



**ABAQULUSI LOCAL MUNICIPALITY**

**HUMAN RESOURCES: POLICIES MANUAL  
DRAFT 2024/2025**

**HUMAN RESOURCES POLICIES**

The Human Resources Policies described in this document meet the requirements of the Public Service Human Resources Legislation and Frameworks.

**Approval**

Document for sign-off:	<b>HUMAN RESOURCES MANUAL</b>	
<b>Approved:</b>	<b>APPROVED BY COUNCIL :</b>	<b>Date: .....</b>
<b>Signed S.P Dlamini-----</b> <b>STRATEGIC EXECUTIVE DIRECTOR: CORPORATE SERVICES</b>		
<b>Approved:</b>	<b>APPROVED BY COUNCIL :</b>	<b>Date.....</b>
<b>Signed Mr Z.G Dhlamini-----</b> <b>MUNICIPAL MANAGER OF ABAQULUSI MUNICIPALITY</b>		

## INTRODUCTION

The following guidelines on employment have been provided as a framework for the application of fair and consistent employment practices within the Municipality.

These policies are necessary to enable employees to contribute towards the attainment of the Municipality's organisational strategic objectives.

The Human Resources Policy Manual has been compiled in an enabling spirit and sets out the policy relating to employment within the Municipality. It is therefore, important that these policies be perceived as an enabling tool, to facilitate employee management within the Municipality.

These conditions of service have also taken into consideration the following:

- ✓ The Municipality's strategic objectives;
- ✓ The expectations of the identified stakeholders

All conditions of service in this document subscribe to the laws of South Africa. The Municipality is an equal opportunity employer that values diversity in the workplace. It is an organisation that wishes to reflect the demographics of the country and promotes gender equality and sensitivity in the workplace.

In compiling this Human Resources Policy Manual reference was made to the Employment Equity Act No. 55 of 1998, the Labour Relations Act No. 66 of 1995, the Basic Conditions of Employment Act No. 75 of 1997, the Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000, the Skills Development Act No. 97 of 1998, the Local Government Municipal Finance Management Act, 2003, the White Paper on Affirmative Action in the Public Service and the White Paper on Human Resource Management in the Public Service. Organisations that are "similar" to the Municipality were studied and some aspects of the Municipality's conditions of service were modelled against these organisations.

Conditions of service in the manual were also benchmarked against other leading organisations both locally and internationally. This document is a working and living document that will continue to be updated in response to the needs of the Municipality as a growing and changing organisation. It should be remembered that the development of Human Resources Policy Manual is an interactive process; hence, this document will continue to be reviewed from time to time, and be adjusted accordingly as the activities of the Municipality dictate.

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### **ACKNOWLEDGEMENT OF UNDERSTANDING**

This Human Resources Policy Manual is the property of the Municipality. If an employee leaves the employment of Municipality, he/she must return this Human Resources Policy Manual to the Human Resources Department on his/her last day of work.

Information contained in this Human Resources Policy Manual is to be used as a general reference. Human Resource Policy may be changed by the Council, as deemed necessary. This manual does not provide contractual rights and is not intended to convey a guarantee of continued employment, or any term, privilege, or condition of employment.

One of the most important conditions of service is to maintain in strict confidence any information regarding the Municipality's affairs acquired during the employee's employment. When the employee signs the "Acknowledgement of Understanding", the employee agrees to adhere to this policy of confidentiality both during and following their employment with the Municipality.

To acknowledge that the employee has reviewed and understood all of this material, they must please sign and date the acknowledgement and return it to Human Resources within ten (10) days of receipt of this manual.

### **APPROVAL OF THE HUMAN RESOURCES POLICY MANUAL**

Information contained in this Human Resources Policy Manual has been approved by the Municipal Manager.

Municipal Manager :

Signed by

## **DEFINITIONS:**

1. **“Absconding”**: is a process of terminating a contract of employment by the employee without a given notice to the Municipality.
2. **“A grievance”**: is regarded as any dissatisfaction that an employee or group of employees have that is connected to their work situation.
3. **“Act”** – means the Skills Development Act 97 of 1998
4. **“Acting Allowance”**: is a non-pensionable allowance paid to an employee who is appointed by the Municipality management to act in a higher position than his or her own.
5. **“AIDS”**: is the acronym for “acquired immune deficiency syndrome”. AIDS is the clinical definition given to the onset of certain life-threatening infections in persons whose immune systems have ceased to function properly as a result of infection with HIV.
6. **“Affirmative Action”**: is the Municipality business strategy and process aimed at creating an environment that permits previously excluded individuals on grounds of race, gender and disability to advance on the basis of their potential.
7. **“Annual Leave”**: is leave that an employee is entitled to take on full pay for rest or recreation purposes
8. **“Annual Leave Cycle”**: the continuous period of 12 months employment commencing on 1 January of each year
9. **“Bursary”**: refers to a grant that is given to an employee when a specific course of study is considered by the Municipality to be beneficial to the employee's career development plan.
10. **“Calendar Month”**: means a period which runs from a specific date to the same date of the following month (e.g. 7 March to 7 April).
11. **“Calendar Year”**: means the period from 1 January up to and including 31 December of the same year.
12. **“Common Business Language”**: is a use of words as a common method of communication in the course of conducting business for the Municipality.
13. **“Confidentiality”**: is defined as non-disclosure of any information or material, not generally available to the general public, generated, collected or used by the Municipality that relates to its operations, strategies, know-how, data, names or any contracts or prospective contracts the Municipality may have, documentation of the Municipality or its employees.
14. **“Conflict of Interest”**: means any situation where doubt may exist as to an employee's ability to act with total objectivity to the Municipality's decisions and interests in relation to his own.
15. **“Contractors and Consultants”**: are not employees of the Municipality. Contractors and consultants may be contracted for a short period to perform a task or engage in a definite project
16. **“Deductions from Salaries”**: refers to all amounts deductible from the employee's salaries in compliance with the law and paid over to whom they are due.
17. **“Dependants”**: are defined as: -
  - The wife of the member including common law spouse.
  - The husband of the wife (member) if she is the breadwinner.
  - The child /children of the member.

- A member's unmarried child above the age of 21 who as a result of a mental or physical defect does not receive income.
  - Any dependent children up to age 25, who are full-time students attending a university or recognised college of higher education, provided a certificate from such university or college is produced each year.
  - Parents with regards to African extended families.
18. **"Disciplinary Code"**: is a framework that provide guides and regulate employee conduct in the workplace.
  19. **"Dismissal"**: is the termination of the employment contract of the employee by the Municipality for specific reasons such as incompetence, violation of rules, misconduct, operational requirements, etc
  20. **"Employee"**: means any person other than an independent contractor who -
    - Works for the Municipality and who receives, or is entitled to receive, any remuneration; and
    - In any manner assists in carrying on or conducting the business of the Municipality, and
    - "employed" and "employment" have corresponding meanings
  21. **"Employee Files"**: are any documents that contain information about individual employees.
  22. **"Employment Agencies"**: are organisations contracted by the Municipality to recruit and select external candidates for externally advertised posts.
  23. **"Extraneous Employment" (Moonlighting)**: is when a Municipality employee contract to work for any person or organisation other than the Municipality.
  24. **"Family Member or Relative"**: is any person related by blood, marriage or adoption, and includes "in-laws" and "step" family members.\
  25. **"Further education and training"** – means learning and training programme leading to a qualification from level 3 to 4 of the National Qualification Framework, which levels are above general education but below higher education;
  26. **"Higher education"** – means all learning programmes leading to qualification higher than grade 12 or its equivalent in terms of the National Qualifications framework as contemplated in the South African Authority Act 58 of 1995;
  27. **"Higher educational institution"** – means any higher educational institution that is established, deemed to be established or declared as a public higher educational institution under the Higher Educational Act 101 of 1997;
  28. **"HIV"**: HIV is the acronym for "Human Immune-deficiency Virus". HIV is a virus that attacks and may ultimately destroy the body's natural immune system.
  29. **"Immediate Family Members"**: are regarded as an employee's spouse/ partner and children (including legally adopted children).
  30. **"Incapacity"**: refers to the inability of an employee to do his or her work due to ill-health or any other conditions that impact on his/her ability to perform his/her duties
  31. **"Induction"**: is a process of integrating new employees into the Municipality and acquainting them with details and requirements of the new job.
  32. **"Intimate Relationship"**: is defined as any relationship in which dependence, affection or loyalty to another employee may impair objective decision-making, or result, even inadvertently, inappropriate exchanges of confidential information, or create the actuality or perception of favouritism or discrimination.
  33. **"Leave"**: is paid time off.

34. **“Manager”**: unless otherwise indicated means an employee of the Municipality who is directly responsible for the administration of an office, unit, department, section or branch of the Municipality service, or his / her lawfully appointed nominee acting in that capacity.
35. **“Maternity Leave”**: is paid end/or unpaid leave of absence associated with the birth of a child normally granted to all female employees.
36. **“Medical Aid Scheme”**: is an association or membership to a scheme by a service provider approved by Council that provides medical coverage for employees and their dependants.
37. **“Medical Examination”**: is a requirement to an employee to submit himself or herself for an examination by a registered medical practitioner or a medical board nominated by the Municipality for such a purpose.
38. **“Misconduct”**: means wrongdoing (bad behaviour) inclusive of any failure to meet the required standard of performance or conduct
39. **“Municipality”**: means the **ABAQULUSI LOCAL MUNICIPALITY** and includes any committee thereof or employee of the Municipality acting in accordance with the powers which have been vested in the Municipality and which have been delegated to such committee or employee.
40. **“Municipal Manager”**: means the Accounting Officer of the Municipality, irrespective of the designation of the post occupied by that official, as appointed by the Municipality or his / her lawfully appointed nominee acting in that capacity, or a person duly delegated the authority to perform tasks assigned to the Municipal Manager.
41. **“Next-of-Kin”**: is defined as own parents, parents-in-law, grandparents, brothers and sisters.
42. **“Municipal Assets”**: includes but not limited to time, cash, cheques, infrastructure, records, and equipment (including fax machines, copiers, telephones, computer hardware and software).
43. **“Overtime”**: means that portion of any period which an employee works at the workplace for his / her employer during any week or on any day, as the case may be, which is in excess of the respective ordinary hours of work prescribed for such employee.
44. **“Performance management”**: means the performance management system established by Council in terms of Section 38 of the Local government Municipal Systems Act of 2000
45. **“Policy”**: a document setting out an organisation's position on a particular issue.
46. **“Probation”**: is a period given to an employee to determine his or her suitability for the job.
47. **“Recruitment”**: is a process of acquiring applicants who are available and qualified to fill positions in the Municipality.
48. **“Resignation”**: is a voluntary termination of an employment contract by the employee.
49. **“Retirement”**: refers to the termination of employment because of age, number of years in the Municipality or ill health.
50. **“Retention”**: is a process of creating the necessary conditions for selected individuals to remain within the Municipality.
51. **“P.E.T.S”** – means Practical Experience Training System.
52. **“Salary”**: Unless where in conflict with any definition contained in any law, salary shall mean the salary for the applicable post level as determined by the Bargaining Council from time to time.
53. **“Salary Increments”**: means an annual increase in the employee's salary in accordance with an approved salary scale.
54. **“Selection”**: is a process of choosing from a group of applicants the individual best suited for a particular position in the Municipality.
55. **“Sexual Harassment”**: Sexual harassment is unwanted conduct of a sexual nature. The unwanted nature of sexual harassment distinguishes it from behaviour that is welcome and mutual. Sexual attention becomes sexual harassment if:
  - The behaviour is persisted in, although a single incident of harassment can constitute sexual harassment; and/or
  - The recipient has made it clear that the behaviour is considered offensive; and/or

- The perpetrator should have known that the behaviour is regarded as unacceptable.
56. **“Sick Leave Cycle”**: is the periods of 36 months continuous employment with Council calculated from the employee's day of employment.
  57. **“Student”** – means a person with his/her home address within the demarcated area of AbaQulusi and or Zululand and registered as full or part-time student at a further of higher educational institution, or who has partly completed their studies but still need practical experience to qualify;
  58. **“Substance Abuse”**: is the abuse and misuse of drugs both legal and illegal, alcohol and or any other narcotic substances by employees.
  59. **“Subsistence Allowance”**: any allowance given to an employee for expenses incurred or to be incurred in respect of personal subsistence and incidental costs (e.g. accommodation and meals)
  60. **“Temporary or casual employment”**: refers to the employment services rendered by a person on an ad hoc basis or short-term contract
  61. **“Termination of Service”**: is the ending of an employment contract, either voluntary or by dismissal.
  62. **“Travel and Subsistence Allowance”**: refers to an allowance in respect of travelling and other expenses incurred by employees in carrying out official Municipality duties.
  63. **“Uniform”**: means distinctive clothing - conforming to the same standards.
  64. **“Unpaid Leave”**: means approved leave to which the employee is not entitled to payment.
  65. **“Vacation Leave”**: means approved leave to which the employee is entitled payment
  - “Victimisation”**: constitutes any action that intimidates or retaliates against an employee for complaining about sexual harassment or whistle blowing in the Municipality.
  66. **Whistle Blowing**: is when an employee communicates or reports a suspected violation of law, regulation or unethical behaviour in the Municipality.

**1. GENERAL:**

- 1.1 Effective Date:** This policy will, unless otherwise stated, become effective on the date approved by Council. Where the implementation of a policy requires the adoption of related policies or external agreements the policy will take effect once such policies and/or agreements are approved by Council
- 1.2 Collective Agreements:** The following conditions of service are the result of collective bargaining on National and Divisional level. These conditions remain subject to any changes as may be agreed upon by collective bargaining and is merely reflected here in a summarised format and any interpretation must be based on the Collective Agreement:

**Medical Aid**

**Retrenchment policy and severance pay**

**Retirement funds**

**Housing**

**Annual leave**

**Maternity leave**

**Sick leave**

**Hours of work**

**Family responsibility**

**Special leave**

**Acting allowance**

**Night work allowance**

**Standby allowance**

**Shift allowance**

**Long service bonus**

**Emergency work**

**Legal indemnification**

### **1.3 MUNICIPAL MANAGER AND SECTION 57 EMPLOYEES**

This policy will apply to the Municipal Manager and all Section 56 employees except in respect of the following benefits specifically provided for in their employment contracts:

- Motor vehicle benefit
- Leave
- Retirement benefit scheme
- Medical Aid benefit scheme
- Housing allowance
- Group Life scheme
- Cell phone allowance

Nothing herein contained will prevent such employee to participate in any of the above benefit schemes for which he/she may qualify provided that any contribution that might be payable by the employer will be paid by the employee

### **1.4 CONDITIONS MAY APPLY**

This policy document may not always contain the full text of the policy and specific conditions may apply. Employees are requested to refer to the original policy document where full details of terms and conditions that may apply will appear.



## 1. ANNUAL AND OTHER LEAVE

### OBJECTIVE

The objective of this policy is to regulate all forms of leave that are accrued and due to employees as a benefit, and to outline procedures to be followed for the granting and taking of such leave. Policy provisions apply to all permanent employees and contractual employees employed for a period of at least 40 hours per month over a continuous period exceeding three months.

### POLICY

## 1. ANNUAL AND OTHER LEAVE

### OBJECTIVE

The objective of this policy is to regulate all forms of leave that are accrued and due to employees as a benefit, and to outline procedures to be followed for the granting and taking of such leave. Policy provisions apply to all permanent employees and contractual employees employed for a period of at least 40 hours per month over a continuous period exceeding three months.

### POLICY

#### 1.1 ANNUAL LEAVE

- 1.1.1 An employer shall grant the employee the following annual leave in a leave cycle (1 January to 31 December of each year): - twenty-four (24) working days annual leave for five (5) day workers and 27 working days annual leave for six (6) day workers, this includes section 57 employees and the Municipal Manager;
- 1.1.2 An employee is required to take leave within each leave cycle as follows;
  - \*a five – (5) day worker shall take a minimum of sixteen – (16) days leave
  - \*a six – (6) day worker shall take a minimum of nineteen – (19) days leave.
- 1.1.2 Of the leave referred to in 3.1.1 and 3.1.2 at least 10 days must be taken consecutively;
- 1.1.4
  - a. An employee (excluding Section 57 employees and the Municipal Manager) is entitled to retain a maximum of forty-eight (48) days of accrued leave.
  - b. Any leave in excess of forty-eight (48) days may be encashed should the employee be unable to take such leave within a period of 6 months after the end of the respective leave cycle as a result of operational requirements. Provided that it is approved by the Municipal Manager
  - c. If, despite being afforded an opportunity to take leave, an employee fails, refuses, or neglects to apply for or take the leave due to him during the prescribed period, such portion of the compulsory leave not taken shall fall away.
  - d. In the event of an employee not being afforded the opportunity to take his/her 16 days compulsory leave during the leave cycle due to work requirements the respective Head of

Department must submit a full report on the matter to Council for consideration. Such vacation leave must be approved prior to the expiry of the limit set in the Basic Conditions of Employment Act.

- e. In the event of the termination of service, an employee shall be paid his leave entitlement calculated in terms of the relevant provisions of the Basic Conditions of Employment Act, 1997

#### 1.1.5 ENCASH OF LEAVE:

Leave can only be accumulated if staff member cannot be granted leave due to operational arrangements.

- a. Any leave in excess of forty eight (48) days may be encashed should the employee be unable to take such leave, despite applying and because the employer refuses to grant him such leave, as a result of the employers operational requirements subject to the availability of funds.
- b. If, despite, being afforded an opportunity to take leave, an employee's fails, refuses, or neglect to take the remaining leave due to him during this period, such remaining leave shall fall away.
- c. If, despite, an employee given an opportunity to pay municipal services which includes rates or any debt for Council, an employee's fails, to do so or refuses, or neglect to pay, the leave due to the employee will be taken by Council to settle that debt during this period.
- d. In the event of the termination of service, an employee shall be paid his leave entitlement calculated in terms of the relevant provisions of the Basic Conditions of Employment Act 75 of 1997, provided that an employer shall be obliged to encash more than 48 days annual leave upon the termination of that employee's contract of employment.

### 1.2 SICK LEAVE

- 1.2.1 An employer shall grant an employee eighty (80) days sick leave in a three (3) year leave cycle.
- 1.2.2 In order to qualify for sick leave when taking more than two (2) consecutive days of sick leave an employee must submit to his direct Supervisor an acceptable medical certificate within 5 days from the first day of being so absent, and should subsequent consecutive days of sick leave be required, the employee must submit subsequent medical certificates within 2 days from the date of expiry of any submitted medical certificate, which shall be issued by a registered health practitioner.
  - 1.2.2.1 Should an employee be on sick leave on the Friday and/or the consecutive Monday or on a day prior or following a public holiday, an employee will be required to provide a medical certificate.
- 1.2.3 The employer is further not required to pay an employee if an employee is absent on more than two occasions during an eight-week period, and on request by the employer, 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.

### **1.3 MATERNITY LEAVE**

- 1.3.1 An employee shall be entitled to four consecutive months maternity leave of which, subject to 3.3.2 below, three (3) months will be paid maternity leave, with no limit to the number of confinements.
- 1.3.2 To qualify for paid maternity leave, an employee must have one (1) years' service with the employer.
- 1.3.3 In addition the employee will be required to work back the period of paid maternity leave actually taken.
- 1.3.4 An employee may commence maternity leave
  - a) at any time from four weeks before the expected date of birth, unless otherwise agreed; or
  - b) On a date from which a medical practitioner or a midwife certifies that it is necessary for the employee's health or that of her unborn child. No employee may work for six weeks after the birth of her child, unless a medical practitioner or midwife certifies that she is fit to do so.
- 1.3.5 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, whether or not the employee had commenced maternity leave at the time of the miscarriage or stillbirth.
- 1.3.6 Where practically possible, an employee must notify the municipality in writing, unless the employee is unable to do so, of the date on which the employee intends to commence maternity leave; and return to work after maternity leave. Such notification must be given at least four weeks before the employee intends to commence maternity leave.

### **1.4 FAMILY RESPONSIBILITY LEAVE**

- 1.4.1 Family responsibility leave applies to an employee who has been in employment with an employer for longer than 4 (four) months.
- 1.4.2 An employer shall grant an employee during each annual leave cycle at the request of an employee, a total of 5 (five) days paid leave, which he employee is entitled to take, either when:
  - (a) The employee's child is born.
  - (b) The employee's child is sick
  - (c) The employee's spouse or life partner is sick
  - (d) In the event of death of:
    - (aa) employee's spouse or life partner, or
    - (bb) The employee's parent, adoptive parent, grandparent, child, adopted child, grandparent or sibling.
- 1.4.3 An employee may take family responsibility leave in respect of the whole or part of a day and will be paid in accordance with section 27 (3) of the Basic Conditions of Employment Act, 1997.

- 1.4.4 An employee must within 2 (two) days from the conclusion of the family responsibility leave granted submit acceptable proof of the reasons for which the family responsibility leave is required. Should such proof not be provided as prescribed the family responsibility leave granted will be converted to annual leave provided that the Municipal Manager may grant extension of the period granted for compliance.
- 1.4.5 An employee's unused entitlement to family responsibility leave will lapse at the end of the annual leave cycle in which it accrues.

## **1.5 HOUSE RULES REGARDING LEAVE**

- 1.5.3 It is the responsibility of the employee to apply for leave in good time to ensure that they take at least the required 16 (sixteen) days leave during a leave cycle and to maintain their accumulated leave within the 48 (forty-eight) day limit.
- 1.5.4 The Municipality will grant leave not later than 6 (six) month after the end of the employee's leave cycle.
- 1.5.5 Applications for vacation leave must be made in reasonably good time which should not be less than the number of days applied for prior to the commencement date of the leave.
- 1.5.6 It will remain the responsibility of the employee to ensure that leave applied for has been approved before proceeding on such leave;
- 1.5.7 In the event of an illness or other unforeseeable circumstances, it is the responsibility of the employee to notify his/her supervisor before 09h00 on the date of absence or, where possible, before then;
- 1.5.8 Absence from work without approval and/or without a valid reason shall be regarded as Absence Without Official Leave (AWOL) and therefore a misconduct to be dealt with in terms of the disciplinary procedure;
- 1.5.9 Leave will be calculated from the date of engagement;
- 1.5.10 The Municipality encourages employees to take all leave that is due to them. Annual leave is intended to provide the opportunity for a period of rest and recreation, so employees are expected to take leave within the leave year, when leave is due. Leave may be taken at any time convenient both to the employee and the Municipality. Business needs and personal needs should be carefully balanced.
- 1.5.11 It will remain the responsibility of the Head of Department to timeously plan for leave allocations in respect of the taking of the compulsory component of at least 10 days consecutive leave. To this end staff are required to indicate at least two priorities for the scheduling of such leave to the Head of Department on request. The Head of Department must take such steps as may be necessary to resolve congestion of leave that may negatively impact on service delivery. An employee aggrieved with any decision by a Head of Department in this regard may appeal to the Municipal Manager for review.
- 1.5.12 An employee must apply for leave of absence on the prescribed form.
- 1.5.13 The Head of Department in the instance of an employee must approve an application for leave of absence, and an application by the Head of a Department by the Municipal Manager and the Municipal Manager takes leave in consultation with the Mayor.

- 1.5.14 The official with approving authority shall be responsible for ensuring that leave application forms are received by HR within 7 days of approval of such leave so that accurate records are maintained. The HR department shall keep record of leave days due to all employees.
- 1.5.15 All leave of absence due, granted and taken, shall be recorded in a leave register entrusted to the HR Manager, and an employee shall have access to their leave record at all reasonable times during office hours.
- 1.5.16 Leave of absence granted to an employee, with the exception of sick leave, may be cancelled, postponed or interrupted at any time by the HR Manager on the recommendation of the Head of Department concerned should this be deemed necessary in the interests of the Municipality. The Municipality shall compensate the employee for irrecoverable expenses or obligations entered into by the employee, before the employee was notified of postponement, cancellation or interruption.
- 1.5.17 As far as possible leave days due to employees will be reflected on the employees' payslip and such balance may be utilized by the official with approving authority when considering applications for leave. The official leave register will however be the leave record maintained by HR.
- 1.5.18 HR will, bi-annually in June and December provide Heads with the vacation, sick, and family responsibility leave record for the past year of all employees in the department for control purposes.

## **1.6 HOLIDAY ARRANGEMENTS FOR NEW EMPLOYEES**

- 1.6.1 Where the Municipality has agreed to honour holiday arrangements made by a new employee prior to joining the Municipality, any paid leave already accrued will be supplemented by the necessary amount of unpaid leave. The Municipal Manager or his/her delegate needs to approve such a holiday arrangement.

## **1.7 RELIGIOUS AND PUBLIC HOLIDAYS**

- 1.7.1 Employees are not required to work on a public holiday except in accordance with an agreement. If a public holiday falls on a day on which an employee would ordinarily work, the municipality will pay the employee according to section 18 of the Basic Conditions of Employment Act, 1997. Employees that require leave for religious holidays that are not covered by the Public Holidays Act, 1994, should apply for special leave at least one month in advance.

## **1.8 STUDY AND EXAMINATION LEAVE**

1.8.1 Employees undertaking courses of study privately and on a part time basis, which in the opinion of the Municipality will be of benefit to the Municipality and to the employee, may, subject to the convenience of the Municipality be granted paid study leave to attend such courses. The number of leave days will not exceed ten (10) working days per annum, Proof from the training institute will be required to determine the number of study leave days the student will need to complete his study for that year;

1.8.2 Paid leave for purposes of writing examinations for approved courses will be granted on the basis of the day of the examination and one (1) day for each enrolled module, and the working day preceding it. Proof of registration and an examination timetable need to accompany the application for leave. The number of such days will not exceed ten (10) working days per annum;

- (a) Where the day of the examination immediately follows a weekend (i.e. falls on a Monday) or a paid public holiday, only the day of the examination will be granted; and
- (b) Leave must be applied for at least three (3) weeks in advance on the prescribed form and a copy of the examination timetable attached.

1.8.3 The study and examination leave granted in terms of 3.8.1 and 3.8.2 will be converted to annual leave and deducted from accrued leave of the employee in the event of the employee being unsuccessful in passing the course and /or examinations written in respect of which the study and/or examination leave have been granted. Proof of successful completion of the relevant course and/or examination must be submitted to HR by the employee within 3 months from the completion date of the course or date of examination

## **1.9 UNPAID LEAVE**

- 1.9.1 Leave without pay may be granted on good cause, only to those employees who have used their full leave entitlement. This will be assessed by the relevant manager or any person delegated by them, who will approve or deny such a request; and
- 1.9.2 In all cases of unpaid leave, provision is to be made for deductions from the employee's salary to maintain contributions to Provident/Pension and Medical Aid funds.

## **1.10 SPECIAL LEAVE**

- 1.10.1 This leave refers to leave not covered in the Main Collective Agreement or in any Divisional Collective Agreement concluded in the SALGBC.
- 1.10.2 Application for such leave shall be made to the Municipal Manager or his nominee/ delegated person for consideration and approval.
- 1.10.3 This leave may only be granted for the following reasons:
  - 1.10.3.1 Court appearances.
  - 1.10.3.2 National and Provincial Sport representation by recognized sporting body.
  - 1.10.3.3 Study purposes- one day study leave of writing examination and the one day (day before writing examination) for each enrolled module for the academic year.
  - 1.10.3.3 The application for Special leave must be accompanied by relevant documentation that supports the application.
  - 1.10.3.4 The special leave referred to above, that is paragraphs 1.10.3.1 to 1.10.3.2 is limited to the maximum of 15 days per annum and may not be accumulated.

## **1.11 ABSCONDMENT**

- 1.11.1 An employee who absented himself from work for a period exceeding 10 consecutive working days without the Municipality's permission and without the Municipal Manager being informed during such period of such reasons for such absence shall be deemed to have unilaterally terminated his/her contract of employment with Municipality on the first working day on which he/she was so absent.

1.11.2 The employer, must by way of a registered letter addressed to the last known address of the absconded employee, or alternatively by hand delivery, inform such employee that he/she has absconded from Municipality's service and that he/she may appeal for re-employment by providing within a period of 14 (fourteen) days acceptable reasons for such absence to the Municipal Manager. Such period of 14 (fourteen) days may be extended by the Municipal Manager should circumstances, at the Municipal Manager's discretion warrants such extension.

1.11.3 Should an employee after the period of 5 (five) days mentioned in 3.12.1 again wish to renew his services with Municipality, such renewal can only take place in the even that a Tribunal, appointed by the Municipal Manager, after hearing such evidence as may be presented by both the absconded employee and the employer, has resolved that the employee has valid and acceptable reasons for such absence.

1.11.4 Should the Tribunal resolve that the services of the employee must be renewed such renewal will take effect on the first working day following the decision of the Tribunal.

