arrangement can be dictated by seasonal occurrences, job requirements or a once- off occurrence.
- 6.1.9 Standby Allowance will only be paid when submitted with the schedule approved by the Head of Department.
- 6.1.10 Provision must be made for funds in the medium-term expenditure framework.
- 6.1.11 An employee is entitled to a night work allowance when he/she is permitted or required by the Employer in terms of Section 17 (2a) of the BCEA and approved by the Municipal Manager or his delegate to perform night-work.

6.2 *Payment of night work allowance*

- 6.2.1 The night work allowance shall be calculated at R4.50 per hour. This amount will be increased annually with salary increases.
- 6.2.2 If the employee is required to work at night on Saturdays, the employer shall pay the employee one and half times the normal night work allowance rate.
- 6.2.3 If the employee is required to work at night on Sunday and on a Public Holiday, the employee shall be paid double the amount of the normal night work allowance rate.

7 SHIFT WORK ALLOWANCE

- 7.1 A shift allowance will be paid to an employee who is involved in continuous process work where operations are running on a 24 hours 7days a week system. This will include emergency / essential services employees.
- 7.2 A shift allowance of 6% of the employees' basic annual salary shall be paid on a monthly basis.
- 7.3 Employees who receive a shift allowance are not entitled to night allowance.
- 7.4 If the employee's shift falls on a Sunday and on a Public Holiday, the employee shall be paid double the amount of the normal shift work allowance rate.
- 7.5 In order for an employee to be paid a shift allowance, the supervisor must motivate shift work for the employee(s) for recommendation by the Director and approval by the Municipal Manager.

8 EMERGENCY WORK

- 8.1 Emergency personnel shall work for a 45 hour working week.
- 8.2 An emergency work employee may be required to perform emergency work that cannot be performed during normal working hours.
- 8.3 Any additional hours of work over and above the 45 hours per week shall be deemed to be overtime and shall be remunerated in terms of the overtime policy.

9 POLICY REVIEW

This policy will be reviewed as per the review processes of the Bargaining Council Collective Agreement reviews on employee wages and benefits.

10 ROLES AND RESPONSIBILITIES

- 10.1 The Municipal Manager or his/her nominee accept overall responsibility for

the implementation and monitoring of the policy.

10.2 The role of Corporate Services is to:

- a) **Oversee the administration and management of issues of conditions of services including standby, shift and night shift allowances;**
- b) **Monitor and evaluate remuneration of standby, shift and night shift allowances within the Municipality;**
- c) **Ensure that the department reports on standby, shift and night shift allowances; and**
- d) **Amends and implements any changes to the provisions of this policy.**

NDLAMBE MUNICIPALITY



BEREAVEMENT POLICY

1. PURPOSE

To ensure uniform, fair and consistent approach in dealing with death of a Councillor and Official/Employee of Ndlambe Municipality. This include death of immediate family member of a Councillor and officials/employees (where relevant)

2. SCOPE OF APPLICATION

The policy is applicable to all Councillors and employees of the Ndlambe Municipality.

3. DEFINITIONS

3.1 "Employer" means Ndlambe Municipality/Council that utilised the efforts of an employee to render services to communities.

3.2 "Employee" means a person employed by the employer to carry out certain duties and responsibilities in return for remuneration. May be a permanent, temporary, and part-time or contract employee or an Intern but excluding a student and independent contractor.

3.3 "Councillor" means a Councillor as defined in terms of the Local Government: Municipal Systems Act, No. 117 of 1998.

4. LEGAL BASIS

The directives contained in this policy are issued in accordance with the following Provisions:

- i) The Constitution of the Republic of South Africa
- ii) The Municipal Systems Act
- iii) The Municipal Structures Act

5. PROCEDURE

5.1 Notices

- (i) When a Councillor or employee passes away, the Head of the Department in which the employee was working, or the Speaker, in case of a Councillor, should be notified immediately to allow him/her to arrange for the paying of respect to the deceased and to expressed condolences to the family.
- (ii) The Human Resources Section of Corporate Services and Payroll Section of Finance Department should be notified immediately so that the salary allowances can be stopped immediately to avoid overpayments that are difficult and costly to recover.
- (iii) The death certificate must be sent to the Director: Corporate Services as a matter of priority.

5.2 Memorial Service

- (i) A memorial service shall be held for the Councillor or official. The family must first be approached by Human Resources Section to obtain permission and agreement before any arrangements are made for the memorial service.
- (ii) The Department in which the deceased worked for shall make necessary arrangements for memorial service in-line with Human Resources Section. All departments should be

informed of the arrangements to allow official and Councillors to attend the memorial service. Only expenditure of the notice, programme, venue decoration, flower, water and transport shall be incurred by the municipality, unless the Council determines otherwise.

- (iii) The speakers at the memorial service from the employer shall be in the following order:
- Trade Union Representative if applicable
 - Supervisor
 - Head of Department

6. CONTRIBUTIONS

- (i) The Department in which the employee was working for shall be responsible for collecting private contributions for condolences to the bereaved family – a minimum of R10.00 per employee and Councillor. This will be handed over at the memorial service.
- (ii) Contributions are voluntary and the minimum amount is being prescribed.
- (iii) The Municipal Manager or his/her delegate in case of an employee and the Speaker or the Mayor in case of a Councillor, shall represent the municipality at the funeral.
- (iv) Teas and coffees to a maximum amount of R750.00, which shall be handed over by Head of the deceased employee or the Speaker or Mayor in case of a Councillor.
- (v) Tables and Toilets should be provided where it necessary.
- (vi) Should the family make use of its Community Halls – no fee shall be charged.

7. OFFICIAL TRANSPORT

Prior approval should be obtained from the Municipal Manager for the use of official transport for employees and councillors to attend the memorial service as well as and other service, by persons attending the service as representatives of the municipality.

8. LETTERS OF CONDOLENCES

- i) The Municipal Manager or Director Corporate Services, in case of an employee, and the Speaker or Mayor in case of Councillors, must prepare a letter of condolence to the immediate family of the deceased.
- ii) An official announcement should be made about such death once Council proceedings arrived at statement of communication by the Speaker.

OPEN NDLAMBE COUNCIL MEETING
HELD ON TUESDAY, 29 AUGUST 2023

**REPORT DATED 08 AUGUST 2023 FROM THE
MUNICIPAL MANAGER TO COUNCIL: REPORT ON
REVIEW OF HUMAN RESOURCES POLICIES: JOB
EVALUATION POLICY AND MOTOR VEHICLE
ALLOWANCE POLICY**

ANNEXURE C.09

NDLAMBE MUNICIPALITY



MOTOR VEHICLE ALLOWANCE POLICY

CHAPTER 18: MOTOR VEHICLE ALLOWANCE POLICY

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TRAVEL ALLOWANCE POLICY

1. PREAMBLE

Ndlambe Municipality acknowledges the fact that managers in certain occupational categories require transport to effectively carry out duties assigned to them, and thereby provide travel allowance to facilitate their work.

2. PURPOSE

The objective of this policy is to create uniform standards across the Municipality to regulate the travel allowance for Managers who qualify and utilise the benefit.

3. SCOPE

This policy applies to all Deputy Directors and Managers from Task Grades 15, 16, 17 and 18. Deputy Directors and Managers who decided to remain on the old Town Clerk Scheme shall migrate to this policy. Employees who enjoy a higher benefit as a result of the previous policy shall remain and not be worse off until such time their benefit is corresponding with this policy. Employees who are in receipt of an allowance and do not qualify in terms of this policy shall remain *personal-to-holder*.

4. LEGISLATIVE AND POLICY FRAMEWORK

- Constitution of the Republic of South Africa Act 108 of 1996
- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014
- Local Government: Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Local Government: Guidelines for the Implementation of the Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Basic Conditions of Employment Act 75 of 1997
- South African Local Government Bargaining Council: Collective Agreements
- Income Tax Act 58 of 1962

5. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation, or as defined and/or explained in the Glossary of the Human Resources Policies Manual.

6. PROBLEM STATEMENT

This policy will put stringent controls when it relates to the allowance to prevent any sort of abuse or maladministration.

7. POLICY PROVISIONS

7.1 Travel allowance for managers

7.1.1 The beneficiaries qualify to receive a motor vehicle allowance of up to twenty-five per cent (25%) of their annual basic salary, for the purchase of a private vehicle to use in official duties, based on their duties as per their job descriptions.

7.1.2 A beneficiary who receives a Motor Vehicle allowance shall meet the following requirements:

7.1.3.1 At all times provide a motor vehicle of suitable type and condition for the proper discharge of duties.

7.1.3.2 A logbook acceptable to the South African Revenue Service (SARS) shall be kept recording the official and private kilometres travelled.

7.1.3.3 The travel allowance shall be included in the IRP5 for purposes of accounting to SARS.

7.1.3.4 On Income Tax Assessment, a manager or employee receiving travel allowance shall account to SARS for the use of the travel allowance.

7.2 Reimbursement allowance for travel

7.2.1 In addition to the travel allowance as provided for under clause 7.1 above, an employee may claim from the Municipality for official distances travelled outside the boundaries of Ndlambe Local Municipality.

7.2.2 Such official distances travelled shall be reimbursed in accordance with the applicable tariffs prescribed by the National Department of Transport from time to time.

7.2.3 The fixed allocation for this category shall be paid in terms of a kilometre allocation per month, as determined by the Council, or SALGBC.

- 7.2.4 Beneficiaries shall not be permitted to claim distances more than the allocation by Council, SALGBC or the applicable tariffs and formula prescribed by the National Department of Transport.
- 7.2.5 To provide financial discipline and administrative simplicity in this regard, the kilometre allocations shall only be approved according to the trip travel outside the boundaries.

7.3 Official business travel

- 7.3.1 Official or business-related travel is travel for any purpose that directly relates to the Municipal duties of a Manager and excludes travelling between the place of residence and ordinary place of work

7.4 Qualification requirements for reimbursement for travel

- 7.4.1 Travel reimbursement may only be extended to employees who receive a travel allowance represented by 25% of their basic salary.
- 7.4.2 All travel on the business of the Municipality shall be approved as such before a manager or employee is entitled to claim for the travel reimbursement.
- 7.4.3 A travel reimbursement claim shall be supported by proof of such travel and related documents.
- 7.4.4 No travel claim shall be paid, and no Manager or employee shall be entitled to the reimbursement, if the travel is not related to official business of the Municipality.

7.5 Control measures on employees receiving a travel allowance

- 7.5.1 Employees are to provide proof of the availability of suitable vehicles at the request of the HRM Unit. If not, the affected employees' travel allowance shall be stopped until such vehicle is available / provided.
- 7.5.2 In the event that it can be shown that the employee has received the travel allowance without having the requisite vehicle available, the overpayment of the allowance for the identified non-qualifying period shall be recovered from the employee's salary.
- 7.5.3 Employees shall inform their Heads of Departments immediately if they do not have a vehicle available.
- 7.5.4 Furthermore, the employee shall face disciplinary action and/or incapacity proceedings relating to their non-compliance with this provision and inability to perform their duties due to them not having the requisite vehicle in certain instances.

7.5.5 Where the employee continued to receive the allowance without complying with the above qualifying requirements, they shall be charged with fraud.

7.5.6 Employees who are in receipt of existing travel allowances which they enjoyed from their previous post and who are appointed to promotional posts that do not have travel allowances attached to them shall have their existing travel allowance discontinued from the time that they take up the duties of the new promotional post.

7.6 Measures for claiming travel reimbursement

7.6.1 The duly prescribed claim form shall be fully completed by a manager or employee.

7.6.2 The prescribed form shall be submitted, within predetermined dates, to the expenditure section of the Finance department or the duly delegated official, to be considered for reimbursement.

7.6.3 All claims shall be reimbursed or paid within the prescribed payment days determined by the Finance Directorate.

7.6.4 A claim for a travel reimbursement shall be supported by:

7.6.4.1 Any relevant supporting documentation.

7.7 Roles and responsibilities

7.7.1 The Municipal Manager or his / her delegated assignee(s) accept overall responsibility for the implementation and monitoring of the policy.

7.7.2 The financial implications related to implementing this policy shall be qualified and quantified by Human Resource Management in consultation with the Chief Financial Officer.

8. POLICY MONITORING AND EVALUATION

8.1 This policy shall be implemented when effectively approved by Council and shall commence from 01 July 2023

8.2 Non-compliance to the stipulations contained in this policy shall be regarded as misconduct, which shall be dealt with in terms of the Code of Conduct.

8.3 Director: Corporate Services shall carry out the monitoring and evaluation of the policy's implementation.

8.4 This Motor Vehicle Policy repeals the previous policy that was in use.

9. POLICY APPROVAL

Date:

NDLAMBE MUNICIPALITY



CORPORATE SERVICES JOB EVALUATION POLICY

POLICY OBJECTIVE:

To implement the TASK Job Evaluation System within the Ndlambe Local Municipality, to achieve uniform norms and standards in the description of similar jobs and their grading across the municipal sector.

To provide for the necessary structures, institutional arrangements and procedures for the evaluation of jobs in the Ndlambe Local Municipality.

To ensure that a single job evaluation system is implemented to avoid remuneration disparities for similar categories of municipalities within the Local Government Sector.

POLICY PHILOSOPHY AND PRINCIPLES:

The wage curves for the different categories of municipalities applicable at the time (SALGBC/SALGA) shall be utilized to determine the salaries of TASK-graded jobs.

Any post that undergoes a permanent and substantial change in job content shall be re-evaluated.

No post in the local government sector shall be filled without having been subjected to the TASK Job Evaluation process, or Councils approval with the motivation.

The job description for all posts shall be the responsibility of the Municipal Manager of his/her designated Job Evaluation and Organisational Development Manager.

The compilation of job descriptions shall be in the prescribed TASK format.

2. DEFINITIONS

All expressions used in this Policy, which are defined in the Labour Relations Act, 1995 (Act No 66 of 1995), shall bear the same meaning as in the Act and unless the contrary the intention appears, words importing the masculine gender shall include the feminine.

- 2.1 **“Auditing”** shall mean a technical exercise in verifying that the TASK System is being consistently applied in terms of its rules and any other rules on the implementation.
- 2.2 **“Audit Trail”** shall mean the report generated by the TASK System detailing the skill level and corresponding factor statements, weighting and points.
- 2.3 **“Designated Job Evaluation Manager”** shall mean the Manager appointed by the Municipal Manager to manage the implementation process.
- 2.4 **“Effective Date”** shall mean the date of implementation should a job be graded, and shall be 01 January 2023.
- 2.5 **“Factors”** shall mean the four TASK System factors of Complexity, Knowledge, Influence and Pressure.
- 2.6 **“Job Description”** shall mean a description of the content and duties of a post in terms of criteria and guidelines determined.
- 2.7 **“PAC”** shall mean Provincial Audit Committee or Appointed Services Provider.
- 2.8 **“Review”** shall mean an application by an employee who is aggrieved with their Final Job Grade Outcomes.
- 2.9 **“Review Procedure”** shall mean the process by which the PAC or Services Provider shall follow to review grading results arrived at.
- 2.10 **“Skill Level”** shall mean the Basic, Discretionary, Specialised, Tactical and Strategic Level as per the TASK System.
- 2.11 **“Sub-factors”** shall mean the fine-tuning of sub-factors in the TASK system.
- 2.12 **“TASK”** shall mean Tuned Assessment of Skills and Knowledge.
- 2.13 **“TASK System”** shall mean the Task Job Evaluation System in terms of its rules, application, definition, and terminologies.

3. ROLE AND RESPONSIBILITIES OF THE MUNICIPAL MANAGER

- 3.1. The Municipal Manager is responsible for ensuring the implementation of the TASK Job Evaluation System in the Municipality.
- 3.2. The Municipal Manager must ensure that the designated JE Manager takes full responsibility for supporting and directing the job evaluation implementation and maintenance process.

3.3. The Municipal Manager shall ensure that sufficient staff and resources are allocated to support the process.

3.4. The Municipal Manager shall in terms of Section 66 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000 as amended) ensure that there is a job description for each post on the staff establishment of the municipality.

3.5. The Municipal Manager must ensure that the municipality keeps custody of the copies of job descriptions for all posts.

3.6 The Municipal Manager shall incorporate the responsibility for the compilation of the job description in the performance contract of every Manager (Municipality to determine);

3.7 The Municipal Manager shall ensure that all staff is informed of the objectives of the TASK JE System as required in terms of Section 67 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000 as amended).

3.8 The Municipal Managers for the cluster of municipalities who are responsible for job evaluation at the District level shall appoint appropriate persons to serve on the Job Evaluation Unit.

3.9 Municipal Managers shall ensure that Job Evaluation Units are established and are functional.

4 JOB EVALUATION UNITS

4.1 Establishment and Composition

4.1.1 Job Evaluation Units may be established at a "District" level as agreed provincially by Municipalities and due to capacity challenges.

4.1.2 The Job Evaluation Unit established at a District level shall comprise members from the relevant local municipalities; or

4.1.3 The Municipal Manager shall establish a Job Evaluation Unit in a municipality, to take responsibility of implementing the job evaluation process when funding permits

4.1.4 The composition of the JE Unit shall at least consist of the following:

- (a) Head of JE Unit (or his/her nominee);
- (b) Administrative/secretarial support.
- (c) At least two (2) additional members to undertake the grading of jobs; and/ or
- (d) Representatives from local municipalities (in the case of the JE Unit which operates at district level).

4.2 Trade Union Representation

4.2.1 One Trade Union representative from each of the recognized trade unions may participate **as observers** in the Job Evaluation Unit.

4.3 Training of Job Evaluation Unit Members

4.3.1 All nominees for membership shall undergo TASK Job Evaluation System training.

4.4 Roles and Responsibilities

4.4.1 The JE Unit shall evaluate all jobs within the municipalities falling under its jurisdiction and present the outcomes for auditing by the Provincial Audit Committee or the Service Provider appointed to perform auditing.

4.4.2 The responsibility of a JE Unit is both administrative (planning, prioritizing grading programs, quality control, receiving checking and filing job descriptions etc.) and the grading of jobs before submission to the Provincial Audit Committee (PAC) or Service Provider

4.4.3 For purposes of grading, a quorum shall consist of at least 50% ~~plus 1 member of~~ the JE Unit.

4.4.4 The JE Unit may invite both the incumbent of the job, as well as his/her manager and the Head of the Department's input to confirm if the full particulars of the job were taken into account.

5. PROVINCIAL AUDIT COMMITTEE OR SERVICES PROVIDER PERFORMING AUDITING

5.1 Composition

5.1.1 The provincial structures of SALGA shall establish a Provincial Audit Committee to audit the outcomes of the JE results from the JE Unit(s); and the District have the discretion to utilise a service provider knowledgeable with the TASK system to serve as a Provincial Audit Committee

5.1.2 The PAC shall consist of at least four (4) members who are trained and experienced in the TASK Job Evaluation System; or a service provider appointed by the District.

5.1.3 A quorum shall consist of at least 50% plus 1 of members of the Provincial Audit Committee (PAC); or in the case of a service provider, it will determine its own rules pertaining to clauses 5.1.3 to 5.1.8

5.1.4 Secretarial/administrative services will be provided by the provincial office of SALGA and the appointed service provider shall provide its own.