1.11.5 An employee whose services has after absconding been renewed by the Tribunal may apply to Council for the condonation of the break in service.

## **1.12 RETIREMENT AGE**

1.13.1 The compulsory retirement age for all employees is 65 years of age.

1.13.2 Where the above is in conflict with the rules of any approved pension fund the retirement age prescribed in the rules of the fund will apply to all members of the fund employed by AbaQulusi Local Municipality.

### **1.13.1 SPECIAL SICK LEAVE**

#### **INJURED ON DUTY (IOD) OR OCCUPATIONAL DISEASES LEAVE**

If an employee suffers an injury on duty or contracts an occupational disease arising out of or in course of his/her duty, the municipality shall grant such employee injury on duty or occupational diseases leave, at the salary value of 100% of normal pay during a period of temporary total disablement as provided for in the Compensation for Occupational Injuries and Diseases Act (COIDA).

### **1.13.2 ADDITIONAL PAID SICK LEAVE**

1.13.2.1 If an employee has exhausted all sick leave days but has applied for medical boarding, 20 days of sick leave in a 3 year cycle, then the employee will receive an additional 15 days sick leave subject to maximum of sick leave of 120 per sick leave cycle.

1.13.2.2 If the maximum period of sick leave to which an employee is entitled has been granted to him/her, owing to reasons of ill health, and he is not able to resume duty, the Municipal Manager shall grant such employee an additional 60 working days sick leave in respect of chronic illness and or

illness requiring hospitalization which shall be made up as follows:

- 30 working days on full pay
- 30 working days on half pay

The following conditions shall apply:

- The employee shall be required to submit a medical certificate from a registered medical practitioner or any other person who is certified to diagnosed and treat patients and who is registered with a profession's council established by an Act of Parliament.

1.13.2.3 If an employee has exhausted all the sick leave to which he is entitled, the Municipality will appoint a Medical Practitioner to evaluate the employee and will submit a report as to whether the medical condition has resulted in permanent or temporary incapacity.

1.13.2. 4 If the employee is found to be permanently incapacitated, the Municipality may convene an incapacity hearing in terms of schedule 8 of the Labour Relations Act. If it is determined that the incapacity is of a temporary nature, the Municipality may grant additional sick leave on application by any party for exemption to the Divisional Bargaining Council in terms of the exemption's provisions in this Agreement.

#### 1.13.3 MEASURES TO MANAGE THE TAKING AND ACUAL(CONVERSION) OF SICK LEAVE

1.13.3.1 The conversion of annual leave to sick leave when an employee is hospitalized: If an employee to whom annual leave has been granted is hospitalized and certified sick by a registered Medical Practitioner after his annual leave commenced, that part of the annual leave during which he was thus certified sick shall be converted into sick on submission of the prescribed medical certificate. A number of annual leave days equal to the number of sick days shall be credited in respect of the sick leave taken.

1.13.3.2 If an employee reports for duty and goes off within the first three hours of the working day, Ahe must apply for sick leave at that point.

1.13.3.3 An employee who is sick leave must notify the employer in terms of the acceptable means of notification and as agreed at the Municipality within three hours of the normal workday/shift commencing.

1.13.3.4 A medical certificate can only be issued by Medical Practitioner/ Traditional Healer as registered in terms of the Medical and Dental Council as per the provisions of the BCEA.



### 1.13.4 PAYING OUT OF ACCUMULATED VACATION LEAVE

#### CALCULATION

1.13.4.1 Payment for leave shall be calculated in accordance with the following formula:

AXB

—

249 days

Which represent the following:

A = the annual salary on the last working day

B = is the employee's vacation leave credit on that day

And

249 = the number of working days per annum

The salary calculation

The salary of an employee shall be calculated as follows:

Monthly salary = Annual  
—  
Salary 12

Weekly salary = Annual  
—  
Salary 52

Daily salary = Annual  
—  
Salary 249

Hourly Rate = Annual salary x 1  
—  
249

## 2. CODE OF CONDUCT/ETHICS

The Code of Conduct for Municipal Staff members as set out in Schedule 2 of the Municipal Systems Act, 2000 is applicable to all officials as set out below:

### LOCAL GOVERNMENT MUNICIPAL SYSTEMS ACT 2000

GOVERNMENT GAZETTE NO: 21776 - DATED 20 November 2000

#### SCHEDULE 2

##### Definitions

1. In this Schedule "partner" means a person who permanently lives with another person in a manner as if married.

##### General conduct

2. A staff member of a Municipality must at all times—
  - (a) Loyally execute the lawful policies of the municipal council;
  - (b) Perform the functions of office in good faith, diligently, honestly and in a transparent manner;
  - (c) Act in such a way that the spirit, purport and objects of section 50 are promoted;

Section 50 read as follows:

- "
- (1) Local public administration is governed by the democratic values and principles embodied in section 195 (1) of the Constitution.
  - (2) In administering its affairs, a municipality must strive to achieve the objects of local government set out in section 15'2 ( 1 ) of the Constitution, and comply with the duties set out in sections 4 (2) and 6."
- (d) Act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised; and
  - (e) Act impartially and treat all people, including other staff members, equally without favour or prejudice.

### **Commitment to serving the public interest**

3. A staff member of a municipality is a public servant in a developmental local system, and must accordingly—
- (a) Implement the provisions of section 50(2);
  - (b) Foster a culture of commitment to serving the public and a collective sense of responsibility for performance in terms of standards and targets;
  - (c) Promote and seek to implement the basic values and principles of public administration described in section 195 (1) of the Constitution;
  - (d) obtain copies of or information about the municipality's integrated development plan, and as far as possible within the ambit of the staff member's job description, seek to implement the objectives set out in the integrated development plan, and achieve the performance targets set for each performance indicator;
  - (e) Participate in the overall performance management system for the municipality, as well as the staff member's individual performance appraisal and reward system, if such exists, in order to maximize the ability of the municipality as a whole to achieve its objectives and improve the quality of life of its residents.

### **Personal gain**

4. (1) a staff member of a municipality may not—
- a) use the position or privileges of a staff member, or confidential information obtained as a staff member, for private gain or to improperly benefit another person; or
  - b) Take a decision on behalf of the municipality concerning a matter in which that staff member, or that staff member's spouse, partner or business associate, has a direct or indirect personal or private business interest.
- (2) Except with the prior consent of the council of a municipality a staff member of the municipality may not—
- (a) be a party to a contract for—
    - (i) The provision of goods or services to the municipality; or
    - (ii) The performance of any work for the municipality otherwise than as a staff member;
  - (b) Obtain a financial interest in any business of the municipality; or
  - (c) Be engaged in any business, trade or profession other than the work of the municipality.

### **Disclosure of benefits**

5.
  - 1) A staff member of a municipality who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose in writing full particulars of the benefit to the council.
  - 2) This item does not apply to a benefit which a staff member, or a spouse, partner, business associate or close family member, has or acquires in common with all other residents of the municipality.

### **Unauthorised disclosure of information**

6.
  - (1) A staff member of a municipality may not without permission disclose any privileged or confidential information obtained as a staff member of the municipality to an unauthorised person.
  - (2) For the purpose of this item “privileged or confidential information” includes any information—
    - (a) Determined by the municipal council or any structure or functionary of the municipality to be privileged or confidential;
    - (b) Discussed in closed session by the council or a committee of the council;
    - (c) disclosure of which would violate a person’s right to privacy; or
    - (d) Declared to be privileged, confidential or secret in terms of any law.
  - (3) This item does not derogate from a person’s right of access to information in terms of national legislation.

### **Undue influence**

7. A staff member of a municipality may not-
  - (a) unduly influence or attempt to influence the council of the municipality, or a structure or functionary of the council, or a council or, with a view to obtaining any appointment, promotion, privilege, advantage or benefit, or for a family member, friend or associate;
  - (b) mislead or attempt to mislead the council, or a structure or functionary of the council, in its consideration of any matter: or
  - (c) Be involved in a business venture with a councillor without the prior written consent of the council of the municipality.

### **Rewards, gifts and favours**

8. (1) A staff member of a municipality may not request, solicit or accept any reward, gift or favour for-
- (a) Persuading the council of the municipality, or any structure or functionary of the council, with regard to the exercise of any power or the performance of any duty;
  - (b) Making a representation to the council, or any structure or functionary of the council;
  - (c) Disclosing any privileged or confidential information: or
  - (d) Doing or not doing anything within that staff member's powers or duties
- (2) A staff member must without delay report to a superior official or to the speaker of the council any offer which, if accepted by the staff member, would constitute a breach of sub-item (1).

### **Council property**

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

### **Payment of arrears**

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

### **Participation in elections**

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

### **Sexual harassment**

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

### **Reporting duty of staff members**

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

## **Breaches of Code**

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

Breach of this Conduct would be dealt with in terms of the Disciplinary Procedure.

## **3. DRESS CODE**

### **Introduction**

Abaqulusi Local Municipality, located within the Local government sector is aiming, at all times, to project and enhance its professional image, in keeping with its Mission. The dress of officials plays an important part in conveying and reinforcing this image to our clients and to the public in general as well as towards achieving world class standards.

### **General principles**

The aim of this policy is to afford employees an opportunity to dress more comfortably for work. It is however important that all employees of the municipality share an appreciation for the professional nature of our business, the expectations of our clients, the environment in which we conduct business and the benefits we derive by making an appropriate dress code a part of our culture.

As always, the municipality expects everyone to present a professional appearance in dress and grooming. People should therefore use their discretion and good judgement in determining suitable clothing choices in order to present a professional appearance. It is important to note that an appropriate dress code is a merger between traditional business attire and the comfort of casual clothing and that at all times our clothing should reflect business first and casual second.

AbaQulusi Local Municipality understand that fashions in dress and grooming change from season to season. We appreciate and expect our employees to respond to these changes in fashion. However, in doing so we expect all our employees at all times to exercise good taste and to avoid any excesses that could detract from the overall professional image that we constantly seek to project.

### **Contravention of the dress code**

We expect our people to continue to portray the quality, integrity and professionalism of the Municipality in their appearance and the benefit cannot be preserved if all staff do not follow the guidelines noted in this policy. If in doubt, consult your line manager or the HR section for advice and guidance.

If someone has crossed the line of 'acceptable' dress, they may be approached by their manager, with the suggestion that they reconsider their attire for the day. If the clothing is unacceptable and in clear violation of the Municipality's guidelines, there will be the expectation that the person goes home to change into more suitable attire.

### **Dress Code limitations**

All employees are permitted to use the guidelines as outlined below, subject to the following provisos:

1. Where employees are expected to conduct client work under difficult circumstances e.g. site inspections/ visits or stock counts on industrial premises, they will be allowed to dress appropriately for the work they are expected to perform and the circumstances under which they need to perform this work.
2. The appropriate dress codes will apply for external functions e.g. cocktail, black-tie.
3. Business casual attire, rather than casual attire to be worn when attending either internal or external courses.

### **Technical Services**

Items which are suitable clothing for technical staff members are the protective clothing as issued by the municipality. Such clothing, however, should at all times be clean, neat and unwrinkled.

## 4. RECOGNITION AWARDS

### OBJECTIVE

To recognize and award the Staff of the AbaQulusi Local Municipality for displaying ability and initiative to perform and deliver consistent good work.

To build Staff morale thereby increasing Performance and Productivity.

### (1) SUGGESTED CRITERIA

#### 1.1 PERSONAL

Attendance at Work  
Punctuality  
Appropriate Dress code / Appearance  
Sense of Humour

#### 1.2 WORK RELATED

1. Ability to display initiative / problem solving
2. Ability to deliver consistently according to deadlines set
3. Timeous response to internal and public correspondence
4. Willingness to assist and co-operate in other sections / duties (i.e.) not a "not in my job description" type of personality
5. Consistently informing appropriate people of employee's whereabouts.
6. Willingness to perform extra-ordinary levels of service in times of crisis.
7. Voicing appreciation to all fellow employees when necessary
8. Ability to perform as a team member, thereby always displaying team spirit

#### 1.3 SOCIAL

1. Courtesy to the public at all times
2. Courtesy to fellow employees at all times
3. Answers the telephone within three rings
4. Prompt return of messages

### (2) PROCEDURE

The Head of the respective department / section will nominate a staff member on a Monthly basis as the Best Achiever of the Month. The nominee will be evaluated on the basis of the criteria outlined in (1) above.



As set out below, there will be 10 possible nominees from the various Municipal departments/ sections.

The Head of the respective department / section will complete the Recognition Award Form, motivating the reason/s why the employee is nominated

The 3 nominees will be discussed at the Top Management Meeting and the employee will be selected accordingly

**(3) AWARD**

The selected Employee of the Month will be handed a Framed Certificate

A Gift Voucher to the value of R500.00 will be awarded to the Employee

The Employee may select a voucher according to the Voucher Checklist and preferred supplier

**Voucher Checklist:**

Meal	- Preferred Supplier
Clothing	- Preferred Supplier
Sporting	- Preferred Supplier
Other (Employee to specify)	- Preferred Supplier

A photograph and brief interview with the selected Employee of the Month to appear in the Newsletter

**(4) ANNUAL AWARD**

On an Annual basis the names of the twelve selected employees together with a Motivation will be submitted to the Municipal Manager to select, together with Top Management, the "Employee of the Year" Award.

The selected Employee of the Year will be handed a framed Certificate

A Gift Voucher to the value of **R2000.00** will be handed to the employee.

RECOGNITION AWARDS

TEAM MEMBER OF THE MONTH

Nomination: \_\_\_\_\_

Department: \_\_\_\_\_

Section: \_\_\_\_\_

Employee No: \_\_\_\_\_

Occupation: \_\_\_\_\_

**Motivation:**

Personal: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Work Related: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Social: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

	PERSONAL	WORK RELATED	SOCIAL
1	Below Average	Well Below Average	Below Average
2	Average	Below Average	Average
3	Above Average	Average	Above Average
4	Well Above Average	Above Average	Well Above Average
5	Excellent	Well Above Average	Excellent
6		Good	
7		Very Good	
8		Excellent	
8.5		Distinction	

**Rating:**

**Personal:**

- 1) Attendance At Work
- 2) Punctuality
- 3) Appropriate Dress Code/Appearance
- 4) Sense of Humour

	1	2	3	4	5	Total
Total:						

[20 Points]

**Work Related:**

- 1) Ability to display initiative/problem solving
- 2) Ability to deliver consistently according to deadlines set
- 3) Timeous response to internal and public correspondence
- 4) Willingness to assist and co-operate in other sections/duties (i.e.) not a 'not in my job description'

	1	2	3	4	5	6	7	8	8.5	Total

type of personality

- 5) Consistently informing appropriate people of employee whereabouts
- 6) Willingness to perform extra-ordinary levels of service in time of crisis
- 7) Voicing appreciation to all fellow employees when necessary
- 8) Ability to perform as a team member thereby always displaying team spirit

Total:


[60 Points]

**Social:**

- 1) Courtesy to the Public at all times
- 2) Courtesy to fellow employees at all times
- 3) Answering the telephone on the third ring
- 4) Prompt return of messages

1	2	3	4	5	Total
Total:					

[20 Points]

**Total Rating:**

- Personal
- Work Related
- Social

Total %	
Rating	

1% - 50%                      Below Average

51% - 65%                    Average

**Cut off Point**

66% - 75%                    Above Average

76% - 100%                  Excellent

## 5. ACTING ALLOWANCE

### **OBJECTIVE:**

To remunerate officials who undertake additional responsibility in a higher position than their own.

### **POLICY:**

- The Acting Allowance is paid when an official assumes duties and responsibilities of a position on a higher post level than their own.
- All Acting Allowances must be authorised by the respective Heads of Department and the Municipal Manager. In respect of the Heads of Departments, the Municipal Manager to authorise before the assumption of duties.
- In exceptional cases, the Council is to authorise.

### **PROCEDURE FOR ACTING OF SECTION 55/54 EMPLOYEES**

The Head of Department shall forward the request for the acting to the Municipal Manager.

1. The Municipal Manager shall approve the request for Acting and it should be forwarded to finance for payment.
2. The period that the official acted must be stipulated
3. The request for an Acting Allowance duly authorised to be submitted to the Human Resources Section before the due date of each month for verification.
4. Officials will be paid an acting allowance should they be acting for 10 consecutive days.
5. Acting in a vacant position should not be longer than 6 consecutive months.
6. An employee can only Act in a position that is equivalent to the position he or she is holding or a position that is not more than a level higher to the position an employee primarily holds.



## **7. PAYMENT OF ALLOWANCE**

An acting allowance shall be paid to an employee acting in a higher post, subject to:

6.1 Written confirmation of the acting appointment by the Municipal Manager or his nominee, prior to acting.

6.2 The employee acting in the post for a continuous period of 10 working days or more

The acting allowance payable is a non-pensionable amount, equal to the difference between the current salary notch of the employee acting and the minimum notch of the salary scale of the acting post, excluding all benefits attached to the post or 10.5% of the minimum basic salary notch of the acting post, whichever is the greater.

6.4 Any interruption of less than five working days in total, during the acting period, shall be deemed to form part of the acting period, if occasioned by any of the following circumstances:

- ✓ Illness supported by a medical certificate.
- ✓ Family Bereavement.
- ✓ Attendance at Court as a witness, if subpoenaed.

Subject to clause 6.4., an employee will not be paid an acting allowance whilst on any form of leave or for any other absence during this period.

## **7. MAXIMUM PERIOD**

- The maximum period for acting in a post is six months, unless an application for exemption is made by the Municipality to the KZN Division of the SALBC. During the period of the application for exemption, the employee will continue to receive an acting allowance.

## **8. ACTING IN A TRANSPORT BEARING POST**

- An employee holding a non-transport bearing post, but acting in a higher position which has a transport allowance, shall not be entitled to a transport allowance ordinarily payable to the higher post. The employee will, however, be paid an ad hoc allowance to compensate the employee for official mileage travelled in carrying out the duties of the acting post.

## **9. ACTING IN A SECTION 56/57 POSITION**

### **9.1 MUNICIPAL MANAGER**

- In the absence of the Municipal Manager or any other section 57 employee shall be appointed by Council to act as a Municipal Manager.
- Any person appointed to act as Municipal Manager must at least have skills expertise, competency, and qualifications as prescribed.
- A person appointed to act may do so for a maximum period of 3 months and with permission of the MEC for a further three (3) months period.



- An acting allowance is only payable when an employee acts as a Municipal Manager for a minimum of 10 uninterrupted consecutive working days.
- An acting allowance in terms of payable in terms of this policy shall be fully taxable and include in the monthly salary of the acting employee and be paid on the pay day month following the conclusion of the acting period.
- Before an acting allowance is payable in terms of this policy, the relevant Municipal Manager must certify that the acting employee performed all the duties such an employee in respect of whom he/she acted satisfactory and such certificates shall be filled in the personal employee who acts in terms of this policy.

## **9.2 MANAGERS REPORTING TO THE MUNICIPAL MANAGER**

- In the absence of a manager then the Municipal Council must appoint an employee to act in the post of a manager reporting to the Municipal Manager.
- A person appointed to act may do so for a maximum period of three (3) months.
- Acting allowance shall only be payable when an employee acts as a Manager for a minimum of uninterrupted 10 working days.
- The acting allowance payable in terms of this policy shall be fully taxable and included in the monthly salary of the acting employee and be paid on the pay day month following the conclusion of the acting period.
- Before an acting allowance is payable in terms of this policy, the relevant Municipal Manager must certify that the acting employee performed all the duties such an employee in respect of whom he/she acted satisfactory and such certificates shall be filled in the personal file of the employee who acts in terms of this policy.
- In the event where the Manager reporting directly to the Municipal Manager is Acting in the position of the Municipal Manager, Council shall conduct risk assessment research in terms of segregation of duties. If the Council deem that there will be risk, the Council shall appoint an employee who will Act in the position of the Manager reporting directly to the Municipal Manager for a period not longer than three months.
- This exercise will only be done when the Council identifies the possibility of a risk and ensuring that there is a segregation of duty.
- The municipality shall use saving budget for payment of this allowance.

## **9. MONITORING AND EVALUATION**

The Human Resources Management Unit shall be responsible for monitoring this policy.

## **6. INTERNSHIP AND IN SERVICE TRAINING**

### **1. PREAMBLE**

The development of an in-service training policy is a sign of the organisation's commitment to the transformation process as stipulated in the Skills Development Act.

### **2. PURPOSE**

**The main purpose of this policy is to:**

- Manage in-service training for learners from tertiary institutions;
- To ensure a uniform approach in the admission of students;
- Provide opportunity to gain applied field experience prior to entry to labour markets;
- To expose students to meaningful life work experience which Compliments their classroom experience and enable them to gain confidence.

### **3. SCOPE OF OPERATION**

Applies to all in-service learners assisted by the Municipality to gain experience in their field of study. As in service training can be defined as a programme for advancement while actively involved in learning, the policy applies to learners from tertiary institutions only. Preference will be given to current bursary holders from the Municipality.

The policy will be applicable within the Municipal area.

### **4. REQUIREMENTS**

The student should be required to present the following documents to the municipality which will then be filed accordingly:

- Short curriculum Vitae
- Academic Records
- The field of study
- Period of in-service training needed
- Format of evaluation to be submitted by the tertiary institution

- Students will be required to enter into an Agreement signed by the employer, learner and institution.

#### **5. DURATION OF PRACTICAL EXPERIENTIAL TRAINING**

The period of practical experiential training by the student who is still studying will be prescribed by the educational institution. The agreement entered into with the student will indicate the dates of commencement and completion of practical experiential training. The period of in-service training may not exceed a period of 12 (twelve) months.

#### **6. REMUNERATION AND OTHER ALLOWANCES.**

The in-service trainees will receive a stipend allowance of R2 500 per month.

#### **7. PLACEMENT OF IN-SERVICE TRAINING**

Maximum learners per department to be determined by provisions in the budget but should not be less than two learners per given cycle per department.

#### **8. IMPLEMENTATION**

- 8.1. The procedures set out in paragraph 11 of this policy must be followed whenever a request for in-service training is received from a training institution.
- 8.2. The period of in-service training may not exceed a period of 12(twelve) months and the outcomes to which the learner is to be exposed to must be clearly stipulated.
- 8.3. Should disciplinary action deemed necessary based on the behaviour/attitude/conduct of a learner, the in-service period may be terminated immediately and the training institution must be informed accordingly.

#### **9. GENERAL**

- 9.1. Although in-service trainees are not deemed as Council employees, all Council approved policies and procedures are applicable during the period of their in-service training.
- 9.2. Work related instructions from supervisors must be adhered to.
- 9.3. In-service trainees must follow the line of authority should they encounter problems in the working area.
- 9.4. In cases where a Department has no budget for in-service trainees the HOD be authorised to negotiate with the incumbent to do in-service training at no cost for the Municipality and sign such agreement with the incumbent.

### **PROCEDURES OF IN- SERVICE TRAINING**

#### **10. REQUESTS FROM LEARNERS/TRAINING INSTITUTIONS**

11.1 The training institution shall submit a formal letter to the Director: Corporate Services requesting in-service training, stating the following:

- Name of learner
- Field of study
- Period of in-service training required, which will not exceed a period of 12(twelve) months.
- Outcomes which the learner needs to be exposed to during the training period.

## 11. REFERRAL TO RELEVANT DEPARTMENT

- 11.1. Department Corporate Services refers the request for in-service training to the relevant department.
- 11.2. The decision to assist the learner is the responsibility/prerogative of the host department.
- 11.3. The learner must sign an indemnity form available from the Human Resources Sections, Department Corporate Services.
- 11.4. The learner must be informed that no remuneration will be payable for the period of in-service training.
- 11.5. Security must be informed by the host department of the time period that the learner will be on the premises of the municipality.

## 12. REPORT BACK TO THE TRAINING INSTITUTION

- 14.1 The section head of the department where the learner has been assigned is responsible for completing all reports required by the training institution
- 14.2 The section head will issue a confirmation letter to the learner indication the period of in-service training and subjects/areas covered during then in-service period.

## 15. RECORDS

Records must be kept of all training in terms of the following format

DESCRIPTION	DOC. NR	RETAINED BY	RETENTION PERIOD	DESTROYED BY
Request from training institution				
Referral to relevant department				
Identity form				
Report to training				

## 7. PRIVATE WORK FOR REMUNERATION

### Objective:

In terms of Clause 10.1.1.12 of the Conditions of Service as promulgated in Government Gazette No. 15257 read with the Code of Conduct for Municipal Staff Members an Employee shall be guilty of misconduct if he/she 'engages in remunerative work outside the Municipality's service, or commits themselves thereto without first requesting and receiving the Municipality's permission or contravenes any conditions upon which such permission is granted by the Municipality.

### Policy:

In view of the above condition the following Policy will be applicable.

Private work/piece jobs will only be allowed under the following circumstances.

1. Private work undertaken may not interfere with the employee's normal duties at Abaqulusi Local Municipality.
2. The private work may not be executed during normal working hours.
3. The private work may not be executed whilst an employee is on official standby period.
4. The private work may not be detrimental to the employee's health in any way.
5. Employees may under no circumstances use the Municipalities transport/equipment and/or material for the purpose of private work.
6. No private work involving shift work or long hours, which may affect the employee's, performance/alertness during his normal working hours will be allowed.
7. Before an employee performs any private work he/she will receive written permission from both the Head of Department and Municipal Manager

A written request setting out the type of work, the conditions pertaining and the envisaged duration of such work must be submitted to the Municipal Manager/Head of Department who will submit written approval/declining as the case may be.

**“Read together with Code of Conduct for Municipal Staff Members”.**

## **8. PERSONAL GAIN**

**Policy:**

A staff member of a municipality may not –

Use the position or privileges of a staff member, or confidential information obtained as a staff member, for private gain or to improperly benefit another person: or

Take a decision on behalf of the municipality concerning a matter in which that staff member, or that staff member's spouse, partner or business associate, has a direct or indirect personal or private business interest.

Except with the prior consent of the council of a municipality a staff member of the municipality may not:

- (a) be a party to a contract for –
  - (i) the provision of goods or services to the municipality; or
  - (ii) the performance of any work for the municipality other than as a staff member;
- (b) obtain a financial interest in any business of the municipality; or
- (c) Be engaged in any business, trade or profession other than the work of the municipality.

## 9. SUGGESTION BOXES

### Objective

To afford Staff members/Public the opportunity to make valuable contributions to improve the efficiency and/or the effectiveness of the operations.

### Procedure

- Employees/ Members of the Public who have any suggestions to make may obtain the Suggestion Box Input forms from AbaQulusi Local Municipality's front desk.
- The duly completed and signed form to be placed in the Suggestion Box.
- Forms that are not duly completed and signed will be discarded.
- Suggestions from anonymous employees will be accepted provided evidence is attached to the suggestion form (i.e.) Photograph/documentation etc.

### Collection Procedure

- The boxes will be locked at all times.
- The keys to the boxes will be kept by the Municipal Manager.
- All suggestions submitted will be treated as Private and Confidential.
- The Municipal Manager and the Director: Corporate Services will, on a Monthly basis, visit the respective sections where the Suggestion Boxes are placed and remove the Suggestion Input forms.
- The suggestions will be placed in Folders marked according to the respective sections.

### Opening Procedure

The Municipal Manager and the Director: Corporate Services will list all the suggestions in a Suggestion Register.

- The Suggestion Register will contain the following details:

Name of Staff Member  
Section  
Date  
Short description of Suggestion  
Reference Number  
Close off Signature  
Close off Date

### **Actioning Procedure**

- The Suggestion Register will be tabled at the Top Management Meetings by the Municipal Manager.
- The name of the employee will not be divulged.
- Top Management will discuss all the suggestions and endeavour to action the suggestions where possible.
- All the suggestions actioned by Top Management and those pending action/input from Top Management will be tabled at the Management Meeting.
- The Staff member who submitted the suggestion, will be informed of the outcome.

### **General**

- The Procedure as set out for the Staff Suggestion Box will also be applicable for the Public Suggestion Box save for the Suggestion Box Input form.
- (Legal Technology regarding the disclosure of information).





## 10. OVERTIME.

### **INTRODUCTION**

The Overtime Policy is meant to be a guideline as to the responsibilities of the designated officials of each department regarding the working and payment of overtime as regulated by the Basic Conditions of Employment Act, 1977.

### **BACKGROUND**

In terms of the Basic Condition of Employment Act, Section 10 an employer may not required or permits an employee:

- (a) To work overtime except by an agreement;
- (b) To work more than ten hours overtime a week.
- (c) An agreement may not require or permit an employee to work more than 12 hours on any day.
- (d) A collective agreement may increase overtime to fifteen hours per week for up to two months in any period of 12 months.

### **GENERAL**

It should be the intention of the Council to reduce to a minimum the necessity for overtime to be worked. The requirement of frequent and substantial amounts of overtime, other than emergency overtime (not anticipated and due to a breakdown/temporary circumstance), shall be considered as a result of a work distribution problem or staff shortages or situations and will be subjected to an investigation by the Director of the relevant department and reported to the Municipal Manager.

Overtime shall be considered as time worked in excess of the regularly scheduled workday or work week.

In terms of the Basic Conditions of Employment Act, No.75 of 1997, the act determines that all employees earning in excess of R 224 080,30 per annum (and/or as amended by the Department of Labour from time to time.

**Control Measure for remunerative overtime:**

Responsible Manager/s should ensure that:

1. Overtime work is minimized.
2. There is adequate control of remunerated overtime duty through both supervision and control of outputs
3. Overtime remuneration is cost effective
4. Records of all overtime duties are kept
5. Attendance register is signed by all employees at the starting and finishing time and controlled by the supervisor in charge
6. Funds are available to finance overtime pay
7. Staff members are not voluntarily employed to such an extent that the quality and quantity of work performed during normal hours and overtime are adversely affected
8. All overtime work should as far as possible be performed at the employees normal place of work

**POLICY**

In terms of the operational requirements of the job, employees will from time to time be required to work overtime. The conditions on which employees will be required to work overtime are as follows:

1. The policy is framed with the explicit knowledge that all employees, excluding shift workers employed to work a six day week, work from 07h30 to 13h00 and 13h30 to 16h00 (Mondays to Fridays) and that no employee has been appointed to work on Saturdays, Sundays or Public Holidays and that work performed on Saturdays, Sundays and Public Holidays shall be treated in terms of this policy.
2. Section 57 employees are exempted from claiming overtime;
3. The determination of hours of work for Senior Management, security personnel, traffic, fire and emergency personnel and those employees working less than 24 hours per month is delegated to be dealt with and finalized in the divisions of the Council. (This is in terms of the SALGBC Main Collective Agreement Part B Clause 2.2)
4. In terms of the Collective Agreement the only employees that are allowed to work longer hours are senior managerial employees, security, traffic, fire and emergency employees.

5. Employees earning in excess of the threshold of R 224 080,30 per annum do not qualify for overtime payment and shall keep a register of overtime worked and time-off taken in lieu of overtime worked.
6. Where journeys outside the jurisdiction of the Council are undertaken, it will be at the discretion of the Director of the Department, in consultation with the Municipal Manager, to authorize such office to sleep over and claim overtime.
7. Should the AbaQulusi area be hit with a disaster or emergency the above rules of hours worked for overtime as well as the levels allowed to be compensated for overtime remuneration will fall away and shall be at the discretion of the Strategic Executive Director of the Department in consultation with the Municipal Manager.
8. In the case of employees being on standby no prior consent is needed from the Manager of the section, this overtime will however be indicated on the daily timesheets filled in by the employee, this timesheet will be signed by the Senior on standby agreeing to the hours worked and the form will then be submitted to the Manager of the relevant section who will authorize the hours before submitting such timesheets to the Finance department (Costing section) for capturing.
9. An employee is not obliged to work overtime in the absence of the signed overtime agreement nor is the employer compelled to pay for overtime worked in the absence of such signed agreement; (See attached document) Overtime may only be worked with the prior consent of the Manager of the relevant section and who shall advise the Strategic Executive Director of the Department and such overtime shall be in accordance with this policy.
10. Staff will be paid 1 ½ times their hourly rate for overtime worked or alternatively they may be granted 90 minutes paid time off for each hour of overtime worked during weekdays and Saturdays;

11. For overtime worked on Sundays and Public Holidays, staff will be paid 2 times their hourly rate, or alternatively they may be granted 120 minutes paid time off for each hour of overtime worked on a Sunday;
12. When claiming overtime, the overtime form and the completed and signed attendance register be attached and submitted to the Strategic Executive Director of the Department for approval and then to the Finance Department for payment .
13. Staff granted special leave to attend lectures in terms of their approved bursary, shall not be entitled to claim overtime equivalent to the number of hours that special leave is granted for a specific month.

**Compensation:**

1. Unless a specific agreement is concluded with an individual or collectively, the Municipality shall provide compensation for overtime. Managers could agree on time-off if an employee wants to and if working circumstances permit or when funds are limited.
2. The Municipality shall compensate authorised overtime work by paying the employee concerned one and one third times his/her normal hourly remuneration or by granting him/her time off equal to time worked.
3. The Municipality shall compensate Sunday (Public Holiday or overtime worked between 20h00 and 06h00) overtime work by paying the employee concerned two times his/her normal hourly remuneration or by granting time off equal to the time worked.

**Procedure:**

1. Responsible Managers shall do a formal submission with motivation to Top Management beforehand the number of hours overtime duty to be performed each day, set production targets as well as financial implications for the entire overtime.
2. The Authority to approve remunerated overtime is vested with the Municipal Manager if the overtime is less than 14 days and with the Management Committee if it is more than 14 days.
3. The responsible manager will be informed of the outcome immediately when it is available. If the period of overtime falls in two financial years, approval should be granted separately for each financial year.

**Claim Forms:**

1. The attached overtime form to be used for **pre**-approved overtime.

**ANNEXURE B**

**Abaqulusi Local Municipality**

**APPLICATION TO WORK OVERTIME**

Name: \_\_\_\_\_ Salary. No.: \_\_\_\_\_

Designation: \_\_\_\_\_ Post Level: \_\_\_\_\_

I, \_\_\_\_\_, herewith request permission to work overtime on the following date/s:

Date	Envisaged Hours

The reason for the overtime being as follows:

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Signed: \_\_\_\_\_  
Employee

Date: \_\_\_\_\_

Overtime Authorised / Not Authorised:

Supervisor: \_\_\_\_\_

Date: \_\_\_\_\_

Manager: \_\_\_\_\_

Date: \_\_\_\_\_

Or

Municipal Manager: \_\_\_\_\_

Date: \_\_\_\_\_

**Basic Conditions of Employment Act 75 of 1997**

**i. Overtime: Section 10**

An Employer may not require or permit an Employee to work more than 3 hours overtime a day or 10 hours overtime per week.

- An Employer must pay an Employee 1.5 times the Employee's wage for overtime worked
  - Pay the Employee's ordinary wage for overtime worked and grant 30 minutes time off on full pay for every hour worked
  - No payment for overtime worked and grant 90 minutes paid time off for each hour worked
  - Time off must be granted within one month
  - an Agreement in writing may increase the period to 12 months

**Sunday Work**

- Employee must receive double pay

## 11. INDUCTION

### OBJECTIVE

The objective of this policy is to outline policy guidelines for the induction of permanent employees into the Municipality.

### POLICY

1. All new employees must undergo an informal induction programme in the branch on the day they commence employment or as soon as possible thereafter. It is the responsibility of the HR Manager Administration to ensure that the employee is correctly introduced to the Municipality in general.
2. The induction programme is to assist the new employees in his/her entry to the organization. It becomes essential to ensure that the new employee not only understands the way the organization and his/her job are organized, but also that he/she embodies the culture of the organization.
3. Starting a new job is considered to be one of the most stressful life experiences and a proper induction process that is sensitive to the anxieties and uncertainties, as well as the needs of the employee is therefore of the utmost importance.
4. A professionally sound induction processes requires that all employees of the Organisation be fully committed to and actively involved in creating a pleasant, friendly and harmonious work environment and that everyone is actively involved in the induction of new employees.

### INDUCTION PROCESS AND PROCEDURE

The Human Resources Development shall develop, update and administer the Induction process



## 12. PROBATION EMPLOYEES

### OBJECTIVE

The objective of this policy is to ensure that the candidate who best meets the selection criteria is appointed.

### POLICY

1. Employees are employed on a probationary period of three (3) months, which can be extended by a further 3 months subject to the following conditions.
  - a. If the Municipality is of the opinion that such employee has successfully completed his probationary period, the Municipality shall confirm such employees in writing.
  - b. If the Municipality on or before the date of completion of the probationary period of such employee, is of the opinion that he is not fit for the post occupied by him, the Municipality may:
    - (i) In writing and stating the reason before extend the probationary period of such employee once only for the fixed period not exceeding three months.
    - (ii) Or give such employee at least one working month written notice that his or service will be terminated on a specific day subject to a fair procedure by a Municipality.
    - (iii) After three months if the Municipality fails to inform the employee of confirmation of probationary period then the Municipality should accept the post as automatically permanent.
2. The purpose of a probationary appointment as part of the selection process is to assess, as early as possible in a working environment, an employee's suitability for employment in a particular job. During the probationary period, employees must be given the opportunity to demonstrate the standards expected of them and be provided with appropriate feedback, assistance and support by the Section Manager to achieve them. Resignation or termination during this period should comply with Basic Conditions of Employment Act Section 37.
3. Human Resources will give advice and support to all employees during the probationary period. All Managers should discuss as early as possible, with Human Resources, any doubts or uncertainties about an employee's progress.
4. The line manager must inform the HR Department when the employee has successfully completed the probationary. The HR department will in turn, confirm the employee's formal appointment to a position by means of a written letter to the employee. The probationary period may be extended based on the performance of the individual. If an extension is to be applied, the employee is to be advised in writing of such an extension and the conditions set out for this extension.

5. The line manager must conduct regular evaluations of the performance of new employees during the probation period and any corrective action must, after consultation with the employee and the Head of Department, be conveyed to the employee in writing. A copy of such evaluation and corrective action (if any) must be forwarded to HR for filing of the new employee's personnel file

### 13. TERMINATION OF SERVICES

#### OBJECTIVE

The objective of this policy is to outline policy guidelines for termination of service for permanent employees.

#### POLICY

1. Unless otherwise provided for in the contract of employment, an employee after completion of his/her probationary period must give 1 calendar month's written notice of their intention to resign. Notice of termination of contract of employment must not be given during any period of leave to which the employee is entitled. However, with an employee who has served three (3) months or less and is still on probation, the Municipality can terminate employment with immediate effect.
2. A resignation on short notice is in effect a unilateral effort to change the employment contract. The Municipal Manager in his/her discretion may or may not agree thereto. In the event that the Municipal Manager grants his/her consent, this should be on the conditions determined at the time by the HR Manager, or any person delegated by him/her, put in writing and signed by the employee.
3. Notice must be given on or before the first (1st) day of the month and shall run from the first (1st) day of that month. However, if the first (1st) day of the month falls on a day of rest, notice may be given on the first (1st) working day following such day of rest in which case the employee will be deemed to have given notice on the first (1st) day of the month.
4. If an employee gives notice on the first (1st) day of the month, they should be paid a salary and an allowance in respect of the full month despite the fact that the month may end on a day of rest, provided they are normally paid for days of rest and perform their duties up to and including the last working day of that month.
5. No annual leave may be taken during the notice period.
6. Human Resources shall grant all employees leaving the employ of the Municipality an exit interview, on or before the effective date of termination of service.
7. This policy will only apply to permanent, full-time permanent and part-time permanent employees.

## 14. STUDY AID

### OBJECTIVE:

To grant financial assistance to employees who wish to pursue their studies alternatively who wants to enrol for studies.

### POLICY:

1. The bursary granted will be in terms of Section 10(1) (q) read with section 23(j) of the Income Tax Act 58 of 1952.
2. In terms of the abovementioned Act the bursary granted will be termed as a closed bursary
3. The bursary is confined to employees of **ABAQULUSI LOCAL MUNICIPALITY**.
4. The bursary granted will be exempt from normal taxation.
5. In the event that the employee does not successfully complete the studies they will be expected to refund the full Bursary granted.
6. The amount of the Bursary will be deducted in 12 (twelve) equal instalments from their salary.
7. If the employee pass his or her studies, he is obliged to serve the Municipality with a period of two years before he or she can resign.
8. The same will apply as in Point 6 above when the employee decides not to continue with their studies after they have enrolled.
9. When an employee completes only part of their studies they will re-imburse the Municipality a pro-rata amount of the studies paid for but not completed.
10. Should an employee assisted re-write their examinations and pass, their monies should be re-imbursed
11. Should the employee assisted, resign from the Municipality within twelve months after the date of successfully completing the examination, they shall in respect of each month or part thereof from the date of termination of such service to the date upon which the twelve months would have expired, refund the Municipality one-twelfth of the total amount paid by the Municipality.

**PROCEDURE:**

- The employee to duly complete an Application for a Study Loan (Annexure C) and submit same to his/her Supervisor/Head of Department.
- The employee to attach details of the actual Studies intended, setting out the duration and cost.
- Applications below R2000.00 may be authorized by the Municipal Manager.

Applications in excess of R2000.00 must be submitted to the Corporate Services Committee and Local Labour Forum as well as Training Committee for their approval and thereafter to the Executive Committee for their approval.

- Once approved as per the above procedure the employee to complete the Study Loan Agreement (Annexure B) and submit same to the Human Resource section who will process same.
- Payments will be made directly to the Training Institute, unless the employee has already paid in which case proof of payment is to be submitted.
- Proof of registration of subjects to be supplied by the Staff member concerned.

ANNEXURE C

ABAQULUSI LOCAL MUNICIPALITY

APPLICATION FOR BURSARY

I, \_\_\_\_\_, Salary Number: \_\_\_\_\_ hereby wish to apply for the Municipality's Bursary Scheme. My motivation for Studying the Subjects/Course is as follows:

\_\_\_\_\_

\_\_\_\_\_

I, intend to register for the following Course/s at (Name of College/Institution/School/University):

\_\_\_\_\_ DESCRIPTION OF COURSE \_\_\_\_\_

The fees involved per SUBJECT/COURSE will be as follows:

SUBJECT/COURSE	FEES
TOTAL	

**TOTAL BURSARY APPLICATION FOR THE YEAR 20.... IS:**

R \_\_\_\_\_ ( \_\_\_\_\_ ).

RECOMMENDED BY SUPERVISOR: \_\_\_\_\_

RECOMMENDED BY STRATEGIC EXECUTIVE HEAD OF DEPARTMENT: \_\_\_\_\_

APPROVED BY MUNICIPAL MANAGER: \_\_\_\_\_

APPROVED BY EXCO - RESOLUTION NO.: \_\_\_\_\_ (copy of extract attached)

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF APPLICANT

**NB: PLEASE ATTACH ALL RELEVANT INFORMATION OF COURSE**

ANNEXURE D

ABAQULUSI LOCAL MUNICIPALITY

BURSARY AGREEMENT

I, \_\_\_\_\_, Salary No. \_\_\_\_\_ hereby undertake to abide by the terms and conditions as detailed hereunder in respect of the bursary of R \_\_\_\_\_ granted to me to study for the year 20 \_\_\_\_\_ at \_\_\_\_\_

1. The bursary granted will be in terms of Section 10(1) (q) read with section 23(j) of the Income Tax Act 58 of 1952.
2. In terms of the abovementioned Act the bursary granted will be termed as a closed bursary.
3. The bursary granted will be exempt from normal taxation.
4. In the event that the employee does not successfully complete the studies they will be expected to refund the full Bursary granted.
5. If Point 4 above is applicable, the amount of the Bursary will be deducted in 12 (twelve) equal instalments from their salary.
6. The same will apply as in Point 4 above when the employee decides not to continue with their studies after they have enrolled.
7. **WHEN AN EMPLOYEE COMPLETES ONLY PART OF THEIR STUDIES THEY WILL REIMBURSE THE MUNICIPALITY A PRO-RATA AMOUNT OF THE STUDIES PAID FOR BUT NOT COMPLETED.**
8. Should the employee assisted, resign from the Municipality within twenty four months after the date of successfully completing the examination, they shall refund the Municipality the total amount paid by the Municipality

\_\_\_\_\_  
MUNICIPAL MANAGER

\_\_\_\_\_  
Date Bursary Granted

I, hereby agree and accept to abide by the Terms and Conditions as set out in the Agreement

(Please print name) \_\_\_\_\_

\_\_\_\_\_  
APPLICANT'S SIGNATURE

## 15. EMPLOYMENT EQUITY POLICY

### Objectives:

To transform AbaQulusi Local Municipality into a non-racial, non-sexist institution, and to ensure that staff is so composed that it is able to serve effectively and fairly all members of the community with due regard to culture and ethnic diversity.

To address imbalances in the composition of the present and future internal labour force with regard to race and gender by means of an Affirmative Action Programme for a limited period, until such time as the staff composition of the AbaQulusi Local Municipality is representative of the relevant labour market at all organisational levels.

The purpose of the Affirmative Action Programme is to level the playing field thereby enabling previously disadvantaged people to compete on an equal footing with other candidates for appointments.

To eliminate all forms of discrimination in the employment situation whether based on race, creed, gender or any other form of stereotypes of persons or groups; as well as

To identify and abolish all barriers and subjective practices that hampers the employment and/or advancement of members of staff, especially those who have been historically disadvantaged by prejudices that favoured and disfavoured others.

### Employment Policy

Any vacancy that arises due to a New Position being created, Death/Resignation or Dismissal of an Employee is advertised internally to grant employees from within the Council the opportunity to apply.

In terms of the Local Government Bargaining Council Salary structure all occupations are graded according to Responsibility, Qualification and Experience.

The Grading is divided into Post Levels 0-18. Post Level 18 being the highest & Post Level 0 the lowest.

### NEW APPOINTMENTS

Special attempts are made to appoint applicants from disadvantaged groups to vacant positions while maintaining the merit principle.

Affirmative Action appointments will only apply in those job categories where disadvantaged people are not fairly represented.

Previously disadvantaged candidates will receive preference above others, all things being equal, in those job categories where Affirmative Action applies.

The merit principle will be adhered to. Merit is defined as the capacity to do the job, judged on qualifications, experience, knowledge, potential and/or demonstrated ability. Emphasis would be on meeting minimum requirements for the job and not necessarily appointing the ideal candidate or highest qualified candidate.

Relevant experience and length of service will be taken into account where formal qualifications are absent.

Disability and age shall not count as disqualifying criteria in recruitment or selection, unless if these are intrinsic requirements for specific positions.

Vacant positions must be analysed to determine the realistic person and post requirements (e.g. qualifications, experience and physical requirements) that meet the needs of the job and which do not privilege people with higher qualifications than those needed for the position.

Appointments and promotions will be based on prerequisite ability (proficiency and potential) so as to maintain and/or promote economic effectiveness, productivity and standards.



## 16. RECRUITMENT POLICY

### 1. Recruitment

Where a vacancy arises the respective Head of Department is required to write a request for vacancy to be filled that will be approved by the Municipal Manager.

The reason for the vacancy must be stipulated.

Special recruitment efforts may be launched to attract suitable applicants from disadvantaged groups by advertising in the Local Press in both English and IsiZulu Newspapers.

Priority shall be given to the employment of South Africans and where possible local community members. Foreign labour may only be employed after consultation with the Unions and when there is adequate evidence that there was no South African capacity to fill the said vacancy.

#### 1.1 Permanent and Section 57 Employees

- 1.1.1 The municipality shall not recruit any senior employee, if the Municipal Manager has not yet been appointed.
- 1.1.2 Any permanent position which the municipality intends to fill shall be reflected on the approved municipal organogram.
- 1.1.3 Recruitment of the Municipal Manager shall be undertaken by the executive committee of Council.
- 1.1.4 In case of heads of departments, the executive committee shall undertake the recruitment process after consultation with the municipal manager.
- 1.1.5 Recruitment of any other employee including managers below heads of departments shall be the responsibility of the municipal manager.
- 1.1.6 The Municipal Manager may mandate any suitable official to undertake the recruitment processes.
- 1.1.7 Heads of departments shall within fourteen (14) days report to the Strategic Executive Director Corporate Services or any person performing his or her responsibility, any position becoming vacant as a result of resignation, dismissal, retirement or death which shall further be reported to the Municipal Manager within seven days from the date of receipt of a report from the relevant head of department.

## **1.2 Non-Permanent Employees**

1.2.1 The municipality may recruit non-permanent employees under the following circumstances:-

1.2.1.1 In case of leave as may be taken by employees from time to time, if circumstances so require.

1.2.1.2 If there is a seasonal duty to be performed.

1.2.1.3 If there is a project or function to be undertaken which is managed by the municipality.

1.2.1.4 In case of appointment of employees employed in terms of Section 57 of Municipal Systems Act No 32 of 2000.

1.2.1.5 In case of appointment of fixed-term contract employees excluding employees referred to in 1.2.1.4 herein.

All Application forms are submitted to the records Office. After the closing date of the Vacancy the applicants are numbered. .

The box/es with the applicants' CVS are handed to the Corporate Services Department where these are summarised and a memo is compiled by Human Resources Officer with the instruction of the Director Corporate Services requesting the Municipal Manager to appoint a shortlisting and interviewing panel.

### **Post Requirements:**

Reviewing and reducing of post specifications to a realistic minimum can be done on a continuous basis, but specifically as vacancies and needs arise. .

Regarding requirements for experience, it is essential to bear in mind that if length of service in local government specifically is an explicit or implicit requirement for appointment, those eligible will be white and male as the workforce in this sector was previously predominantly white and male. These requirements should be subject to review and where they act as barriers to the mobility of personnel from under-represented groups, be reviewed.

## 2. Advertising:

An advertisement must convey the impression that applications are welcome from all sectors of the population, unless being of a particular sex or ethnic group is a genuine occupational qualification.

Advertising in the Zulu press is essential, to attract more members of under-represented groups, and will perform the additional function of informing the readers of the local authority's commitment to equal employment opportunity.

- 2.1 The Executive Committee shall obtain the consent of council prior to advertising the post of the Municipal Manager and any other Managers reporting directly to Municipal Manager.
- 2.2 The intention of Executive Committee to advertise the position of the Municipal Manager or any Managers directly reporting to Municipal Manager shall be communicated with the candidate occupying the said positions (if any), one month prior to the placement of such advertisement.
- 2.3 Positions for employees who falls under section 55 of the Municipal Systems Act shall be advertise internally or externally depending on the nature of the position.
- 2.4 Positions for the Section 57 and 56 shall be advertised externally as regulated
- 2.5 It shall be the prerogative of the Strategic Executive Director to determine if the post should be externally of internally advertised.
- 2.6 External advertisements shall be placed in one (1) national and any other provincial or district and local newspaper for a period of not less than 14 days.
- 2.7 Where the municipality deem that the position is urgently needed and the vacancy will have a negative impact, the municipality will then advertise the positions on the Notice Board and Website for a period not less than seven (7) calendar days.
- 2.8 Internally advertisement of positions shall be placed on the Municipal Notice Boards and the Municipal website for the period of seven days.
- 2.9 The advertisement of the positions shall clearly reflect, inter alia, the following: -
  - 2.9.1 The geographic location of the Municipality;
  - 2.9.2 Specific location of the relevant workplace;
  - 2.9.3 The employment equity preferred group;
  - 2.9.4 The department or directorate under which the position in question belongs;

- 2.9.5 The requirements of the post
- 2.9.6 The preferred requirements of the post for selection advantages;
  
- 2.9.7 The remuneration and fringe benefits, unless if the reflection thereof will disadvantage the Municipality in any manner;
- 2.9.8 A brief description of duties as reflected in the relevant job description;
- 2.9.9 The manner of lodging an application and required attachments thereto;
- 2.9.10 The surname and initials of at least one designated employee to take enquiries as well as telephone numbers and extensions;
- 2.9.11 Closing date and time for applications;
  
- 2.10 All applications for the advertised positions shall be submitted in writing to the office of the Municipal Manager not later than the closing date, without exemption to municipal employees.
- 2.11 No advertisement shall bear discriminatory requirements which are against labour statutes.
- 2.12 No faxed or emailed applications shall be accepted.

### **3. SELECTION PROCESS**

#### **3.1. Selection Panel**

3.1.1 The selection panel shall perform sifting, short listing as well as any other pre-appointment functions as one (1) panel.

#### **3.2 Selection Panel For Section 57 and 56 Managers**

3.1.2 The municipality must compile and maintain a record of all applications received, which must contain-

- (a) the applicants' biographical details and contact information;
- (b) the details of the post for which the applicants were applying;
- (c) the applicants' qualifications; and
- (d) any other requirements outlined in the application form.

3.1.3 (1) a municipal Council must appoint a selection panel to make recommendations

for the appointment of candidates to vacant senior manager posts.

(2) In deciding who to appoint to a selection panel, the following considerations must inform the decision:

- (a) the nature of the post;
- (b) the gender balance of the panel; and
- (c) the skills, expertise, experience and availability of the persons to be involved.

(3) The selection panel for the appointment of a Municipal Manager must consist of at least three and not more than five members, constituted as follows:

- The Mayor, who will be the chairperson.
- A councillor designated by the municipal council (ExCo Member); and at least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post.

- If the panel is more than three (3) or if they are five (5), the Selection Panel for appointment of the Municipal Manager or Managers Reporting Directly to the Municipal Manager shall consist of,
  - The Mayor as the Chairperson of The Panel for Municipal Manager Position/ Municipal Manager as Chairperson of The Panel for positions of Managers reporting Directly to The Municipal Manager.
  - The Expert Panel Member who has expertise or experience in the area of the advertised post.
  - And at least three (3) members of the Executive Committee. (ExCo Cllrs)
- (4) The selection panel for the appointment of a Manager directly accountable to a Municipal Manager must consist of at least three and not more than five members constituted as follows:
- (a) the Municipal Manager, who will be the chairperson;
  - (b) a member of the mayoral committee or councillor who is the portfolio head of the relevant portfolio; and
  - (c) at least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post.
- (5) A panel member must disclose any interest or relationship with shortlisted candidates during the shortlisting process.
- (6) A panel member contemplated in sub-regulations (3) and (4) must excuse 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 some form of indebtedness to a short-listed candidate or vice-versa; or
  - (c) he or she has any other conflict of interest.
- (7) A panel member and staff member must sign a declaration of confidentiality as set out in Annexure D to the regulations of appointment of Senior Managers, to advert the disclosure of information to unauthorised persons.

- (8) A staff member mandated by the Municipal Manager may provide secretarial or advisory services during the selection process, but may not form part of the selection panel.

### **Compiling shortlist of applicants**

13.(1) A mayor, in the case of the Municipal Manager, or the Municipal Manager, in the case of the manager directly accountable to the municipal manager, in consultation with the selection panel, must compile-

- (a) A list of all applicants who applied for an advertised post; and
  - (b) A shortlist consisting of all application received for a specific post, evaluated against the relevant competency requirements, as set out in Annexures A and B to in the regulations.
- (2) The shortlisting must be finalised within 30 days of the closing date of the advertisement.
  - (3). The panel must develop a shortlisting/elimination criteria prior to the shortlisting of candidates.
  - (4) The municipality must keep a record of all the applicants who applied for vacant posts.
  - (5) The municipal manager must ensure that the information contained in the applications is kept confidential and sorted in a secure site on the municipality's premises.
  - (6) The lists contemplated in sub-regulation (1) must be submitted, together with the shortlisted applications, to the selection panel before the interviews.

### **Screening of candidates**

(1) Screening of the shortlisted candidates must take place within 21 days of the finalisation of the shortlisting by –

- (a) Conducting the necessary reference checks;
- (b) Contacting a candidate's current or previous employer;
- (c) determining the validity of a candidate's qualifications; and
- (d) Verifying whether a candidate has been dismissed previously for misconduct Or poor performance by another employer.

(2) A written report on the outcome of the screening process must be compiled by the mayor, in the case of the municipal manager, or the municipal manager, in the case of the manager directly accountable to the municipal manager, before the interviews take place.

### **Interviews**

(1) The selection panel must conduct interviews within 21 days of screening the candidates.

(2) The selection panel for a specific post must remain the same throughout the screening and interviewing process.

(3) The selection panel must keep records of every panel member's individual assessment of the interviewed candidates.

(4) The determination of candidates to be recommended for appointment must be considered by the way of consensus between the members of the selection panel.

(5) If consensus cannot be reached, a dissenting member may record his or her concerns in the minutes, where after the issue may be voted upon, with each member of the selection panel entitled to one vote.

(6) The selection panel must recommend the second and third suitable candidates to minimise delays that may arise in the filling of the post if the first choice candidate declines or does not accept the offer of employment.

### **Selection**

16.(1) the candidates recommend for appointment to the post of a Senior Manager must undergo a competency assessment.

(2) The competency assessment tools must-

(a) Be capable of being applied fairly; and

(b) Not be biased against any person or group of persons.

(3) A municipality must provide in its medium term budget, funding for purposes of competency assessment and testing.