5.1.5 Members of the PAC shall serve on the panel for at least one year.

5.1.6 One Trade Union representative from each of the recognized trade unions may participate as observers in the TASK Job Evaluation Auditing Process.

5.1.7 The PAC shall convene on an ad hoc basis depending on the outcomes to be audited and the same with the appointed service provider.

5.1.8 All nominees for membership may undergo additional training on how to conduct the

TASK Job Evaluation Auditing Process.

5.2. Responsibilities and Powers

5.2.1 It is the responsibility of every member of a PAC or the appointed service provider to:

- (a) Conduct auditing with due regard to the integrity of the TASK Job Evaluation System, its accepted rules, applications, definitions and terminology.
- (b) Request any information relevant to the task which the PAC or service provider has to perform.
- (c) Decide on the outcome of the evaluation results which will be final and binding.

6. TASK IMPLEMENTATION REQUIREMENTS

6.1 The critical elements required to implement the TASK Job Evaluation System in a municipality are as follows:

- (a) An approved staff establishment recording the position of all jobs and their designation.
- (b) Job Descriptions are written in the prescribed TASK format.
- (c) That (a) and (b) at minimum have been used to evaluate the job using the TASK Software to determine a TASK Grade.

6.2 The TASK Job Evaluation Policy shall be strictly adhered to by all concerned to ensure both consistency and adequate implementation.

6.3 SALGA or the appointed service provider shall communicate the list of all evaluated jobs from other municipalities to the Municipal Manager for purposes of assisting JE Units in the grading of jobs.

7. JOB EVALUATION PROCESS

7.1 If a job has changed substantially and permanently, a job incumbent or his/her relevant manager may make an application through the departmental head that the job be re-evaluated, provided that such functions were performed for more than 6 months.

- 7.2 The TASK Job Evaluation Process shall be done on a continuous basis by the JE Unit for as long as there are new posts being added to the staff establishment of the the municipality as per Section 66 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000 as amended);
- 7.3 If required, the JE Unit shall gather the relevant facts from both the incumbent of the job as well as the relevant manager and the Head of the Department of the job in question to ensure adequate information is available for the evaluation of the post.
- 7.4 A compilation of a job description should be preceded by a proper job analysis.
- 7.5 The incumbent of the post as well as the relevant supervisor and the Head of Department shall be required to sign off the job description prior to the JE Unit grading the job on the TASK Job Evaluation System;
- 7.6 In the event of no consensus is reached, the Municipal Manager or his/her nominee will determine the content of the job description.
- 7.7 The evaluation takes place by:
- (a) Determination of the *skill level* of the post.
 - (b) The scoring of the *factors* relating to Complexity, Knowledge, Influence and Pressure.
 - (c) The scoring of the *sub-factors* relating to Complexity, Knowledge, Influence and Pressure.
- 7.8 The JE Unit shall then compile a JE Outcome Report for the PAC or service with the appropriate audit trail.
- 7.9 The PAC or Services Provider shall be furnished with all relevant documentation within seven (7) working days prior to the date of the meeting to ensure sufficient time for preparation.
- 7.10 A representative of the JE Unit shall present the results to the PAC or Service Provider.

7.11 The Chairperson of the PAC or the Service Provider shall sign off the results of the job evaluation process before the JE Unit communicating the same to the Municipal Manager for implementation on the effective date determined by the Municipality.

8. MEETING RULES OF THE JE UNITS AND PAC

8.1 The JE Units and the PAC shall appoint a chairperson/ convenor and the case of a Service Provider shall determine its own rules, not outside Task.

8.2 The JE Units and PAC or Services Provider shall function in terms normally understood rules of meeting procedures.

8.3 An agenda must be prepared for every meeting in the case of the JE and the services provider shall determine its own acceptable procedure.

8.4 The proceedings of all meetings must be recorded with particular reference to all prescribed administrative requirements.

9. COSTS

9.1 Municipalities shall bear the proportional costs associated with Job Evaluation and auditing of results;

9.2 Municipalities and the District shall bear the costs of the training of JE Unit members.

10. TASK REVIEW PROCESS

10.1 All employees shall be furnished with the JE outcomes for the positions they occupy.

10.2 An employee may lodge a appeal or review application no later than 30 working days from the Date of receiving of his/her results from the Municipality. The onus shall be on the employee to prove that the Task System was inconsistently applied when the post was graded; and the review must be directed to the District Job Evaluation Committee.

10.3 Employees may request the re-evaluation of their positions only if:

10.3.1 *The job description utilized is not the same as the job the employee performs or there have been some/any changes.*

10.3.2 *The employee has added responsibilities which are not covered in the job description.*

10.4 Re-evaluation applications shall be referred to the JE Unit (convenor) for an evaluation to be undertaken and submitted to the PAC or Services Provider for auditing of the provisional grade outcome.

11. CONFIDENTIALITY

11.1 Members of the JE Unit and the PAC, as well as observers shall maintain confidentiality on all scores and grading *outcomes* before formal notification and shall otherwise avoid disclosing information obtained in the process of job evaluation in a manner that may prejudice effective implementation.

12. ROLE OF PROVINCIAL STRUCTURES OF SALGA

12.1 Establish a Provincial Audit Committee to deal with auditing of JE Results comprising of JE specialists.

12.2 Such representatives should preferably be active **JE Unit members** but shall in any the event has undergone training in the TASK Job Evaluation System.

12.3 Negotiate with the service provider for the acquiring of licenses for JE Units.

12.4 All jobs evaluated after the implementation of the Policy shall be forwarded to SALGA for archiving and ease of reference.

12.5 Responsible for monitoring the implementation and maintenance of the TASK Job Evaluation System.

12.6 Concerning issues of the establishment of standards for the content and quality of

job descriptions and uniform national job designations, SALGA shall:

- (a) Develop guidelines and criteria for job description writing and collect and promote the use of sample job descriptions reflective of the spectrum of jobs in the local government sector.
- (b) Develop a common framework for the designation and identification of jobs in the local government sector.
- (c) Identify generic and critical benchmark jobs and encourage the adoption by municipalities of the common national job descriptions and job designations.
- (d) Analyse stand-alone jobs in particular municipalities in the national context and encourage the adoption of more generic national standards in the designation and description of such jobs.

13. IMPLEMENTATION OF TASK RESULTS

The following conditions apply when placing staff on a new TASK grade and salary scale:

13.1 Employees will be placed on the salary notch on the new pay scale for the applicable TASK grade which is the closest higher salary notch to their existing salary notch.

13.2 Employees whose current salary notch is lower than the minimum of the applicable TASK grade scale will be placed on the minimum of the applicable new TASK salary scale

13.3 Employees whose existing basic salary is higher than the new TASK grade maximum will retain their existing basic salary on a *personal-to-holder* basis. Employees downgraded (*personal-to-holder*) will be eligible to notch up until the last notch of the bracket.

13.4 In the event of Clause 13.3 above, the annual cost of living adjustments as determined by the South African Local Government Bargaining Council will be applied to the salary rate as retained by an employee from the date on which such an adjustment is applicable for those on the last notch.

13.5 The implementation date for a new TASK JE outcome will be the 1st of January 2023 and outcomes receive after the date will be implemented retrospectively but will not exceed a period of six months retrospective payment.

14 REVIEW OF THE POLICY

The Policy shall be reviewed on a bi-annual basis or when it's necessary.

OPEN NDLAMBE COUNCIL MEETING
HELD ON FRIDAY, 27 OCTOBER 2023

**REPORT DATED 16 OCTOBER 2023 FROM THE
MUNICIPAL MANAGER TO COUNCIL: REPORT ON
REVIEW OF HUMAN RESOURCES POLICIES:
INTERNSHIP/EXPERIENTIAL POLICY, SEXUAL
HARASSMENT POLICY, DISCIPLINE/LABOUR
RELATIONS POLICY**

ANNEXURE C.07

NDLAMBE MUNICIPALITY CORPORATE SERVICES



INTERNSHIP/EXPERIENTIAL POLICY

1. PREAMBLE

Internship/Experiential training is a programme whereby students and/or those who have already qualified are afforded the opportunity to familiarize themselves with the work environment and gain practical experience thus bridging the gap between the world of study and the workplace.

Certain study disciplines require students to do practical experience in a specific field to obtain a qualification. There are also those who have already qualified but are unable to secure employment because of the lack of the necessary experience required by the highly competitive job market.

Ndlambe Municipality acknowledges its social responsibility of transferring skills to the youth of Ndlambe to give them practical experience to make them more marketable.

2. PURPOSE

The purpose of this policy is to provide a framework to guide the management of internship and experiential training programmes in the Municipality.

It indicates the relevance of experience/learning by the learner.

It contributes to the development of a portfolio by a learner, and

It can serve as a tool to the employer and learner to monitor learning on a regular basis.

3. OBJECTIVES

3.1 To assist students to obtain required practical experience

3.2 To afford opportunity for students/interns to familiarise themselves with the working environment and gain practical experience.

3.3 To afford opportunity to qualified new employees with practical work experience to enhance their chances of employability.

3.4 To enable students to apply the acquired theoretical knowledge in the world of work.

3.5 To empower young people to gain experience and prepare themselves for the labour market.

4. SCOPE OF APPLICATION

This policy is applicable to experiential training and internship requirements. It applies to the following categories of people:

4.1 EXPERIENTIAL TRAINING

4.1.1 Residents of Ndlambe Municipal area.

4.1.2 Residents from the Ndlambe area, but only if no residents, as mentioned in

4.1.1, can be identified

4.1.3 Those who have passed all the required subjects in their field of study and require training to complete their qualifications.

4.1.4 Unemployed youth with appropriate skills required by the Municipality

4.1.5 Those whose field of study is related to municipal functions

4.2 INTERNSHIP

4.2.1 Residents of Ndlambe Municipal area.

4.2.2 Residents from the Ndlambe area, but only if no residents, as mentioned in 4.2.1, can be identified

4.2.3 Those who have passed their second year, or higher, at a tertiary institution and need to be part of an internship program to complete their qualifications.

4.2.4 Unemployed youth with appropriate skills required by the Municipality

4.2.5 Those whose field of study is related to municipal functions

5. RECRUITMENT OF LEARNERS

The HR Department will compile an advertisement for the specific department in need of an intern. The advertisement will be placed in the local newspapers or notice board. Applications from institutions of higher learning will also be considered without advertisement for completion of the students qualifications.

6. APPLICATION PROCEDURES

6.1 Applications for internship/experiential training should be submitted to the Human Resources Department with the following documentation where appropriate:

6.1.1 Curriculum Vitae

6.1.2 Academic record

6.1.3 Letter from the tertiary institution stating that internship is a requirement to obtain a qualification where applicable

6.1.4 Applicant must indicate area of interest which must be related to his/her field of study.

6.1.5 Duration of internship/experiential training not exceeding 18 months

6.1.6 If there are more interns than posts, the Human Resources department will follow the approved recruitment and selection process.

7. RESPONSIBILITIES OF EMPLOYER

7.1 Provides intern with a conducive working environment.

7.2 Ensure that professional competencies of interns are enhanced by allocating them responsibilities related to their studies.

- 7.3 Ensure that interns are given quality supervision
- 7.4 Ensure that administrative menial work given to interns is kept to the minimum.
- 7.5 Formally evaluate the learner's performance
- 7.6 Employer to coach and mentor the intern
- 7.7 Interns are paid a stipend equal to the minimum wage as per the Salary and Wage Collective Agreement.
- 7.8 Interns who work for less than a month will receive a pro rata stipend
- 7.9 Stipend may be reviewed annually by the Human Resource Department
- 7.10 Ensure that interns add value to the Municipality.
- 7.11 Ensure that learners are rotated between all the relevant departments for an equal period of time to gain more experience and exposure.
- 7.12 The mentor shall give quarterly feedback to the learner after evaluation.

8. RESPONSIBILITIES OF INTERNS AND EMPLOYEES ATTENDING LEARNERSHIPS OR SKILLS PROGRAMMES

- 8.1 All tasks/duties allocated and agreed to between the mentor and intern shall be executed.
- 8.2 Interns shall comply with municipal regulations, procedures and policies
- 8.3 All employees attending Learnerships or Skills programmes should attend classes as scheduled. Should learners not be able to attend due to personal reasons or any other circumstances, they need to report to their immediate Supervisor and / or the Training and Development Officer immediately or as soon as reasonably possible.

9. GUIDING PRINCIPLES

- 9.1 Internship/experiential training will be offered in line with municipal functions
- 9.2 There must be a clear and specified relationship between the job and academic programme
- 9.3 A restricted number of interns will be allowed at the Municipality taking into account considerations of capacity, equipment, budget and space.
- 9.4 Externally funded interns are excluded from sections 7.7, 7.8 and 7.9 of this policy as

they have guidelines from funding institutions, for example, National Treasury

9.5 Directors will approve appointment of interns

9.6 This policy does not give any expectation of permanent employment.

10. STIPEND

The learner will be entitled to a stipend of R4500 per month.

11. AMENDMENTS

The Council may, from time to time, amend this policy and introduce any measure(s) to ensure efficient, economic and effective management of Council resources.

10. EFFECTIVE DATE

This Policy will become effective upon approval thereof by the Council of the Ndlambe Municipality.

NDLAMBE MUNICIPALITY CORPORATE SERVICES



DISCIPLINE/LABOUR RELATIONS POLICY

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DISCIPLINE/LABOUR RELATIONS POLICY

1. PREAMBLE

The Municipality conforms to the law and good governance that discipline is to be applied fairly, consistently, progressively and promptly. The principles of natural justice and fair procedure shall be adhered to notwithstanding any criminal and / or civil action having been instituted.

2. PURPOSE

The purpose of this policy is to establish a uniform standard for management of discipline in the Municipality. The application is therefore mandatory as a condition of service. If there is a contradiction with the collective agreement, the collective agreement will take precedence.

3. SCOPE

This policy applies to all employees of the Municipality.

4. LEGISLATIVE AND POLICY FRAMEWORK

- Constitution of the Republic of South Africa Act 108 of 1996
- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014
- Local Government: Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Local Government: Guidelines for the Implementation of the Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Municipal Finance Management Act 56 of 2003
- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Skills Development Act 97 of 1998
- Arbitration Act 42 of 1965
- Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings, 2014
- Public Administration Management Act 11 of 2014
- National Anti-Corruption Strategy 2020-2030

5. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation, or as defined and / or explained in the Glossary of the Human Resources Policies Manual.

6. PROBLEM STATEMENT

Discipline goes to the heart of the employment relationship and this policy does not replace the Collective agreement on Disciplinary Procedure but compliment

7. POLICY PROVISIONS

7.1 *Principles of disciplinary code and its application*

7.1.1 The purpose of the disciplinary code in the Municipality is to –

7.1.1.1 promote constructive, orderly and safe conduct in the workplace

7.1.1.2 regulate discipline in a manner that is both substantively and procedurally fair

7.1.1.3 promote certainty and consistency in the application of discipline

7.1.1.4 establish principles, standards and procedures to be followed in order to address any misconduct; and

7.1.1.5 encourage staff to adhere to the appropriate standards of conduct required of them by providing for progressive and corrective action.

7.1.2 It is the responsibility of every staff member to abide by the code of conduct and rules of discipline applicable to staff members.

7.1.3 Discipline is a management function and supervisors are responsible for the Management of discipline within their place of work.

7.1.4 Discipline is a corrective measure and not a punitive one.

- 7.1.5** The Municipality shall take all reasonable steps to ensure that discipline is applied in a prompt, fair, consistent and progressive manner.
- 7.1.6** If a staff member commits misconduct that is also a criminal offence, the criminal procedure and the disciplinary procedure will continue as separate and different proceedings and the disciplinary action shall not be halted due to pending external criminal actions against the staff member alleged to have committed the misconduct.
- 7.1.7** The nature and severity of the staff member's alleged misconduct determines the nature and extent of the disciplinary action.
- 7.1.8** Management shall, if appropriate, correct and seek to improve conduct in the normal course of work. If there is a serious infringement or repeated misconduct, formal disciplinary procedures shall be invoked.
- 7.1.9** Disciplinary procedures shall be fair, which means that as a minimum –
- 7.1.9.1** the staff member shall be notified of the allegations using a form and language that the staff member can understand
 - 7.1.9.2** the staff member shall be allowed an opportunity to state a case in response to the allegations, and if the staff member is found to have committed misconduct, to state a case concerning an appropriate sanction
 - 7.1.9.3** the staff member shall be afforded a reasonable time to prepare a response, depending on the nature and complexity of the allegations
 - 7.1.9.4** the staff member shall be entitled to representation by a fellow staff member or a trade union representative during a disciplinary process; and
 - 7.1.9.5** the Municipality shall give the staff member written notification of and reason for the decision after the hearing.
- 7.1.10** The disciplinary code and procedure apply to conduct off the Municipality's premises or outside of working hours which may have an effect on the employment relationship or on the operation of the Municipality.

7.2 *Disciplinary measures*

7.2.1 Forms of disciplinary measures

The application of discipline may take any of the following forms, depending on the circumstances of the particular case, the frequency and the severity of the misconduct:

7.2.1.1 corrective counselling

7.2.1.2 verbal warning

7.2.1.3 written warning

7.2.1.4 final written warning

7.2.1.5 suspension without pay

7.2.1.6 transfer

7.2.1.7 demotion; and

7.2.1.8 dismissal.

7.2.2 Corrective counselling

If the seriousness of the misconduct warrants corrective counselling, the staff member's supervisor shall –

7.2.2.1 convene a meeting with the staff member and his or her representative

7.2.2.2 inform the staff member of the misconduct and the rule or standard that the staff member is required to comply with

7.2.2.3 give the staff member or that member's representative an opportunity to respond to the allegation or allegations

7.2.2.4 decide on a course of action to correct the misconduct; and

7.2.2.5 place a note of the corrective counselling arising from this process on the staff member's personnel file.

7.2.3 Verbal warning

7.2.3.1 If the seriousness of the misconduct warrants a verbal warning, the staff member's supervisor shall, after considering the representations of the staff member, give the staff member a verbal warning.

7.2.3.2 The staff member may be represented by a fellow staff member or trade union representative in this process.

7.2.3.3 The verbal warning shall be valid for three months.

7.2.3.4 The purpose of the verbal warning is to –

- a. inform the staff member of the misconduct and the rule or standard that the staff member is required to comply with; and
- b. correct the staff member's conduct.

7.2.3.5 A note recording the nature of the verbal warning and its date of issue shall be kept in the staff member's personnel file, even after expiry of the warning, in order to serve as a record of the staff member's disciplinary history, and not in disciplinary proceedings.

7.2.4 Written warning

7.2.4.1 If the seriousness of the misconduct warrants a written warning, the staff member's supervisor shall, after considering the representations of the staff member, issue him or her with a written warning.

7.2.4.2 The staff member may be represented by a fellow staff member or trade union representative in this process.

7.2.4.3 The written warning shall be in accordance with the prescribed form.

7.2.4.4 The written warning shall remain in effect for six months from the date of issue.

7.2.4.5 A copy of the written warning shall be kept in the staff member's personnel file, even after expiry of the warning, in order to serve

as a record of the staff member's disciplinary history, and not in disciplinary proceedings.

7.2.4.6 The supervisor shall give a copy of the written warning to the staff member, who shall sign receipt of the written warning.

7.2.4.7 If the staff member refuses to sign receipt of the written warning, the manager shall hand the warning to the staff member in the presence of a witness, and the manager and witness shall sign the warning in confirmation that it was given to the staff member.