- 3.2.1 For the purpose of appointing a manager below heads of departments the Municipal Manager must appoint the Head of Department for that particular section as the chairperson.
- 3.2.2 In case of appointment of any employee under middle managers, which includes Officers, Clerks and General workers, the Municipal Manager can appoint any official in terms of powers delegated to him to be the shortlisting and interview panel.
- 3.2.3 The Human Resources Manager shall take all reasonable steps to ensure that all services required by the panel in respect of employment of the employees mentioned above, including translation, are provided during all pre-appointment exercises.
- 3.2.4 A minimum of three and a maximum of five panellists must be appointed and confirmed by the Municipal Manager.
- 3.2.5 A chairperson appointed amongst the panellist and shall be at least a level higher than the post to be filled.
- 3.2.6 Members and any other person in the selection panel shall behave professionally and bear confidentiality of all activities and possible results of the recruitment, selection and appointment processes.
- 3.2.7 The Municipality may use various tools or instruments to determine suitability of the candidate/s.
- 3.2.8 The municipality may also use the services of an expert external panel member.

**3.3 FUNCTIONS OF THE SELECTION COMMITTEE FOR ALL EMPLOYEES FALLS UNDER SECTION 55 OF THE MUNICIPAL SYSTEMS ACT:**

- 3.2.1 Corporate Services Department –Human Resources
- a. To provide the secretariat Services and advisory status
  - b. Responsible for pre- selection/sifting process
  - c. Invite shortlisted candidates

d. Responsible to facilitate the logistical arrangements for candidates invited for interviews, list of interviewees, Venue, traveling, time etc.

3.2.2 Short-Listing of applicants fairly, credibly and openly.

3.3.3 Prepare/Drafting short-listing criteria.

3.4.4 During the interview the Chairperson must lead the process of preparing the interviewing questions which are relevant for the position.

#### 3.4 **SIFTING PROCESS**

3.4.1 Sifting is the process of eliminating applicants who do not meet the minimum requirements of the post in terms of the qualifications and experience required by the advertised post.

3.4.2 Prior to engaging in the exercise of sifting, the chairperson shall bring along and announce the list of applicants reflecting their surnames and full names, academic qualification, experience and residential addresses and their contact details.

3.4.3 In the internal advertisement it shall be the prerogative of the panel whether to continue even if one applicant applied for the position.

3.4.4 Subsequent to performance of 3.2.1 functions by the chairperson, members of the panel shall be given an opportunity to recuse themselves from the process in case they have interests.

3.4.5 For the purpose of selecting candidates to be interviewed, the selection panel shall sift-out the following:-

3.4.5.1 Applications which do not indicate the position applied for.

3.4.5.2 Applications without certified copies or those with certified copies which are more than six (6) months.

3.4.5.3 Applications without the required attachments as per the provisions of the advertisement.

3.4.5.4 Applications lacking the requirements of the position.

### **3.5 SHORT-LISTING**

- 3.5.1 Excluding the positions of Municipal Manager, Strategic Executive Directors or Managers reporting to the Municipal Manager, the local and internal applicants shall receive preference, subject to meeting the essential requirements of the position applied for..
- 3.5.2 The maximum of seven (7) and a minimum of three (3) candidates per position shall be recommended by the panel for a short-list of qualified and/or suitably qualified candidates.
- 3.5.3 In the internal advertisement positions, it shall be the prerogative of the panel whether they continue interviewing candidate even if one applicant attends interviews. Or applied for the position.
- 3.5.4 If only less than three (3) candidates among all the applicants qualifies for being on short-list, the position shall be re-advertised not more than once on any newspaper to be determined by the executive committee or Municipal Manager.
- 3.5.5 Should the municipality be unable to secure a candidate after compliance with clause 3.4.1. Contained herein, the services of the employment agency shall be procured through the approved supply chain management policy.
- 3.5.6 Only candidates meeting the essential requirements of the position determined by the panel shall be put on a short-list.
- 3.5.7 For posts advertised, applicants who have completed their probationary periods and meeting the essential requirements of the position shall be put on a short-list.
- 3.5.8 All members of the panel shall sign the shortlisting list after completion of the exercise.
- 3.5.9 Organized labour will not be part of the shortlisting processes. They will be part of the interviewing process.

### 3.6 **INTERVIEWS**

- 3.6.1 All candidates reflected on a short-list shall be invited for an interview.
- 3.6.2 Invitation of short-listed candidates for an interview shall be done telephonically and in writing by means of a fax or email with proof thereof kept in a file, not later than two (2) working days with effect from the date of short-listing exercise.
- 3.6.3 Questions for testing suitability of short-listed candidates shall be compiled on the date of interviews by the panel.
- 3.6.4 Candidates canvassing for appointment shall automatically be disqualified on submission of such evidence by the chairperson to the interview panel.
- 3.6.5 During the interview, candidates shall be assessed on academic knowledge, prior learning, potential to acquire within reasonable period the ability to perform duties and exposure displayed on the subject on which the question is based, as candidates will be attending to questions posed by the interview panel.
- 3.6.6 An interview questionnaire, as shall be distributed by the chairperson at a meeting of the interview panel to all parties (including observers) shall be utilized for allocating points to candidates as they attend to questions posed.
- 3.6.7 The panel shall determine the language to be used when conducting the interviews
- 3.6.8 In case of appointment of the Municipal Manager and Heads of Departments, the --shall allocate points to candidates for assessment purposes.
- 3.6.9 In case of appointment of any other employee excluding the Municipal Manager and heads of departments, only points scored by the interview panel, excluding a portfolio councillor, shall be utilised for assessment of candidates.
- 3.6.10 In case of the Municipal Manager and managers reporting to him/her, the selection and interview panel shall recommend the candidate for appointment to Council in line with provisions of EEA and approved employment equity plan of the municipality.
- 3.6.11 For recommending appointments, the interview panel shall endeavour to reach consensus and failing to do so shall constitute a referral of the matter to the Municipal Manager for a final ruling.
- 3.6.12 In case of appointment of the Municipal Manager and managers directly reporting to him/her, the selection panel shall endeavour to reach consensus on such

appointment, and failing to do so shall constitute prevalence of word of majority.

- 3.6.13 Objections from observing parties shall be lodged in writing to the office of the Municipal Manager within two (2) working days with effect from the date of the interview.
- 3.6.14 In case of appointment of the Municipal Manager, objections shall be lodged to the Mayor for consideration by council.
- 3.6.15 In case of the appointment of the Managers directly reporting to the Municipal Manager, objections shall be lodged to the Municipal Manager's office for consideration by council.
- 3.6.16 Objections by the Union representative observing shall be in form of comments which shall intend to terminate any malpractice observed during the proceedings, and be given to the Municipal Manager.
- 3.6.17 Trade union representatives shall be invited in writing at least forty eight (48) hours prior to interview dates.
- 3.6.18 If a candidate will not avail himself/herself due to unforeseen circumstances, a detailed written request to rescheduled the interview shall be sent to human resources in writing on the day of the interview or before the interview.

#### **4 APPOINTMENT**

- 4.1 The Municipal Manager and Managers directly reporting to him/her shall be appointed by council.
- 4.2 Managers not reporting to the Municipal Manager and other employees shall be appointed by the Municipal Manager in terms of Section 55 of the Municipal Systems Act.
- 4.3 Notwithstanding the provision that the Municipal Manager is appointed by council, his or her letter of appointment shall be written and signed by the Mayor.
- 4.4 A letter of appointment of the Manager directly reporting to the Municipal Manager and other employees shall be written and signed by the Municipal Manager in terms of Section 55 of the Municipal Systems Act.
- 4.5 The letters of appointment and contract of employment should indicate the type of employment (fixed term contract or permanent contract of employment).
- 4.6 The decision to permanently employ Section 56 and Section 57 employees shall be taken by the Council.

- 4.7 The decision to terminate the contract of the Municipal Manager or Managers directly reporting to the Municipal Manager shall only be taken by the Council.
- 4.8 Letters of appointment of successful candidates shall be written after two (2) working days in honour of clause 3.5.14 contained herein and shall comply with section 29 of the Basic Conditions of Employment Act No. 75 of 1997.
- 4.9 On the first day at work, the incumbent shall be orientated and on such exercise, the following shall inter alia, be executed:-
- 4.9.1 the incumbent shall be taken to the Municipal Manager for introduction and thereafter to the area of work;
- 4.9.2 shall be taken to all Municipal buildings excluding satellite offices outside town for induction, unless if employed to work at those offices; and
- 4.9.3 Shall be taken to the relevant supervisor.
- 4.10 Before the incumbent commence duties, he/she shall sign a contract of employment.

## **5 DISPUTE RESOLUTION**

- 5.1 In the event where any dispute related to recruitment, selection and appointment cannot be resolved internally, the aggrieved party may refer the matter to SALGBC for resolution.

## **6. EXEMPTIONS**

- 6.1 General workers/ Cleaners may not be required to attend interviews and may be assessed by the panel using the information provided in the relevant forms. Or random pick process must be considered subject to the approval of the Municipal Manager.
- 6.2 Should more than one applicant qualify in terms of all relevant assessments, including employment equity requirements, the most multi-skilled applicant, for relief purposes, shall be taken as the best candidate for appointment.
- 6.3 Relief employees, temporary employees or a General workers shall be employed randomly on database created by Corporate Services Department (Human Resources) only for this purposes.
- 6.4 Human Resource Management shall have a data base of all local Interns, in-service trainees applied for in-service trainings.

- 6.4.1 Interns and in-service trainees may be absorb by the Municipality depending on the submissions made by Strategic Executive Director of Corporate Services to the Municipal Manager.
- 6.4.2 For absorption purposes, it shall be subject for availability of employee's budget for that financial year.
- 6.4.3 Interns and in-service trainees shall be absorbed on an existing approved positons in the structure and shall be absorbed on an entry levels positions to avoid salary disparities and dispute on the existing staff.
- 6.5 In respect of appointments made by himself or herself, the Municipal Manager may not be a role player but his or her office will remain as appeals office for observers and any other aggrieved person in respect of this policy.

## **7. INTERPRETATION AND AMENDMENTS**

- 7.1 In the event of any inconsistency between the provisions of this policy and any labour legislation, the provisions of the latter shall prevail.
- 7.2 Council may review this policy should necessity arises.

### **The procedure that will be used to monitor and evaluate the implementation of the Employment Equity Plan:**

The Employment Equity Steering Committee to meet on a quarterly basis, and consider the following:

- Positions that have become vacant.
- The Job Descriptions.
- A quarterly report to be submitted to the Corporate Services Portfolio, ExCo and Council Meetings on all vacancies that occurred over the past quarter.
- The successful candidates whether they were internal or external.
- A Monthly Training report on all Training that took place during the quarter.

- A Monthly Reports from HRD Manager the individual progress of the learners.

**The internal procedure to resolve any dispute about the interpretation or implementation of the Plan:**

The Council's internal Grievance Procedure as determined in the Collective Agreement on shall be work-shopped with all levels of Management and displayed in all appropriate and conspicuous points for the benefit of all Staff.

**The officials of Council responsible for monitoring and implementing the Plan:**

The Municipal Manager

**Education, Training and Development:**

The Training must be developed to enhance the skills and capacity of all Staff on all levels for career and labour market mobility.

Supervisors and Heads of Department shall be held accountable for the development, mentoring and coaching of their subordinates with specific focus on employees from previously disadvantaged groups.

In pursuance of the above, the Head of each Department shall redress the Training and development of all employees for career advancement where possible.

Wherever possible, informal on-the-job training that could facilitate employee growth and enable them to meet operational standards must be done.

**Transferring / Sharing of Skills:**

All employees, present and new (at all levels) are encouraged/obliged to transfer/share skills to other employees in a department in order to:-

- a) Prevent a "collapse" of the department in the face of unforeseen circumstances.
- b) Prepare people for advancement.
- c) Enhance transparency.

Managers and Supervisors to be trained / encouraged to recognize/foster talent in order to:

1. Give opportunities to employees with career potential
2. Make employees aware of opportunities.

New recruits (employees) to be brought to peak efficiency as early as possible through:



- In-service training/induction
- Defined job descriptions
- Performance appraisal

**Monitoring and Evaluation:**

Department Heads must furnish the Management Committee Progress Reports on a monthly basis. The report to include:

- Staff Turnover
- External Appointments
- Internal Promotions
- Progress on Appointments
- Evaluation of Individual Training and Development

**A. Officials due for Retirement**

ii. Position	Level	Department	Date

**B. Vacant Positions on:**

Position	Level	Department	Salaries

**17. RECOGNITION OF LONG SERVICE**

**Objective:**

To award staff for long continued service as part of Council's staff retention policy

**The Policy**

After a period of continued service AbaQulusi Local Municipality (inclusive of service rendered at the three previous entities) all staff will receive on a once-off basis the following additional vacation leave:

After 05 years	05 days
After 10 years	10 days
After 15 years	20 days
After 20 years	30 days
After 25 years	30 days
After 30 years	30 days
After 35 years	30 days

After 40 years	30 days
After 45 years	30 days

An employee with 05 or more years services with the Municipality and reaches pensionable age, who is medically boarded or retrenched will be paid a prorata long service bonus for any uncompleted period stipulated as above.

The employee may elect to either take or encash the days. The election to take the days is subject to the employer's operational requirements. The encashment or the taking of leave must take place in the same year that the employee qualifies for the recognition/long service leave. The encashment or the taking of the leave must take place in the same year that the employee qualifies for the recognition/long service leave.

An employee that has five (5) or more years' service in the Municipality and leaves the service of the Municipality for any reason whatsoever, excluding reasons relating to misconduct, shall receive a pro rata long service bonus for any uncompleted period stipulated.

The above vacation leave will be recorded separate from normal vacation leave. The allowance will not be paid retrospectively to staff who did not previously qualify for the allowance and who has already completed one or more of the above service periods. Such staff will qualify for the allowance at the completion of the next applicable service period

Such leave must be taken as soon as possible and any encashment will be calculated at the salary of the official at the time that he/she has qualified for the long service allowance.

After completing 25 years a gift not exceeding the amount of **R10, 000-00** (To be reviewed annually)

## 18. NIGHT WORK ALLOWANCE POLICY

### OBJECTIVE

This applies to an employee who is required to work some or all of his normal hours of duty between the hours of 18h00 and 06h00 and such employee shall be paid a night work allowance.

1. All employees will be entitled to a night allowance but in the event that the employee's earnings are above the Basic Conditions of Employment Act 75 of 1997 threshold as determined from time to time, but currently at R212 433.30, then the employee will be paid at the BCEA threshold in terms of the determination of the hourly rate as per clause 2 below.
2. The employee be paid a maximum of 12% of hourly rate, pro rata to the actual completed normal hours worked (excluding any part of an hour) between the hours of 18h00 and 06h00 in a particular month.
3. **NOTE: Annual salary / 249 number of working days / 8 hours per day x 12% = hourly night work allowance.**
4. Any employee who is entitled to this night work allowance shall not be entitled to a shift allowance in addition hereto.
5. In terms of Section 6(2) of the Basic Conditions of Employment Act Section 9, 10(1), 14(1), 15(1), 17(2) and 18(1) shall not apply to work that must be done without delay due to circumstances which the employer could not

reasonably be expected to provide for and which could not be performed by employees during their normal working hours. Section 17(2) deals with the payment of night work allowance.

6. A Municipality may only require or permit an employee to perform night work, if so agreed and provided that transportation is available between the employee's place of residence and the workplace at the commencement and conclusion of the employee's night work (between 18h00 and 06h00).
7. A shift allowance will be paid to employee's who is involved in continuous process work where operations are running 24 hours, 7 days a week system.
8. A non-pensionable allowance of 10% of the employee's basic monthly salary will be paid on a monthly basis. **(For example: Employee who earns R9 000pm will be paid –  $R9\ 000 \times 10\% / 100 = R900$  pm extra as shift allowance)**  
Employee's who receive a shift allowance, **are not entitled to night allowance**

## 19. STANDBY ALLOWANCE POLICY

### OBJECTIVE:

To provide for standby and to formulate the rate at which employees will be remunerated for standby services rendered.

1. If a Municipality requires an employee to be available for the performance of duty outside normal working hours, the employee shall be entitled to a standby allowance.
2. The standby allowance shall not be affected or be affected by any remuneration for overtime worked by the employee during the period of standby duty.
3. If the employee is required to be on Saturdays, the employer shall pay that employee at least one and a half times the normal standby allowance.
4. An employee required to perform standby duties must at all times ensure his availability within the norms set by the respective department.
5. Staff on standby not receiving a cell phone or telephone allowance will receive an allowance in respect of the use of his/her private telephone.
6. If the employee is required to be on standby on a Sunday and Public Holidays, the employer shall pay that employee at least double the amount of the normal standby allowance.
7. Standby allowance will be calculated according to the following formula: (Industrial Council – Natal August 1995)

$$\frac{\text{Annual Salary}}{249} = \text{Daily Salary}$$

Annual Salary

## 20. TELEPHONE USAGE POLICY

### 2. **Scope of the Policy**

The Policy includes the following

- Land Lines
- Use of Fax machines
- Cellular Phones

### 3. **Application of the Policy**

This Policy shall apply to all Councillors and officials of the Municipality, regardless of their designation.

### 4. **Policy Objectives**

- 4.1 To provide guidelines on the management and use of telephone system and cellular phones;
- 4.2 To implement a uniform Telecommunications Policy for officials and Councillors respectively;
- 4.3 To provide fair criteria for the allocation of cellular phone reimbursements;
- 4.4 To ensure the effective and efficient use of municipal telephones;

- 4.5 To ensure the recovery of all costs for the unofficial (private) use of cell phones, land lines and fax machines;
- 4.6 To implement the necessary control measures and reduce costs;
- 4.7 To ensure that only authorised persons use Council's telephones and facsimile machines in the performance of their duties;
- 4.8 To prevent the misuse of the above-mentioned facilities by Councillors and officials of the Municipality.

**5. The Right to use Telephones, Fax Machines and Cellular Phone Facilities**

- 5.1 Council provides its employees with the above-mentioned facilities primarily for official purposes only.
- 5.2 No Councillor of the Municipality has the right to use the above-mentioned facilities for private purposes without approval by the speaker or heads of departments or delegatee.

**6. Delegated Powers**

**The Municipal Manager or delegatee inter alia has the following powers:**

- 6.1 To authorise the installation of telephones and other similar equipment on Council premises.
- 6.2 To authorise the allocation of cellular phones to or the installation of official telephones at the residences of personnel (under certain specific circumstances).

**Powers of the Director: Finance (CFO):**

- 6.3 The **Director: Finance** inter alia has the power to make all payments and recoveries by deductions in accordance with the policies of Council and appropriate legislation.

**8. Telephone Policy**

- ❖ It shall be the responsibility of the Council to provide Municipal offices or a combination of municipal offices with reliable telephone and facsimile service.

**8.1 Restrictions**

- 8.1.1 It is the policy of the Municipality that telephones and facsimiles are to be used primarily for official purposes.
- 8.1.2 The Speaker shall determine which Councilors may have access to telephones in their offices for use in the performance of their official duties.
- 8.1.3 The Municipal Manager (or his/her delegatee) shall determine which officials may have access to telephones in their offices for use in the performance of their official duties.

- 8.1.4 Provision is made for the allocation of a PIN-code to all Councillors and officials within the Municipality. This is to ensure that only Council employees and Councillors utilize official instruments appropriately and to manage the usage of telephones.
- 8.1.5 Councillors and officials are expected to exercise reasonable discretion in using telephones for personal use. Excessive incoming or outgoing personal calls during the workday can interfere with employee productivity and be distracting to others.
- 8.1.6 Personal calls should be kept to a minimum in terms of the number of calls made as well as the duration of calls.
- 8.1.7 Councillors as well as officials are expected to reimburse the Municipality for any personal calls made in accordance with the control measures as set out below.
- 8.1.8 The Speaker shall have the discretion to determine which Councilors shall be allowed to make international, national, provincial and cell phone calls only and telephone lines shall be suitably barred on the basis of this classification.
- 8.1.9 The Municipal Manager or his delegatee shall have the discretion to determine which officials shall be allowed to make international, national, provincial and cell phone calls only and telephone lines shall be suitably barred on the basis of this classification.
- 8.1.10 The Municipal has the right to monitor telephone bills and the usage to determine if misuse or abuse exists.
- 8.1.11 Subject thereto that telephone records be regarded as confidential information and not disclosed to third parties to alleviate liability as regard to the violation of the privacy of individual employees.
- 8.1.12 Councillors and officials should use their land lines as far as possible, to minimise the use of Cellular Phones. This applies also to Councillors and officials within the main centres who should be contacted via the dialled extensions (refer to telephone list) in order to reduce costs.
- 8.1.13 Councilors and officials shall only be entitled to make international calls with the specific approval of the Speaker and Management.
- 8.1.14 The Municipal Manager, his or her delegatee, after considerations of all *bona fide* operational requirements, may deviate from the provisions of this policy.

## **8.2 Telephone Usage Control Measures**

- 8.2.1 The main centres are linked via dialled extensions (refer to telephone list). Telephone calls made between these centres are regarded as internal.
- 8.2.2 At the end of each month, the Switchboard Operator in the main centre shall provide the Director: Financial Services with a complete list of Councilors and officials who have made telephone calls during the month in question, the destination of such call, the cost incurred and its duration.
- 8.2.3 A detailed statement (printout) of all calls made and the total cost thereof would be provided to all Councillors and officials by the Department Financial Services within seven (7) days after the end of the month.
- 8.2.4 All Councillors and officials must identify private calls made and calculate the respective amounts due. The Councillor or official concerned shall be obliged to certify (sign) the printout. The printouts must also be signed and noted by the Executive Director or a person authorized to do so.
- 8.2.5 Signed printouts should be handed to the Finance before the 15<sup>th</sup> of the month. The costs in respect of private calls will be deducted monthly from staff members' salaries.

- 8.2.6 Management (or his/her delegatee) must approve all late submissions.
- 8.2.7 Where no signed printout or approval for late submission has been received, it will be investigated and if necessary disciplinary action will be instituted.
- 8.2.8 The municipality, in compliance with the BCEA, shall deduct any amount due, from an employee in question.
- 8.2.9 All calls exceeding an amount of **R400.00** per month, will, in the absence of an explanation from the councilor/staff member concerned, be deducted from that councilor/staff member's salary.
- 8.2.10 All queries regarding landline telephones must be directed to the Municipal Manager or his/her delegatee.

### **8.3 Facsimile Access**

- 8.4 The nature of fax transmissions makes information sent particularly vulnerable to unintended and unauthorized users. As with other communications related to safeguarding confidential information, the Municipality must reasonably safeguard information sent by fax.
- 8.5 All official faxes must contain an official cover sheet.
- 8.6 All facsimile facilities are provided in all buildings for the purpose of conducting Council business only and per agreement to Union Office Bearers.
  - 8.6.1 Facsimile machines may have the ability to dial national numbers. Only those facilities in secure locations may have international access as determined by the Municipal Manager.

### **8.4 Procedure**

- 8.4.1 All Councillors and officials should take reasonable safeguards to protect facsimile communications by:
  - 8.4.1.1 Ensuring that facsimile machines are located in an area that is not high in personnel or public traffic and is not within view or accessible to visitors.
  - 8.4.1.2 Ensuring that access for certain officials is limited to preserve the protection of confidential information.
- 8.4.2 Take reasonable steps to ensure that the fax transmissions/communications are sent to the intended contacts and destinations by:
  - 8.4.2.1 Refraining from sending highly confidential information via fax.
  - 8.4.2.2 Double-checking fax numbers before sending.
  - 8.4.2.3 Ensuring that copies of all faxes must be sent to registry for filing.

## **8.5. CELL PHONE ALLOWANCE POLICY**

### **PREAMBLE**

The Abaqulusi Local Municipality continuously endeavours to achieve best practice policies and procedures when managing the administration and operations of the assets of the Municipality.

In order to enable and enhance the productivity of the municipality's business units it is critical to make use of the latest means of communication technology. Based on this, cellular phones allowances are allocated for sound business reasons, primarily for receiving business calls and making business calls when not located in the office.

The purpose of this Policy is to provide access to official usage these tools in an effective and efficient manner.

The guiding principles used in developing the Abaqulusi Municipality Cell Phone Policy were sourced from the following legislation and policies:

- Abaqulusi Municipality Supply Chain Management Policy
- Abaqulusi Municipality Asset Management Policy
- Municipal Finance Management Act 56 of 2003
- Municipal Supply Chain Management Regulations 2005
- Municipal Structures Act 117 of 1998
- Municipal Systems Act 32 of 2000
- Abaqulusi Municipality Subsistence and Travel Policy

### **DEFINITIONS**

1. Municipality means the Abaqulusi Local Municipality.
2. Municipal Manager means a person appointed by the municipality in terms of section 54 of the Municipal Systems Act and who is the Head of Administration and also the Accounting Officer for the Municipality.
3. Head of Department means a person appointed by the municipality in terms of section 56 of the Municipal Systems Act and who is the Head of a department within the Abaqulusi Municipality.
4. Level 18-0 means a person appointed by the municipality in terms of Section 57 of the Municipal Systems Act and who is the Head of a Department within the Abaqulusi Municipality.



5. Level 18-0 means an employee appointed by the Abaqulusi Municipality on a post level 18-0 at Manager Level.

6. Level 0-18 means an employee appointed by the Abaqulusi Municipality on a post level 14 at Assistant Manager Level.

7. Other Personnel means any other personnel appointed by the Abaqulusi Municipality on post levels 1 to 16.

## **1. APPLICATION OF THE POLICY**

This Policy shall apply to:

1.1 Municipal Manager.

1.2 Section 56 Managers

1.3 Post Level 14

1.4 Post Level 15

1.5 Post Level 16, and

1.6 Any other official who has received approval from the Municipal Manager for a Cellular Allowance.

## **2. CELLPHONE ALLOWANCE**

All officials must acquire their own cellular phone by means of a contract with a cellular phone service provider.

The user may structure a cellular package that best suits his/her needs, based on personal circumstances. The Municipality recognizes that cell phones are an extension of individuality and as such the user is at liberty to enhance the choice of item through a cash contribution towards the upgrading of available models, currently limited to the extent of allowances received.

The user enters into an agreement/contract with a service provider of his/her choice, i.e. Vodacom, MTN or Cell C, and a copy of such agreement is furnished to the Municipality for validation purposes.

The contract is between the user and the service provider and the user is liable for the payment thereof.

A cell phone allowance that is effected through the payroll system is a taxable allowance and should not be construed as inclusive of a negotiated remuneration package.

The user may recoup depreciation charges, wear and tear allowances on cell phone item from taxable income on completion of yearly statutory tax returns.

The user is responsible for insuring the phone against theft, loss or damage and ensures that the cell phone is available for Council's use at all times, failing which the user will forfeit the allowance.

An allowance will not be granted to employees with no official authorisation to acquire a cell phone allowance for official use. The municipality will not be liable for any costs where an employee obtained a private cellular contract without prior official authorization.

Maintenance and insurance of cellular phones is for the cost of each user.

### **3. PROCEDURE TO BE FOLLOWED WHEN APPLYING FOR A CELLPHONE ALLOWANCE BY OFFICIALS WHO DO NOT RECEIVE A CELLULAR ALLOWANCE. (OTHER PERSONNEL: LEVELS 1-13)**

All applications must be made in writing, supported with a proper motivation, and must be directed to the relevant Head of Department.

The Head of Department must consider the application and make a recommendation to the Municipal Manager.

The application must be submitted to the Executive Director Corporate Services who will support/not support such an application.

Prepaid facilities will be made available to certain members of staff where required and will require approval from the relevant Head of Department.

After approval of such an allowance by the Municipal Manager the following will apply:

#### **CELLPHONE ALLOWANCE**

After approval from Executive Director Corporate Services and the Municipal Manager, Human Resources will submit instruction to the Salary Section informing them to allocate the allowance on the user's salary as specified by the Municipal Manager's approval.

### **4. CONDITIONS AND RESTRICTIONS OF USE**

#### **4.1 CELLPHONE ALLOWANCE**

Officials are provided an allowance in terms of the staff benefits provided by Abaqulusi Local Municipality.

All acquisition costs are for the bill of the individual.

The user enters into an agreement with a cellular service provider.

The contract is between the user and the service provider and the user is liable for the payment thereof.

Cell phone allowances to be effected through the payroll system as a taxable allowance, not construed as inclusive of negotiated remuneration packages.

The user may recoup depreciation charges/ wear and tear allowances on cell phone item from taxable income on completion of yearly statutory tax returns.

International roaming is for officials travelling abroad and must be activated by officials who are travelling abroad.

Only official international calls made by a user will be paid in full by Council upon submission of a comprehensive itemised billing.

The user is responsible for insuring the phone against theft, loss or damage and ensures that the user is contactable at all times for Council purposes.

An allowance will not be granted to employees with no official authorisation to acquire a cell phone allowance for official use. The municipality will not be liable for any costs where an employee obtained a private cellular contract without prior official authorization.

In instances where a particular employee is expected to exceed the approved limits on a continual basis as a result of their job function, a written motivation should be made to the applicable Head of Department to agree on a revised limit.

In instances where a particular employee exceeds the approved limits, a written motivation should be made to the applicable Head of Department/Municipal Manager to recoup the amount in excess of the approved limit provided that these were utilised for business purposes. Proof must be provided by the user, e.g. itemised billing.

## 5. TAX IMPLICATIONS CELLPHONE ALLOWANCE

A fixed monthly cell phone allowance is subject to employees' tax, on the same basis as the equivalent amount of, say, salary. The employee is entitled to claim the cost of business calls against this allowance in the employees' annual tax return.

Section 8 of the Income Tax Act allows the employer to refund an employee for actual expenditure incurred as agent on behalf of the employer. This refund can be made on documentary proof of expenses actually incurred.

## 6. BUDGET PROVISION

A provision for the cell phone allowances will be made on the annual budget and reviewed annually.

Schedule of proposed cell phone allowances

EMPLOYEE DESIGNATION	MONTHLY ALLOWANCE
Municipal Manager	R3,000,00
Chief Financial Officer	R2,500,00
Strategic Executive Directors	R2,500,00
Managers (Section)	R2,000,00
Assistant Managers	R 1000,00
PA to Municipal Manager and Secretaries to the Executive Directors	R1000.00
Employee – Level 1-13 By application	R500.00

Stand-by Personnel	R 250,00 Pay as you go
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To be amended annually

## 21. WORKING HOURS POLICY

### OBJECTIVE

To regulate the working hours in line with the SALGBC collective agreement

### POLICY

All employees are required to work a 40-hour working week except Senior Management, safety and security, and emergency services and employees working less than 40 hours per month.

**Office staff** will start work at 07h30 and finish off at 16h30, with a lunch break of 30 minutes. These hours shall be observed from Monday to Thursday. Friday hours will be 7h30 to 13h30 no lunch break. The lunch break Monday to Thursday will commence at 13h00 and end at 13h30

All field staff will start work at 07h15 and knock off at 16h15 Monday to Thursday with a lunch break from 12h00 to 12h30 and will finish at 13h15 on Fridays.

If Friday falls on a Public Holiday the afternoon off "will fall away"

No overtime is to be claimed for work performed during an afternoon off provided that the Head of Department may sanction alternative afternoons off for field staff retained to perform work during this period

Cashiers, Museum and Library staff and other staff directly rendering service to the public may by Council resolution be required to work flexi hours and on Saturdays but the ordinary hours work will be limited to 40 hours per week.

The hours of work for security, traffic, fire and emergency services is subject to Collective Bargaining on Divisional level and will pending a determination in this regard be a minimum of 42.5 hrs per week. These employees may be required to work shifts and senior staff may be required to perform standby duties.

Management must keep a full record of employee's attendance at work, inclusive of breaks and attendance registers must be maintained in this regard.

Registers must be ruled off at starting time on a daily basis and attendance must be analysed on a weekly basis.

Appropriate steps must be taken against defaulters.

## 22. PERFORMANCE MANAGEMENT POLICY

### 1. PART ONE: APPROACH TO PERFORMANCE MANAGEMENT

#### 1.1 DEFINITIONS

Annual Report	In relation to a Municipality means an annual report contemplated in section 121 of the Municipal Finance Management Act.
Balance Scorecard	Is a conceptual framework enabling an organization in clarifying its vision and strategy, thus effectively translating them into action. This performance management approach provides feedback around both the internal processes and external outcomes, essentially focusing on four indicators: Customer Perspective, Internal-Business Processes, Learning and Growth and Financials.
Current Year	Means the financial year which has already commenced, but not yet ended.
Section 54A/56 Employee	Means a person employed by a Municipality as a Municipal Manager or as a Manager directly accountable to a Municipal Manager and for which there is a Performance Agreement.
Evaluation	Evaluation is a time-bound and periodic exercise that seeks to provide credible and useful information to answer specific questions to guide decision-making by staff/ managers and policy-makers. Evaluation may assess relevance, effectiveness, efficiency, impact and sustainability of the institution and officials.
Indicators	Indicators are pieces of objective evidence that tell us whether progress is, or is not being made in achieving goals.
Input indicator	Means an indicator that measures the costs, resources and time used to produce an output.
Inputs	The resources, physical, financial or otherwise that contribute to the delivery of outputs. In other words, "what we use to do the work."
Key Performance Area (KPA)	This is the area in which the Municipality plays a role towards delivering services. These may include Infrastructure and Engineering, Community Planning and Safety, Strategic and Corporate Services, Social and Economic Development, Institutional Transformation, Governance and Financial Management, amongst others.

Key Performance Indicators (KPI)	Key Performance Indicators will be determined in respect of each development priority and objective. These indicators are subject to public Participation and will be used by each Department as well as each municipal entity where applicable. These are quantifiable measures which show where performance currently is in relation to the baseline and the target. This describes the measure in a clear, simple and precise manner.
Local Community or Community	In relation to a Municipality, means that body or persons comprising – the residents of the Municipality the ratepayers of the Municipality any civic organisations and non-governmental, private sector or labour organisations or bodies which are involved in local affairs within the Municipality.
MEC for Local Government	Means the MEC responsible for Local Government in a province.
Monitoring	Monitoring involves collecting, analysing and reporting on inputs, activities, outputs and outcomes in a way that supports effective management. Monitoring, aims to provide managers, decision-makers and other stakeholders with regular feedback on progress in implementation, results and early indicators of problems that need to be corrected. It usually reports on actual performance against what was planned or expected.
Municipality	When referred to as – an entity, means a Municipality as described in section 2; and A geographical area, means a municipal area determined in terms of the Local Government: Municipal Demarcation Act. 1998 (Act No. 27 of 1998).
Municipal Council or Council	Means a municipal Council referred to in section 157(1) of the Constitution.
Municipal Finance Management Act	Means the Local Government: Municipal Finance Management Act, 2003, and any regulations made under that Act.
Municipal Structures Act	Means the Local Government: Municipal Structures Act. 1998 (Act 117 of 1998).
Municipal Systems Act	Means the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000).
Objective	An objective is a projected goal that a person, system, or organisation plans or intends to achieve
Outcomes	Refer to the ultimate effects of government activities on society in the medium to long term. These are the results of specific outputs for strategic goals identified in the IDP.

Outcome indicator	Means an indicator that measures the quality and or impact of an output on achieving a particular objective.
Output indicator	Means an indicator that measures the results of activities, processes and strategies of a program of a Municipality.
Outputs	Goods and services produced by the Municipality which are identified by the Performance measures. Outputs may be defined as “what we produce Or deliver”.
Performance Audit Committee	An independent committee appointed to assess the annual performance of the Municipality and report on the findings.
Performance Agreement	Means an agreement as contemplated in Section 57 of the Municipal Systems Act.
Performance Plan	Means a part of the performance agreement which details with the Measurable objectives (Outputs), Performance Measures (KPI's), targets and activities that are aligned to the Scorecards.
Political office bearer	Means the Speaker, Executive Mayor, Mayor, Deputy as referred to in the Municipal Structures Act.
Quarters	Means any of the following periods in a financial year: <ul style="list-style-type: none"> <li>• 1 July to 30 September;</li> <li>• 1 October to 31 December;</li> <li>• 1 January to 31 March;</li> <li>• 1 April to 30 June.</li> </ul>
Scorecard	Is an evaluation device that specifies the criteria that stakeholders will use to rate performance in satisfying their requirements. Organisational Scorecard: Annual (Year under review) Scorecard with Quarterly Targets. Departmental Scorecard: Annual (Year under review) Scorecard with Quarterly Targets for Municipal Manager and Managers reporting to the Municipal Managers', Departments/Votes.

Service Delivery and Budget Implementation Plan	Means a detailed plan approved by the Mayor of a Municipality in terms of section 53(1) (c) (ii) of the Municipal Finance Management Act for implementing the Municipality's delivery of municipal services and its annual budget, and which must indicate – projections for each month of – revenue to be collected, by source; and operational and capital expenditure, by vote; service delivery targets and performance indicators for each quarter; and any other matters that may be prescribed, and includes any revisions of such plan by the Mayor in terms of section 54(1)(c) of the Municipal Finance Management Act.
Target	Target to be achieved for that indicator over the specified timeframe.

## 1.2 INTRODUCTION

A Municipality's Performance Management System (PMS) is the primary mechanism to monitor, review, and improve the implementation of its IDP and to gauge the progress made in achieving the objectives set out in the Integrated Development Plan (IDP). In addition, a Municipality's PMS must also facilitate increased accountability, learning, improvement, provide early warning signals and facilitate decision-making.

The performance management system monitors actual performance against set targets and contractual obligations. Effective service delivery relies upon the IDP, efficient utilisation of all resources and the performance management system being closely integrated across all functions at an organisational and individual level.

This documents sets out:

- The legislative mandates that the PMS needs to comply with;
- The definition of a PMS, its objectives and the principles that will inform its use and continuous improvement;
- The process proposed for reviewing and implementing organizational performance management ; and
- The process proposed for reviewing and rolling out individual performance management

The organizational and individual performance management are linked. Once organizational objectives and targets have been set for the municipality, municipal departments and business units. In turn, the individuals, business units and departments, by achieving their objectives and targets, contribute towards the Municipality achieving the objectives of the IDP.

## 1.3 LEGISLATIVE MANDATES

### 1.3.1 The Constitution of the Republic of South Africa No. 108 of 1996

Chapter 10 Section 195(1) –Basic values and principles governing public administration.



- Good human resources management and career development Practices, to maximise human potential, must be cultivated
- Effective and efficient use of resources must be promoted and
- Public administration must be accountable

### **1.3.2 The White Paper on Local Government (1998)**

The White Paper on Local Government (1998) suggests that local government should introduce the idea of *performance management systems*.

It states that a performance management system would provide early warnings where municipalities are experiencing difficulties, and enable other spheres of government to provide appropriate support before a crisis develops.

The white paper acknowledges that, "involving communities in developing some municipal key performance indicators increases the accountability of the municipality. Some communities may prioritise the amount of time it takes a municipality to answer a query, others will prioritise the cleanliness of an area or the provision of water to a certain number of households. Whatever the priorities, by involving communities in setting key performance indicators and reporting back to communities on performance, accountability is increased, and public trust in the local government system enhanced" (The White Paper on Local Government, 1998).

### **1.3.3 Municipal Systems Act (Act No 32 of 2000)**

Chapter 6 of the Municipal Systems Act, and specifically Sections 38 to 49, deal with organisational performance management. These legislative mandates require of all municipalities to:

- Development of a performance management system;
- Monitoring and review of performance management system;
- Setting of key performance indicators and performance targets,
- Publish an annual report on performance for the benefit of the communities served by the Municipality;
- Incorporate and report on a set of general key performance indicators prescribed nationally by the Minister responsible for local government;
- Auditing of performance measurement both internally and externally;
- Annual reporting on performance.

Chapter 7 of the Municipal Systems Act deals with local public administration and human resources. In particular, section 57 of this Chapter requires that the Municipal Manager and those officials reporting directly to the Municipal Manager (i.e. Section 56 employees) sign annual performance agreements. An individual performance plan must be attached to the performance

agreement and it must include a set of performance measures that will enable actual performance of individuals to be assessed against planned performance.

#### **1.3.4 Local Government: Municipal Planning and Performance Management Regulations, 2001**

These Regulations were passed by the Minister responsible for local government in terms of Section 49 of the Municipal Systems Act. These Regulations spell out the performance management responsibilities of municipalities in more detail. They deal with:

- The nature of the PMS;
- The adoption of the PMS;
- The setting of key performance indicators;
- The general key performance indicators published by the Minister, which reflect the object of developmental local government;
- The review of key performance indicators;
- Setting of performance targets;
- Monitoring, measurement and review of performance; internal auditing of performance measurements; and Community participation.

The regulations further instruct a municipality to ensure that its performance management system:

- Complies with the requirements of the Act;
- Demonstrates how the system will operate and be managed from the planning stage up to the stages of performance and reporting;
- Clarifies the roles and responsibilities of each role player, including the local community, in the functioning of the system;
- Determines the frequency of reporting and the lines of accountability for performance;
- Relates to the municipality's employee performance management processes;
- Provides for the procedure by which the system is linked to the municipality's Integrated Development Planning processes;
- A performance management system must be adopted before or at the same time as the commencement by the municipality of the process of setting key performance indicators and targets in accordance with its integrated development plan.

The implementation of the performance management framework should allow the municipality to collect, process, organize, analyse, audit, reflect and report on performance information. It should also allow the municipality to take practical steps to improve its performance

#### **1.3.5 Local Government: Municipal Performance Management Regulations, 2006**

The Local Government Municipal Performance Regulations for municipal managers and managers directly accountable to municipal managers (Government Gazette No.29089, 1 August 2006), sets out how the performance of Section 56 staff will be uniformly directed, monitored and improved. The regulations address both the employment contract and performance agreement of municipal managers and managers directly accountable to municipal managers. It further provides a

methodology for the performance management system as well as criteria for performance bonus payments. The regulations also provide an approach for addressing under-performance, should this occur. The regulations will be discussed in greater detail in a later section of this framework document.

## **1.4 DEFINITION AND OBJECTIVES OF PERFORMANCE MANAGEMENT (PMS)**

### **1.4.1 DEFINITION OF PMS**

Performance management is defined as: “a strategic approach to management, which equips leaders, managers, employees and stakeholders at different levels with a set of tools and techniques to regularly plan, continuously monitor, periodically measure and review performance of the organisation in terms of indicators and targets of efficiency, effectiveness and impact.”

### **1.4.2 OBJECTIVE OF PERFORMANCE MANAGEMENT**

The objectives of performance management are, inter alia to:

#### **1.4.2.1 Facilitate increased accountability**

The PMS should provide a mechanism for ensuring increased accountability between:

- The citizens of the Local Municipality and the Municipal Council;
- The political and administrative components of the Municipality; and
- The Office of the Municipal Manager and each municipal department.

#### **1.4.2.2 Facilitate learning and improvement**

The PMS must also provide a platform for learning and improvement. It should enable the Municipality to assess which approaches and methods are having the desired impact and in this way enable the Municipality to make the necessary improvements that will lead to more effective service delivery. It should form the basis for monitoring implementation, evaluating and improving the IDP.

#### **1.4.2.3 Provide early warning signals**

The PMS should provide managers and supervisors at all levels, the Municipal Manager, Portfolio Committees and the Council with early warning of performance targets that are not going to be reached and thus adversely affecting the implementation of the IDP. It is important that the system informs decision makers of areas of delivery that are lagging behind so that they can intervene and take corrective action as required.

#### **1.4.2.4 Facilitate decision making**

The PMS should provide suitable management information that will allow for efficient, effective and informed decision making, particularly on the allocation of resources.

The objectives listed above are not exhaustive, but briefly summarize the intended benefits of the PMS that is to be reviewed and implemented. These intended objectives, together with other criteria, should be used to evaluate the PMS at the end of each financial year.

### **1.5 PRINCIPLES OF PERFORMANCE MANAGEMENT**

The following principles are proposed to inform and guide the review and implementation of the Abaqulusi Local Municipality's PMS:

#### **1.5.1 Simplicity**

The system must be a simple user friendly system that enables the Municipality to operate it with its existing resources with the involvement of external stakeholders.

#### **1.5.2 Politically driven**

The legislation requires the PMS to promote a culture of performance management in the political structures. It further states that Council must manage the development of the PMS and assign responsibility in this regard to the Municipal Manager. Once developed, Council must adopt the PMS. This means that Council is the owner of the system and must therefore oversee the implementation and improvement of the system and in the process inculcate a culture of performance improvement as is required by the Municipal Systems Act.

#### **1.5.3 Incremental implementation**

One of the most important lessons learnt by municipalities that have developed and implemented successful PMSs is that it is an incremental process. They point out that the most important thing to do is to start measuring and reporting performance and not to carry on developing the "best" system – start with a basic system, implement it and then improve it incrementally. It is not possible to transform overnight from close to noncompliance to international best practice. In practice it is only possible to move gradually towards a high performance organisation.

#### **1.5.4 Transparency and accountability**

The process of managing performance should be inclusive, open and transparent. Citizens should know how departments within the municipality are run, how resources are spent, and who is in

charge of particular services. Similarly all information on the performance of departments should be available for other managers, employees, the public and interest groups.

#### **1.5.4 Integration**

The PMS should be integrated into other management processes in the municipality, such that it becomes a tool for more efficient and effective management rather than an additional reporting burden. It should be seen as a central tool for managing the affairs of the Municipality.

#### **1.5.5 Objectivity**

Performance management must be founded on objectivity and credibility. Both the process of managing performance and the information on which it relies need to be objective and credible

## **2. PART TWO: ORGANISATIONAL PERFORMANCE MANAGEMENT**

### **2.1 INTRODUCTION**

At this level the performance of the municipality is measured and managed against the progress made in achieving the strategic objectives as set out in Integrated Development Plan (IDP). This is done on the basis of the Key Performance Indicators set for each of the IDP objectives.

The measures set at this level should be strategic and mostly long-term with an outcome and impact focus. The IDP has a five-year time span and the measures set at this level must be captured in an organisational scorecard.

### **2.2 PLANNING**

Performance planning commences with the development or review of the Integrated Development Plan, at the beginning of the term of council or as part of the annual review of the IDP. The IDP in fact constitutes an important part of the PMS and it is important to integrate the work done during the review of the IDP into the PMS and to ensure that the PMS is an extension of the IDP – it is the tool that is used for monitoring the implementation of the IDP.

The municipal council will, as prescribed in its IDP process plan, adopt:

- The PMS framework;
- The municipal strategic balanced scorecard which outlines IDP priorities and objectives;
- Service Delivery and Budget Implementation Plans (SDBIPs) which outlines municipal initiatives, programmes, projects, services, key performance indicators, performance targets and budget summaries.

The municipality must involve the community in the development of the performance management system, setting of KPIs and performance targets in accordance with section 9 and 15 of the Local Government: Municipal Planning and Performance Management Regulations, 2001.

### **2.3 IMPLEMENTATION**

The actual implementation and operation of the PMS occurs simultaneously with the implementation of the IDP. The implementation of the IDP over a single financial year is given effect through the Service Delivery Budget Implementation Plan (SDBIP), scorecards, performance contracts of the Municipal Manager and other S56 Managers. The Service Delivery Budget Implementation Plan (SDBIP) is the implementation tool used to align the budget to the IDP. The focus of the SDBIP is both financial and non-financial measurable performance objectives in the form of service delivery targets and other performance indicators.

The SDBIP is essentially the management and implementation tool which sets in-year information, such as quarterly service delivery and monthly budget targets, and links each service delivery output to the budget of the Municipality, thus providing credible management information and a detailed plan for how the Municipality will provide such services and the inputs and financial resources to be used.

The key performance areas and indicators of performance contained in the organizational scorecard are cascaded into departmental scorecards, and further into individual scorecards which ensure the appropriate alignment between organizational and individual performance.

### **2.4 MEASUREMENT**

Measurement occurs when value is ascribed to costs, resources and time used to produce output using input indicators. It indicates the extent to which municipalities' activities and processes produced outputs in accordance with the identified output indicators. It measures the total improvement brought about by outputs in accordance with outcome indicators.

### **2.5 MONITORING**

Monitoring is a continuous process of measuring, assessing, analysing and evaluating the performance of the organization and departments with regard to KPIs and targets. The municipality must develop mechanisms, systems and processes for monitoring performance.

The monitoring framework must:

- Identify the roles of the different role players in monitoring and measuring the Municipality's performance;
- Provide for reporting to the municipal Council at least twice a year;
- Be designed in a manner that enables the Municipality to detect early indications of under-performance;
- Provide for corrective measures where under- performance has been identified; and

### **2.6 REVIEW**

Review includes assessment of the system itself, the framework, targets, and performance targets of departments and performance measurement of employees. It identifies the strengths, weaknesses, opportunities and threats of the municipality in meeting key performance indicators, performance targets and general key performance indicators. It also measures the economy, efficiency, effectiveness in the utilization of resources and impact in so far as performance indicators and targets set by the

municipality are concerned. Performance improvement and adjustment is based on review. The municipality should ensure that the community participates in the review process.

## **2.7 PERFORMANCE AUDITING**

The Municipal Planning and Performance Management Regulations, 2001, requires municipalities to develop and implement mechanisms, systems and processes for auditing the results of the performance measurements as part of its internal auditing processes. This is meant to ensure that performance information collected by the municipality is verifiable, reliable and correct.

### **2.7.1 INTERNAL AUDITING**

The Regulations provides that the internal audit activity must include assessments of the following:-

- The functionality of the municipality's performance management system;
- Whether the performance management system complies with the relevant provisions of the Municipal Systems Act, 2000;
- The extent to which the municipality's performance measurements are reliable in measuring performance.
- On a continuous basis, audit the performance measurements of the municipality;
- Submit quarterly reports on their audits to the Municipal Manager and the Performance Audit Committee.

### **2.7.2 EXTERNAL AUDITING**

The results of performance measurements must be audited annually by Auditor-General.

### **2.7.3 PERFORMANCE AUDIT COMMITTEE**

**2.7.3.1** The Regulations further provides for the creation of a Performance Audit Committee:

- The municipality must annually appoint and budget for a Performance Audit Committee of at least three members, the majority of which cannot be a councillor or an official of the municipality;
- Any external member of the committee may be remunerated in line with tariffs determined by the South African Institute of Chartered Accountants;
- A municipality must provide secretariat services for its audit committee;
- The Performance Audit Committee must meet at least twice during the financial year, but a special meeting may be called by any member of the committee.

**2.7.3.2** The roles and responsibilities of the Performance Audit Committee are the following:

- Review the quarterly reports submitted to it by the Internal Audit Activity;

- Review the municipality's performance management system and make recommendations in this regard to the council of that municipality;
- In its review of the system, focus on economy, efficiency, effectiveness and impact of the KPIs and targets set; and
- Submit an audit report to the municipal council twice during a financial year.

**2.7.3.3** In order to fulfil their functions, a Performance Audit Committee may:-

- Communicate directly with the Council, Municipal Manager or the Internal Auditors of the municipality;
- Access any municipal records containing information that is needed to perform its duties or exercise its powers;
- Request any relevant person to attend any of its meetings, and if necessary to provide information needed by the committee; and
- Investigate any matters it deems necessary for the performance of its duties and the exercise of its powers.

**2.7.3.4** The composition of the Performance Audit Committee should ensure that the following competencies are sufficiently catered for within the group:

- Expertise in performance management;
- Expertise in finance;
- An understanding of development planning; and
- Credibility within all communities and organs of civil society within the municipality.

### **3. PART THREE: INDIVIDUAL PERFORMANCE MANGEMENT**

#### **3.1 INTRODUCTION**

At this level, the performance of individuals is measured against personal performance targets, set in accordance with their job descriptions. These targets are also linked to the IDP and relevant department's SDBIP, in this way ensuring that performance management at the various levels is linked and integrated.

#### **3.2 SECTION 54A AND 56 EMPLOYEES**



**3.2.1** The performance agreements of the Municipal Manager and those managers reporting directly to the Municipal Manager, is the cornerstone of individual performance management.

**3.2.2** In terms of Section 57 of the Municipal Systems Act these employees are required to sign a performance agreement within a reasonable time after assuming duty and then within one month after commencement of the new financial year.

**3.2.3** The performance agreement should be informed by the departmental and municipal scorecards and the content of the performance agreement should include the following:

- The legal agreement to be signed by the employer and the employee, a template of which is attached at Annexure A.
- A performance plan containing key objectives, key performance indicators, performance targets (outputs) and the weighting of each output.
- A personal development plan that identifies the competencies and other development needs of the employee, as well as interventions to improve these. Refer to the suggested template at Annexure B.

**3.2.4** The criteria upon which the performance of the employee must be assessed consist of two components, both of which must be contained in the performance agreement. The employee must be assessed against both components, with a weighting of 80: 20 allocated to the Key Performance Areas (KPAs) and the Core Competency Requirements (CCRs), respectively. Each area of assessment will be weighted and will contribute a specific part to the total score. KPAs covering the main areas of work will account for 80 % and CCRs will account for 20 % of the final assessment.

**3.2.5** The employee's assessment will be based on his or her performance in terms of the outputs/outcomes (performance indicators) identified as per the performance plan which are linked to the KPA's, which constitute 80 % of the overall assessment result as per the weightings agreed to between the employer and employee.

### **3.3 PERFORMANCE REVIEWS**

**3.3.1** The performance of the employee in relation to his or her performance agreement must be reviewed quarterly, with the understanding that reviews in the first and third quarter may be verbal if performance is satisfactory.

**3.3.2** The employer must keep a record of the mid-year review and annual assessment meetings.

**3.3.3** Performance feedback must be based on the employer's assessment of the employee's performance.

**3.3.4** The employer will be entitled to review and make reasonable changes to the provisions of the performance plan from time to time for operational reasons on agreement between both parties.

**3.3.5** The employer may amend the provisions of the performance plan whenever the performance management system is adopted, implemented and/or amended as the case may be on agreement between both parties.

### **3.4 MANAGEMENT OF EVALUATION OUTCOMES**

**3.4.1** Evaluation of the employee's performance will form the basis for rewarding outstanding performance or correcting unacceptable performance.

**3.4.2** A performance bonus ranging from 5% to 14% of the all-inclusive remuneration package may be paid to an employee in recognition of outstanding performance. In determining the performance bonus the relevant percentage is based on the overall rating, calculated by using the applicable assessment-rating calculator; provided that:-

- a score of 130% to 149% is awarded a performance bonus ranging from 5 % to 9%;and
- a score of 150% and above is awarded a performance bonus ranging from 10% to 14%.

**3.4.3** In the case of unacceptable performance, the employer shall:-

- provide systematic remedial or developmental support to assist the employee to improve his or her performance; and
- After appropriate performance counselling and having provided the necessary guidance and/or support and reasonable time for improvement in performance, and performance does not improve, the employer may consider steps to terminate the contract of employment of the employee on grounds of unfitness or incapacity to carry out his or her duties.

## **4. PART FOUR: PERFORMANCE MANAGEMENT STANDARD OPERATING PROCEDURE**

### **4.1 INTRODUCTION**

By definition, Standard Operating Procedures (SOP's) within the context of Performance Information and Portfolio of Evidence, is a written description of steps for all significant activities relating to the practice of Management of Information. SOP's should accurately reflect good information management practices, be sufficiently practical and be usable in the municipal environment. Good management practices relate to general aspects of performance management functions including data collection, compilation, analysis, storage, data processing, record storage, handling of urgent data requests/needs, management of the devices, tools, appliances used to manage data.

## 4.2 BENEFITS OF STANDARD OPERATING PROCEDURES

There are several benefits in having generic SOP's; these include among others the following:

- Harmonisation of performance management reporting procedures to ensure effective and efficient coordination in the development of Portfolio Of Evidence (POE's);
- Validity and credibility of reported actual on reporting templates is enhanced by signing off by the respective incumbent preparing the reported information, including the Manager (head of section) and the Director (head of department);
- Ensures better alignment between reported actual and source document (POE);
- Improve attainment of organisational targets;
- Improve outcomes of audit processes as a standardized POE will be implemented for all user departments;
- Improve better alignment with legislation governing organisational performance, i.e. MFMA, MSA and Performance management regulations, and;
- Effective accountability will be displayed during performance assessments as incumbents and supervisors will both be reliant on the POE during their respective performance assessments.