7.2.4.8 If during the six-month validity period of the warning, the staff member is subjected to disciplinary action, the written warning may be taken into account in deciding an appropriate sanction.

7.2.5 Final written warning

7.2.5.1 If the seriousness of the misconduct warrants a final written warning, the manager shall, after considering the staff member's representations, give the staff member a final written warning.

7.2.5.2 The staff member may be represented by a fellow staff member or trade union representative in this process.

7.2.5.3 The final written warning shall be in accordance with the prescribed form.

7.2.5.4 The final written warning shall remain in effect for 12 months from the date of issue.

7.2.5.5 A copy of the final written warning shall be kept in the staff member's personnel file, even after expiry of the warning, in order to serve as a record of the staff member's disciplinary history, and not in disciplinary proceedings.

7.2.5.6 The supervisor shall give the staff member a copy of the final written warning, who shall sign receipt of the final written warning.

7.2.5.7 If the staff member refuses to sign receipt of the final written warning, the manager shall hand the warning to the staff member in the presence of a witness, and the manager and witness shall sign the warning in confirmation that it was given to the staff member.

7.2.5.8 If during the twelve-month validity period of the warning the staff member is subjected to disciplinary action, the final written warning may be taken into account in deciding an appropriate sanction.

7.2.6 Suspension without pay

Suspension without pay is a sanction that may be imposed by the presiding officer of a disciplinary hearing, for a maximum of three months if –

7.2.6.1 dismissal is justified, but there are mitigating circumstances warranting a sanction less than dismissal

7.2.6.2 the staff member agrees to this sanction as an alternative to dismissal

7.2.6.3 together with the suspension, the staff member is issued with a final written warning valid for 12 months.

7.2.7 Transfer or demotion

A transfer or a demotion is a sanction that may be imposed by the presiding officer of a disciplinary hearing if –

7.2.7.1 dismissal is justified, but there are mitigating circumstances warranting a sanction less than dismissal

7.2.7.2 the staff member agrees to either the transfer or demotion as an alternative to dismissal; and

7.2.7.3 in addition to the transfer or demotion, the staff member is issued with a final written warning valid for 12 months.

7.2.8 Dismissal

7.2.8.1 Dismissal shall be imposed by the presiding officer of a disciplinary hearing if –

- a. the misconduct is of such a serious nature that it has resulted in the employment relationship having broken down or its continuation having been rendered intolerable; or
- b. the misconduct would not ordinarily result in dismissal, but when considered together with the staff member's previous

verbal warning, written warning or final written warning, irrespective of whether they are related to the latest misconduct, has resulted in the employment relationship having broken down or its continuation having been rendered intolerable.

7.2.8.2 Dismissal may be with or without payment in lieu of notice, depending on the seriousness of the misconduct.

7.3 *Precautionary suspension*

7.3.1 As precautionary measure, the Municipality shall suspend a staff member on full pay pending the outcome of an investigation or disciplinary hearing if –

7.3.1.1 the Municipality has a justifiable reason to believe that the staff member has engaged in serious misconduct, which may lead to the staff member's dismissal

7.3.1.2 the Municipality has an objectively justifiable reason to deny the staff member access to workplace based upon –

7.3.1.3 the need to protect the integrity of the investigation or disciplinary hearing; or

7.3.1.4 some other relevant factor that would place the investigation, disciplinary hearing or the interests of the affected parties in jeopardy; and

7.3.1.5 the staff member in accordance with clause 7.3.3 is given an opportunity to state a case before the Municipality makes any final decision to suspend the staff member.

7.3.2 Relevant factors may include the safety of staff and other persons, and the possibility of interference with witnesses and electronic or written documents.

7.3.3 This shall be made in line with the SALGBC Disciplinary Procedure Collective agreement.

7.3.3.1 .

7.3.4 The staff member may be represented by a fellow employee or trade union representative in this process.

7.3.5 A precautionary suspension is valid for a maximum of three months and may be extended.

7.3.6 Despite clause 7.3.3 –

7.3.6.1 if a disciplinary hearing has not been convened within the three-month period, the Municipal Manager may extend the suspension on full pay for a further.

7.3.6.2 if a disciplinary hearing has been convened, the suspension is automatically extended on full pay until the end of the disciplinary hearing.

7.3.7 A staff member placed on precautionary suspension may refer any dispute about an alleged unfair suspension to the bargaining council or the CCMA or any court of law which has jurisdiction to hear the matter.

7.4 *Disciplinary hearing*

7.4.1 Timing of disciplinary hearing

7.4.1.1 Although it is recognised that investigations into some forms of misconduct may take longer than others, the Municipality shall, as a general rule, hold the disciplinary hearing as soon as is reasonably practicable after becoming aware of the misconduct.

7.4.1.2 Any allegation of misconduct shall be brought to the attention of the Municipal Manager. If there is reasonable cause to believe that an act of misconduct has been committed by the staff member, the Municipal Manager or his/ her delegate shall, appoint an independent investigator to investigate the allegation(s) of misconduct.

7.4.1.3 The investigator appointed in terms of clause 7.4.1.2 shall, within a period of thirty days, submit a report with recommendations to the Municipal Manager or his/ her delegate as the case may be.

7.4.1.4 After having considered the report referred to in clause 7.4.1.3, the Municipal Manager or his/ her delegate may, if sufficient grounds exist, decide to institute disciplinary action against the staff member.

7.4.1.5 If the Municipal Manager or his/ her delegate determines that the allegation is frivolous, vexatious, speculative or obviously unfounded, the investigation shall be terminated.

7.4.1.6 The disciplinary hearing must be concluded within three months of the decision to institute disciplinary action.

7.4.2 Financial misconduct procedures

Notwithstanding anything to the contrary herein, disciplinary procedures and investigations involving financial misconduct shall be conducted in terms of the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings, 2014.

7.4.3 Notice to attend disciplinary hearing

7.4.3.1 The Municipality shall give the staff member at least seven days' notice of the disciplinary hearing. However, where the relevant disciplinary charges are serious and complex, the Municipality shall consider an extension of the seven-day period as aforesaid.

7.4.3.2 The notice to attend the disciplinary hearing shall be as per the prescribed form.

7.4.3.3 If the staff member alleged to have committed an act of misconduct refuses to acknowledge receipt of the notice, the staff member shall be handed the notice in the presence of a witness, and the person who handed the notice to the staff member and the witness shall sign a copy of the notice in confirmation that it was given to the staff member.

7.4.3.4 Notwithstanding clause 7.4.3.3, the Municipality may, for the purpose of disciplinary proceedings contemplated in this policy and for the purpose of giving any notice contemplated herein, give a staff member notice to attend a disciplinary hearing by sending a notice in writing to the address, including the fax number and email address if applicable, as provided by the staff member, which address the staff member elect to use as his or her chosen domicilium citandi et executandi (i.e., place where legal notices can be served on them).

7.4.3.5 Any notice given in terms of this policy shall be in writing and be deemed to have been received –

- a. on the date of delivery if delivered by hand during normal business hours
- b. on the seventh day or extended period contemplated in clause 7.4.3.1 following posting if posted by either pre-paid registered post or ordinary mail, as the case may be
- c. on the date appearing on the transmission report generated by the fax machine if sent by fax; or
- d. on the date of transmission if sent by electronic mail.

7.4.3.6 Any written notice received shall be adequate written notice.

7.4.3.7 For purposes of this policy, a staff member who changes his or her address to another physical address in the Republic of South Africa shall do so by giving fourteen day written notice to the Municipality.

7.4.3.8 A staff member who receives a notice to attend a disciplinary hearing shall be entitled to resign from the Municipality or to retire, if eligible, in terms of retirement fund rules, provided that:

- a. the staff member does so prior to the handing down of a determination;
- b. the staff member consents in writing to the deductions of all and any amounts owing by him / her to the Municipality from any monies payable to him / her by the Municipality (including but not limited to retirement fund monies) arising out of or in connection with his / her resignation or retirement; and
- c. the disciplinary hearing does not proceed.

7.4.4 Disciplinary action against trade union representative, official or office-bearer

If the staff member alleged to have committed an act of misconduct is a trade union representative or an office-bearer or official of a trade union, the Municipality shall notify the trade union and consult with the trade union before the disciplinary hearing commences.

7.4.5 Non-attendance or postponement of disciplinary hearing

7.4.5.1 A disciplinary hearing may be postponed only if there is valid and sufficient reason for the postponement.

7.4.5.2 If the staff member refuses or fails to attend the disciplinary hearing without good cause, and the presiding officer is satisfied that the staff member was duly notified of the date, time and place of the disciplinary hearing, the hearing may continue in his or her absence.

7.4.6 Record of disciplinary hearing

7.4.6.1 The Municipality shall electronically record the hearing.

7.4.6.2 A staff member charged with an act of misconduct is entitled to a copy the recording.

7.4.7 Initiator

The Municipality shall appoint an initiator to present its case at the disciplinary hearing.

7.4.8 Presiding officer

7.4.8.1 The Municipality shall appoint a presiding officer to chair the disciplinary hearing.

7.4.8.2 The presiding officer shall be objective and may not have been involved in the matter prior to the hearing.

7.4.8.3 In the event that the presiding officer is also a staff member of the Municipality, he or she shall be employed at least one level higher than both the staff member who is alleged to have committed misconduct and the initiator.

7.4.8.4 The presiding officer may not confer, consult or have contact with any of the parties or their representatives on any aspect of the case.

7.4.8.5 The staff member may, upon good cause shown, apply for the recusal of the presiding officer.

7.4.8.6 The Municipality may, where appropriate, appoint an external independent presiding officer to chair the disciplinary hearing.

7.4.8.7 The presiding officer's role is to –

- a. chair the disciplinary hearing in a fair, diligent and impartial manner, granting the parties sufficient opportunity to make their representations
- b. make the staff member alleged to have committed misconduct aware of the allegation or allegations of misconduct and his or her rights
- c. make written findings based on the evidence presented
- d. make interim determinations or rulings as may be deemed necessary
- e. propose compromises and/or settlements in disposal of the whole or a portion of the charges with the consent of the parties
- f. ratify any written plea agreement entered into by the parties at any stage of the hearing; and
- g. if necessary –
 - i. decide upon an appropriate sanction
 - ii. advise the staff member of the sanction
 - iii. afford the staff member alleged to have committed a misconduct and the initiator sufficient opportunity to present mitigating and aggravating circumstances; and
 - iv. complete the necessary documentation.

7.4.8.8 The determination of the presiding officer shall not be altered by the Municipal Manager or any other governing structure of the Municipality and shall be final and binding on the Municipality except as otherwise permitted by law.

7.4.9 Representation at disciplinary hearing

7.4.9.1 A staff member is entitled to be represented at a disciplinary hearing by a fellow staff member or a trade union representative.

7.4.9.2 In a disciplinary hearing, neither the Municipality nor the staff member may be represented by a legal practitioner unless the staff member or the representative of the Municipality is a legal practitioner or has a legal qualification.

7.4.10 Legal costs

A staff member represented by a legal practitioner shall bear the costs of his or her legal practitioner.

7.4.11 Conducting a disciplinary hearing

7.4.11.1 The presiding officer shall –

- a. confirm that the staff member alleged to have committed a misconduct understands his or her rights as set out in the Notice to Attend a Disciplinary Hearing, as per the prescribed form
- b. read out the allegation(s) of misconduct and confirm that the staff member understands these allegations
- c. grant the staff member or his or her representative an opportunity to state whether the staff member accepts or rejects all or part of the misconduct allegations; and
- d. provide the initiator and the staff member or his or her representative –
 - i. with sufficient time to motivate their cases, which may include, where appropriate, the calling of witnesses
 - ii. access to all relevant documents or items produced as evidence
 - iii. an opportunity to question the witnesses; and

- iv. the opportunity to summarise their cases at the end of the proceedings.

7.4.11.2 During the hearing, the presiding officer may –

- a. question any of the witnesses in the hearing; and
- b. call any witnesses that he or she believes are necessary to resolve a matter in dispute.

7.4.11.3 The presiding officer shall –

- a. make his or her findings in writing within five days of the conclusion of the hearing on the merits of the matter and the findings; and
- b. in his or her report summarise the relevant evidence and the grounds on which the findings were made.

7.4.11.4 In evaluating whether the staff member has committed the misconduct the presiding officer shall consider –

- a. whether the staff member contravened a rule or standard regulating conduct in, or of relevance to, the workplace; and
- b. if the rule or standard was contravened, whether or not –
 - i. the rule was valid or reasonable
 - ii. the staff member was aware, or could reasonably be expected to have been aware of the rule or standard; and
 - iii. the rule or standard has been consistently applied by the Municipality.

7.4.11.5 The initiator shall have the duty to begin and shall bear the onus of proving each and every allegation of misconduct as set out in the notice of misconduct on a balance of probabilities.

7.4.11.6 If the staff member is found to have committed the misconduct, the initiator and staff member or his or her representative may lead evidence and make submissions in mitigation or aggravation of the sanction, as the case may be.

7.4.11.7 In determining the appropriate sanction, the presiding officer shall, in order to ensure consistency, have regard to the Municipality's approach to discipline in similar matters.

7.4.11.8 The presiding officer's decision with regard to the sanction shall be made in writing within five days of the conclusion of the hearing.

7.4.11.9 If the sanction is a summary dismissal, the staff member's date of dismissal is the date on which the sanction is delivered.

7.5 *Referral of disputes*

If a staff member is dissatisfied with the result of the disciplinary hearing and/or appeal hearing or the fairness of the procedure adopted at the hearing or both, the staff member may in terms of the Labour Relations Act refer the dispute to the appropriate forum which has jurisdiction to hear the matter.

7.6 *Pre-dismissal arbitration*

7.6.1 Despite the provisions of this policy, the Municipality may, with the consent of the staff member, request the CCMA to conduct an arbitration into allegation(s) of misconduct or poor performance against a staff member as provided for under section 188A of the Labour Relations Act.

7.6.2 The decision of the arbitrator appointed in terms of clause 7.6.1 shall be final and binding and only subject to review by the Labour Court.

7.6.3 The Municipality shall bear the costs of the arbitrator if it converts a disciplinary hearing into a pre-dismissal arbitration.

7.6.4 Despite the provisions of this policy, the Municipality and the staff member may agree, in writing, to convert a disciplinary hearing into a private pre-dismissal arbitration and to conduct the arbitration in terms of an arbitration agreement as contemplated in the Arbitration Act, 1965.

7.7 *Disciplinary action in case of protected disclosures*

No disciplinary action may be taken against a staff member who has made a protected disclosure in terms of the Protected Disclosures Act, 2000 (Act No. 26 of 2000) if no investigation or disciplinary process was in progress prior to the staff member having made the protected disclosure unless such proposed disciplinary action has been submitted to the MEC for local government for review and approval.

7.8 *Appeal*

- 7.8.1** The staff member has the right to appeal against any disciplinary finding and/or sanction, which has been given at a disciplinary hearing. The staff member may waive the right to an appeal and proceed to refer a dispute as provided for in the Labour Relations Act.
- 7.8.2** An appeal shall be lodged on the prescribed form within seven (7) days of receipt of written notification of the findings sanction of the disciplinary hearing. However, the presiding officer may condone any late application for an appeal on good cause shown.
- 7.8.3** The grounds for appeal shall be clearly set out in staff member's notice of appeal, provided that failure to raise grounds of appeal shall not preclude the staff member from subsequently raising it before the disciplinary appeal hearing.
- 7.8.4** The presiding officer of the disciplinary appeal hearing shall fix the time and date of the hearing.
- 7.8.5** In the case where the sanction imposed was up to a maximum of a final written warning, an appeal shall be heard by a management level above that of the presiding officer of the disciplinary hearing. In the case where the sanction imposed is a dismissal or a suspension without pay, an appeal shall be heard by a higher level of management who does not exercise direct management control over the affected staff member.
- 7.8.6** By agreement between the parties, an appeal may be heard by an arbitrator appointed by the parties to the appeal from the panel of arbitrators existing in the relevant division.
- 7.8.7** The appeal shall be heard on the grounds of an appeal submitted by the staff member and any subsequent amendment thereto, by having regard to the record of the disciplinary hearing proceedings and the submissions and arguments of the parties based thereon.

7.9 *Types of disciplinary offences / misconduct*

The list below is a guideline only and is not intended to be an exhaustive list of possible disciplinary offences. A staff member shall be guilty of misconduct if he or she –

7.9.1 absents himself or herself from duty without leave

7.9.2 without written approval from the Municipality, performs work for compensation in a private capacity for another person or organisation either during or outside working hours

7.9.3 while on duty, conducts himself or herself in an improper, disgraceful and unacceptable manner

7.9.4 demonstrates any rude, abusive, insolent, provocative, intimidating or aggressive behaviour to a fellow staff member

7.9.5 participates, either individually or with others, in any form of action, which will have the effect of disrupting the operations of the Municipality, other than actions contemplated by the Labour Relations Act

7.9.6 wrongfully discloses privileged information

7.9.7 while on duty, is under the influence of intoxicating, illegal, unauthorised, habit-forming or stupefying drugs, including alcohol

7.9.8 displays disrespect towards others in the workplace or displays abusive or insolent behaviour

7.9.9 intimidates or victimises fellow staff members

7.9.10 prevents other staff members from belonging to any trade union or body

7.9.11 without permission, possesses or wrongfully uses the property of the Municipality or that of another staff member or a visitor

7.9.12 fails to comply with or contravenes any Act of Parliament, regulation or legal obligation relating to the employment relationship

- 7.9.13** bribes or commits a financial misconduct, fraud or corruption
- 7.9.14** wilfully, intentionally or negligently damages or causes loss of Municipal property
- 7.9.15** endangers the lives of himself or herself or others by disregarding safety rules or regulations
- 7.9.16** prejudices the administration, discipline or efficiency of the Municipality, office or institution of the Municipality
- 7.9.17** misuses his or her position in the Municipality to promote or to prejudice the interest of any political party
- 7.9.18** accepts any compensation in cash or otherwise from a member of the public or another staff member for performing his or her duties without written approval from the Municipal Council
- 7.9.19** fails to carry out a lawful instruction without just or reasonable cause
- 7.9.20** derelicts his or her duties, absents or repeatedly absents himself or herself from work without reason or prior permission
- 7.9.21** commits an act of sexual harassment
- 7.9.22** unfairly discriminates against others on the basis of race, gender, disability, pregnancy, marital status, ethnic and social origin, colour, sexual orientation, age, religion, conscience, belief, culture, language, birth, family responsibility, HIV status, political opinion or other grounds prohibited by the Constitution
- 7.9.23** performs poorly or inadequately for reasons other than incapacity
- 7.9.24** contravenes the Code of Conduct for Municipal Staff Members contained in Schedule 2 of the Municipal Systems Act
- 7.9.25** assaults, or attempts or threatens to assault, another staff member or person while on duty
- 7.9.26** incites other Municipal staff to engage in un-procedural and unlawful conduct

7.9.27 operates any money lending scheme for staff members for his or her own benefit during working hours or from the premises of the Municipality

7.9.28 carries or keeps a firearm or other dangerous weapon on Municipal premises, without the written authorisation of the Municipality

7.9.29 refuses to obey security regulations

7.9.30 gives false statements or evidence in the execution of his or her duties

7.9.31 falsifies records or any other documentation

7.9.32 participates in un-procedural, unprotected or unlawful industrial action

7.9.33 fails or refuses to follow a formal programme of counselling contemplated in this policy; or

7.9.34 commits a common law or statutory offence while on Municipal premises.