## 4.3 DOCUMENTING A PERFORMANCE MANAGEMENT SYSTEM IN ABAQULUSI MUNICIPALITY

Process	Activity	Responsibility	Time-frame
1. Compilation	All Departments are to complete their quarterly reports in terms of the SDBIP in a standard prescribed format.	Strategic Executive Directors and Managers	Within 5 days after the quarter has ended
2. Collection	Portfolio of Evidence is to be collected in support of all reported Targets that have being Achieved/Met	Managers	Within 10 days after the quarter has ended
3. Verification	Directors are to validate, verify and sign of Confirmation Certificate to ascertain all reported information prior to submission	Directors	Within 15 days after the quarter has ended
4. Submission	Departments are to submit departmental quarterly reports together with their POEs to Performance Management Unit.	Directors	Within 15 days after the quarter has ended
5. Consolidation	PMS Unit to consolidate all departments quarterly reports and prepare the Municipal Qualitative and Quantitative Performance Management Quarterly Report and submit to	PMS Manager	Within 20 days after the quarter has ended

	Internal Audit		
6. Auditing Process	Internal Audit to audit all quarterly Reports together with POE	Internal Audit Manager	Within 40 days after the quarter has ended
7. Feed-back	Internal Audit Report on Performance of Information submitted to Municipal Manager and All Departments	Internal Audit Manager	Within 50 days after the quarter has ended
8. Implementation of Corrective Measures	Municipal Manager to monitor the implementation of the Corrective Measures as identified in the Internal Audit Report	Municipal Manager	Within 90 days after the quarter has ended

## 5. PART FIVE: PERFORMANCE MANAGEMENT CYCLE

### 5.1 ANNUAL PERFORMANCE MANAGEMENT CYCLE

STEP	ACTIVITY	TARGET DATE / FREQUENCY	APPLICABLE SECTION
1	<p>Municipality prepares and adopt the IDP, Organisational Scorecard and Budget to be implemented during the following financial, and adopted by Council in May / June respectively.</p> <p>Municipality prepares and adopt the Service Delivery and Budget Implementation within 28 days after the adoption of the budget, for implementation during the following financial year, which serves to monitor the implementation of the IDP and Budget.</p> <p>The municipality prepares and submit the draft and final annual performance agreements for the next financial year to the Mayor, informed by the Service Delivery and Budget Implementation Plan for the Municipal Manager and Managers reporting directly to the Municipal Manager, to monitor and review departmental and organizational performance.</p>	<p>May / June</p> <p>June</p> <p>July</p>	<p>Section 34 of the MSA MFMA 16(2), 17 &amp; 87(3)</p> <p>MFMA 69(3)(a) MFMA 53(1)(c)(ii)</p> <p>MFMA 69(3)(b) MFMA 53(3)(b)</p>
2	<p>Senior Technicians from technical services department conducts weekly / monthly site inspections (i.e. quality and verify the scope of work done) over and above the consultants appointed by the municipality that are full time on site to check the quality, scope of work and progress to date in relation to the targets of the Service Delivery and Budget Implementation.</p> <p>Heads of Departments and Middle Managers manage and monitor the implementation of the programmes and projects as per the Service Delivery and Budget Implementation Plan targets.</p>	<p>Weekly / Monthly</p> <p>Monthly / Quarterly</p>	<p>Regulations Guidelines MFMA Circular Guidelines</p>

<p>3</p>	<p>Consultants together with the Technicians compile independently monthly / quarterly reports and be submitted to the Executive Manager Technical Services. The Executive Manager Technical Services scrutinize and verify the reports, and also check alignment with the targets as per the Service Delivery and Budget Implementation of Technical Services department. Once satisfied that the reports are accurate, the reports of Consultants and Technicians are reconciled.</p> <p>In case the Executive Manager: Technical Services is not satisfied that the reports submitted by the Consultants and Technicians are not accurate, the reports are deferred back to the compilers in order to be re-checked and re-compiled.</p> <p>The other Heads of Departments compile monthly / quarterly reports emanating from the sections of each department, they also scrutinize and verify the reports received from the sections, and also check alignment with the targets as per SDBIP. Once satisfied that the reports are accurate, the reports of the sections are reconciled and culminate into a departmental quarterly performance report.</p>	<p>Monthly / Quarterly</p> <p>Monthly</p> <p>Monthly / Quarterly</p>	<p>Regulations Guidelines MFMA Circular Guidelines System of Delegations Guidelines</p>
<p>4</p>	<p>The Executive Manager: Technical Services convenes monthly / quarterly staff meetings between the Technicians and Consultants whereby discrepancies identified by Executive Technical Services and corrective measures taken. Same applies with the other heads of departments where they would convene monthly meetings to discuss and verify the monthly and quarterly performance reports prior to submission to the Municipal Manager.</p>	<p>Monthly / Quarterly</p>	<p>Regulations Guidelines MFMA Circular Guidelines System of Delegations Guidelines</p>
<p>5</p>	<p>The Executive Managers prepares monthly / quarterly performance reports containing the projections and actuals in terms of expenditure and performance, and reports are submitted to the Municipal Manager for his consideration.</p> <p>The Municipal Manager submits the quarterly performance reports received from the departments to the IDP/PMS Unit for verification purposes, prior to being submitted to the Internal Audit unit for</p>	<p>Monthly / Quarterly</p>	<p>2006 Performance Regulations</p> <p>S 49 of the MSA</p>

	auditing purposes, and then subsequently conducts the quarterly performance assessments with the IDP/PMS Unit to determine whether the targets for the quarter under review have been achieved or not, in cases where they have not been achieved, corrective measures are being taken.	Quarterly	
6	The IDP/PMS Unit prepares the quarterly and mid – year performance reports in terms of the Organizational Scored and Service Delivery and Budget Implementation Plan emanating from the reports of all the departments, which provides progress to date in terms of implementation of various programmes and projects, and corrective measures thereof relating to underperformance, and be tabled to Performance Audit Committee, MPAC, ExCo and Council for consideration.	Quarterly / Mid - Year	Section 72 of the MFMA 2006 Performance Regulations S 49 of the MSA
7	<p>On annual basis, the Heads of Departments prepare and submit annual departmental performance reports for the year under review to Municipal Manager for assessment, verification and consideration with portfolio of evidence.</p> <p>The annual departmental performance reports indicate progress made in terms of implementation of various programmes and projects, and also provide highlights of significant achievements, challenges thereof and corrective measures to be implemented during the next financial year. These reports also serve as a base for developing the targets to be achieved during the following financial year.</p> <p>The Municipal Manager submit these reports to the Internal Audit Unit for auditing purposes, prior to convening a meeting of the assessment committee to assess the performance of the Municipal Manager and Managers directly accountable to the Municipal Manager.</p> <p>The IDP/PMS Unit utilises the departmental annual performance report to prepare a consolidated annual performance report which is being prepared as required in terms of 46 of the MSA, which also form part of the Annual Report, for submission to the Audit Committee and Auditor General for auditing purposes.</p>	<p>Annually – July</p> <p>July</p> <p>August</p>	<p>S 28 of the 2006 Performance Regulations</p> <p>System of Delegations Guidelines</p> <p>Section 46 of the MSA</p>
	A consolidated annual performance report which serves as a	August	Section 46 of the MSA

8	<p>Section 46 annual performance report as required in terms of the MSA, which also forms part of the Annual Report and is submitted to the Audit Committee for consideration with the financial statements.</p> <p>The Annual Performance Report with the financial statements subsequently submitted to the Auditor General for auditing purposes with the portfolio of evidence to serve as proof of meetings the targets.</p>	August	<p>MFMA 126(1)(a)</p> <p>MFMA 126(1)(a)</p>
9	<p>Subsequent to the auditing process, the annual performance report which forms part of the annual report and the mid - year performance report are submitted to Council in January of each year for approval.</p> <p>After approval by Council in January, Council gives authority for the Annual Report to be forwarded to the Auditor-General, Provincial Treasury, National Treasury and the Department of Co-operative Government and Traditional Affairs for comments an inputs, and also be advertised for public comments and inputs as required in terms of the provisions of Municipal Finance Management Act, 56 of 2003; and also be made in public for comments and inputs.</p>	<p>January</p> <p>January</p>	<p>Section 72 of the MFMA S 127 of the MFMA MFMA 127(5)</p>
10	<p>The Annual Report which has the annual performance report is submitted to the Municipal Public Accounts Committee to assess the Annual Report and then prepare an Oversight report during February / March, for submission to Council during March for adoption</p>	February / March	<p>S 129 of the MFMA MFMA 129(1)</p>
11	<p>Comments received from the Auditor-General, Provincial and National Treasury and the Department of Co-operative Government and Traditional Affairs and the community are then considered.</p>	March	MFMA 127(5)
12	<p>The Annual Report with the Oversight Report from the Municipal Public Accounts Committee is then submitted to Council during March for adoption, and subsequently submitted to the Provincial Legislature, COGTA, NT and PT for consideration.</p>	March	<p>MFMA 129(1) MFMA 129(2)(b)</p>
13	<p>Submit minutes of meetings where annual report is discussed to the Provincial Treasury and Department of C-operative</p>	March	MFMA 129(2)(b)





## 23. INCAPACITY POLICY

### Introduction

It is important that employees perform optimally in the workplace and address issues relating to Incapacity. AbaQulusi Local Municipality is committed to ensuring this is achieved.

### Objectives

- Assist employees to overcome poor performance.
- Promote efficient and effective performance.
- Avert and correct inadequate performance.
- Ensure that the employer and employees share a common understanding of incapacity.
- Prevent arbitrary or discriminatory action by the employer toward employees.
- Give reasonable assistance to employees who are under performing in accordance with the needs of their jobs.
- Promote mutual respect between employees and between employer and employees.
- Support constructive labour relations in Local Government.

### Codes, Rules and Standards

The Code of Good Practice contained in Schedule 8 of the Labour Relations

Act of 1995, in so far as it relates to incapacity, constitutes part of this code and procedures.

In applying this procedure, management must assess the incapacity by considering:

- The extent to which the incapacity impacts on the Municipality, the employee's components, colleagues, and public.
- The extent to which, the employee fails to meet the required performance standards established by the Municipality.
- The extent to which the employee lacks the necessary skills to perform in accordance with the employee's job description.
- The nature of the employees work and responsibilities, and
- The circumstances of the employee.

## Procedure for employees in respect of poor performance

If the employee's supervisor is of the view that the employee, whether on probation or permanent is not satisfactorily performing his/her duties and responsibilities per the job description, the Supervisor should:

- Give written reasons why it is necessary to initiate the procedures relating to incompetence or underperforming.
- After serving the written reasons, meet with the employee and if necessary, the employee's trade union representative and/or a fellow employee may attend.
- It is the Supervisor's responsibility to do the following:
  - Explain the requirements, grade, competencies skills and nature of the job
  - Evaluate the employee's performance in relation to the requirements of the job.
  - Indicate reasons for perceived poor performance
  - Obtain response from the employer regarding his performance in relation to the requirements for the job, and if the employee agrees she/he has not performed in accordance with the requirements of the job, request reasons for the unsatisfactory performance.
- This should be followed by a report to the respective Head of Department informing him/her of the employee's incapacity to perform.
- After hearing the employee's standpoint, where the Head of Department with including the Municipal Manager deems it necessary, she/he should develop and initiate a formal programme of counselling and remedial plan to enable the employee to attain the required standard of performance, which must include:
  - Agreement with the employee the timeframe for the employee to improve his/her work performance, on the basis of the assessment
  - If necessary, identify and provide appropriate training to reach the required standard of performance, and
  - Determination of measures to address any inhibiting factors that are beyond the employee's control and may affect the employee's performance.
- If the poor performance of the employee is not remedied within the time frame the Head of Department should:
  - Give the employee a written report on the outcome of the procedure, and
  - Consult again with the employee to explain the outcome of the procedures, and on measures to address any problems indicated in the report.
- After consulting with the employee, the Head of Department or the Municipal Manager should consider whether:

- To continue to give employee the appropriate guidance, support and counselling and establish a further appropriate period for the employee to meet the required standard of performance.
  - To mentor the employee
  - To place the employee in a more appropriate post, or
  - To terminate for incapacity whereby the Disciplinary Procedure will come into effect.
- 
- Before exercising the option of dismissal or placement in an alternative post, the supervisor should give the employee a hearing an opportunity to discuss the issues in not meeting the required standards all documentary proof of non performance to be on hand to support the dismissal.
  - The employer may only place an employee in a post that has a lower pay, if the employee agrees to such steps.

## 23. TRAINING AND DEVELOPMENT POLICY

### OBJECTIVE

The objective of this policy is to promote education and training in the organisation. To empower all employees especially people from all designated groups as prescribed in applicable legislation.

### POLICY

The types of training courses and the development thereof will be determined by the Municipality. All education and training will be needs-based from the municipality's point of view. Employees are encouraged to become involved in their personal development, to manage their own careers by indicating to their supervisors their training needs requirement.

The Municipality recognises that its human assets are its most vital resource and is therefore committed to ensuring that all employees receive appropriate education and training:

- To enable to meet the requirement of their present jobs.
- To cater for personal development and the attainment of national qualification
- To enable them to make the most of their ability.

Employees are encouraged to take advantage of all development opportunities that are available to them.

The Human Resources Development Manager will assume overall responsibility for:

- a) Implementation of this policy.
- b) Co-ordinating all training and learning activities throughout the organisation.

Every departmental head is responsible for the training and development of his or her staff.

Whilst recognising the need for individual training and development, management wish to emphasise that education and training should be tailored to contribute to achieving the goals of the organisation. As a rule, only SETA accredited service providers will be appointed by the municipality.

In addition to training to enable employees to become competent at their jobs, the organisation will pay particular attention to specific training and learning arising from internal or external pressure of the business, i.e. legislation e.g. labour laws.

The Municipality believes that its employees should be empowered through training and education to become better South African citizens for the good of the country as well as the Municipality.

It must be noted that the training provided should be relevant to the current field of work for an employee so that this will also profit the organisation.

## 24. EMPLOYEE TRAINING AND EDUCATION POLICY

### OBJECTIVE

The objective of this policy is to define the types of training that are applicable in order to achieve above mentioned training and development objectives of the Municipality.

### POLICY

The three types of training and education are: -

- a) Internal staff training programmes
- b) Municipality sponsored external training programmes
- c) External institution courses for tertiary education for employees

It is expected that a Human Resources Development Manager will be managing, co-ordinate and budget for all training and education within the Municipality.

### IN-HOUSE TRAINING PROGRAMMES

The Municipality shall from time to time organise programmes for training of employees. Such programmes shall either be for the whole Municipality, departments or individuals as appropriate.

The costs of such programmes will be borne by the Municipality and no agreements are required between the Municipality and the employees. Managers may approach the Manager Human Resources Development to suggest appropriate programmes to be incorporated into the overall training and education curriculum.

### MUNICIPALITY SPONSORED EXTERNAL TRAINING PROGRAMMES

The Municipality shall from time to time organise programmes for training of employees by external educational institutes/consultants.

Such institutions/consultants shall be chosen at the discretion of the Municipality having fairly evaluated the competencies and appropriateness of the institution/consultant and the costs of the programmes. Such programmes should be for the whole Municipality, departments or all employees as appropriate.

The costs of the programmes will be borne by the Municipality and no agreements are required between the Municipality and the students. Managers may approach the Manager Human Resources Development to suggest appropriate programmes to be incorporated into the overall training and education curriculum.

### SUBSISTANCE, TRAVELLING AND OVERTIME

- a. Accommodation arrangements will be made by Council and employees will not be entitled to any subsistence costs for the duration of the course
- b. If transport is not provided by Council the normal travelling allowance will be paid. For courses running for a month or less only one trip to and from the course will be paid for.  
For courses lasting more than one month one additional return trip will be provided or paid for by Council
- c. If more cost effective Council may require an employee to return home on a daily basis in which case transport will be provided or be paid for by Council
- d. No overtime worked other than approved overtime worked for Council as part of the curriculum of a course will be paid for by Council.

## 25. EXTERNAL INSTITUTION COURSES FOR INDIVIDUALS POLICY

### **OBJECTIVE:**

To provide for employees' to attend external institutional courses.

### **POLICY:**

- a. External institution courses shall be considered where: -
  - i. An employee approaches a Manager for consideration of a course;
  - ii. A Manager suggests to an employee their participation in a course; or
  - iii. The Municipality requires an employee to attend a course.
- b. In pursuance of its developmental objective the municipality may from time to time recruit contract or other employees for the purpose of granting them the opportunity to attend external institution courses. The successful completion of the course may lead to permanent employment.
- c. Subsistence and Travelling for attending external training programmes will apply regarding subsistence, travelling and overtime during the attendance of such training courses

## 26. WELLNESS PROGRAMME POLICY

### DEFINITION

An Employee Assistance Programme is a work-site based programme designed to assist in the identification and resolution of productivity problems associated with employees impaired personal concerns, but not limited to: health, marital, family, financial, alcohol, drug, legal, emotional, stress or other personal concerns which may adversely affect employee job performance.

### INTRODUCTION

AbaQulusi Local Municipality cares about the health and social well-being of its employees and recognizes that there are a number of personal problems which impact negatively to the employees' personal and work lives. Personal problems can have a detrimental effect on performance, productivity and behaviour in the workplace.

### PURPOSE

- ✓ As a result of the above, the Municipality provides an Employee Assistance Programme which is a confidential assistance and/or advisory service designed to assist employees in dealing with their problems.
- ✓ The Employee Assistance Programme is available to all employees of the Municipality and persons experiencing problems are encouraged to seek advice from the Employee Assistance Programme Co-ordinator.
- ✓ Participation in this programme is voluntary and utilisation of the programme will not jeopardise employees' promotional opportunities.
- ✓ The programme attempts to restore or improve employee well-being and/or job performance to acceptable levels with minimal interference in the private lives of individuals. Line Management does not usually have the qualifications or expertise to diagnose the nature of employees' personal problem(s) nor to counsel them on these problems. Referral to the Employee Assistance Programme Co-ordinator for assistance will therefore be made on the basis of job performance and/or employee well-being.
- ✓ Municipality will provide Supervisory, Managerial and Co-ordinator training in respect of the objectives, benefits and procedures involved in this programme, and the impact of the programme on the organisation.
- ✓ To assist employees participating in the programme, such employees
  - may utilise available sick leave, or vacation leave when available sick leave has been exhausted when requiring admission to a treatment facility.
- ✓ Participation in the Employee Assistance Programme does NOT replace standard disciplinary/incapacity procedures, nor does it constitute a de facto exemption from such procedures.

## AREAS OF ASSISTANCE

The programme will provide assistance in respect of, but not limited to:

- ✓ Marital, family and relationship problems
- ✓ Substance abuse (alcohol, drugs, prescription and over-the-counter medication)
- ✓ HIV/AIDS and other dreaded diseases
- ✓ Violence and trauma counselling
- ✓ Stress (social and job related)
- ✓ Sexual Harassment
- ✓ Psychological problems
- ✓ Financial management problems
- ✓ Gambling
- ✓ Rape
- ✓ Absenteeism
- ✓ Bullying

## PRINCIPLES

a) **Confidentiality**

All employee records shall be kept in the strictest of confidence. Information pertaining to the precise nature of an employee's problem(s) will be treated confidentially and as such any records arising there-from will be separately housed in a confidential and secure filing system. Disclosure of information without the express written consent from the employee is prohibited. Any breach of the confidentiality of an employee shall be dealt with in terms of the Disciplinary Code, *unless such breach is deemed legitimate in terms of the laws of South Africa.*

b) **Accessibility**

AbaQulusi Local Municipality shall ensure that the programme is accessible to all employees regardless of their positions within the organisation.

c) **Neutrality**

The Employee Assistance Programme shall not be utilised as a disciplinary tool for Management, subject to certain conditions. By the same token, the programme cannot be utilised as a defence mechanism for misconduct on the part of employees.

d) **Voluntarism**

The employee shall not be forced to access the EAP, but voluntarism (self-referral) will be encouraged, since it results in the earliest intervention possible.

e) **Constructive Coercion**

Once training and development interventions have been exhausted in respect of an employee who is not performing up to an acceptable standard, the supervisor or manager can persuade the affected employee to consult the Employee Assistance Programme official for assistance. *Where an employee refuses this offer of assistance and a decline in the work performance continues, such employee shall not be exempted from facing disciplinary action.*



f) **Consultation**

The Municipality's EAP policy has been developed and will be implemented in consultation with employees at all levels.

g) **Non-discrimination**

Participation in the Employee Assistance Programme is voluntary and utilisation of same will not jeopardise employees' promotional opportunity.

h) **Cost Implications**

The municipality will, as far as possible, utilise the services of state institutions or organisations for referrals. Should an employee who is not a member of a Medical Aid Scheme be required to undergo treatment at such institution/organisation, the municipality will be responsible for payment of the first complete treatment only. In all other instances, where illnesses or conditions are covered by a Medical Aid Scheme, employees will be required to submit claims in the normal way. Should the Medical Aid Scheme fail to cover the full treatment cost then the municipality will be responsible for the shortfall in respect of the first complete treatment only.

*Where the staff member is a contributing member of a medical aid scheme, and that staff member chooses not to be referred to a state institution, he/ she will be responsible for the payment of his/her treatment by a medical practitioner of his/her choice.*

In the event of an employee defaulting in the treatment programme, either voluntarily or due to poor participation and motivation, any payments paid by the municipality on behalf of the employee will be recovered from the employee.

Employees shall utilise their sick leave days for consultation or treatment. Once this leave is exhausted, an employees' vacation leave may be used.

If an improvement in the job performance or behaviour of the employee is evident after treatment, the vacation leave days which were used for consultation or treatment will be converted to special leave days.

i) **Default/ Discontinuance**

Should an employee decide to discontinue or be expelled from the recommended treatment or counselling programme, such employee must inform the Employee Assistance Co-ordinator, following which the co-ordinator will inform the employee that should job performance difficulties arise as a result of an unresolved problems, the employee may face disciplinary action.

j) **Relapse**

In the event of a relapse after treatment has been administered, it is at the discretion of Management whether to enforce disciplinary measures or to re-instate assistance. The decision will be based on the merits of each individual case.

If the employee relapses after two (2) years of sustained improvement in job performance after the initial treatment, the conditions and payment pertaining to a first time treatment will.

k) **Grievance Procedure**

The aggrieved employees in respect of employment shall follow the grievance procedure as set out in the collective agreement.

**PROCEDURE**

Employees can access the Employee Assistance Programme in any one of the following manners:

**Self-Referral**

An employee, through a process of self-realisation, recognizes that a problem exists and seeks assistance by consulting the Employee Assistance Programme official directly. Self-referrals are treated with strict confidentiality. *Employees who voluntarily seek assistance shall apprise their supervisors of appointments with the Employee assistance Programme official.*

**Formal Referral**

A supervisor or manager who is concerned about the decline in an employee's performance, attitude and/or behaviour may refer said employee, with the employee's consent, to an Employee Assistance Programme official for assistance. The supervisor or manager is required to complete the referral form and submit same to the Employee Assistance Programme official at least three (3) days prior to the interview.

**RESPONSIBILITIES**

## 27. WORKPLACE HIV/AIDS POLICY

### OBJECTIVE

The objective of this policy is to describe the Municipality policy and procedures of non-discrimination of employees and prospective employees, training programmes and counselling regarding HIV and AIDS.

### AIDS/HIV AND THE EMPLOYMENT CONTRACT

The Municipality will not treat employees or prospective employees with AIDS or who are HIV positive differently from other employees. If an employee discloses their status to the Municipality, this will be held in the strictest of confidence.

The Municipality will treat employees and prospective employees in a just, humane and life-affirming way, with due consideration to the interests of fellow employees.

The Municipality acknowledges that continued employment, including appropriate promotion and training opportunities, may be therapeutically important for an employee with a life-threatening condition such as AIDS.

### RECRUITMENT, CONTINUED EMPLOYMENT AND TERMINATION OF EMPLOYMENT

Any medical examination undertaken either before employment or thereafter will be solely used into determine functional performance, and offer a prognosis on the fitness for work of the prospective employee. In this respect:

- An HIV test as a pre-condition of employment shall not be required under any circumstances, or for any position;
- If a person makes their HIV/AIDS status known voluntarily, it shall not be a basis for refusing to conclude, to confirm or to review their employment contract;
- Employees with HIV/AIDS shall be governed by the same contractual obligations as all other employees;
- HIV/AIDS shall not be used as a justification for the non-performance of duties agreed to by the Municipality and the employee; and
- No employee shall be dismissed, retrenched, or have their employment terminated merely on the basis of having a life-threatening condition such as HIV/AIDS.

### PROMOTION, TRAINING AND DEVELOPMENT

HIV/AIDS status shall not be a criterion for refusing to promote, train and develop an employee who would otherwise be considered.

## **ILL-HEALTH, LEAVE AND PERFORMANCE**

Following a diagnosis of an employee having HIV/AIDS, the employee and the Municipality may agree jointly on a medical examination to determine the employee's ability to continue to perform their duties.

The Municipality undertakes to ensure that people with HIV/AIDS not only retain their employment as long as possible but that their health be monitored and, when it is determined by medical opinion that an employee with HIV/AIDS can no longer perform their duties, the following steps should be taken:

- The Municipality will, at the earliest opportunity, through consultation with the employee and medical practitioners, endeavour to find a position that is less strenuous which the individual can fulfil. The employee's remuneration and benefits will be adjusted accordingly to that applicable to the new position, without discrimination;
- Termination of employment may be considered, after consultation with the employee, when an employee with an AIDS related condition is too ill to continue employment, or where a position suitable to the reduced state of health of the employee is unavailable;
- If the Municipality terminates the employment of such employee, merely due to the fact that they are no longer able to continue working, such termination shall be governed by the same procedures pertaining to comparable life-threatening conditions and disabilities (e.g. cancer, etc); and
- No employee shall be dismissed solely on the basis of HIV/AIDS, nor shall the HIV/AIDS status influence retrenchment procedures. No flags or symbols will be used on an employee's medical, personal or other records to indicate the HIV/AIDS status.

## **BENEFITS**

The Municipality will not discriminate against any HIV/AIDS infected employee with regards to the Municipality benefits that are due to them or that they have accrued. Any employee with a life-threatening disease is provided with group life as opposed to a life policy.

## **TESTING**

Pre-employment testing for HIV will not be required under any circumstances as it is prohibited by law.

## **WORKPLACE PROGRAMS**

Council shall provide the following HIV/AIDS workplace programs as part of the broader wellness programs (EAP) its employees:

### **a. Education, Awareness and Prevention Programmes**

Education and awareness have proved to be the most effective means to prevent the rapid spread of HIV/AIDS and hence comprehensive and ongoing HIV/AIDS and health education programs are to be undertaken targeting all employees.

- Every employee of the AbaQulusi Local Municipality shall attend at least one HIV/AIDS education program annually covering various aspects of the disease.
- Information, education, awareness and prevention programs will be developed and implemented with participation of all appropriate stakeholders and will involve recognised representatives of Labour. Council will also, wherever possible and necessary, utilise

CBO's/NGO's and other resources in its intervention programme.

**b. Openness, Care and Support**

Mechanisms will be created in terms of the Employee Assistance Program (EAP) to encourage openness, acceptance and support for those who voluntarily disclose their HIV/AIDS status within the workplace (breaking the silence).

Voluntary Counselling and Testing will be encouraged. VCT and PMTCT services will be made available to all staff at no cost at any of the municipal clinics.

**ROLES AND RESPONSIBILITIES**

**HIV/AIDS Committee**

- To see to the effective implementation and evaluation of the HIV/AIDS Workplace Policy.
- To keep Council abreast of the developments in this regard

**Labour**

- To popularise the HIV/AIDS Workplace Policy amongst the employees in order to ensure maximum benefit.
- To identify the needs of employees living with HIV/AIDS.
- To look after the interests of employees in relation to the said policy.

**Human Resources**

- To align Human Resources Policies with the HIV/AIDS Workplace Policy in order to ensure that benefits are equitably implemented.

**Health**

- To see to the effective implementation and evaluation of the HIV/AIDS Workplace Programs.
- The Health Department in partnership with Labour shall collect, compile and assess data on HIV/AIDS, sexually transmitted diseases and tuberculosis and use such information to accelerate the fight against HIV/AIDS.

**Management**

- To ensure that the various stake holders are committed to the integration of the HIV/AIDS Workplace Policy in their everyday activities.
- To ensure that resources (human, financial etc.) necessary for the implementation of the HIV/AIDS Workplace Policy are made available.
- To ensure adherence to safety procedures by staff in the various departments in order to prevent Occupational HIV/AIDS Exposure.
- To popularise the HIV/AIDS Workplace Policy amongst the employees in order to ensure maximum benefit for both Council and employees.

**Partners**

- Partners in Government, Private Sector and NGO'S can share resources and expertise in relation to various elements of the HIV/AIDS Workplace Policy.

## **MONITORING AND EVALUATION**

A monitoring and evaluation strategy shall be developed in order to assess the impact and the efficacy of the Workplace HIV/AIDS Policy and Programs.

Responsibility for monitoring of the policy for its successful implementation and evaluation for its effectiveness shall lie with the HIV/AIDS Committee, Labour and Council.

Monitoring of the implementation of the AbaQulusi Local Municipality HIV/AIDS policy must take place on a regular basis.

Review of the HIV/AIDS workplace policy shall take place on a regular basis.

Review of the intervention programme shall take place on a regular basis.

## **THE MUNICIPALITY'S SOCIAL RESPONSIBILITY**

It shall be the Municipality's policy to handle every case on an individual basis by providing support in any area where the Municipality can be of assistance. All information shall be treated with strictest of confidence.

## 28. SEXUAL HARASSMENT POLICY

### OBJECTIVE

The objective of this policy is to give practical guidance to employees on the protection of the dignity of women and men at work. The aim of the policy is to ensure that sexual harassment does not occur, to ensure that adequate procedures are readily available to deal with the problem and prevent its recurrence. The policy thus seeks to encourage the development and implementation of practices that establish working environments free of sexual harassment in which women and men respect each other's human dignity.

### POLICY

Whereas:

- ✓ Every employee is entitled to fair labour practices;
- ✓ Employees have a right to their dignity;
- ✓ Employees have a right to equality; and
- ✓ The Municipality seeks to provide a working environment free from any form of harassment which constitutes unacceptable behaviour and which is offensive,

This policy outlines guidelines aimed at combating sexual harassment.

It is the duty and responsibility of all employees to comply with the policy and to ensure that their colleagues are treated with respect and dignity. Allegations of sexual harassment will be dealt with seriously, expeditiously and confidentially and employees who bring in a complaint of sexual harassment will be protected against victimisation or retaliation. Appropriate disciplinary measures will be taken against employees found guilty of sexual harassment.

The Municipality regards harassment as offensive, degrading and potentially threatening and it will not be tolerated. Individuals at any level, found to have engaged in conduct constituting harassment will be disciplined. The Municipality encourages reporting of all incidents of harassment, regardless of who the offender may be. All employees have the right to pursue a complaint without fear of reprisal or retaliation. This policy forms part of the Municipality's broader policy to promote equal opportunities.

### DEFINITION

Sexual harassment means any unwelcome and in certain circumstances tolerated sexual advances, request for sexual favours, and other verbal or non-verbal or physical or non-physical conduct of a sexual nature including the concept of hostile environment.

In determining whether any conduct, comment, gesture or contact of a sexual nature constitutes sexual harassment, the Municipality shall determine whether on reasonable grounds, the conduct complained of might be perceived by that employee or the employee's co-workers as placing a condition of a sexual nature on the individual's employment or any opportunity for training or promotion in respect of the employee recipient.

In determining the existence of a hostile environment the Municipality considers a hostile environment as one which a reasonable person would find hostile or abusive and which the victim or the victim's co-workers subjectively perceive to be abusive. In evaluating whether an environment is hostile or abusive, the Municipality shall look at a host of factors, including but not limited to the following:

- The frequency of the sexual discriminatory conduct,
- Its severity,
- Whether it is physically threatening or humiliating, or a mere offensive utterance, and
- Whether it interferes with an employees work performance,
- Whether the physical environment is such that it reflects or encourages a negative concept of the female or male gender.

Conduct that can constitute sexual harassment include but are not limited to: -

- Verbal conduct - unwelcome remarks, innuendoes or offensive comments about a person's body, clothing or sex, practical jokes of a sexual nature which cause awkwardness or embarrassments, propositioning or pressure for sexual activity, embarrassing questions;
- Physical conduct - unwanted or unnecessary physical conduct and contact, physical assault, caressing sexual conduct, physical bullying, threatening, unnecessary physical contact, such as touching, petting or pinching;
- Non-verbal conduct - display of pornographic or sexually suggestive pictures, whistling, leering (suggestive staring), sexually suggestive gestures, graffiti of a sexual nature, publication of gender offensive material, insulting gestures of a gender derogatory nature, displaying pinup pictures or other material of a gender derogatory nature, refusing or showing a reluctance to talk to, or work with, an employee solely because of his or her nature.

## **VICTIMISATION**

Employees will be protected from intimidation, victimisation or discrimination following the complaint or their assisting in an investigation of harassment. Any action constituting retaliation against an employee for lodging a complaint about harassment will constitute a disciplinary offence and will be treated accordingly.

## **THE MUNICIPALITY'S COMMITMENT**

The Municipality is committed to providing a work environment that is harassment free and where individuals are treated with dignity and respect. Individuals, who do not abide by this, will be disciplined appropriately. The Municipality will apply disciplinary action irrespective of seniority or status.



## 29. OCCUPATIONAL HEALTH AND SAFETY POLICY

### OBJECTIVE

The purpose of this document is to describe the policy of this municipality regarding the Safety and Health of all its staff and clients.

#### 1. POLICY - HEALTH AND SAFETY

- 1 The municipality's premises and equipment must comply with the relevant and most up-to-date health and safety legislation. As per the Occupational Health & Safety Act and Regulations education and training organizations are treated like any other workplace.
- 2 All activities should take place in an environment where potential hazards have been properly identified and dangers minimized through the establishment of safety procedures and where safe working practices are incorporated into all education and training programmes.
- 3 The requirements of the policy are met when there is evidence that the organization and all its subcontractors for education and training and placement providers implement health and safety guidance and regulations for premises, equipment, and materials, for everyone using them (clients, learners, staff and visitors, and contractors).
- 4 Premises should be correctly registered. Clients, learners, and staff should be covered by appropriate insurance.

Responsibilities for health and safety should be appropriately allocated.

Arrangements should ensure that learners are correctly supervised by responsible people in all training locations (including subcontractors and placements) and that staff and learners know who to refer to for advice on health and safety matters.

Responsibilities for instigating, supervising, and reporting on safety audits, inspections, and accident reports and for taking corrective action should be clearly specified.

The requirement for review of health and safety arrangements has a number of specific deliverables for evidence in addition to general review requirements.

## 30. AFFIRMATIVE ACTION POLICY

### OBJECTIVE

Section 195 (1) of the Constitution Act 108 of 1996 directs that public administration must, in addition to the principles listed below, be governed by the democratic and principles in the Constitution:

- 1.1 Promotion and maintenance of professional ethics.
- 1.2 Promotion of efficient, economic and effective utilisation of resources.
- 1.3 Rendering of public administration that is development-oriented.
- 1.4 Provision of services impartially, fairly, equitably and without bias.
- 1.5 Responding to people's needs and encouragement of the public to participate in policy-making.
- 1.6 Fostering of transparency by providing timely, accessible and accurate information.
- 1.7 Rendering of public administration in an accountable manner.
- 1.8 Cultivation of good human-resource management and career development practices that maximise human potential.
  
- 1.9 Ensuring that public administration is broadly representative of the South African people and employment and personnel management Practices are based on ability, objectivity, fairness and the need to redress the imbalances of the past.

The main focus of this policy is to ensure that the principle listed in subparagraph 1.9 above is attended to. Representivity can be defined as the inclusions of all previously discriminated groups in a manner that is in a broad sense representative of the South African population within all occupational classes at all post levels of the public service. Affirmative action should be understood to include all programmes aimed at ensuring that all employment in the public service is accessible to all South African citizens who comply with the requirements determined or prescribed from time to time and development of programmes to redress the imbalances of the past in order to ensure representivity.

AbaQulusi Municipality hereby acknowledges the existence of inequalities, imbalances, prejudices and injustice as a consequence of the past policies that were followed in the apartheid era. Whereas the municipality is aware of the need to create a new dispensation where all the South African citizens will enjoy and exercise their fundamental rights, there is also a great need for transformation of the public service in order to eradicate all forms of discrimination in the municipality.

In order to ensure that the constitutional objectives of a broadly representative public service are met in both the staffing and administration of the municipality, the measures as set out below are to be applied throughout the municipality.

It is important to note that this affirmative action policy is not a hiring policy but a holistic approach aimed at empowering people who were previously marginalised. The purpose of affirmative action programmes and

strategies must be communicated effectively to all staff at all levels to assist with promoting a positive view of affirmative action.

## **OBJECTIVES**

The objective of the Affirmative Action Policy is:

- to provide parameters and measures to be applied in the promotion Affirmative Action and Human Resource Development in Abaqulusi Local Municipality;
- to ensure that all forms of discrimination in the employment situation based on race, creed, gender or any other forms of stereotyping of persons or groups are eliminated;
- to provide measures for the eradication of past discrimination and to develop Equal Opportunity programmes aimed at promoting equality in the employment relationship;
- to facilitate a common understanding of such terms as "Affirmative Action" "discrimination" "Equal Employment Opportunities" "Sexual Harassment" and all such matters relating thereto
- to provide measures, general principles and guidelines as the Provincial Administration may consider necessary, including access to employment, recruitment and selection, Human Resource Development, career advancement and equal treatment in the work place in order to ensure the maintenance of efficiency.
- to provide measures for the effective implementation of policies and programmes, for the resolution of disputes and for disciplinary sanctions for breaches of same;
- to provide the required mechanism to enable the stakeholders to play a role in relation to the implementation and monitoring of programmes and projects;
- to provide parameters and measures to ensure that current and on-going processes of reviewing the employment structure aimed at enhancing the affirmative action strategies in the Abaqulusi Local Municipality;
- To define the municipality's obligations in relation to promoting an understanding of and communicating this policy as well as to oversee its implementation at all levels.

## **DEFINITION OF TERMS**

### **"AFFIRMATIVE ACTION"**

Programmes which are designed to redress the past imbalances to ameliorate the conditions of individuals and groups who have been disadvantaged on the grounds of race, gender and disability and which promote practices which have as their objective the achievement of a workforce is representative of the population of the country. It is a process that ensures that persons hitherto prejudiced by past policies or unequal access to education and training or subject to disabilities, racial or gender discrimination are permitted to acquire employment and training appropriate to their skills and needs respectively.

This effectively means the implementation of:

- programmes which actively enable employees to acquire skills needed to enter all levels of employment;
- programmes which create employment/advancement/promotion opportunities which allow for the advancement of groups previously discriminated against;
- human resources management policies which actively direct staff with the appropriate potential towards upward mobility, unrestricted by any considerations other than suitability for the job;
- programmes that ensure equal opportunity and treatment in recruitment, selection, planning, performance appraisals, promotion and all other staff development policies which enhance the career opportunities of those already in the employment or seeking to enter the service of the Administration;
- procedures which reject patronage, nepotism, favouritism, gender discrimination including sexual harassment;
- practices which actively aim at enabling employees acquire a range of skills, including skills useful outside of their current employment specification, and to open up promotion avenues and skills enhancement opportunities;
- Adult Basic Education and Vocational Training Opportunities Designed to enhance the basic skills of the workforce to enhance the quality of the Abaqulusi Local Municipality's performance in a way that will enable employees to go beyond the immediate needs of their current post;
- awareness programmes to re-orientate management and workers to acceptable non- discriminatory attitudes towards race, gender, disability or any other stereotyping;
- strategies and training establish capacity in the management of affirmative action policies and practices;
- policies within the service generally which have as their objective the achieving of equity in the workplace and the redressing of the past imbalances in employment practices; procedures in which colour is irrelevant and which pro-actively foster positive attributes of accountability, openness, competency, efficiency, non sexism and equity in all areas of the Administration.

#### **"BLACK"**

The term black is used in this document to refer to members of the African, Indian, and Coloured communities.

#### **"CANDIDATE WITH POTENTIAL"**

A candidate who displays an ability to perform at a higher level. A process of obtaining inputs and views from concerned parties with a view to reach consensus.

#### **"DISABILITY"**

"The White Paper on an integrated national Disability Strategy, defines disabled person, as an individual whose prospects of securing and retaining suitable employment are substantially reduced as a result of physical or mental impairment"

(ILO Convention 159). The main emphasis is on job-relatedness, If the disability has no relation to the effective performance of the job, employment of the person shall not be affected.

#### **"DISADVANTAGED"**

Any person or persons who hitherto have received less advantageous conditions of service and wages and less advantageous social and community services on grounds of race, gender, sex, pregnancy, marital status, ethnic, or social origin colour, age, religion, conscience, culture, belief, language, birth or disability which have in turn impacted on their opportunity for advancement; Any person or group of people who have been deprived of rights, career opportunities, education, training or job advancement or received less favourable education, advantageous schooling benefits, conditions of service or wage rates than any other group on grounds of race, gender, or disability and/or been discriminated against by any form of distinction, preference or exclusion or personal treatment which directly or indirectly restricted development, made separate provision for, or provided less favourably treatment on grounds of race, gender or disability;

Any person who has been adversely affected in occupational mobility, on the grounds of race, religious belief, gender, ethnic origin or disability.

### **"DISCRIMINATION"**

Any treatment, restriction of opportunity or differentiation based on race, gender, ethnicity, language, sexual orientation, religious conviction, disability or disadvantaged background or other generalizations and stereotypes;

Any special provision or limitations in service conditions which are not based on the intrinsic requirements and value of the job;

Any action or behaviour which implicitly or explicitly displays prejudice or stereotyping in relation to any other person or group of persons in the Administration.

### **"EMPLOYEE"**

Any person employed in terms of the ct, 1994.

### **"EMPOWERMENT"**

The process of holistic transformation of institutions and persons towards the achievements of employment equity in the public service. Empowerment applies to both the employee and employee and involves;

- 1 the removal of any disabling infrastructure: laws, policies, prescripts, structures.
- 2 the removal of psycho-social barriers: attitudes, prejudices, stereotypes, self-perceptions, dysfunctional social norms.
- 3 The creation of and enabling infrastructure through:
  - (a) the provision of appropriate education and training to harness the maximum potential of all employees, especially for those identified as disadvantaged: induction courses to the public service particularly its protocol processes, skills based training literacy training, creation of opportunities to continue with formal schooling, supervisory and management training.
  - (b) The recognition of skills experience and training before and during employment in the public service, as well as appropriate qualifications obtained outside the service.
  - (c) Appropriate modification of the physical environment to meet the needs of the disabled.
  - (d) Modification of the socio-cultural environment in the workplace to generate an ethos that is tolerant, appreciative and respectful of diversity.

### **"EQUAL OPPORTUNITY"**

The right to fundamental equality of opportunity for every person in employment irrespective of race, colour or creed, or any other generalisation/stereotype to be treated in employment on the basis of intrinsic personal merit, ability and potential to do a job or to be advanced to a higher job without favour or discrimination; to be protected against discrimination, exclusion or loss of opportunity in terms or privileges of employment on the grounds of race colour, religion, gender or ethnic origin; to be protected against discrimination because of one's ability or gender and from the payment of rates that are different from the opposite sex for equal work in jobs requiring equal skill, effort and responsibility and which are performed under similar working conditions; to be protected against discrimination in employment benefits on the grounds of pregnancy.

#### **"EQUAL OPPORTUNITY PROGRAMMES"**

Any programme which has as its objective the establishment of equity in employment and which develops intrinsic and personal merit without reference to racial, gender and disability criteria.

#### **"INDIRECT DISCRIMINATION"**

Rules or procedures which appear to be consistent with principles of equity but which implicitly reduces the chances of the disadvantaged from gaining mobility in the AbaQulusi municipality because of the self-perpetuating processes in the organisational rules of the AbaQulusi municipality that restricts their personal development

#### **"INDIVIDUAL GRIEVANCE"**

A complaint relating to the interpretation and/or application of the affirmative action policy of the AbaQulusi municipality by an employee in regard to these provisions as well as the conditions of employment, treatment or work practices within the AbaQulusi municipality.

#### **"MERIT"**

The term merit is broader than simply formal qualifications and takes into cognisance prior learning, commitment, potential and ability. It also includes technical expertise/leadership qualities/capacity to control/coordinate/plan and communicate.

#### **"STAKEHOLDERS"**

The term stakeholders shall refer to all employees and Labour forums of the Municipality, including management, unions and staff associations.

#### **"SEXUAL HARRASSMENT"**

Any unsolicited and unwelcome sexual advances, requests for sexual favours and other verbal or physical conduct of a sexual nature which is made explicitly or implicitly a term or condition of an individual's employment or promotion; sexual conduct that has the purpose or effect of interfering with an individual's work performance or personal space thereby creating or tending to create, a hostile or offensive working environment; any practice or behaviour which explicitly determines employment decisions and/or advancement or job requirements on the basis of submission to or rejection of sexual advances.

#### **"UNFAIR DISCRIMINATION"**

Any distinction, exclusion, preference or practice made on the basis of race, gender, political affiliation, social or personal treatment which directly or indirectly disadvantages, makes separate provision for, or provides less favourable treatment for any employee or potential employee; any practice based on the concept or treatment that is defined as "separate but equal". It will however not constitute unfair discrimination to conduct programmes of training retraining and reorientation to encounter the debilitating effects of the past; Practices that may undermine or impair equality of opportunity or treatment in employment.

### **STATUTORY PROVISIONS**

Section 195 (1)(1) of the Constitution, 1996, inter alia, directs that the Public Service must render an efficient public administration at Departmental level of government. Any measures or programmes formulated to ensure a broadly representative South African society by the various provincial departments must be in line with the following legislation;

- Constitution, 1996
- Public Service Act, 1994
- Public Service regulations
- Labour Relations Act, 1995
- RDP White paper
- White paper on the Transformation of the Public Service
- White Paper on Affirmative Action
- White paper on Human Resource Management
- Policy on Human Resource Development
- This policy document

### 31. POLICY ON STAFF STATEMENT TO THE MEDIA

An employee may not make any statement or provide any information to members or representatives of the media or any unauthorized person concerning any business and/or interests of the Municipality and may not provide answers to the media concerning questions about such business and/or interests unless prior written and specific permission has been given by the Municipal Manager to do so.

Any employee contravening this policy will be subject to disciplinary action.



## 32. STUDENT ASSISTANCE POLICY (SAP)

### 1. PREAMBLE

**ABAQULUSI MUNICIPALITY** has a social responsibility to assist students within its jurisdiction, in terms of social and economic upliftment, including education, training and development.

### 2. OBJECTIVES OF THE POLICY

- 2.1. Use the **MUNICIPALITY** as an active learning and training environment,
- 2.2. Provide students with opportunities to acquire skills and experience in their respective fields,
- 2.3. Contribute towards developing a new cadre of competent and committed future employees for a people-oriented service,
- 2.4. Develop the employability skills of students and improve their ability to find employment both in the private and public sector,
- 2.5. Offer registration assistance to best performing learners per ward.
- 2.6. Assist students to evaluate their career options,
- 2.7. Improve the foundations for human development,
- 2.8. Improving the supply of high-quality skills (particularly scarce skills), which are more responsive to societal and economic needs, and
- 2.9. Increasing the **MUNICIPALITY**'s participation in lifelong learning,

### 3. FOCUS AREAS OF STUDENT ASSISTANCE POLICY

#### 3.1 Registration Fee Assistance for top achievers

The Main objective is to reward best performing learners (Grade 12) and offer registration assistance to their tertiary institutions.

#### 3.2 Selection Criteria.

- The municipality consists of twenty-three (23) wards and only five (5) best learners per ward will be awarded an assistance fee.
- The assistance fee of R5000 in form of a cheque will be awarded to a learner and be paid directly into his or her own account.
- The municipality will issue an advert in around December inviting learners to apply for this programme
- Students will have to apply for this programme through the office of the Municipal Manager Indicating their wards, attaching their matric statements, and an ID Copy.

- The panel consisting of the Executive Committee, Executive Director and the Municipal Manager with the Mayor as the Panel Chairperson shall be responsible for selecting five best performing learners per ward who will be awarded.
- After selecting these best achievers, the municipality will hold an event where these students, media and their parents/siblings will be invited.
- The assistance fee of R5000 in form of a cheque will be awarded to a learner and be paid directly into his or her own account.
- Hundred and Fifteen (115) learners shall be awarded R5000.
- The best achiever of all these 115 students shall be awarded an additional amount of R10 000 as a token for his/her performance.
- It is the responsibility of Human Resources Development Section to review this policy yearly and ensure that they invite sponsors.

## **8. GENERAL PROVISIONS**

- 8.1 Compliance with all relevant legislative arrangements shall be strictly observed and complied with,
- 8.2. The Municipal Manager may from time to time amend, vary or deviate from any provision(s) of this policy, if such act is informed by *bona fide* operational requirements of the municipality.

### 33. SUBSTANCE ABUSE POLICY

It is the policy of Abaqulusi Municipality to make every effort to prevent the abuse of any habit forming substance amongst its employees and to assist in the rehabilitation of those employees who have developed a dependency on any drug or alcohol. Municipality further acknowledges that dependency on drugs or alcohol is an illness which requires special treatment.

#### 1. Definitions

**For the purpose of this policy unless the context otherwise indicates –**

- 1.1 “abuse” means use to bad effect or for a bad purpose,
- 1.2 “alcohol” means a substance taken/drank to infuse drunkenness,
- 1.3 “drugs” means medicinal or natural substance causing addiction,
- 1.4 “dependency” means unable to do without (in this instance alcohol or drugs)
- 1.5 “influence” means affected by alcohol drink,
- 1.6 “premises” means any building, vehicle, vessel, train or aircraft,
- 1.7 “rehabilitation” means restoring to normal life by training after dependency,
- 1.8 “workplace” means any premises or place where a person performs work in the course of his or her employment.

#### 2. Prevention

Prevention of alcohol/drug abuse at work is a management responsibility.

#### 3. Rules

3.1.1 The **MUNICIPALITY** cannot be prescriptive regarding private drinking or drug-use on condition that:

- [i] an employee's job performance, attendance, or interpersonal relationships at work are not affected;
- [ii] an employee's conduct does not cause a safety risk to themselves, fellow workers, Municipal property, clients or members of the public;
- [iii] an employee's conduct within an official capacity does not cause an injury to the Municipality's reputation and good standing;

[iv] an employee does not commit an alcohol or drug related offence in terms of the **MUNICIPALITY** Disciplinary Code.

3.1.2 If any of the above are contravened the **MUNICIPALITY** reserves the right to evoke disciplinary measures which may include mandatory referral for rehabilitation. The employee may follow the voluntary referral route.

3.1.3 Any offer of assistance does not exempt the employee from standard disciplinary measures.

3.1.4 If an offer of assistance is accepted by the employee he/she must:

- [i] render full support towards assessment;
- [ii] Co-operate with recommendations of assessment;
- [iii] Take full responsibility for the following up of appointments and treatment as prescribed or deemed necessary.

3.1.5 The employer will undertake to fund the first period of rehabilitation for alcohol abuse and to share the cost for the second rehabilitation period. Any subsequent rehabilitation thereafter will be for the employee's own account.

3.1.6 Should an employee refuse assessment or fail to co-operate with treatment/counselling, a report shall be submitted to the Head of Department. The employer reserves the right to implement the disciplinary code in this instance.

3.17 The Council reserves the right to obtain an independent assessment on the employee's dependency prior to agreeing to assist the employee in terms of the above mentioned. Such assessment must be conducted by a registered recognised body/authority on the treatment of substance abuse.

### 3.18 **Treatment**

The principles of treatment are:

- \* referral – voluntary/mandatory;
- \* assessment on premises and with outside bodies of the Municipality's choice;
- \* counselling on and off Municipal premises;
- \* education;
- \* rehabilitation back into normal work duties.

3.19 Ongoing monitoring which should last for a period mutually agreed upon by the Municipality and the employee concerned.

5. Where the employee concerned is a member of a Trade Union such Trade Union will be kept informed of the steps taken to address the alcohol and/or drug dependency problem. Such employee will have the right to decide on whether the representative Trade Union will be involved and until what stage such Trade Union's involvement will continue.

## 34. SUCCESSION PLANNING AND CAREER PATHING POLICY

### 1. Definition

1.1 "Succession planning" means making the necessary arrangements to ensure that suitably qualified people are available to fill posts which will arise within any specific department over forthcoming years.

1.2 "Career pathing" means ensuring that each staff member's potential is developed to its fullest extent and that there is a career mapped out for him/her in the municipal service. The aim should be an attempt to train and develop the employee to the extent that he/she is able to reach the level of seniority to which he aspires and to be able to competently undertake the duties attached to that post.

### 2. Purpose of the Succession Planning and Career Pathing Policy

- To ensure continuity of suitably trained staff in key posts for the future to ensure that someone is always available to fulfil any particular job in the municipal service, even in the event of illness, resignation or death. More than one staff member in a specific department should always be able to do any particular job.
- to comply with the legal requirements of the Employment Equity Act which requires the appointment and promotion of suitably qualified persons from previously disadvantaged groups, to ensure proportional representation in all occupational categories and levels.
- To ensure that training programs are undertaken in an orderly way and that staff do not simply attend training courses without a purpose. In this way training initiatives can be properly focused.
- To develop career paths for individual staff members to assist them in their careers, making them more enthusiastic about their jobs and therefore making them more productive. In this way, the individual skills may be utilized to achieve the goals of both the department as well as the organization.
- To assist the employee in meeting his/her performance goals. Individual goals must be aligned with the goals of the overall department and the organisation, including the Council's Integrated Development Plan (IDP) and budget. Succession planning and career planning must, furthermore, be aligned with all other human resources activities such as selection, training, performance management etc.
- To establish a highly motivated work force which could lead to a decrease in staff turnover

### 3. Responsibility in Implementing Succession Planning and Career Pathing

The responsibility for implementing succession planning and career pathing rests with management (more specifically departmental management), the Corporate Services Department and the employees themselves. The trade unions should also play a supportive role in the process.

The responsibility for succession planning and career pathing should be seen as a partnership between these parties.

More specifically, the responsibilities of the partners in the succession planning and career pathing process are as follows:

#### 3.1 Responsibilities of the Council (Management)

- the council must accept the responsibility for the training and development of all its employees
- the council must, further, participate in skills training and development on all levels in the organization and commit itself to the implementation and continuous participation in the Succession Planning and Career Pathing program
- The Council (or employer) also has a responsibility to make resources (financial and other) available in order to promote the implementation of succession planning and career pathing. Provision must be made in the training budget of the municipality for this funding.
- the council must establish and maintain structures, policies and procedures (job enrichment, job rotation, job enlargement, special projects, career counselling, discussion groups, workshops, assessment centres) to facilitate Succession Planning and Career Pathing within the organization.
- The council must support the development of each employee by availing/creating the necessary resources viz. facilities, training personnel, transport, course materials and stationery as well as paid time-off for training
- The council should, at its discretion, allow employees to repeat the training and development programs or part thereof, where the employee has not developed the required competency
- The council may decide, based upon fair criteria, which employees are suitable for specific training and development.

#### 3.2 Responsibilities of the Unions

- The unions should continuously encourage and motivate their members to participate in training and development programs
- The unions should play a supportive role in the implementation of Succession Planning and Career Pathing, in particular in assisting with implementation of employment equity.

### **3.3 Responsibilities of Employees**

- Employees should commit themselves to participation in training programs so that the process of training and development can succeed and be carried to its full extent.
- It is necessary that employees make use of these programs in an enthusiastic manner by voluntary participation, continuous attendance, acceptance of responsibility for personal development, providing continuous positive input etc.
- Employees must accept the principle that age is of no importance in training and development.

#### **4. What is needed to prepare Succession Planning and Career Pathing Documents**

The Strategic Executive Director of Corporate Services, together with the Human Resources official (preferably Manager HRD) should obtain the following:

- Departmental organogram
- Skills audit results
- Performance appraisal forms for all of the staff within the department. Obtaining these forms necessitates the implementation of a Performance Management System (PMS) within the municipality. Municipalities are legally required, in terms of the Municipal Systems Act, to have a performance management system in place for senior staff members. It is recommended that this system be applied to all staff members within the municipality and the Performance Appraisal Forms resulting from the implementation of the PMS are necessary to undertake succession planning.
- Departmental estimates or staff budget
- schedule showing the ages of current staff and dates of retirement. This can be obtained from the Human Resources Department
- Job descriptions for all the posts in the department together with competency-based job outcomes for each post. These job outcomes must comply with the format of the unit standards as prescribed by the National Qualifications Framework (NQF).

#### **5. Procedure for compiling a Succession Planning Document**

Once all of the information mentioned above has been obtained, it will then be possible to compile a succession planning document. The following steps must then be followed:

### **1.1 STEP 1**

Each year, the Head of Department, together with the Human Resources official responsible for training and development, must examine the organogram of the department to establish:

- Which posts are likely to become vacant over the next five years owing to retirements (from the schedule of ages of employees mentioned above). Provision should also be made for cases of possible termination due to the resignations, deaths, dismissals etc.
- which posts on the organogram are already vacant and have funds provided for them on the annual estimates.
- which previously disadvantaged individuals and other employees within both the department and the municipality as a whole can possibly be groomed or developed for more senior posts (this information can be obtained from the skills audit)
- Which posts require specialist technical or formal training, e.g. university degrees and for which there are presently no suitably qualified internal staff members

### **1.2 STEP 2**

The Head of Department, together with the human resources official should then prepare a draft organogram of how the departmental structure should look over the next one to five years. This draft organogram should reflect new posts that will be needed and any possible improvements to the current staff organogram.

**(NOTE:** Departmental heads must bear in mind that there are limited funds available for new staff members and a realistic assessment of future staff needs must be made.)

### **1.3 STEP 3**

The Head of Department should then begin to “pencil in” the names of possible employees within the department who could be groomed for promotions for new posts or for posts becoming vacant as a result of retirements etc. Previously disadvantaged employees must be given preference where necessary to comply with the provisions of the **MUNICIPALITY** Employment Equity plan.

Information on which employees can be earmarked for possible promotion can be obtained from the Skills Audit results and the Performance Appraisal forms.