7.10 Roles and responsibilities

7.10.1 The Municipal Manager or his / her delegated assignee(s) accept overall responsibility for the implementation and monitoring of the policy.

7.10.2 The financial implications related to implementing this policy shall be qualified and quantified by Human Resource Management in consultation with the Chief Financial Officer.

8. POLICY MONITORING AND EVALUATION

8.1 Non-compliance to the stipulations contained in this policy shall be regarded as misconduct, which shall be dealt with in terms of the Code of Conduct.

8.2 Head of Corporate Services shall carry out the monitoring and evaluation of the policy's implementation.

**NDLAMBE MUNICIPALITY
CORPORATE SERVICES**



SEXUAL HARRASMENT POLICY

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SEXUAL HARASSMENT POLICY

1. PREAMBLE

The Municipality recognises that every employee is entitled to fair labour practice and has the right to his/her dignity and his/her privacy. The Municipality is committed to ensuring that employees are not subjected to any form of harassment, such as racial and sexual harassment. Violations of this policy shall lead to disciplinary action.

2. PURPOSE

Policy purpose is to ensure that:

- 2.1 Employees are provided with practical guidelines to report incidents of harassment at the workplace.
- 2.2 Sexual harassment shall not be permitted or condoned and shall be regarded as a form of serious misconduct.
- 2.3 Employees or any other person who have been subjected to sexual harassment have the right to lodge a grievance or lay a formal complaint with the Municipality.
- 2.4 The Municipality is committed to investigate all complaints and grievances brought to its attention.
- 2.5 Prospective employees and clients of the Municipality are protected from harassment.
- 2.6 Serious incidents of harassment or continued harassment are dismissible offences.
- 2.7 Allegations of harassment are dealt with seriously, speedily, sensitively and confidentially.
- 2.8 It is a disciplinary offence to victimise or retaliate against an employee who in good faith lodges a complaint of harassment.
- 2.9 False or vindictive accusations shall be viewed in a very serious light, and possibly attract disciplinary action for the accuser.
- 2.10 Anonymous complaints shall be disregarded.

3. SCOPE

All employees, job applicants and any other persons who have dealings with the Municipality have the right to be treated with respect and dignity, and this policy applies to them.

4. LEGISLATIVE AND POLICY FRAMEWORK

- Constitution of the Republic of South Africa Act 108 of 1996
- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014
- Local Government: Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Local Government: Guidelines for the Implementation of the Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- South African Local Government Bargaining Council: Collective Agreements
- NEDLAC Code of Good Practice on the Handling of Sexual Harassment Cases

5. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation, or as defined and / or explained in the Glossary of the Human Resources Policies Manual.

6. PROBLEM STATEMENT

Harassment is an ugly form of disease that needs to be destroyed in all of its manifestations

7. POLICY PROVISIONS

7.1 Sexual attention and sexual harassment

Sexual attention becomes sexual harassment if:

7.1.1 The behaviour is persistent, although a single incident of harassment can also constitute sexual harassment depending on the gravity of the incident.

7.1.2 The recipient has made it clear that the behaviour is considered offensive and the perpetrator had continued with such behaviour.

7.1.3 The perpetrator should have known that the behaviour is unacceptable.

7.2 Nature, extent and forms of sexual harassment

Sexual harassment may take the following forms:

7.2.1 Unwelcome remarks, jokes, innuendoes or taunts about a person's body, clothing or sex

7.2.2 Insulting gestures and practical jokes of a sexual nature which cause awkwardness or embarrassment

7.2.3 Displaying pornographic, pin-up pictures, graffiti or other offensive material

7.2.4 Leering (suggestive staring)

7.2.5 Demands for sexual favours

7.2.6 Physical conduct of a sexual nature including all unwanted physical contact, ranging from touching to sexual assault and includes a strip search by or in the presence of another person.

7.2.7 Verbal forms of sexual harassment include unwelcome innuendoes, suggestions and hints, sexual advances, comments with sexual overtures, sex-related jokes or insults or unwelcome graphic comments about a person's body made in their presence or directed toward them, unwelcome and inappropriate enquiries about a person's sex life, and unwelcome whistling directed at a person or group of persons.

7.2.8 Non-verbal forms of sexual harassment include unwelcome gestures, indecent exposure, and the unwelcome display of sexually explicit pictures and objects.

7.2.9 *Quid pro quo* harassment occurs where management or co-employee, undertakes or attempts to influence the process of employment, promotion, training, discipline, dismissal, salary increment or other benefits of an employee or job applicant, in exchange for sexual favours.

7.2.10 Sexual harassment has nothing to do with affection, flirtation, romance or relationships, when both parties consent freely thereto. Sexual harassment is about coercion related to power. Employment threats or benefits may be expressed or implied and they are usually conditional upon the receiver of the threat or benefits submitting to the advance. The threat may relate to a loss of employment unless advances are submitted to.

7.3 Specific Considerations

7.3.1 Confidentiality

The Municipality shall endeavour to proceed with its investigation with caution and such protocol as to ensure that a case exists before proceeding. Because of the sensitivity and the nature of the issue employee confidentiality and protection shall be ensured.

7.3.2 Identity

The Municipality shall endeavour to withhold the identity of the complainant until such time as the investigation is concluded and it has been decided to pursue the enquiry route.

7.3.3 Protection

The Municipality shall investigate every complaint, whether reported or not, as the Municipality could be found liable where steps have not been taken to resolve a case of harassment. Harassed employees shall be given adequate leave and/or assistance for counselling, where appropriate.

7.3.4 Counselling

7.3.4.1 No matter the outcome of the investigation or disciplinary action, both parties shall be offered appropriate counselling to assist in normalising relationships in order to help manage any future conflict between the parties.

7.3.4.2 Management shall be prepared to counsel one or both parties if the behaviour is detrimentally affecting the workplace.

7.3.4.3 As it may take some time for relationships to normalise and for tensions to dissipate where harassment has affected working relationships, it may be appropriate to offer counselling to other employees.

7.4 Measures for lodging and investigating a complaint

7.4.1 If the employee feels harassed, they shall report the incident/s to their immediate supervisor or manager.

7.4.2 Where the complaint is directed against the employee's immediate supervisor or manager, the employee shall report the incident directly to another manager or the head of the business unit.

7.4.3 The supervisor or manager shall institute a prompt investigation, using duly appointed investigator where warranted, and following the formal grievance procedure and its stipulated time-frames, and take

appropriate action from there.

- 7.4.4 All actions taken to investigate and resolve any complaint shall be conducted confidentially to the extent that it is practical and appropriate.
- 7.4.5 The investigator shall gather information and interview the appropriate individuals, including the complainant, the employee allegedly subjected to the harassment (if such individual is not the complainant), the alleged offender and witnesses (where applicable).
- 7.4.6 Upon completion of the investigation, the immediate supervisor or manager shall then make a decision as to whether the complaint warrants action and if so, whether the matter should proceed by way of formal or informal disciplinary procedure, and inform the complainant and alleged offender accordingly.
- 7.4.7 The investigation shall be handled with sensitivity and with due respect to the rights of both the complainant and the alleged offender. Care should be taken to ensure that the careers and reputations of the parties are not unjustly affected.
- 7.4.8 Employees are expected to co-operate fully with investigation of harassment complaints. Co-operation includes maintaining the confidentiality of any information provided in connection with the complaint and not discussing the complaint or the investigation with other employees.

7.5 Dispute resolution

- 7.5.1 Where a harassment complaint is handled through the Municipality's formal grievance procedure, and the complaint is not resolved to the satisfaction of the aggrieved party, the party may refer the grievance to the Local Labour Forum for adjudication, provided that a dispute has been declared.
- 7.5.2 The Local Labour Forum shall follow all mechanisms in the dispute resolution provisions of collective agreements and in legislation to arrive at the final decision, which shall be binding to all parties.

7.6 Legal proceedings

- 7.6.1 The Municipality reserves the right to institute proceedings against a harasser and recover from the harasser, any amount granted in legal proceedings against the Municipality as a consequence of the harassment.
- 7.6.2 The Municipality believes that a harasser should be solely responsible where damages are claimed in respect of harassment.

7.7 Criminal and civil charges

A victim of sexual assault and any other form of harassment shall have the right to press separate criminal and / or civil charges against an alleged perpetrator, and the legal rights of the victim are in no way limited by this policy.

7.8 Roles and responsibilities

- 7.8.1** The Municipal Manager or his / her delegated assignee(s) accept overall responsibility for the implementation and monitoring of the policy.
- 7.8.2** The financial implications related to implementing this policy shall be qualified and quantified by Human Resource Management in consultation with the Chief Financial Officer.
- 7.8.3** Every employee is responsible for ensuring that his/her conduct is in compliance with this policy and for avoiding any acts or statements that may constitute harassment.
- 7.8.4** The Municipality encourages employees to initially attempt to resolve problems of harassment informally and in private.
- 7.8.5** If informal and private means are difficult or embarrassing for an employee to do on his/her own behalf, the employee should seek the support and assistance of a fellow employee.
- 7.8.6** Should the employee prefer to institute a formal complaint as the initial response to harassment, he / she shall do so in terms of the procedure set out in this policy.
- 7.8.7** Managers shall act vigilantly in identifying behaviour that constitutes harassment.
- 7.8.8** Managers shall take steps to positively promote the Municipality's harassment policy.
- 7.8.9** Managers shall be responsive and supportive of any employee who complains about harassment, provide clear advice on the procedure to be adopted, and maintain confidentiality in any cases of harassment.
- 7.8.10** Managers shall take active steps to ensure the complaints of harassment are resolved.
- 7.8.11** Management shall ensure that the public, suppliers, job applicants and others who have dealings with the Municipality, are not subjected to harassment at its workplaces.

7.8.12 Management undertakes to deal with any allegations of harassment speedily and without fear or favour, and in a confidential manner.

7.8.13 Any person bringing allegations of harassment to the attention of management shall be protected against victimisation or retaliation, which may occur in ways such as unjustified disciplinary action, dismissal, demotion, transfer or any other action that adversely affects employment terms and conditions, or environment of the employee.

7.8.14 Management shall protect employees against false accusations, on balance of probabilities.

7.8.15 Subject to an investigation, management may by precaution suspend an employee on full pay, until a verdict is issued through the findings and / or disciplinary hearing.

8. POLICY MONITORING AND EVALUATION

8.1 Non-compliance to the stipulations contained in this policy shall be regarded as misconduct, which shall be dealt with in terms of the Code of Conduct.

8.2 Head of Corporate Services shall carry out the monitoring and evaluation of the policy's implementation.

SPECIAL OPEN NDLAMBE COUNCIL MEETING

HELD ON THURSDAY, 16 NOVEMBER 2023

**REPORT DATED 14 NOVEMBER 2023 FROM THE
MUNICIPAL MANAGER TO COUNCIL: REPORT ON
REVIEW OF HUMAN RESOURCES POLICIES:
CONTRACT OR CASUAL WORKERS**

ANNEXURE SC.03

**NDLAMBE MUNICIPALITY
CORPORATE SERVICES**



POLICY FOR CONTRACT OR CASUAL WORKERS

CREATION OF TEMPORARY OR CASUAL POSITIONS

- 1.1. A head of a department after consultation with the Head of Department responsible for Human Resources and the CFO, must submit a proposal or a memo to the Municipal Manager or his delegate for the creation of one or more temporary positions on the establishment (institution).
- 1.2 A temporary position may be created to deal with a temporary increase in the Municipality's work due to:-
 - (a) A disaster;
 - (b) A backlog in work;
 - (c) The seasonal nature of certain tasks;
 - (d) Special programmes established or managed by the Municipality to alleviate poverty and/or unemployment;
 - (e) The protracted absence of an employee from work.
- 1.3 A temporary position shall cease to exist when the reason for its creation ceases to exist for not more than (3) three months or in line with Section 198 B of the Labour Relation Act Amended or given justifiable reasons if it's a protracted project more than 3 months may be permissible but not more than a year.
- 1.4 The Municipal Manager's or his delegate's decision about the creation and abolition of temporary positions shall be final.

2. PROCEDURE FOR EMPLOYMENT OF TEMPORARY / CASUAL WORKERS

The Corporate Services Directorate is responsible for administering the recruitment process. To avoid instances where this department is bypassed in the selection of candidates which might result in some casual employees assuming duties without signing employment contract stipulating their terms and conditions of employment and contractual period in terms of the Labour Relations Act Amended:

To address the aforesaid concern the procedure set forth below must be compiled with:

- 2.1 The department must request contract workers from the Corporate Services after approval by the Municipal Manager.
- 2.2 It will be the duty of the Human Resources Department to recruit contract or casual employees by the agreed form of recruitment approved by the Council, which is by picking from the hat.

- 2.2. Positions deemed to be higher and require special skills or Equivalent may be advertised for five (5) days externally and convene a selection panel comprising of the Director: Corporate Services, Director of the requesting department or his/her nominee and (1) one each Union Representatives and HR to shortlist candidates from the applications received through Human Resources.
- 2.3 If no suitable candidate is found from the list of applicants parties will head hunt for one candidate and when a suitable candidate has been found Corporate Services will convene the panel to look at the application and if necessary interview the candidate.
- 2.5. After the panel has decided on the suitable candidate Corporate Services will advise the applicant and cause an employment contract to be signed by the candidate and thereafter by the Municipal Manager or his delegate.
- 2.6. Only after the candidate has signed the contract will he or she be allowed to assume work in the municipality
- 2.7. The Chief Financial Officer will pay the contract employee against the following documentation;
 - (i) Employment contract signed by the contract employee and Municipal Manager or his delegate
 - (ii) Attendance register signed by the director or his/her nominee where the contract employee was working. Without these documents, no payment will be effected.
- 2.8. A person appointed to a temporary position:
 - (i) is appointed to the lowest notch of the salary scale applicable to a comparable position on the permanent establishment; for Skilled Labour R300 and R200 for General Positions, or casuals.
 - (ii) Casuals shall not receive any housing and travelling benefits, provided that the Municipality may, subject to its travel and subsistence policy, reimburse the employee for costs necessarily incurred in the execution of official Municipal business;
 - (iii) shall not become a member of a retirement fund, medical aid or Group Life scheme to which the Municipality must contribute;
 - (iv) Shall earn annual and sick leave in terms of the leave Basic Conditions of Employment Act and Policies and regulations of the Municipality; and

- (v) is subject to attendance, code of conduct, grievance procedure and disciplinary procedures in terms of the Municipality's conditions of service.

2.9. A contract employee appointed in a position on the permanent establishment whose incumbent is or will be absent from work for a prolonged period (e.g. maternity leave) –

- (i) is appointed on the lowest notch of the salary scale applicable to the position;

2.11 Whenever a person is appointed in a temporary capacity he/she must, not later than the day on which his/her employment commences, receive a contract of employment.

Such a contract must, amongst other things, clearly state-

- (i) when the person's employment with the Municipality commences;
- (ii) if possible, the date on which his/her employment terminates, or if it is not possible to determine the termination date with reasonable accuracy, the circumstances under which 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) above;
- (iv) that any failure to renew or extend the period of employment shall not constitute a dismissal of the person and that he/she will not be entitled to any additional remuneration or compensation on or upon 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 termination shall not be construed as a termination based on the Municipality's operational requirements nor as an unfair dismissal.

2.12 Reference in paragraph 2.11 (iv) above to additional remuneration or compensation to which a temporary employee shall not be entitled includes but is not limited to severance pay, notice pay, retirement and medical aid fund benefits to which an employee may otherwise be entitled in the event of termination based on the Municipality's operational requirements.

3 APPOINTMENT IN LINE WITH THE LABOUR RELATIONS AMENDED ACT

198B Fixed-term contracts with employees earning below earnings threshold.—(1) For the purpose of this section, a “fixed term contract” means a contract of employment that terminates on—

- (a) the occurrence of a specified event;**
- (b) the completion of a specified task or project; or**
- (c) a fixed date, other than an employee’s normal or agreed retirement age, subject to subsection (3).**

(2) This section does not apply to—

- (a) employees earning in excess of the threshold prescribed by the Minister in terms of section 6 (3) of the Basic Conditions of Employment Act;**
- (b) an employer that employs less than 10 employees, or that employs less than 50 employees and whose business has been in operation for less than two years, unless—**
 - (i) the employer conducts more than one business; or**
 - (ii) the business was formed by the division or dissolution for any reason of an existing business; and**
- (c) an employee employed in terms of a fixed-term contract which is permitted by any statute, sectoral determination or collective agreement.**

(3) An employer may employ an employee on a fixed-term contract or successive fixed term contracts for longer than three months of employment only if—

- (a) the nature of the work for which the employee is employed is of a limited or definite duration; or**
- (b) the employer can demonstrate any other justifiable reason for fixing the term of the contract.**

(4) Without limiting the generality of subsection (3), the conclusion of a fixed term contract will be justified if the employee—

- (a) is replacing another employee who is temporarily absent from work;**
- (b) is employed on account of a temporary increase in the volume of work which is not expected to endure beyond 12 months;**
- (c) is a student or recent graduate who is employed for the purpose of being trained or gaining work experience to enter a job or profession;**
- (d) is employed to work exclusively on a specific project that has a limited or defined duration;**
- (e) is a non-citizen who has been granted a work permit for a defined period;**
- (f) is employed to perform seasonal work;**
- (g) is employed for the purpose of an official public works scheme or similar public job creation scheme; (h) is employed in a position which is funded by an external source for a limited period; or (i) has reached the normal or agreed retirement age applicable in the employer’s business.**

(5) Employment in terms of a fixed-term contract concluded or renewed in

contravention of subsection (3) is deemed to be of indefinite duration.

(6) An offer to employ an employee on a fixed term contract or to renew or extend a fixed term contract, must—

(a) be in writing; and

(b) state the reasons contemplated in subsection (3) (a) or (b).

(7) If it is relevant in any proceedings, an employer must prove that there was a justifiable reason for fixing the term of the contract as contemplated in subsection (3) and that the term was agreed.

(8) (a) An employee employed in terms of a fixed term contract for longer than three months must not be treated less favourably than an employee employed on a permanent basis performing the same or similar work unless there is a justifiable reason for different treatment. (b) Paragraph (a) applies, three months after the commencement of the Labour Relations Amendment Act, 2014, to fixed term contracts of employment entered into before the commencement of the Labour Relations Amendment Act, 2014.

(9) As from the commencement of the Labour Relations Amendment Act, 2014, an employer must provide an employee employed in terms of a fixed term contract and an employee employed on a permanent basis with equal access to opportunities to apply for vacancies.

(10) (a) An employer who employs an employee in terms of a fixed-term contract for a reason contemplated in subsection (4) (d) for a period exceeding 24 months must, subject to the terms of any applicable collective agreement, pay the employee on expiry of the contract one week's remuneration for each completed year of the contract calculated in accordance with section 35 of the Basic Conditions of Employment Act. (b) An employee employed in terms of a fixed-term contract, as contemplated in paragraph (a), before the commencement of the Labour Relations Amendment Act, 2014, is entitled to the remuneration contemplated in paragraph (a) in respect of any period worked after the commencement of the said Act.

(11) An employee is not entitled to payment in terms of subsection (10) if, before the expiry of the fixed-term contract, the employer offers the employee employment or procures employment for the employee with a different employer, which commences at the expiry of the contract and on the same or similar terms.

4 APPOINTMENT OF REPLACEMENT LABOUR IN THE EVENT OF A STRIKE

4.1 The Municipal Manager may, after consultation with the recognized trade unions operating in the Municipality, employ replacement labour during a strike in terms of and consistent with section 76 of the Labour Relations Act.

4.2 Every person appointed as replacement labour must receive a letter of appointment that complies with section 29 of the Basic Conditions of Employment Act. The letter of appointment must clearly state that 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.

4.1 Replacement labour is appointed to the positions of the employees who are on strike and must perform the functions of the striking workers.

5 Review

The policy shall be reviewed annually and when necessary.

OPEN NDLAMBE COUNCIL MEETING
HELD ON FRIDAY, 08 DECEMBER 2023

**REPORT DATED 30 NOVEMBER 2023 FROM THE
MUNICIPAL MANAGER TO COUNCIL: REPORT ON
REVIEW OF HUMAN RESOURCES POLICIES:
GRIEVANCE RESOLUTION POLICY AND SEXUAL
HARASSMENT POLICY**

ANNEXURE C.08

NDLAMBE MUNICIPALITY CORPORATE SERVICES



GRIEVANCE RESOLUTION POLICY

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GRIEVANCE RESOLUTION POLICY

1. PREAMBLE

The Municipality believes in ensuring the highest standards of professional and ethical conduct. In pursuing these, the Municipality shall make all efforts to resolve grievances as quickly as possible with the utmost concern for reconciling and respecting the privacy concerns of employees.

2. PURPOSE

The purpose is to ensure a fair environment to resolve problems and conflict as quickly as possible, through formal measures beyond informal and verbal interventions.

3. SCOPE

This policy applies to all employees of the Municipality.

4. LEGISLATIVE AND POLICY FRAMEWORK

- Constitution of the Republic of South Africa Act 108 of 1996
- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014
- Local Government: Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Local Government: Guidelines for the Implementation of the Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Municipal Finance Management Act 56 of 2003
- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Basic Conditions of Employment Act 75 of 1997
- Skills Development Act 97 of 1998

5. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation, or as defined and / or explained in the Glossary of the Human Resources Policies Manual.

6. PROBLEM STATEMENT

Speedy resolution of grievances is very important to avoid litigious long process

7. POLICY PROVISIONS

7.10 Grievance resolution framework

7.1.1 The grievance resolution framework is aimed at providing management and staff members of the Municipality with a credible mechanism for resolving staff grievances fairly, objectively and expeditiously.

7.1.2 A staff member may not use the grievance resolution mechanisms –

7.1.2.1 to amend any performance agreement or terms and conditions of any performance agreement concluded between that staff member and the Municipality

7.1.2.2 to process a disciplinary matter or dismissal; or

7.1.2.3 for the purposes of collective bargaining.

7.1.3 All grievances shall be resolved as soon as possible and at the lowest possible level in the reporting structure.

7.1.4 A grievance that is brought to management's attention shall be considered in a fair manner.

7.1.5 Neither staff member nor his or her representative shall suffer any prejudice, directly or indirectly, including victimisation or occupational prejudice, in their employment because they lodged or participated in a grievance in terms of this policy.

7.1.6 The grievance proceedings shall be conducted in compliance with the standards of procedural fairness.

7.1.7 The parties to the grievance shall disclose relevant documents which may assist to resolve a grievance except that no party is required to disclose information that –

7.1.7.1 is legally privileged

7.1.7.2 the Municipality cannot disclose without contravening a prohibition imposed on it by any law or order of any court

7.1.7.3 is confidential and, if disclosed, may cause substantial harm to a staff member or the Municipality; or

7.1.7.4 is private personal information relating to a staff member, unless that member of staff consents to the disclosure of the information.

7.1.8 All proceedings and meetings relating to a grievance shall be considered to be confidential.

7.1.9 A staff member may be represented by a fellow staff member or trade union representative, which excludes a trade union official, of a registered trade union at any stage of the grievance procedure but may not be represented by a legal practitioner.

7.1.10 An aggrieved staff member who has referred a grievance, shall take reasonable steps to exhaust the grievance procedures prior to referring a dispute to the bargaining council.

7.11 Roles and responsibilities

7.2.1 The Municipal Manager or his / her delegated assignee(s) accept overall responsibility for the implementation and monitoring of the policy.

7.2.2 The financial implications related to implementing this policy shall be qualified and quantified by Human Resource Management in consultation with the Chief Financial Officer.

8. POLICY MONITORING AND EVALUATION

- 8.1** This policy shall be implemented and effective once recommended by the Local Labour Forum and approved by Council.
- 8.2** Non-compliance to the stipulations contained in this policy shall be regarded as misconduct, which shall be dealt with in terms of the Code of Conduct.
- 8.3** Head of Corporate Services shall carry out the monitoring and evaluation of the policy's implementation.

NDLAMBE MUNICIPALITY CORPORATE SERVICES



SEXUAL HARRASMENT POLICY

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SEXUAL HARASSMENT POLICY

1. PREAMBLE

The Municipality recognises that every employee is entitled to fair labour practice and has the right to his/her dignity and his/her privacy. The Municipality is committed to ensuring that employees are not subjected to any form of harassment, such as racial and sexual harassment. Violations of this policy shall lead to disciplinary action.

2. PURPOSE

Policy purpose is to ensure that:

- 2.1 Employees are provided with practical guidelines to report incidents of harassment at the workplace.
- 2.2 Sexual harassment shall not be permitted or condoned and shall be regarded as a form of serious misconduct.
- 2.3 Employees or any other person who have been subjected to sexual harassment have the right to lodge a grievance or lay a formal complaint with the Municipality.
- 2.4 The Municipality is committed to investigate all complaints and grievances brought to its attention.
- 2.5 Prospective employees and clients of the Municipality are protected from harassment.
- 2.6 Serious incidents of harassment or continued harassment are dismissible offences.
- 2.7 Allegations of harassment are dealt with seriously, speedily, sensitively and confidentially.
- 2.8 It is a disciplinary offence to victimise or retaliate against an employee who in good faith lodges a complaint of harassment.
- 2.9 False or vindictive accusations shall be viewed in a very serious light, and possibly attract disciplinary action for the accuser.
- 2.10 Anonymous complaints shall be disregarded.

3. SCOPE

All employees, job applicants and any other persons who have dealings with the Municipality have the right to be treated with respect and dignity, and this policy applies to them.

4. LEGISLATIVE AND POLICY FRAMEWORK

- Constitution of the Republic of South Africa Act 108 of 1996
- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014
- Local Government: Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Local Government: Guidelines for the Implementation of the Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- South African Local Government Bargaining Council: Collective Agreements
- NEDLAC Code of Good Practice on the Handling of Sexual Harassment Cases

5. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation, or as defined and / or explained in the Glossary of the Human Resources Policies Manual.

6. PROBLEM STATEMENT

Harassment is an ugly form of disease that needs to be destroyed in all of its manifestations

7. POLICY PROVISIONS

7.1 Sexual attention and sexual harassment

Sexual attention becomes sexual harassment if:

- 7.1.1** The behaviour is persistent, although a single incident of harassment can also constitute sexual harassment depending on the gravity of the incident.
- 7.1.2** The recipient has made it clear that the behaviour is considered offensive and the perpetrator had continued with such behaviour.

7.1.3 The perpetrator should have known that the behaviour is unacceptable.

7.2 Nature, extent and forms of sexual harassment

Sexual harassment may take the following forms:

7.2.1 Unwelcome remarks, jokes, innuendoes or taunts about a person's body, clothing or sex

7.2.2 Insulting gestures and practical jokes of a sexual nature which cause awkwardness or embarrassment

7.2.3 Displaying pornographic, pin-up pictures, graffiti or other offensive material

7.2.4 Leering (suggestive staring)

7.2.5 Demands for sexual favours

7.2.6 Physical conduct of a sexual nature including all unwanted physical contact, ranging from touching to sexual assault and includes a strip search by or in the presence of another person.

7.2.7 Verbal forms of sexual harassment include unwelcome innuendoes, suggestions and hints, sexual advances, comments with sexual overtures, sex-related jokes or insults or unwelcome graphic comments about a person's body made in their presence or directed toward them, unwelcome and inappropriate enquiries about a person's sex life, and unwelcome whistling directed at a person or group of persons.

7.2.8 Non-verbal forms of sexual harassment include unwelcome gestures, indecent exposure, and the unwelcome display of sexually explicit pictures and objects.

7.2.9 *Quid pro quo* harassment occurs where management or co-employee, undertakes or attempts to influence the process of employment, promotion, training, discipline, dismissal, salary increment or other benefits of an employee or job applicant, in exchange for sexual favours.

7.2.10 Sexual harassment has nothing to do with affection, flirtation, romance or relationships, when both parties consent freely thereto. Sexual harassment is about coercion related to power. Employment threats or benefits may be expressed or implied and they are usually conditional upon the receiver of the threat or benefits submitting to the advance. The threat may relate to a loss of employment unless advances are submitted to.

7.3 Specific Considerations

7.3.1 Confidentiality

The Municipality shall endeavour to proceed with its investigation with caution and such protocol as to ensure that a case exists before proceeding. Because of the sensitivity and the nature of the issue employee confidentiality and protection shall be ensured.

7.3.2 Identity

The Municipality shall endeavour to withhold the identity of the complainant until such time as the investigation is concluded and it has been decided to pursue the enquiry route.

7.3.3 Protection

The Municipality shall investigate every complaint, whether reported or not, as the Municipality could be found liable where steps have not been taken to resolve a case of harassment. Harassed employees shall be given adequate leave and/or assistance for counselling, where appropriate.

7.3.4 Counselling

7.3.4.1 No matter the outcome of the investigation or disciplinary action, both parties shall be offered appropriate counselling to assist in normalising relationships in order to help manage any future conflict between the parties.

7.3.4.2 Management shall be prepared to counsel one or both parties if the behaviour is detrimentally affecting the workplace.

7.3.4.3 As it may take some time for relationships to normalise and for tensions to dissipate where harassment has affected working relationships, it may be appropriate to offer counselling to other employees.

7.4 Measures for lodging and investigating a complaint

7.4.1 If the employee feels harassed, they shall report the incident/s to their immediate supervisor or manager.

7.4.2 Where the complaint is directed against the employee's immediate supervisor or manager, the employee shall report the incident directly to another manager or the head of the business unit.

7.4.3 The supervisor or manager shall institute a prompt investigation, using duly appointed investigator where warranted, and following the formal grievance procedure and its stipulated time-frames, and take

appropriate action from there.

- 7.4.4 All actions taken to investigate and resolve any complaint shall be conducted confidentially to the extent that it is practical and appropriate.
- 7.4.5 The investigator shall gather information and interview the appropriate individuals, including the complainant, the employee allegedly subjected to the harassment (if such individual is not the complainant), the alleged offender and witnesses (where applicable).
- 7.4.6 Upon completion of the investigation, the immediate supervisor or manager shall then make a decision as to whether the complaint warrants action and if so, whether the matter should proceed by way of formal or informal disciplinary procedure, and inform the complainant and alleged offender accordingly.
- 7.4.7 The investigation shall be handled with sensitivity and with due respect to the rights of both the complainant and the alleged offender. Care should be taken to ensure that the careers and reputations of the parties are not unjustly affected.
- 7.4.8 Employees are expected to co-operate fully with investigation of harassment complaints. Co-operation includes maintaining the confidentiality of any information provided in connection with the complaint and not discussing the complaint or the investigation with other employees.

7.5 Dispute resolution

- 7.5.1 Where a harassment complaint is handled through the Municipality's formal grievance procedure, and the complaint is not resolved to the satisfaction of the aggrieved party, the party may refer the grievance to the Local Labour Forum for adjudication, provided that a dispute has been declared.
- 7.5.2 The Local Labour Forum shall follow all mechanisms in the dispute resolution provisions of collective agreements and in legislation to arrive at the final decision, which shall be binding to all parties.

7.6 Legal proceedings

- 7.6.1 The Municipality reserves the right to institute proceedings against a harasser and recover from the harasser, any amount granted in legal proceedings against the Municipality as a consequence of the harassment.
- 7.6.2 The Municipality believes that a harasser should be solely responsible where damages are claimed in respect of harassment.

7.7 Criminal and civil charges

A victim of sexual assault and any other form of harassment shall have the right to press separate criminal and / or civil charges against an alleged perpetrator, and the legal rights of the victim are in no way limited by this policy.

7.8 Roles and responsibilities

- 7.8.1** The Municipal Manager or his / her delegated assignee(s) accept overall responsibility for the implementation and monitoring of the policy.
- 7.8.2** The financial implications related to implementing this policy shall be qualified and quantified by Human Resource Management in consultation with the Chief Financial Officer.
- 7.8.3** Every employee is responsible for ensuring that his/her conduct is in compliance with this policy and for avoiding any acts or statements that may constitute harassment.
- 7.8.4** The Municipality encourages employees to initially attempt to resolve problems of harassment informally and in private.
- 7.8.5** If informal and private means are difficult or embarrassing for an employee to do on his/her own behalf, the employee should seek the support and assistance of a fellow employee.
- 7.8.6** Should the employee prefer to institute a formal complaint as the initial response to harassment, he / she shall do so in terms of the procedure set out in this policy.
- 7.8.7** Managers shall act vigilantly in identifying behaviour that constitutes harassment.
- 7.8.8** Managers shall take steps to positively promote the Municipality's harassment policy.
- 7.8.9** Managers shall be responsive and supportive of any employee who complains about harassment, provide clear advice on the procedure to be adopted, and maintain confidentiality in any cases of harassment.
- 7.8.10** Managers shall take active steps to ensure the complaints of harassment are resolved.
- 7.8.11** Management shall ensure that the public, suppliers, job applicants and others who have dealings with the Municipality, are not subjected to harassment at its workplaces.

7.8.12 Management undertakes to deal with any allegations of harassment speedily and without fear or favour, and in a confidential manner.

7.8.13 Any person bringing allegations of harassment to the attention of management shall be protected against victimisation or retaliation, which may occur in ways such as unjustified disciplinary action, dismissal, demotion, transfer or any other action that adversely affects employment terms and conditions, or environment of the employee.

7.8.14 Management shall protect employees against false accusations, on balance of probabilities.

7.8.15 Subject to an investigation, management may by precaution suspend an employee on full pay, until a verdict is issued through the findings and / or disciplinary hearing.

8. POLICY MONITORING AND EVALUATION

8.1 Non-compliance to the stipulations contained in this policy shall be regarded as misconduct, which shall be dealt with in terms of the Code of Conduct.

8.2 Head of Corporate Services shall carry out the monitoring and evaluation of the policy's implementation.

OPEN NDLAMBE COUNCIL MEETING
HELD ON THURSDAY, 28 MARCH 2024

**REPORT DATED 18 MARCH 2024 FROM THE
MUNICIPAL MANAGER TO COUNCIL: REPORT ON
REVIEW OF HUMAN RESOURCES POLICIES:
ANTI-CORRUPTION AND FRAUD PREVENTION
POLICY**

ANNEXURE C.07

NDLAMBE LOCAL MUNICIPALITY



ANTI-CORRUPTION AND FRAUD PREVENTION POLICY

1. DEFINITIONS

"Accounting Officer" means the Municipal Manager referred to in Section 80 of the MFMA;

"Councillor" means a member of the Ndlambe Municipality;

"Chief Financial Officer" means a Chief Financial Officer designated in terms of Section 80 (2) (a) of the MFMA;

"Designated official" means the individuals identified in a Municipality to receive reports of allegations of financial offences against councillors, currently the Municipal Manager, Speaker and Executive Mayor in terms of the terms of reference of the disciplinary board on financial misconduct;

"Disciplinary board" means a disciplinary board established in terms of paragraph 4 of Regulations on financial misconduct, 2014;

"Internal Audit" The Institute of Internal Auditors defines internal audit as an independent, objective assurance and consulting activity designed to add value and improve an organization's operations. It helps an organization accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes. The Internal Audit unit will evaluate and contribute to the improvement of risk management, control and governance systems through the annual internal audit programme and surprise audits;

"Investigator" means the disciplinary board, treasury, person or team conducting a full investigation in terms of paragraph 5 of Regulations on financial misconduct, 2014;

"Management" includes the Senior Management in terms of section 58 of the MSA and include Managers on the first three levels of the organizational structure;

"MFMA" means the Municipal Finance Management Act, 2003 (Act 56 of 2003);

"Staff" any employee not considered as Management, which is a full-time employee, an individual seconded or contracted to the Municipality in his / her personal capacity;

"Whistle-blower" any employee, ratepayer, member of the public or provider of goods and / or services or any other person reporting corruption in terms of this policy;

DESCRIPTION OF FRAUD AND CORRUPTION

The following definition summarizes the act of corruption and fraud to be dealt with in terms of this policy: **"Abuse of power / discretion"** this involves for example a Municipal official using his or her vested authority to improperly benefit another Municipal official, person or entity (or using vested authority to improperly discriminate against another Municipal official, person or entity).

"Abuse of privileged information misconduct" this *inter alia* involves the use of privileged information

and knowledge that a Municipal official or councillor possesses as a result of his or her office to provide unfair advantage to another person or entity to obtain a benefit, or to accrue a benefit to him or herself.

"Act of failure" omitting to report or refusing to report or act upon reports of any such irregular or dishonest conduct.

"Billing fraud" occurs when suppliers of goods and services to a Municipality overcharge or otherwise produce false Invoices, and payment is secured on those with the help of an employee.

"Bribery" is the bestowing of a benefit in order to unduly influence a decision or action. It can be initiated by a person who seeks or solicits bribes or by a person who offers and then pays bribes. Bribery is the most common form of corruption. The 'benefit' of bribery can be virtually any inducement: money and valuables, company shares, inside information, sexual or other favours. Once bribery has occurred, it can lead to other forms of corruption. Public sector bribery can target any individual who has the power to make decisions or to take an action affecting others and is willing to resort to bribery to influence the outcome of that decision.

"Cheating" this type of corruption is usually perpetrated by an individual or a group of individuals who are out to influence or distort the truth for their selfish gains, e.g. taking leave without completing an application therefor.

"Fraud" is the unlawful and intentional making of a misrepresentation / deceit resulting in actual or potential prejudice to the Municipality and include; Financial Statement fraud, cheque fraud, conflict of interest, gifts and Electronic Fund Transfer fraud. .

"Collusion" means conspiring with others by staff/councillors/bidders/suppliers especially in planning fraud or conniving and entering into secret agreement for wrongful and improper purposes.

"Conflict of interest" this involves a Municipal official failing to disclose within a reasonable time in writing to the Municipal manager:

- (a) full particulars of any benefit / purchase by an official that he / she might have received from a supplier of goods and services, and / or any interest that his / her spouse, partner or close family member stands to acquire from any contract / friendship concluded with a supplier of goods and services of the Municipality;
- (b) all relationships / friendships with any supplier of goods and services to Ndlambe Municipality;- and
- (c) any private business / venture that any employee is involved in.

"Conspiracy" any person who unlawfully and intentionally conspires with any other person to aid or procure a commission from or to commit any offence, whether at common law or against statute or a statutory regulation, shall be guilty of an offence and liable on conviction to the punishment to which the person convicted of actually committing offence would be liable.

"Corporate corruption / theft" this occurs in relationships between officials and the suppliers or clients, when officials use the Municipal resources / contracts for private gain, at the expense of the Municipality.

"Corruption" giving or offering; receiving or agreeing to receive; obtaining or attempting to obtain any benefit which is not legally due to, or by a person who has been charged with a duty or power by virtue of any employment, to do any act or omit to any act in relation to that power or duty.

"Cronyism" It is the practice of appointing friends to high-level, especially in Municipal posts regardless of their suitability.

"Embezzlement" this is a form of theft. It is the appropriation of someone else's property that is already in your possession or control. It is something referred to as theft by conversion in that someone else's property is converted into your own private use e.g. False accounting entries, Unauthorized withdrawals, Unauthorized disbursements, Paying personal expenses from bank funds, Unrecorded cash payments, Theft of physical property, and Moving money from dormant accounts.

"Equipment or resources misconduct" where the Municipality's equipment is used for personal benefit and include;

- (a) Personal use of Municipal or vehicles hired by the Municipality;
- (b) Theft of any equipment and or material or other items; and
- (c) Irregular / unauthorised destruction, removal or abuse of records (including Intellectual property) and equipment.

"Ethical" being in accordance with the accepted principles of right and wrong that govern the conduct of a profession e.g. good, just, fitting, fair, responsible, principled, correct, decent, proper, upright, honourable, honest, righteous and virtuous.

"Extortion" is committed when a person unlawfully and intentionally obtains some advantage which is not due to him from another by subjecting the latter to pressure which induces him to hand over the advantage. It could also be used to coerce individuals into 'cooperating' in a particular manner or towards a specific cause.

"Favouritism / discrimination" It is the practice of giving special treatment to a person or a group of people. This involves the provision of services or resources according to personal affiliation (for example; ethics, religious, gender, geographical factors, political or other affiliations).

"Forgery" is the unlawful and intentional making of a false document with intent to defraud which can include cheques and handwritten receipts.

"Financial misconduct" to be read with sections 170 to 173 of the MFMA and the description of financial

misconduct and financial offences as defined in the MFMA and the regulations on financial misconduct, 2014, and where individuals or companies have fraudulently obtained money from the Municipality by:

- (a) Making profit from insider knowledge;
- (b) Irregular conspiracy in awarding contracts or orders for goods and / or services;
- (c) Suppliers submitting invalid invoices or invoicing for work not done;
- (d) Revenue fraud; and
- (e) Theft or improperly handling or reporting of monies or financial transactions.

"Forms of Corruption" as described in these definitions are by no means exhaustive as corruption appears in many forms and it is virtually impossible to list all of them.

"Friendship" is a form of interpersonal relationship generally considered to be closer than association / colleagues. For this purpose it would mean people connecting/communicating/spending time with one another after office hours as friends.

"Looting / robbing" this is when an individual is involved in the illegal and illegitimate transfer / handover of money or goods from the Municipality or the Municipal bank account to another company / individual. Looting may also take the form of diversion of goods and services from an intended destination to another (un-intended one). An example of this type of corruption is where suppliers or contractors collude with staff to be paid for goods and services that were never delivered.

"Maladministration" is a political term which describes the actions of a government body which can be seen as causing an injustice. Municipalities can only investigate "maladministration causing injustice". Complaints can be considered about the way a decision was taken by Council, but cannot ignore the decision, only because the person complaining does not agree with it. It also means that the person complaining must have suffered an "injustice" as a result of the faulty decision-making process. Maladministration can include; delays, incorrect action or failure to take any action, failure to follow procedures or the law, failure to provide information, inadequate record-keeping, failure to investigate, failure to reply, misleading or inaccurate statements, inadequate liaison, inadequate consultation, or broken promises.

"Malpractice" improper / refusal or unethical conduct or unreasonable lack of skill by a holder of a professional or official position; such as engineers, lawyers, and professional public / Municipal officers / staff to stand for negligent or. Malpractice is a cause of action or no action, by an official or councillor for which damages/claims to the Municipality are occurred / allowed / claimed.

"Misappropriation" is:

- (a) A non-violent criminal taking of property which includes embezzlement, theft, and fraud. Often

applied to a staff member's taking of an employer's property such as stationary, fuel, tools and equipment.

- (b) Taking / using what belongs to someone else like Municipal quotes and tenders and using it unfairly for one's own gain; for example, or using your position with suppliers for own gain.
- (c) To use wrongly or improperly. In terms of copyright, it is the act of theft or improper use of intellectual property for financial or personal gain.
- (d) Often called unfair competition. A common law form of unfair competition in which an individual or firm copies or appropriates some creation of another that is not protected by patent, copyright, or trademark law, or any other traditional theory of exclusive rights.

"Misconduct" includes all the definitions mentioned in this policy and also means to act badly or dishonestly or improperly and / or to manage the activities of the Municipality poorly.

"Nepotism" When a Municipal official or councillor uses his influence to ensure that family members or friends or partners are appointed into any Municipal vacancies or that family members or friends or partners receive contracts from the Municipality, is it regarded as nepotism.

"Other misconduct" activities undertaken by the staff or councillors of the Municipality which may be unlawful and against the Municipality's regulations or policies, or drop below established standard or practices and result in improper conduct can also be dealt with in terms of this policy and include receiving gifts and favours for rendering services;

"Patronage" systems consist of the granting favors, contracts, or appointments to positions by a local public office holder or candidate for a political office in return for political support. Many times patronage is used to gain support and votes in elections or in passing legislation. Patronage systems disregard the formal rules of a local government and use personal instead of formalized channels to gain an advantage.

"Petty corruption" is common in very normal day-to-day interactions and relations in society. It usually involves small gifts, favours or bribes. However, small as petty corruption may sound, its destructive power is as bad as grand corruption due to its pervasiveness in society and due to its apparent appearance as 'harmless'. It is therefore possible for many people to dismiss it and think its consequences are not destructive to a society e.g. fast-track the delivery of essential services e.g. issuing of a certificate, payment, building plan approval, receipt, or driving license.

"Political corruption" involves councillors seeking bribes or other rewards for their own political or personal benefit in return for political favours to their supporters at the expense of the public interest.

"Systemic Corruption" is when corruption becomes accepted as the 'norm' and as part and parcel of the procedures of running public affairs of a Municipality or a society at large. A common manifestation of

systemic corruption in our country is the frequent bribes by offenders to traffic police officers either to ignore the lack of road worthiness, or over-loading, or over-speeding.

"Systems misconduct" where a process / system exists which is prone to abuse by either staff or the public, e.g.:

- (a) Misadministration or financial misconduct in handling or reporting of money, financial transactions or assets;
- (b) Conspiracy in allocation of housing;
- (c) Disclosing confidential or proprietary information to outside parties; and
- (d) Irregular approval in the writing off of bad debt;
- (e) Destruction, removal, or inappropriate use of records, furniture, vehicles, fixtures, and equipment.
- (f) Accepting or seeking anything of material value from contractors, vendors, or persons providing services / materials to the Municipality.

"Theft" is the unlawful and intentional misappropriation / misuse / stealing / fiddling / embezzlement of Municipal property with the intention to deprive the Municipality of its right permanently.

"Trans-active corruption" arises from dealings between an official and a supplier of goods and services. It may occur when particular officials want to enrich themselves at the expense of the Municipality. For instance, when an official colludes with a supplier of uniforms and the latter supplies goods of substandard quality to the Municipality at an inflated cost so that they not only share the profits but also so that colleagues get poor quality uniforms, then trans-active corruption is said to have taken place.

"Unethical!" not conforming to approved standards of social or professional behaviour e.g. Immoral, wrong, improper, illegal, dirty, unfair, shady (informal), dishonest, unscrupulous, under-the-table, unprofessional, disreputable, underhand, unprincipled, dishonourable.

2. INTRODUCTION

Ndlambe Municipality subscribes to the principles of good corporate governance, which require the conducting of business in an honest and transparent fashion.

Consequently, Ndlambe Municipality is committed to fighting fraudulent and corrupt behaviour at all levels within the Municipality.

3. SCOPE OF POLICY AND APPLICATION

This policy covers all matters relating to the prevention, detection, investigation and resolution of fraud and corruption in the Municipality involving the following persons and/or entities:

- (a) Ndlambe Municipality staff members (permanent, temporary, contract)
- (b) Ndlambe Municipality Councillors
- (c) Consultants, suppliers, contractors, and other providers of goods or services to Ndlambe Municipality.
- (d) Other stakeholders of Ndlambe Municipality.

4. LEGISLATIVE CONTEXT OF THE POLICY

This policy aims to give effect to the requirements and stipulations of the

- (a) Prevention and Combating of Corrupt Activities Act (No. 12 of 2004)
- (b) Promotion of Access to Information Act (No. 2 of 2000)
- (c) Promotion of Administrative Justice Act (No. 3 of 2000)
- (d) Protected Disclosures Act (PDA) (No. 28 of 2000)
- (e) Municipal Finance Management Act (MFMA) (No. 56 2003)
- (f) Financial Intelligence Centre Act (FICA) (No. 38 of 2001)
- (g) Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings (No. 430 of 2014)
- (h) Code of Conduct for Councillors in terms of Schedule 1 of the Municipal Structures Act (No. 32 of 2000)
- (i) Code of Conduct for Municipal Staff Members in terms of Schedule 2 of the Municipal Structures Act (No. 32 of 2000)
- (j) Labour Relations Act (No. 66 of 1995)
- (k) Ndlambe Municipality Code of Ethics
- (l) Ndlambe Municipality Risk Management Strategy
- (m) Ndlambe Municipality Risk Management Policy

5. POLICY STATEMENT

It is the policy of Ndlambe Municipality that fraud, corruption, maladministration or any other dishonest

activities of a similar nature will not be tolerated. Such activities will be investigated and actions instituted against those found responsible. Such actions may include the laying of criminal charges, administrative / disciplinary actions and civil action for recoveries where applicable.

Prevention, detection, response and investigative strategies will be designed and implemented. These will include any existing controls (system controls and manual internal controls) and those currently prescribed in existing policies, procedures and other relevant prescripts to the activities of the Municipality.

All Managers are responsible for the prevention, detection and sanctioning of fraud and corruption within their areas of responsibility.

6. ETHICS

All corruption and fraud risks arise due to a lack of ethics. Many of the controls implemented to prevent corruption and fraud requires human involvement and can be circumvented by two or more persons colluding. People without a strong ethical character will not report corrupt and/or fraudulent acts they are aware of.

Anti-corruption and fraud prevention measures can thus only succeed in an environment of ethical behaviour, not only due to the need to prevent corrupt and fraudulent acts, but also to detect corruption and fraud when it does occur.

7. ROLE-PLAYERS IN ANTI-CORRUPTION AND FRAUD PREVENTION

7.1. Oversight

7.1.1. Council

Council takes an interest in anti-corruption and fraud prevention to the extent necessary to obtain comfort that properly established and functioning systems of anti-corruption and fraud prevention are in place to protect Ndlambe Municipality against losses, comply with legislation and discipline offenders.

Council may institute investigations into alleged instances of corruption and/or fraud involving Councillors and is responsible for the disciplinary process of Councillors implicated in acts of corruption and/or fraud.

7.1.2. Audit and Performance Audit Committee (APAC)

The APAC is responsible for providing the Municipal Manager and Council with independent counsel, advice and direction in respect of anti-corruption and fraud prevention.

The APAC will include a specific focus on fraud risks when advising on internal financial control, the accuracy and reliability of the financial statements, governance and compliance with legislation.

7.2. Implementers

7.2.1. Accounting Officer / Municipal Manager

The Accounting Officer is ultimately accountable for anti-corruption and fraud prevention within the Municipality. The Accounting Officer must set an example at the top and promote ethical behaviour within Municipality.

7.2.2. Directors

Directors support the Municipality's anti-corruption and fraud prevention philosophy, integrate it into the operational routines of the Municipality and monitor the anti-corruption and fraud prevention activities within their areas of responsibility.

The Directors are ultimately accountable to the Accounting Officer and Council for the anti-corruption and fraud prevention measures in their directorates.

7.2.3. Management

Management is responsible for designing, implementing and monitoring anti-corruption and fraud prevention controls and integrating it into the day-to-day activities of the Municipality.

Management is also risk action owners and must formulate appropriate action plans to combat corruption and fraud risks identified during risk identification and assessment.

7.2.4. Other municipal officials

Other municipal officials are responsible for adhering to and monitoring the process of anti-corruption and fraud prevention and integrating it into their day-to-day activities.

7.3. Support

7.3.1. Risk Management and Internal Unit

The Risk Management Unit's coordination function enables, through risk identification and assessments, the inclusion of corruption and fraud related risks in the Municipality's risk register. Throughout the unit's monitoring activities, special focus is given to ensure that appropriate action plans are formulated by management to mitigate corruption and fraud related risks and sufficient reporting is conducted to the relevant oversight structures.

Internal Audit investigates alleged instances of corruption and/or fraud. As part of their investigations, they must provide recommendations for the improvement of anti-corruption and fraud prevention measures to prevent a similar corruption or fraud incident from occurring in the future.

7.4. Assurance Providers

7.4.1. Internal Audit

In addition to investigations and recommendations, Internal Audit can also provide assurance on the Municipality's anti-corruption and fraud prevention measures.

Due to the independence requirements of Standard 1130.A1 of the International Standards for the Professional Practice of Internal Auditing, Internal Audit may only provide assurance on anti-corruption and fraud prevention activities they were not involved with.

7.4.2. External Audit / Auditor General (AG)

The AG provides an independent opinion on the effectiveness of the Municipality's anti-corruption and fraud prevention measures.

In providing an opinion the AG:

- (a) determines whether the anti-corruption and fraud prevention strategy, policy and plan are in place and appropriate;
- (b) assesses the implementation of the anti-corruption and fraud prevention strategy, policy and plan;
- (c) reviews the corruption and fraud risk assessment process to determine if it is sufficiently robust to facilitate timely and accurate risk rating and prioritization;
- (d) determines whether management action plans to mitigate the key corruption and fraud risks are appropriate and being implemented effectively.

Findings and recommendations from an external audit can be used in the evaluation and improvement of anti-corruption and fraud prevention measures.

8. REPORTING

Councillors, staff members and the public are encouraged to report any alleged incident of fraud and corruption.

8.1. Regulations for Financial Misconduct

In terms of Regulation 17 (1) of the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings (No. 430 of 2014), the Council has established reporting procedures for persons to report allegations of financial misconduct (including corruption and fraud) on a confidential basis.

A person must report allegations of financial misconduct in the following manner:

Allegations against	Report to
Accounting Officer (Municipal Manager)	Council and
Senior Manager (Director)	Provincial Treasury and
Chief Financial Officer	National Treasury
Other municipal officials	Accounting Officer (Municipal Manager)

8.2. Reporting lines

8.2.1. Staff

It is the responsibility of all staff to report all incidents of fraud or corruption that may come to his/her attention to his/her manager. If the staff member is not comfortable reporting such matters to his/her manager, the matter should be reported to the manager's superior, with final recourse to the Accounting Officer. Where the Accounting Officer is implicated in the incident, the staff member must report the matter to the Speaker.

Alternatively, such reports can be made by way of submitting a report through the prescribed whistle blowing mechanisms.

It is the responsibility of the Managers to report and/or escalate all incidents of fraud, corruption, theft, maladministration and other suspected irregularities of this nature to the Accounting Officer. Such reporting by managers must be made as follows:

- (a) Verbally, immediately after discovery of the incident in question;
- (b) Such verbal report must be followed by a detailed written report to be submitted within five working days after the discovery of such an incident.

It is the responsibility of the Accounting Officer to immediately report all incidents of fraud, corruption, theft, maladministration and other suspected irregularities of this nature to Provincial Treasury. This reporting must take place as follows:

- (a) a detailed written report to be submitted within five working days after discovery of such an incident.

In the event where the Accounting Officer is implicated, the Speaker must report the incident to Provincial Treasury.

The Accounting Officer must assess all reported incidents against the Prevention and Combating of Corrupt Activities Act (No. 12 of 2004) to determine whether the incident must be reported to the South African Police Service (SAPS).

Regardless of whether or not incidents of fraud, corruption, theft, maladministration and other suspected irregularities must be reported to the SAPS in terms of the abovementioned Act, it is the Municipality's policy to refer all alleged fraud and corruption of a criminal nature for prosecution by the appropriate authorities.

The Accounting Officer must consult with Internal Audit to determine whether the matter warrants the laying of criminal charges.

8.2.2. Councillors

A councillor must report all incidents of fraud or corruption involving staff to the Accounting Officer and incidents of fraud or corruption involving councillors to the Speaker.

8.2.3. Public

Members of the public may report incidents of corruption and fraud involving the Municipality to any member of management, a Director, the Municipal Manager, Internal Audit or a Councillor.

The person receiving the report has the responsibility to escalate the matter to the appropriate person / authority.

8.3. Confidentiality

All reports received will be treated with the requisite confidentiality and will not be disclosed or discussed with parties other than those charged with investigation into such reports.

8.4. Anonymous Reporting

Should a councillor, staff member or member of the public wish to report allegations of fraud or corruption anonymously, they can contact or write to any member of management, the Municipal Manager, Executive Mayor, the Speaker or Internal Audit or make use of the national fraud hotline - 0800 701 701.

9. PROTECTION OF WHISTLE BLOWERS

A whistle blower who reports suspected fraud and / or corruption may remain anonymous should he/she so desire.

The Protected Disclosures Act (No. 26 of 2000) protects whistle blowers who are employed by the Municipality. No employee will be subjected to any occupational detriment by the Municipality on account, or partly on account of having made a protected disclosure.

No person will suffer any penalty or retribution for good faith reporting of any suspected or actual incident of fraud and corruption which occurred within the Municipality. The Municipality will not tolerate harassment or victimisation and will take action to protect staff and councillors when they raise a concern in good faith. This does not mean that if a staff member or councillor is already the subject of disciplinary or other action, that action will be halted as a result of their whistle blowing.

The malicious reporting of any false allegations by any staff member or councillor constitutes a serious disciplinary infraction and is not protected by the provisions in this section.

10. INVESTIGATIONS

10.1. Responsibility for conducting investigations

The responsibility for conducting investigations relating to fraud and corruption lies with the Accounting Officer, who may delegate such responsibility, whether generally or in specific cases, to managers of the Municipality as he may consider appropriate.

10.2. Anonymous Allegations

The Municipality encourages staff and councillors to put their names to allegations. Concerns expressed anonymously are difficult to investigate; nevertheless they will be followed up at the discretion of the Municipality. This discretion will be applied by taking into account the following:

- (a) seriousness of the issue raised;
- (b) credibility of the concern; and
- (c) likelihood of confirming the allegation.

10.3. Investigators

The assistance of the following people / entities may be sought for purposes of carrying out investigations into corruption and fraud:

- (a) External and internal audit services;
- (b) Disciplinary Committee;
- (c) External state investigating agencies, e.g. SAPS, where matters fall within their mandate;
- (d) External consultants, e.g. forensic accounting consultants;
- (e) Office of the National Director of Public Prosecutions;
- (f) Special Investigating Units established under any law;
- (g) The Public Protector;
- (h) Any other authority as determined by Council.

Council and management of the Municipality must, within the bounds of their authority, render appropriate support and assistance to any investigation undertaken by an authorised investigator and must arrange/take the necessary steps to facilitate free access to the Municipality's buildings, equipment, staff, councillors and information sources required by the investigator.

10.4. Confidentiality

All information relating to fraud and corruption that is received and investigated will be treated confidentially. The progression of investigations will be handled in a confidential manner and will not be disclosed or discussed with any persons other than those who have a legitimate right to such information.

10.5. Feedback to complainants

The Municipal Manager or his/her delegate will upon receiving a report of alleged / suspected fraud or corruption, write to the complainant acknowledging receipt.

The Municipality accepts that those people who reported alleged fraud or corruption need to be assured that the matter is progressing or has been properly addressed, but confidentiality during and after investigations must also be maintained. Thus, subject to legal constraints, information about any investigation will be disseminated on a 'need to know basis' only.

11. DISCIPLINARY / LEGAL ACTION

Where a staff member is alleged to have committed an act of fraud, corruption, theft, or maladministration, the Manager or Immediate senior (if the manager is the alleged offender) must institute disciplinary proceedings within a reasonable period in terms of the disciplinary code and procedures of the Municipality. Where the Accounting Officer or a councillor is the alleged offender, the Speaker or Council (if the Speaker is the alleged offender) must institute disciplinary proceedings.

Any fraud or corruption allegations against staff or councillors will be pursued by thorough investigations and to the full extent of the law by the Disciplinary Committee established by Council in terms of the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings (No. 430 of 2014, whose actions will include:

- (a) Taking disciplinary action;
- (b) Instituting civil action (particularly to recover losses suffered by the Municipality);
- (c) Initiating criminal prosecution by reporting the matter to the SAPS or any other relevant law enforcement agency; and
- (d) Any other appropriate legal remedies available.

As soon as a disciplinary hearing is completed, the outcome must be reported to the Accounting Officer, for hearings of staff, or the Speaker, for hearings of councillors. Such report must contain the following:

- (a) The name and position of the staff member or councillor against whom proceedings are instituted;
- (b) The disciplinary charges, indicating the misconduct the staff member or councillor is alleged to have committed;
- (c) The findings of the disciplinary hearing;
- (d) Any sanction imposed on the staff member or councillor; and
- (e) Any further action to be taken against the staff member or councillor, including criminal charges or

civil proceedings.

The Accounting Officer must ensure that losses or damages suffered by the Municipality as a result of an act committed or omitted by a staff member, councillor or external person are recovered from such person if he/she is liable in law. The Accounting Officer must determine the amount of the loss or damage and, in writing, request that person to pay the amount within 30 days or in reasonable instalments. If the person fails to comply with the request, the legal process for recovery will be initiated by the Accounting Officer. In the event where recovery actions must be instituted against the Accounting Officer, the Mayor must execute the aforementioned processes.

12. RESPONSE TO INCIDENTS

In all instances where incidents of fraud, corruption, theft, maladministration and other similar irregularities of this nature take place, all Managers must immediately review the controls which have been breached in order to prevent similar irregularities from taking place in future.

Internal audit obtains, assembles and researches information on acts of fraud, corruption, other unlawful and/or irregular conduct and practices in order to identify causes and advise and consult on interventions / action plans to improve controls and prevent similar incidents in future.

13. TRAINING, EDUCATION, COMMUNICATION AND AWARENESS

In order for this policy to be sustainable, it must be supported by a structured training, education, communication and awareness programme.

It is the responsibility of all heads of department and managers to ensure that all staff are made aware of and receive appropriate training and education with regards to this Policy.

Council, in consultation with the Accounting Officer, must arrange training for councillors.

14. CONFLICTS OF INTEREST

All staff and Councillors of Ndlambe Municipality must declare any possible conflicts of interests. Once possible conflicts are disclosed, there are several decision paths:

- (a) If the Municipal Manager/Council declares that there is in fact a conflict that cannot be avoided, the Municipal Manager/Council must require the individual to end the conflict of interest or to resign from the Municipality, otherwise the individual must be charged with misconduct;
- (b) The Municipal Manager/Council may determine that there is a potential for conflict of interest and impose certain constraints on the individual to manage the conflict and avoid opportunities for a conflict to arise. If the individual fails to adhere to the constraints, he/she must be charged with misconduct.

- (c) The Municipal Manager/Council may accept the disclosure and determine that there is no conflict of interest in the situation described.

15. REVIEW

This Anti-Corruption and Fraud Prevention Policy must be reviewed and approved by Council annually.

**NDLAMBE MUNICIPALITY
CORPORATE SERVICES**



WHISTLE BLOWING POLICY

1. INTRODUCTION

Ndlambe Local Municipality recognises the fact that Criminal and other irregular conduct within Ndlambe Local Municipality is detrimental to good, effective, accountable and transparent governance within Ndlambe Local Municipality and can endanger the economic stability of the municipality and have the potential to cause social damage.

There is a need for procedures in terms of which employees may, without fear of reprisals, disclose information relating to suspected or alleged criminal or other irregular conduct affecting them and/ or the municipality. Every employer and employee has a responsibility to disclose criminal and any other irregular conduct in the workplace and every employer has a responsibility to take all necessary steps to ensure that employees who disclose information regarding criminal and any other irregular conduct in the workplace are protected from any reprisals as a result of such disclosure.

2. DEFINITIONS

Occupational detriment as defined by the Protected Disclosures Act includes being subjected to disciplinary action, dismissed, suspended, demoted, transferred against your will, harassed, denied promotion, subjected to terms and condition of employment or retirement which are altered or kept altered, intimidated, refused a reference or being provided with an adverse reference, as a result of your disclosure.

3. OBJECTIVES OF THE POLICY

3.1 In order to remain in compliance with the Protected Disclosures Act, which came into effect on 16 February 2000, Ndlambe Local Municipality undertakes to:

3.1.1 Strive to create a culture which will facilitate the disclosure of information by employees relating to criminal and other irregular conduct in the workplace in a responsible manner by providing clear guidelines for the disclosure of such information and protection against reprisals as a result of such disclosure; and

3.1.2 Promote the eradication of criminal and other irregular conduct within Ndlambe Local Municipality.

3.2 The policy is intended to encourage and enable staff to report suspected fraud and corruption activities within Ndlambe Local Municipality rather than overlooking a problem or blowing the whistle via inappropriate channels.

4. APPLICATION OF THE POLICY

There are existing grievance procedures in place within the organisation enabling employees of Ndlambe Local Municipality to raise grievances relating to their employment. This policy is intended to cover concerns that fall outside the scope of

grievance procedures. These concerns in accordance with the Protected Disclosures Act are the following:

- a) That a criminal offence has been committed is being committed or is likely to be committed.**
- b) That a person has failed is failing or is likely to fail to comply with any legal obligation to which that person is subject.**
- c) That a miscarriage of justice has occurred, is occurring or is likely to occur.**
- d) That the health or safety of an individual has been, or is being or is likely to be endangered.**
- e) That the environment has been, is being or is likely to be damaged;**
- f) Unfair discrimination as contemplated in the Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) No.4 of 2000 is taking place or is likely to take place.**
- g) That any matter referred to in paragraphs (a) to (f) has been is being or is likely to be deliberately concealed.**

5. LEGISLATIVE FRAMEWORK

5.1. PROTECTED DISCLOSURES ACT

This policy is developed based on the principle objects of The Protected Disclosures Act, which encourages employees to disclose any acts of misconduct without fear of any recriminations or reprisals.

Section 2 of The Protected Disclosures Act clearly defines the "Objectives of the Act" as follows:

5.1.1 To protect an employee from being subjected to an occupational detriment on account of having made a protected disclosure.

5.1.2 To provide for remedies in connection with any occupational detriment suffered on account of having made a protected disclosure.

5.1.3 To provide for procedures in terms of which an employee can, in a responsible manner, disclose information regarding improprieties by his or her colleagues, other stakeholders and employer.

6. WHO CAN REPORT?

Any member of staff or member of the public who has a reasonable belief that there is fraud or corruption or misconduct relating to any of the protected matters specified in Section 4 of this Policy, may report under the procedure as set out in this Policy.

Concerns must be raised without malice, in good faith and not for personal gain and the individual must reasonably believe that the information disclosed, and any allegations contained in it are substantially true.

7. HARASSMENT OR VICTIMISATION

7.1 Ndlambe Local Municipality acknowledges the fact that the decision to report a concern can be a difficult one to make, not least because of fear of reprisals from those responsible for the irregularity.

7.2 Ndlambe Local Municipality will not tolerate harassment or victimisation and will take action to protect employees against such conduct when they report in good faith.

7.3 Any act of harassment or victimisation should be reported to the Accounting Officer or alternatively, to the Manager: Risk Management.

7.4 Where an employee is already or stands to be the subject of disciplinary or other action, reporting of the nature stipulated in the Protect Disclosure Act, shall not mean that t action will automatically be ceased as a result of their whistle blowing.

8. GUARANTEES AND PROTECTION

8.1 Confidentiality regarding the identity of the person reporting under this Policy will be maintained at all times, and nobody acting in good faith will be penalized for making such disclosure regarding information that might be in the interest of Ndlambe Local Municipality. Every effort will be made not to reveal the identity of the whistle blower unless he/she permit/allow.

8.2 Notwithstanding clause 7.4 above ; Ndlambe Local Municipality as employer shall ensure that any employee who makes a disclosure in terms of the Protected Disclosures Act and in circumstances as herein discussed, will not be penalized or suffer any occupational detriment for doing so.

8.3 Any employee who raises a concern in good faith in terms of the Protected Disclosures Act, will not be at risk of losing their job or suffering any form of retribution as a result. Ndlambe Local Municipality will not tolerate the harassment or victimization of anyone raising a genuine concern.

8.4 A guarantee and protection/assurance regarding occupational detriment can however not be extended to employees who maliciously raise matters they know to be untrue and action will be taken against such employees.

9. FALSE AND MALICIOUS ALLEGATION

9.1 Persons intending to report a matter under the Protected Disclosures Act shall guard against making allegations which are false and made with malicious intent.

9.2 In instances where persons do make such false and malicious reports, such persons will not enjoy the protection offered by the Protected Disclosure Act and where cost implications arise due to investigations done and resources allocated on the basis of false allegations, such costs shall be claimed as damages suffered by the Municipality from the person who made the false or malicious allegation.

9.3 An employee who does not act in good faith or who makes an allegation without having reasonable grounds for believing it to be substantially true, or who makes it maliciously, shall be subjected to disciplinary proceedings.

10. REPORTING PROCEDURE

10.1 Reports of possible fraud or corruption from any internal or external source can be submitted internally to:

10.1.1 Line management;

10.1.2 Directors;

10.1.3 Municipal Manager; or

10.1.4 Internal Audit Unit (Risk).

10.2 An alternate way of reporting possible fraud and corruption can be made by contacting the Office of the Municipal Manager and an application for a Fraud Hotline will be made for persons to remain anonymous when making reports via this Hotline.

10.3 Where a person have reported his/her concern through any of the channels described in sub-paragraphs 10.1 and 10.2 above and have substantial reason to believe that there may be a cover-up or that evidence may be destroyed or that the matter might not be handled properly, that person may raise his/her concern in good faith with a Member of the Mayoral Committee of the Municipality.

10.4 Employees and members of the public not wishing to report a matter internally may make reports or Public Interest Disclosures to the following investigating authorities:

10.4.1 SAPS;

10.4.2 Public Protector;

10.4.3 Auditor-General; or

10.4.4 Any other relevant authority

10.4.5. Audit Committee Chairperson

11. HOW THE MUNICIPALITY WILL RESPOND

11.1 The action taken by the Municipality will depend on the nature of the allegation reported. The possible routes of action open to the Municipality are to:

11.1.1 Investigate internally; and /or refer the matter to South African Police Service or other relevant law enforcement agency, where applicable.

11.1.2 Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form the investigation should take. Allegations raised may not necessarily require an investigation to be resolved.

11.1.3 The frequency of contact between the investigating officer and the person reporting (where not anonymous) will depend on the nature of the allegations raised and the investigations which may be required to be performed. If required and where possible, further information may be sought from the person who made the report.

11.1.4 All investigations will be handled confidentially and will not be discussed with any persons other than those who legitimately have the right to such information.

12. CREATING AWARENESS

12.1 In order for this Policy to be sustainable, it must be supported by a structured education, communication and awareness programme.

12.2 It is the responsibility of all Directors and Managers to ensure that all employees, are made aware of, and receive appropriate training and education with regard to the whistle blowing policy.

12.3 For purposes of reporting by members of the public the Municipal Manager must ensure that this Policy is available on the Municipal website.

13. REVIEW AND UPDATING THE WHISTLE BLOWING.

The policy will be reviewed every 2 years or as and when required to incorporate changes in the legislative framework within Local Government.

OPEN NDLAMBE COUNCIL MEETING
HELD ON FRIDAY, 31 MAY 2024

**REPORT DATED 23 MAY 2024 FROM THE
MUNICIPAL MANAGER TO COUNCIL: REPORT ON
REVIEW OF HUMAN RESOURCE PLAN**

ANNEXURE C.11

NDLAMBE LOCAL MUNICIPALITY



HUMAN RESOURCES

PLAN

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1. EXECUTIVE SUMMARY

Our municipality's mandate is derived from the Municipal Systems Act no 32 of 2000 and is further entrenched in the legislative framework which makes it obligatory for the municipality to provide sustainable development and service delivery to the local communities.

The municipality has been facing development challenges in the year when our IDP components experienced an increasing number of development applications.

Human Resource planning is the process of ensuring that an organisation has the right number of people, the right kind of people, in the right places, at the right time doing things that are economically most useful for such an organisation. Hence Ndlambe Municipality is trying to achieve that by analysing the current gap of demand and supply of skills. It is hoped that the HR Plan will contribute to accelerating the implementation of the municipal IDP and the Turnaround Strategy. This can be accomplished by identifying the gaps in Human Resources in terms of the current number of employees, their skills, and knowledge of the government's intentions and future needs.

The above information will inform the municipality of the type of organisational structure needed to be put in place. Presently, the Municipality employs a variety of skills to be able to fulfil its mandate and those skills reside in the following departments that make up the administration of the municipality:

- ◆ Office of the Municipal Manager
- ◆ Community and Protection Services Directorate
- ◆ Financial Services Directorate
- ◆ Corporate Services Directorate
- ◆ Infrastructure Development Directorate

The HR Plan needs to also deal with the demands such as those that are posed by the Skills Development Act, and other labour legislations including programmes and policies relating to Employment.

1.1 LEGISLATIVE FRAMEWORK

Legislative and regulatory framework guiding the formulation of Human Resource Planning:

- **The Constitution of the Republic of South Africa, 108 of 1996.**
- **The White Paper on Human Resource Management 1997**
- **Employment Equity Act, 55 of 1999**
- **Municipal System Act and its Staff Regulations Act 32 of 2000**
- **Labour Relations Act, 66 of 1995 (section 189)**
- **Local Government Sector Scarce Critical Skills Guideline 2018 -2019.**
- **Basic Conditions of Employment Act, 75 of 1997**
- **Skills Development Levies (Act, 9 of 1999**
- **Skills Development Act, 1998**

CHAPTER 1

1.2 INTRODUCTION AND BACKGROUND

According to Department of Public Services and Administration Human Resources Planning Strategic Framework, "Human Resources Planning can be defined as an inclusive and dynamic process that involves the identification of both current and future human resource needs as well as potential challenges for the department to consistently achieve its organisational objectives. It is also the two-way operational link between high-level strategy and action-orientated implementation that can be regularly monitored and evaluated. Therefore, Human Resources Planning aims to ensure that an organisation has the right people at the right places at the right time, all the time".

Human resource planning may provide information to help estimate future labour supply and demand by analysing current staffing levels and skill mixes, turnover, promotions and other employee movements like transfers and demotions. Ndlambe Municipality will for the first time conduct a feasibility and desirable organisational strategic intervention that can be considered to convert the plans (Integrated Development Plan) projects and private development) to a projected future labour need (in terms of quality and quantity).

The above-mentioned strategic intervention can either indicate an employee surplus or a deficit. The information obtained can then be used to develop human resources programmes to balance labour supply and demand. For example, extensive training and development through learnerships and heightened recruiting efforts could be used to increase the labour supply.

The White Paper on Human Resource Management in the Public Service published on 3 December 1997 strongly promotes the development and implementation of the Human Resources Plan by the National and Provincial Departments. The White Paper ensured that human resource management should result in a diverse, competent, and well-managed workforce, capable of and committed to delivering high-quality service to the people of South Africa. That view is to be extended to the Local Government sphere of government to which Ndlambe Municipality belongs. The Ndlambe Municipality is endeavouring to deliver efficient and

effective service to its community and having such a plan will assist in realizing this objective. Chapter 4, Section 4.2 of the White Paper on Human Resource Management in Public Service makes specific reference to Human Resource Planning in terms of what it should accomplish, the steps involved, human resources requirements and capacity, succession planning and human resource strategy.

Furthermore, the Human Resources Plan will also touch on the issue of office space once it has managed to determine the possible future number of staff required by the organogram.

The HR plan budget is approved by executive management, who are responsible for recognizing the need for human resource planning, providing strategic direction, and allocating resources for its implementation. Line managers assess budget implications and work with HR to analyse data and develop action plans aligned with HR strategies. HR practitioners participate in data analysis, engage in HR strategy discussions, and assist in developing action plans. The Head of HR leads the planning process, while the HR Project Team ensures alignment with the department's strategic plan and monitors the plan's effectiveness and implementation.

CHAPTER 2

2. NDLAMBE MUNICIPALITY'S VISION

NDLAMBE MUNICIPALITY strives to be a premier place to work, play, and stay, on the eastern coast of South Africa. It strives to be the destination of choice for people who love natural and cultural heritage, adventure water sports, and laid-back living for families. We promise to build a state-of-the-art physical infrastructure which will be laid out aesthetically in our beautiful natural environment. Our prosperous community supports a safe and healthy lifestyle which is supported by affordable natural living and a vibrant tourism and agriculturally based economy!

We promote good governance by providing sustainable, efficient, cost-effective, adequate and affordable services to all our citizens.

2.1 NDLAMBE MUNICIPALITY'S MISSION

To achieve our vision by enabling optimal performance within each of the five Key Performance Areas of Local Government within the context of available resources.

2.2 VALUES

- **Commitment;**
- **Transparency;**
- **Honesty;**
- **Trustworthiness; and**
- **Care**

CHAPTER 3

3.1 HUMAN RESOURCES OBJECTIVES

The Human Resource Plan therefore aims to ensure that the municipality: -

- ◆ Has the human resource capability to deliver on its mandate.
- ◆ That the workforce has the necessary skills and competencies to deliver the strategic goals and objectives as outlined in the strategic plan.
- ◆ Recruits and retains the quality and quantity of staff that it requires.
- ◆ Promotes employment equity.
- ◆ Optimally utilizes its human resources.
- ◆ Anticipates and manages shortages and surplus of staff.
- ◆ Progressively and continuously develops staff towards the developmental approach to meet the increasing and changing needs of clients and communities.
- ◆ Develops leadership and creates a learning organization that values the importance of service delivery and hence puts people first.
- ◆ Retain critical skills.

An assessment of the human resources required to deliver on the municipality's strategic objectives is presented, followed by a gap analysis indicating the current human resource needs. The plan includes the challenges and strategies aimed at resolving these. The financial implications are then set out. The plan concludes with an explanation of the monitoring and communication strategies currently in place within the municipality.

3.2 PURPOSE OF HR PLANNING FOR NDLAMBE MUNICIPALITY

The Ndlambe Local Municipality has thus developed a human resource plan by mandated service delivery imperatives and legislative requirements. The information contained herein is drawn from several documents, notably, the IDP and Municipal Turnaround Strategy.

This plan will be utilized:

- To guide the municipality in the management of its Human Resources;
- To assist with the planning for future human resources that will accelerate the implementation of service delivery;
- To look at the size of the organogram in relation to the current office space;
- To analyse the gap between the demand and the supply and suggest strategies to close the gap.

3.3 PUBLIC SERVICE HUMAN RESOURCES CONCEPTUAL FRAMEWORK

The decisions on the level and deployment of staff are often made in response to short-term financial pressures as opposed to evidence of the effect of municipal staff on service delivery outcomes.

There are general two approaches to determining staff levels and mix:

- **Use-based** (how many municipal staff are required to maintain current service levels?)
- **Effective demand-based** (how many municipal staff are required to meet society's commitment to service delivery?)

It is crucial that for human resources planning to be considered to be effective, morally justifiable and politically defensible, it must be matched as closely as possible with citizen's service delivery needs in this instance Ndlambe Municipality Integrated Development Plan. Unless the needs of the population of Ndlambe are understood, it will be difficult to plan for a workforce and build conducive and accessible accommodations or offices and systems to meet those needs. Below is the simplified model for human resource planning:

Fig 1



In the Municipal context, Figure 1 will indicate citizen's service delivery needs as a result of the IDP process. It is followed by the review of the organogram using the principle of functions following people. In other words, positions will be created and others deleted. If necessary, the process of human resources deployment will be initiated through the placement process and eventually have the outcome. The outcome refers to the effectiveness and efficiency of human resources to deliver on the service delivery needs or priorities of IDP.

CHAPTER 4

4.1 SITUATIONAL ANALYSIS AND HR CHALLENGES

Human Resources Demand

A pre-requisite for achieving the sustainability of service delivery is the adequate staff provisioning of the municipality. Critical posts that need to be filled as a matter of priority were identified.

It is necessary that the Municipality first determines the future supply and demand for human resources. The labour supply may come from existing employees (the internal labour market) or from outside the municipality (the external labour market).

The estimate of the total number of employees needed as well as the skills required is known as the demand forecast.

Table 1: Status quo of positions according to Departments

Name of Department	Total No. of Approved Positions	Total No. of Vacancies	Interns
Municipal Manager's Office	30	9	0
Directorate of Corporate Services	59	8	2
Directorate of Finance Services	79	5	3 National Treasury (NT) 2 Vacant (NT) 2 BANKSETA
Directorate of Infrastructural Development	249	20	0
Directorate of Community/ Protection Services	198	11	0
Total	615	53	5

Table 1.1: Management of current and envisaged posts

DIRECTORATE	CURRENT Y1			
	POST DEMAND (WHAT YOU NEED)			
	Y23/24 Proposed Positions	Y23/24 Approved Positions	Y23/24 Vacant Positions	Y23/24 Unfunded Positions
Municipal Manager's Office	5	11	9	2
Directorate of Corporate Services	1	14	8	6
Directorate of Finance Services	3	12	5	7
Directorate of Infrastructural Development Services	86	34	20	14
Directorate of Community/ Protection Services	56	32	11	21
Total	151	103	53	50

The organogram indicated several proposed positions which were approved by the Council; however, a balance must be taken into consideration that the National Treasury norm must be observed at all material times. This means prioritization of critical positions must be filled as opposed to the so-called nice-to-have position.

Human Resources Supply

The Human Resource Plan is prepared in such a way that it links with the strategic plan and turnaround strategy of the municipality. It informs the municipality of how many Human Resources are needed, what kind of Human Resource Units are needed, where they are needed and what they are needed for.

For the Municipality to implement its Strategic Plan and Turn Around strategy, it must look at its structure and whether it is capable of delivering. The understanding can be drawn from the Supply Chain Management Unit which was considered and beefed up to meet the challenges demanded by the Municipal Turn Around Strategy to centralize the Unit. The supply of qualified human resources be obtained internally through a succession plan or externally, meaning from the community of Ndlambe, Eastern Cape Province or South Africa at large.

Table 2: Scarce skills

Scarce skills	Current supply								Future supply								Risk		Risk assessment		
	Internal availability				External availability				Internal availability				External availability				Yes	No	H	M	L
	A	B	C	D	A	B	C	D	A	B	C	D	A	B	C	D					
Infrastructural Development				x			x				x			x			x			x	
Finance		x					x				x				x		x				x
CPS		x					x				x				x		x				x
Management		x					x				x				x		x				x

A=Oversupply, B=Full available, C=Available, no reserves, D=Not enough, Limited available High risk=Severe and Immediate impact on service delivery, Medium risk=Some impact on service delivery, Low risk=Minimal Impact on service delivery

Table 2 was developed after having considered the Local Government Sector Scarce Critical Skills Guideline 2018 -2019. While the Municipality has managed to fill some of these critical skills positions, however, it may pose a challenge in attracting them in future in case some of them become vacant as a result of Market competition. It is clear that without having these positions filled it may jeopardize service delivery in terms of the risk associated with the positions.

Table 3: Senior Management qualifications (Municipal Manager, Directors, Deputy Director and Managers)

Higher Education Qualifications	Total number	No. Verified	% verified
Diploma (NQF 6)	5	Yes	100
Degree (NQF 7)	14	Yes	100
National certificate CPMD (NQF 7)	10	Yes	100
Post – Grad Diploma or Honours	3	Yes	100
Masters	2	Yes	100
PhD	1	Yes	100
National Senior Certificate	196	Yes	100

Table (3) shows us that, considering the demand presented by the IDP and the possible growth of the Municipality, there is a lot that is desired in terms of upgrading the skills of the employees. The Municipality needs to increase the number of employees with Diplomas or degrees which are mostly the requirement to qualify for senior positions. The Municipality has excelled in creating internal capacity through Higher Learning and Further Education and Training. As result all senior managers have been appointed form internal capacity through a Ndlambe concept called (grow your own timber). Capacity building in HR planning involves identifying gaps between future demand and supply, developing staffing scenarios based on available funding, and prioritizing short-term and long-term staffing needs. Departments must analyze weaknesses in the current structure to guide decision-making processes. Tools like competency reviews for scarce skills and HR planning tools assist in determining critical positions and interventions for organizational change management. Assessing functional area gaps, planned improvements, and HR utilization are essential for identifying areas for improvement and development within the organization. Overall, capacity building in HR planning focuses on strategic alignment, organizational analysis, and decision-making to ensure effective service delivery within budget constraints.

Table 4: Human Resource profile by age in Ndlambe Municipality

AGE	21 - 29	30 - 39	40 - 49	50- 59	60 - 65
TOTAL	17	108	194	158	29

RETIREMENT PROJECTIONS OF 65 COMMENCING 2024				
2024	2025	2026	2027	2028
6	6	4	5	8

Table 5: Staff movement and Succession plan

DEPARTMENT	PREVIOUS POSITION	NEW POSITION	DATE OF APPOINTMENT
MUNICIPAL MANAGERS OFFICE	INTERNAL	MUNICIPAL MANAGER	01 December 2022
	EXTERNAL	MANAGER IDP	01 April 2024
	SPU OFFICER	MANAGER SPECIAL PROGRAMMES UNIT	01 April 2024
FINANCIAL SERVICES	INTERNAL	DIRECTOR FINANCIAL SERVICES	01 September 2022
	CASHIER	PRINCIPAL CLERK VALUATIONS	01 May 2023
	ACQUISITION OFFICER	SENIOR BUYER (SCM)	01 May 2023
	CONTRACT WORKER	PAYROLL CLERK	01 May 2023
	CONTRACT WORKER	CONTRACTS MANAGEMENT OFFICER	01 May 2023

	INTERNSHIP	CONTRACTS CLERK	0 May 2023
	CONTRACT WORKER	LOGISTICS CLERK	01 May 2023
	FINACIAL CONTROL CLERK	SENIOR ACCOUNTANT REPORTING	01 June 2023
	EXTERNAL	MANAGER SUPPLY CHAIN MANAGEMENT	01 August 2023
	INTERNNAL	DEPUTY DIRECTOR FINANCE	01 May 2024
	CONTRACT WORKER	EXECUTIVE SECRETARY TO THE DIRECTOR FINANCE	01 June 2024
	CONTRACT WORKER	ACCOUNTING CLERK CREDIC CONTROL	01 June 2024
	CONTRACT WORKER	EXPENDITURE FILING/ADMIN CLERK	01 June 2024
	CONTRACT WORKER	CASHIER – CLERK	01 June 2024
CORPORATE SERVICES	INTERNAL	DIRECTOR CORPORATE SERVICES	01 September 2022
	EXTERNAL	2 X GENERAL ASSISTANTS	01 November 2022
	CONTRACT WORKER	EXECUTIVE SECRETARY TO THE SPEAKER	01 December 2022
	CONTRACT WORKER	DRIVER COMMUNITY INTERPHASE	01 August 2023
	CLEANER	DRIVER/MESSENGER	01 August 2023
	EXTERNAL	ICT TECHNICIAN (LIBRARIES)	01 November 2023
	GENERAL WORKERS	CARETAKER/HANDYMAN	01 November 2023
COMMUNITY/PROTECTION SERVICES	RETAINER FIRE FIGHTERS	2 X CONTROL ROOM OPERATORS	02 August 2022
	RETAINER FIRE FIGHTERS	6 X FIRE FIGHTERS	01 September 2022
	EXTERNAL	12 X GENERAL WORKERS	
INFRASTRUCTURE	EXTERNAL	22 X GENERAL WORKERS	01 November 2022
	EXTERNAL	SUPERINTENDENT ROAD AND GENERAL WORKS	01 December 2022
	INTERNSHIP ASSISTANT TOWN PLANNER	MIG FINANCIAL OFFICER	01 June 2023
	CONTRACT WORKER	MANAGER TOWN PLANNING	01 June 2023
	CONTRACT WORKER	SENIOR CLERK TOWN PLANNING	01 June 2023
	EXTERNAL	MPT TECHNICIAN AND TRIBUNAL ADMINISTRATOR	01 July 2023

	EXTERNAL	MANAGER WATER SERVICES AUTHORITY	01 August 2023
	GENERAL WORKERS	2 X SANITATION TANKER DRIVERS	01 August 2023
	GENERAL WORKER	TRUCK DRIVER	01 August 2023
	CONTRACT WORKER	EPWP PUBLIC PROGRAMME COORDINATOR	01 November 2023
	EXTERNAL	ASSISTANT TOWN PLANNER	02 January 2024
	CONTRACT WORKERS	2 X SENIOR BUILDING CLERKS	02 January 2024
	EXTERNAL	SUPERINTENDENT ROADS AND GENERAL WORKS	02 May 2024

The HR Planning Guideline 2021 includes an analysis of the Human resources age profile per programme, age distribution, anticipated retirements, and average age of employees. It also delves into the categorization of age groups and average age across the Department, along with discussions on retirements and risks associated with potential retirements in key occupations. The document aims to understand the age demographics within the workforce, anticipate retirements, and assess the impact of age on HR planning strategies and workforce management.

The Municipality has about 29 employees within the bracket of age of 60-65 who are at liberty to retire since employees may retire commencing from age 55 to 65. Some employees may be working in crucial positions in their Departments or the Municipality and Infrastructural Development, Finance and Corporate Services Departments has respectively have the majority of these employees. The Municipality must prepare itself to fill these positions as soon as they become vacant to avoid service delivery being hampered. One of the interventions could be through internships, and training of the junior staff to be ready to contest once the senior positions are available.

The need for having a pipeline of talent in place, and the practical desire for workforce and succession planning, regardless of the size of the Ndlambe Municipality, are critical to sustained and uninterrupted service levels in the Municipality. Succession and workforce

planning present an opportunity to proactively identify and plan for staffing, training, and knowledge needs. Doing so allows Ndlambe Municipality to predict where critical needs are in the organization, providing the necessary time to adjust programs, training, and recruitment to meet these needs. This creates the nimble and flexible organization that is predicted to be critical to any organizations sustainability. An alignment of resources in an era of shrinking revenue levels ensures that the Ndlambe Municipality is operating as efficiently and effectively as possible.

EMPLOYEE HEALTH AND WELLNESS

Employee wellness issues	Describe the potential impact on the department, HR and line, clients/partners	Status (priority, issue) Yes/No	Action steps required
Personal Financial Management issues (salary)	High staff absenteeism	Yes	More awareness sessions on how to manage a personal budget
Illness of employees	High staff absenteeism	Yes	More health awareness sessions. More HIV awareness programmes and other diseases
Insufficient Information	Lack of productivity	Yes	Communication channels should be clarified by the Supervisor, Council, EXCO and LLF – decisions should be cascaded on time and correctly

Employee wellness is a key aspect of HR planning, focusing on health and wellness programs to enhance employee access to services and productivity. The HR Planning Guideline 2021 emphasizes the importance of wellness management policies and safety measures for employee health. It includes objectives, targets, indicators, outcomes, costs, and resources needed for implementing wellness programs. The document also mentions supporting tools like childcare facilities, HIV & AIDS management, and monitoring tools to aid in employee wellness initiatives. Overall, employee wellness is a significant consideration in HR planning to ensure a healthy and productive workforce.

The management of personal budget, employee's illnesses and lack of motivation have been dominant in the employee wellness programmes. Intervention to these issues is currently being undertaken, however, more effort needs to be put into educating employees about their responsibilities. Efforts have already been made to assist in debt management, however, more programs will be used to the issue of indebted employees. Ndlambe has patterned with Local banks to provide financial education. Ndlambe has appointed a Performance Management Coordinator in anticipation that the Performance Management System should be cascaded to lower levels of the structure of the Municipality to address accountability and recognition of high performers by management.

CHAPTER 5

5.1 HUMAN RESOURCES GAP ANALYSIS

Qualitative data Table

6. Qualitative data

Gap	Potential Impact	Action steps required
Critical positions that need to be filled	Satisfactory Organisational performance	Strategy to fill critical positions such as Manager Income/Revenue as a result of internal promotion and other critical positions.
Skills required versus qualifications	Lack of innovative thinking	Encouragement employees to apply for Study Assistance in order to pursue relevant higher education studies and be ready to contest senior positions
Succession Plan for Possible Resigning Employees	Recruit externally and have subsequent unhappiness from the current employees	Capacitate and expose employees to the new work routines for they to gain experience.
Employee Wellness	Unhappy staff contributing to poor performance	Financial awareness sessions, encourage supervisors and managers to motivate their staff by recognising their work contribution. HIV Aids awareness programmes and other diseases should be implemented consistently throughout the year e.g., sports games that are currently happening and inviting health experts to come, and address employees.

The development of several strategies and processes are underway which will address the gap between the demand and supply: -

- Implementation of a municipal retention and recruitment policy.
- The Development of programmes or Learnership on specific identified areas of competencies, which are currently in short supply within the municipality, to complement the current skills repertoire.
- Implementation of an internship policy, internship will be implemented in line with the vision to improve youth employment.
- A second area which requires intervention refers to more improved championing of internal staff needs in the form of the strengthening of an employee wellness programme with immediate effect to address staff.
- Mental and physical health problems.
- A systematic and well-managed human resources programme will result in the following important benefits.
 - ✓ higher productivity,
 - ✓ higher quality of services
 - ✓ better economy,
 - ✓ Job satisfaction.

2 PRIORITY HUMAN RESOURCE PLANNING ISSUES

Table 7: Interventions in closing the gap / Human Resource Action Plan

HR Planning Priorities	Outcome	Approach to mitigate risk and achieve outcome	Time frame	Responsibility
Programmes to fill up the critical positions	Filling of critical positions Manager Income/Revenue 2024.	Have the approved programme by the Municipal Manger/ or delegated official to fill these positions	The SCM Manager (filled) Dept Director Finance (filled) Manager Income/Revenue (July 2024)	Director: Corporate Services
Human Resource Development Training	Increasing the number of NQF level 5 employees	Constant reporting to the HRD Training Committee and setting a target	Ongoing 2025	Manager: Human Resource
Implementation of the Retention Policy	The policy implemented and functional	The policy has been adopted and will be annually reviewed.	Ongoing	Director: Corporate Services
Employee Wellness	Implementation of approved Employee Wellness	Policy and training are constant	Ongoing	Manager: Human Resources

5.3 HUMAN RESOURCE BUDGET

The Municipality will be able to utilize the existing approved budget in implementing the programmes identified by the Human Resources Plan. The Municipality will also rely on grant funding for the implementation of certain projects and targets. The Human Resources budget is an essential component of HR planning, requiring the identification of gaps in demand and supply based on available funding. HR Planning Guidelines outline the need for a required budget to reflect interventions and improvements in the HR planning process. Departments must develop HR plans addressing workforce challenges over a three to five-year period within the MTEF cycle, with annual reviews and continuous monitoring of outcomes. Measurement of outcomes from HR plans is crucial, including aspects like human resource development, performance management, and training costs per employee. Additionally, monitoring tools, ethics, values, and labour relations policies are integral components of HR planning.

5.4 COMMUNICATION OF THE PLAN

The review of the HR Plan will be presented to the Local Labour Forum for their contribution and buy-in. Thereafter, submitted to the Council for adoption. Communication methods in HR planning involve oral presentations, briefings, and meetings to convey information effectively. These methods are used to describe gaps, share technical issues with high-level managers, and assess human resource availability for departmental goals. Utilizing tools like self-assessment feedback reports, HR data systems, and operational plans is crucial for planning, development, and response to skills requirements. Effective communication methods are essential for sharing information, identifying gaps, and aligning departmental goals with HR strategies.

CHAPTER 6

6.1 IMPLEMENTATION, MONITOR AND EVALUATION OF THE PLAN

The Corporate Services Department will lead the Municipality in ascertaining the implementation, monitoring and evaluation of this Plan. It will also be necessary that the Plan be reviewed annually to be aligned with strategic or IDP objectives.

Monitoring and evaluation are essential components of HR planning, involving tracking strategies and assessing achievements. It is crucial to adapt plans based on internal and external factors, with ongoing monitoring providing feedback for improvements. Establishing a monitoring and evaluation framework involves deciding on time frames, stakeholders' roles, and methods for gathering information. The process of monitoring, evaluating, and reviewing HR planning is integral from the start, providing insights into progress, challenges, successes, and lessons learned. Evaluation of HR plans should assess effectiveness, impact, strategy appropriateness, and the achievement of desired outcomes.

6.2 REFERENCES

Ndlambe Municipality Integrated Development Plan (Review) 2020-2021 HR Planning Strategy for the Public Service, DPSA strategic framework. Vision 2018/19 Local Government Sector Scarce and Critical Skills Guideline 2009-2010 Ndlambe Municipality Workplace Skills Plan 2020-2021. Human Resources Planning Guideline 2021.