### **1.4 Step 4**

A competency development plan, to improve the competency of identified employees must then be implemented.



Where there are specialist posts which are expected to arise and which require formal qualifications, employees who have shown the necessary potential and interest should be offered bursaries (subject to finance being available), or alternatively generally be encouraged to register at a Technicon or University on a part-time or correspondence basis. All possible assistance and encouragement must be provided to the employees.

#### **Step 5**

Where additional informal training is necessary, suitable training courses must be identified and arrangements made for the identified employees to attend. This should be done in consultation with the employee concerned who should be informed that should he/she show promise, he/she will stand a better chance of promotion. However, no promises must be made.

It is important that the training courses which the employees are given cover all competencies and that, at the end of the course, the employee must be able to deliver the performance outcomes required for the job.

#### **Step 6**

Where on-the-job (or in-service) training is necessary, arrangements should be made to allow the identified employee to act in the higher post when the present incumbent is on leave, in order to confirm his suitability. In this way, the Head of Department will be able to establish whether the employee has the ability to meet the performance standards set for the post.

#### **Step 7**

If no suitable in-service training within the municipality exists, some local authorities can be approached to assist in this matter.

Arrangements can be made to send the identified employees to other municipalities for limited periods, in order to obtain in-service training and experience by working with persons who are undertaking those duties. Some municipalities are prepared to assist in this matter, provided there is no cost implication for them.

#### **Step 8**

Identified employees can also be allowed to work directly under a qualified employee within the municipality, who would be his/her mentor. This would enable him to acquire skills at limited cost.

### **6. Purpose of the Competency Development Plan**

The purpose of the Competency Development Plan mentioned under Steps 4 – 8 above is to improve the competency of the employees in order that future staff needs are met. It is important that after undergoing the competency development process, staff members are able to fully comply with the unit standards. This means, for example, that they must be able to do all of the tasks set out in the example column of Annexure A.

### **7. Procedure for compiling a Career Pathing Document**

Where staff members have been shown to be competent in their jobs (as identified from the Performance Appraisal forms) and where they display the necessary potential and aspirations, special career path documents should be drafted for these employees. Other staff should also not be overlooked and career paths for them should also be determined, bearing in mind any limited aspirations or interest in promotion.

The following steps should be taken in preparing a career pathing document:

#### **Step 1**

Once per year, the Head of Department (preferably with the human resources official) should hold a meeting with each member of staff in order to ascertain how great the employee's aspirations or ambitions are. The employee's past performance (as identified from the Performance Appraisal form) should also be discussed, as well as any possible improvements that are needed and any additional training which is required.

#### **Step 2**

It is important that the Head of Department be flexible in his/her view of the potential of the employees. The human resources representative can assist in maintaining objectivity in these cases. The employee's aspirations must then be compared with his/her current performance and any improvements needed must be set out.

#### **Step 3**

If the employee is at a fairly junior level, and wishes to progress to higher levels, he/she must be given every opportunity possible to develop the necessary skills. A possible career path document (an example is attached as Annexure B) should be shown to him/her and he/she should be informed that his progress will depend entirely on his/her ability, enthusiasm, dedication and hard work in his/her job.

#### **Step 4**

The document set out in Annexure A (as amended to suit the employee's particular career field) should be personalised with the employee's name on the top. Meetings with the Head of Department and the human resources representative should be held every year to discuss his/her progress and training and development needs.

#### **STEP 5**

Once the employee can prove by means of competency evaluation that he/she possesses the necessary skills and competence to perform the key tasks, he/she may then move to the next higher level of competency on his/her career path.

In this way a career pathing document for each individual employee can be compiled.

## 8. Conclusion

The correct implementation of Succession Planning and Career Pathing within a municipality will have great benefits for Municipality and staff members. Municipality will always have suitably trained staff available and employees will feel that their employer is concerned about their careers and keen to train and develop them.

## ANNEXURE A

### 2. FORMAT OF UNIT STANDARD

#### (FOR MACHINE OPERATOR)

No.	CONCEPT	DESCRIPTION	EXAMPLE
1	<b>CAPABILITY</b>	Ask the question:  "Person at this level is capable of...?" (Broad statement)	Person at this level is capable of operating any light-equipment which is power driven
2	<b>PERFORMANCE OUTCOMES</b>	Ask the question:  "What must a person demonstrate or do in order to be assessed as capable at this level?"  (Brief statement)  VERB+NOUN+ ADJECTIVE	<ol style="list-style-type: none"> <li>1. Prepare power-driven equipment for task to be completed</li> <li>2. Operate power-driven equipment</li> <li>3. Do maintenance on power-driven equipment</li> <li>4. Ensure that safety measures are strictly adhered to.</li> </ol>
3	<b>ASSESSMENT CRITERIA</b>	Ask the question:  "What evidence is needed in order that the employee can demonstrate capability and receive the necessary credits?"  (Brief statements)	<ol style="list-style-type: none"> <li>1. Check fuel and oil level</li> <li>2. Check blades and mechanical conditions</li> <li>3. Fill tanks with appropriate fuel/oil mixture</li> <li>4. Perform task according to the instructions received</li> <li>5. Clean filters</li> <li>6. Report all defects and extraordinary noises</li> <li>7. Clean and replace all parts of the machine</li> <li>8. Wear safety equipment</li> <li>9. Complete machine logbooks</li> </ol>

## **35. TRAVEL AND REMOVAL EXPENSES POLICY.**

### **a. Purpose**

The purpose of this policy is to outline provisions for travelling and removal expenses for employees and prospective employees (appointees). It will regulate internal transfers that may warrants relocation of furniture.

### **2. Scope**

This policy applies to all employees of Council.

### **3. Policy**

#### **3.1 Removal Expenses**

Municipality will reimburse, subject to prior approval by the Municipal Manager, new appointees for the lowest of the three quotations for removal of furniture and household items. This reimbursement is subject among others to an appointee residing at the time of appointment outside 20km radius from the Municipal jurisdiction.

#### **3.2 Travel Expenses**

The appointee, dependant family is not entitled to any travelling expenses for the acceptance of the offer of employment.

#### **3.3 Internal Appointments**

When an employee of Council voluntarily and at his/her own accord applies for position within Council service, and became successful in a position warranting travelling and moving to a different location within the boundaries of the municipality, such travelling and removal costs will be at Council's cost.

#### **3.4 Internal Transfer**

Should Council transfer an employee for operational reasons within the boundaries of the municipality, and such post warranting travelling and moving to another area, Council shall bear the full costs of travelling and removal subject to submission of the lowest quotation of the three.

### **3.5 Voluntary Internal Transfer**

When an employee of Council voluntarily request Council to relocate to another area within the municipality, even when no vacant position exists, such cost will be at the employee's own cost.

### **3.6 Exclusions**

Council is not responsible for expenses associated with storage of appointee households and insurance. This is the sole responsible of the employee.

### **3.7 Employee Obligations**

Should any employee who's travelling and removal expenses have been covered by Council leave within a period of less than 12 calendar months, the total amount travelling and removal expenses will be recovered by Council on a pro-rata basis.

## **36. RETENTION STRATEGY POLICY.**

### **1. PREAMBLE**

Staff recruitment and retention is currently regarded as one of the top priorities for strategic planning in an organization. This is focused on attracting employees to join the organization through focused recruitment and selection strategies and retaining those who are already employed especially those with crucial skills to the organization. The strategy will cover both the psychological aspects of employees, the operational aspects attached to the job or tasks where an employee is appointed and of utmost importance is about motivating staff.

The strategy will address intentions to retain staff, classification of skills and the key aspects of staff recruitment and retention. The strategy will further highlight on what will make employees to stay in the municipality and what interventions measures to put in place to minimize staff turnover.

### **2. DEFINITION**

Staff recruitment and retention is a mechanism employed by organizations which focus on both attracting employees to join an organization through focused recruitment and selection strategies, and keeping those who are already in the system – especially those whose skills are crucial to the organization.

### **3. OBJECTIVES**

- a. To become the employer of choice.
- b. To ensure a conducive and harmonious working environment for employees.
- c. To ensure employees health and wellness.
- d. To attract and retain competent staff.
- e. To retain key staff members whose services are regarded as critical or classified as scarce skills.
- f. To ensure career development for staff.
- g. To reduce annual staff turnover rate.

### **4. LEGISLATIVE FRAMEWORK**

- a. Constitution of the Republic of South Africa
- b. Basic conditions of employment Act
- c. Employment Equity Act 55 of 1998

- d. Skills Development Act 97 of 1998

## **5. PRINCIPLES THAT UNDERPINS THE RECRUITMENT AND RETENTION STRATEGY**

- a. The policy is developmental rather than subjective.
- b. Classification of posts into scarce skills, valued skills and high risk skills.
- c. The culture of continually developing staff shall be maintained in line with the Skills Development Act and Performance Management System.
- d. The culture of creating and sustaining a pleasant and humane working environment where employees are given a chance to thrive shall be a norm.
- e. The potential and reasons for leaving the Abaqulusi Local municipality shall be determined by conducting exit interviews and staff morale assessment surveys.
- f. The Recruitment and Retention policy should by no means be construed to be creating expectations for either promotion or monetary rewards.

## **6. BROAD RETENTION CHALLENGES NATIONALLY**

- a. Employees leave their employers for a variety of reasons. Some of the reasons for staff turnover are unavoidable and beyond the employer's control, while others are avoidable and can be managed. It is on this basis that staff retention management is inevitable in this instance.

### **6.1. Unavoidable reasons**

There is virtually nothing the employer can do with regard to unavoidable staff turnover, for instance caused by amongst others death, retirement, employee's health or family relocation or any unforeseen natural attrition.

### **6.2. Avoidable reasons**

#### **6.2.1. Financial considerations**

Majority of employees leave the municipality because they are offered better salaries or service benefits elsewhere. Although the municipality's remuneration system is not competitive enough to attract and retain talented staff, the municipality can make efforts to reward staff who excel and to counter offer any attempt of staff poaching by other employers. The provision that allows the municipality to raise an employee's salary for purposes of retention is an important tool in this regard.

### **6.2.2. Work environment**

Unpleasant, poor and constrained work environment leads employees to unhappiness at work and consider taking other job options attractive to them. Poor work environment may be caused by amongst other things low morale, little motivation of employees, lack of strategic direction, lack of leadership and communication and poor work challenges; and lack of empowerment of employees.

### **6.2.3. Career development**

Employees want to grow in their work and will continually search for growth, and as such if the employer does not provide these opportunities, employees will begin to look for greener pastures elsewhere.

### **6.2.4. Leadership and management style**

In most cases talented employees leave an organization if they believe that the management style is stifling growth and not empowering, or where managers are not people focused.

### **6.2.5. Lack of effective communication and procedure**

It is a common for employees to find something that they dislike about their work environment or their managers and where there are no effective grievance procedures in place or not followed, employees will not have a way of having their concerns heard and addressed. In the end, the only option left is to tender a resignation.

## **7. Intentions to retain staff**

Intentions to retain staff are most effective if they are aimed at a specific circumstance or skills group and the interventions are integrated and linked with a wide variety of human resource practices as possible.

The following human resources practices and policies need to be integrated and aligned with the retention strategy:

### **7.1 Recruitment and selection process**

In most cases the increase in staff turnover is caused by bad selection decisions, wherein a wrong person is appointed for the job. In order to prevent this, effective and efficient recruitment and selection processes must be adhered to.

Accurate job requirements, job profile and job descriptions must be developed and they must clearly specify the core competencies required for successful performance. For this purpose the municipality has a Staff provisioning policy in place to guide the selection and recruitment process.



## **7.2. Effective induction methods**

Best practice studies revealed that the first few weeks of employment are very much crucial for establishing employee commitment to employment. It is therefore, imperative that line managers and human resource practitioners lay the foundation for future commitment by being part of the induction process. In addressing this, new employees will receive a well-structured and dynamic induction programme that stretches from the employee's first day at work until he/she is thoroughly introduced to their job. For effective execution of the induction and orientation process to new recruits the municipality has an induction manual in place which should be reviewed annually in order to improve on its effectiveness and relevancy.

**7.3. Exit interviews/ interviewing employees who turn down job offers** Exit interviews are also an important tool that cannot be overlooked when designing staff retention interventions and these interviews will be conducted whenever an employee is leaving the municipality or when turning down the employment offer.

## **7.4. Counter offering**

Counter offering is a measure that can be used in order to find and keep employees with scarce skills. Counter offering should always be done in consultation with the Municipal Manager. Jobs in the scarce skills and high risk categories should be properly designed and evaluated to maximize the compensation you can offer to candidates and employees.

The municipality must fully and correctly provide for the scarce skills allowances for certain categories of staff.

- Counter offering will be done on scarce skills, valued skills and high risk skills on the basis that reasons that drove the employee to look for employment somewhere else are addressed and eliminated.
- Line managers should consult Human Resources for intervention once they identify employees in the scarce skills categories showing interests to leave the municipality.
- As a standard procedure all employees to be counter offered, their files will be used to examine the quality of their work as reflected in the Performance Management System file and any other documented evidence supporting the counter offer.
- A committee of at least three members, consisting of Human Resources, Budget and Treasury, the Accounting Officer and the Head of the affected Department will be formulated to handle the counter offering process. When counter offering, an employee will be offered the same

salary level as that of the competing employer, however the notch will be higher than that of the prospective employer on the legs depending on the negotiations.

- The Human Resources will write an item to the Municipal Manager on the position to be counter offered with recommendations for approval by Accounting Officer.
- Counter offered employee will not be counter offered again should he/she receive a new job offer within twelve (12) months after being counter offered.
- In the event where a newly employee is appointed and starts the process of salary negotiations; the below information needs to be considered
  - Previous salary from the previous employer (payslip to be attached).
  - Salary Task levels as a guide (SALGA Task Levels)
  - Nature of the position and its requirements.
  - Interview Assessment results.
- The above information will be used to match the employee's previous salary.
- Human Resources will write a memo to the Accounting Officer requesting for salary adjustment of the newly appointed employee based his/her previous salary, scarcity of skills and the interview assessment report.
- Salary adjustment shall only be made based on the advertised scale, after considering the above requested information.

## **8. CLASSIFICATION OF SKILLS**

### **a. Scarce Skills**

These are skills that are needed to achieve the municipality's goals and objectives, but which are difficult to recruit and too expensive to replace.

These skills are:

- **Engineering skills**
- **Financial skills**
- **Town and Regional planning skills**

### **b. Valued Skills**

The focus is on the valued staff member who contributes positively to the municipality and whose loss would have a negative impact on the municipality's ability to achieve its goals.

This will be determined by the employer by comparing the loss versus the value of the employee and the impact to the organization. The scarcity of the skill does not have a bearing on this category.

### **c. High risk Skills**

These refer to employees with skills who may soon leave. These will include employees who have indicated a need to leave the municipality due to demotivation or reached a career ceiling (no career path).

## **9. KEY ASPECTS OF STAFF RECRUITMENT AND RETENTION**

### **9.1. Compensation and benefits**

The municipality strives to become the employer of choice and as such compensate its employees on a salary scale system which has several notches in each salary level in order to allow for salary progression of employees on an annual basis.

Salary negotiation will be allowed subject for availability of budget and subject to the identified criteria. It shall be led by Human Resources Manager in the staff under Section 55 of the Municipal Systems Act. The submission on the salary negotiation shall be approved by the Accounting Officer.

For all Senior Management positions (**the Municipal Manager and Section and Section 56 Managers**), the candidate negotiates for his/her remuneration package with the Accounting Officer on behalf of council or the Mayor if it is for the Accounting Officer.

In its endeavors to become the employer of choice, the municipality provide the following benefits and allowances to its employees:

- Pension Fund subsidy to all employees with the exclusion of Section 54/56 Managers
- Medical aid subsidy to all employees with a medical aid scheme.
- Housing subsidy to all employees with bonds and R350.00 per month for renting employees.
- Leave entitlement, 24 days – vacation, 80 days – sick leave per 3 year cycle, 5 days – family responsibility per annum and study leave days which varies as per the type of study.
- **Travelling allowance** to deserving employees and other designated employees as per the specific duties they are performing.
- **Cell phone allowances** to secretaries of the Office bearers, Municipal Manager, Executive Directors and other designated employees as per the specific duties they are performing.
- Provision of resources – The municipality will provide enough working tools to meet the demands of the job to all employees as guided by the specific jobs executing.

## **9.2. Training and development**

The municipality has a training and development policy in place which will be utilized to guide the training and development of employees. Internal employee skills audit should be conducted annually in order to identify the skills gap, which will inform the development of the annual Workplace skills Plan. As encapsulated in the training and development policy, the types of training courses and development will be determined by the municipality as informed by the identified gaps of employees through skills audit.

The training and development policy further encourages all employees to be involved in their personal development and manage their own careers by indicating their training needs to their supervisors.

## **9.3. Internal staff bursary**

The municipality must have an internal bursary scheme which intends to assist in securing adequately qualified personnel for its services by providing financial assistance to all employees to enable them to qualify educationally for the services they are rendering and to enhance the level of competency in performing duties assigned to them. The internal bursary aims at achieving the following:

- To encourage career development of employees through further education.
- To encourage self-development activities provided that they are along the lines regarded as beneficial by management.
- To provide financial assistance to employees who wish to improve themselves through formal courses of study.
- An employee will be given a registration fee for each year until she/he finishes his or her qualification.
- An employee that has been given bursary must serve the Municipality 24 months before he can be allow to resigned, failing which the money will recovered from him

## **9.4. Health, wellness and safety**

The municipality complies with the Occupational Health and Safety Act (Act 85 of 1993) as it appointed a health and safety officer to deal with all aspects of health and safety in the workplace. While the Act places responsibility upon the employer to provide safe working conditions, it further obliges the employee to act responsibly. In furtherance of its responsibility, the employer will provide first aid trainings to employees and also provide safety talks to its employees. Personal protective clothing will also be provided to all employees as informed by their specific duties in terms of the health and protective clothing policy. The Abaqulusi Local municipality has an Employee Assistance Programmes which serve as strategic and

professional services to assist employees to enhance their quality of life and to help them with a view of improving their performance and productivity.

**The Employee Assistance Programmes aims at achieving:**

- To provide professional assistance with a view to enhance the personal well-being and quality of life of the employees and their immediate family members.
- To provide channels for correct and effective referral for assessment and treatment so as to ensure maximum assistance.

To prevent lowering of job performance and to correct performance difficulties by providing assistance to the employee at the earliest possible time.

- To investigate and follow up on problems that adversely affect the employee's job performance, while increased productivity, safety and health is sought through therapeutic intervention.

**9.5. Furniture removal assistance for new employees**

The employer will pay for the removal costs of furniture for new employees up to a maximum amount as approved by council, which may be reviewed from time to time. This will assist the new recruits in terms of relocating their furniture from their places to a place nearer to the workplace.

**9.6. Accommodation of newly employed staff**

All newly employed municipal officials will be accommodated by the municipality for a period not exceeding one month. The employer will incur all costs for accommodation if a room is rented and or an employee is booked in a hotel or lodge. Arrangement for such accommodation will be done by the employer.

**9.7. Benchmarking with other employers**

Majority of employees leave due to attraction by competitive remuneration in other organizations, better career growth opportunities and better incentives that are offered by other employers. The municipality will benchmark with other employers to find out the gaps that exist and what other incentives are offered as compared to the current status. This will allow for improvement on what the municipality can afford in order to decrease the turnover rate and also increase the recruitment rate of employees in critical skills.

### **9.8. Performance Management System**

A performance management system policy and performance management system strategy is in place. The two documents will assist in guiding the assessment process of employees. The assessment committees will ensure that there is fair, consistent and transparent application of employee assessment. Processes for awarding of performance bonuses and on how to deal with poor performers and remedial measures will be dealt with in terms of the processes as provided in the Performance Management System policy.

### **9.9 Labour Relations**

The Labour Relations Forum (Local Labour Forum) is in place and comprise of the employer and the two labour unions representatives. This forum is established in terms of the Labour Relations Act and Organizational Rights Agreement to deal with issues affecting workers in general at the workplace.

## **10. ROLES AND RESPONSIBILITIES TO MANAGE STAFF RETENTION**

Staff retention is best achieved through the linkage between line managers and the human resources section.

### **a. Human Resources Practitioners**

The following are roles and responsibilities of the Human Resources practitioners:

- To establish appropriate policies, procedures and systems for human resource management;
- To identify employees or categories of employees who might leave;
- To analyze staff movement trends and identify high risk employees;
- To constantly analyze skills demand and supply trends in the labour market;
- To perform constant skills audit within the organization;
- To develop interventions to address critical skills shortages

### **b. Line Managers**

Line managers are the main link between the employer and the employees. It is therefore, important for them to be competent technical managers and people managers. Line managers need the following competencies in order to be able to play their role:

- The ability to lead effectively, coach and mentor staff;

- The ability to give proper feedback;
- The ability to align work processes and jobs with organizational goals;
- The ability to create a culture of continuous learning and development, in which employees can grow and improve their own competencies.

**The following are roles and responsibilities of Line managers:**

- To apply human resources policies, procedures and systems fairly and consistently to all employees;
- To effectively manage staff;
- To motivate employees and create an enabling environment for employees to perform;
- To provide training and other support to employees;
- To implement staff retention strategy;
- To empower employees through effective delegation; and
- To understand employees' preferences and what drives and motivate them.

## **10. MONITORING AND EVALUATION**

Human Resources practitioners will continuously monitor the implementation of this strategy. The strategy will be evaluate by both Line Managers and the Human Resources Practitioners on an annual basis and if need be review it.

## **12. APPROVAL**

The retention strategy will be implemented on approval by Council.

## **13. REVIEW OF THE STRATEGY**

The policy shall be reviewed annually

## 35. DISPOSAL OF PERSONAL FILES AND OTHER APPLICATIONS.

### b. Purpose

The purpose of this policy is to outline which personal files and personal information can be disposed, and the period of existence for these personal documents.

### 4. Scope

This policy applies to all employees personal information.

### 5. Policy

#### **Disposal of Personal Information and other relevant documents.**

Personal information must not be retained any longer than is necessary for achieving the purpose for which the information was collected or subsequently processed, unless—

- retention of the record is required or authorised by law;
- the responsible party reasonably requires the record for lawful purposes related to its functions or activities;
- retention of the record is required by a contract between the parties thereto; or
- the data subject or a competent person where the data subject is a child has consented to the retention of the record.

The employer must destroy or delete a record of personal information or de-identify it as soon as reasonably practicable after the responsible party is no longer authorised to retain the record in terms mentioned above.

Personal files may be

The destruction or deletion of a record of personal information in terms of subsection (4) must be done in a manner that prevents its reconstruction in an intelligible form.

The responsible party must restrict processing of personal information if—

its accuracy is contested by the data subject, for a period enabling the responsible party to verify the accuracy of the information;

the responsible party no longer needs the personal information for achieving the purpose for which the information was collected or subsequently processed, but it has to be maintained for purposes of proof;

the processing is unlawful and the data subject opposes its destruction or deletion and requests the restriction of its use instead; or

the data subject requests to transmit the personal data into another automated processing system.

Personal information referred to in subsection (6) may, with the exception of storage, only be processed for purposes of proof, or with the data subject's consent, or with the consent of a competent person in respect of a child, or for the protection of the rights of another natural or legal person or if such processing is in the public interest



## 37. PLACEMENT POLICY

### PREAMBLE

The Placement Policy intends to provide guidelines on the placement of staff. It is noteworthy that Section 54 and Section 56 Managers falls outside the ambit of the Placement Policy. The placement of staff must be consistent with applicable labour legislation.

The placement of staff must not-

- Disrupt the effective and efficient delivery of services;
- Be used as a punitive measure against employees;
- Be used to promote or demote employees;

During the placement process, no additional remuneration must be paid in any form to an employee. The issue of parity must not be addressed during this process. This will be dealt with at a national bargaining level.

During this placement process if there are any discrepancies within the same task grade, such will be addressed to ensure that employees are paid as per the provision of the collective agreement.

### 1. POLICY OBJECTIVES

To ensure that employees with the correct skills, experience and qualification are allocated into the approved organizational structure, but also be compliant with the Employment Equity Act, Skills Development Act and Council's Employment Equity Plan.

### 2. SCOPE OF APPLICATION

This policy is applicable to all permanent employees of the **ABAQULUSI LOCAL MUNICIPALITY** with the exception of Section 56 and 57 employees.

### 3. STATEMENT OF INTENT

#### 3.1 THE PARTIES ACCEPT THAT:

Arising from the need to restructure local government and functions within the applicable demarcated areas, the reorganization of existing staffing structures (including geographic re-deployment) may be necessary to meet operational objectives to service delivery. All restructuring shall take place in accordance with the principles contained in this agreement.

**It is further recorded that such placement is accordance with Section 197 (2) of the LRA which list the following consequences of such transfer.**

No employee will be **forced** or **be allowed** to opt for severance package unless the employer has initiated retrenchment as per the provision of Section 189 of the LRA.

The placement of staff shall be done in a manner that is consistent with any existing Employment Equity Act, Skills Development Act **and any other acts, policies and practices which are related to it.**

#### **4. ORGANISATIONAL STRUCTURE**

**The Systems Act, S 66(1) stipulates that:**

- a) "A Municipal Manager, within a policy framework determined by the municipal council and subject to any applicable legislation, must approve a staff establishment for the municipality;
- b) Provide a job description for each post on the staff establishment;
- c) Attach to those posts the remuneration and other conditions of service as may be determined in accordance with any applicable legislation; and
- d) Establish a process or mechanism to regularly evaluate the staff establishment and, if necessary, review the staff establishment and the remuneration and conditions of service.
- e) The Municipality shall prepare the envisaged final organizational structures of all Business Units and submit this proposal to the Local Labour Forum for input before final approval by Council.

#### **5. JOB EVALUATION**

All posts in the new structure must be evaluated prior to the allocation of staff.

#### **6. EMPLOYMENT EQUITY PLAN**

The Employment Equity Plan for the new structure shall be drawn up and approved as required prior to the commencement of the allocation process.

#### **7. ALLOCATION COMMITTEE**

The allocation of staff shall be considered by an Allocation Committee comprised of the following members:

- Executive Director: Corporate Services
- Executive Director Community Services
- Executive Director: Technical Services
- Chief Finance Officer
- Executive Director Development Planning
- Manager: Human Resources
- Two (2) organised Labour, (IMATU, SAMWU)

**The Allocation Committee shall have the following terms of reference:**

- "To consider and reach consensus regarding the allocation of existing employees into posts in the approved structures".
- Where consensus cannot be reached, the Municipal Manager shall have the final say.
- The Trade Unions, shall play an observer status in the Allocation Committee.
- Should the Trade Unions opt not to send observers, the process will continue in their absentia.
- **"To consider and reach consensus regarding the placement of existing employees into posts in the new structure"**
- The placement Committee shall strive to reach consensus on the staff placement. Where consensus cannot be reached, **the matter will be referred to the Municipal manager** or tribunal led by the Municipal Manager.
- Should the employee be unhappy about the placement process, the aggrieved employee shall write a letter with the assistance of his/ her union Rep or fellow employee to the Municipal Manager to object the placement process within one week.
- The Municipal Manager will handle the objections and pronounce its decision within seven (7) working days.
- If the aggrieved employee is happy about the ruling or decision of the Municipal Manager, the matter will be settled.

- If the aggrieved party is still dissatisfied with the ruling of the Municipal Manager, the party shall refer the matter to the South African Local Government Bargaining Council

### **7.1 Salary Disparities**

Salary disparities **within task grade** shall be considered after placement has been done **but no employee shall be paid less than the provision of the Main Collective agreement or South African Local Government Association's salary scale.**

New, major changed posts and identified strategic important posts will be advertised both internally and externally and an appointment will be made in terms of the appointment criteria.

Employees are to be placed in the structure on a permanent basis. Parties are committed to ensure continuity of employment and every attempt will therefore be made to ensure that no retrenchments/redundancy will occur, provided that the affected employees are willing to accept alternative positions that are offered. In this regard, every effort will be made to ensure that such alternative offers are reasonable.

### **8. CLOSE MATCH PLACEMENT**

Employees are to be placed in the new structure on a close-match basis.

In close matching a post, the job content of the 'new' post compared to the existing job content of the employee.

The employee having the closest match in respect of the job content is the successful employee to be placed; e.g. a Typist will be closed matched to a Typist post, a Labour Relations to a Labour Relations post.

Where the closed match cannot be done one hundred percent, the match must be done on the most matched job contents. The focus should be on the crux of the job e.g. an Accountant job content will be matched against a post that contains the most stipulations reflecting accounting duties.

The close match is done on job content and not job designation. Post designation may however be used as an indicator.

The salary of an employee plays no role in the placement. Salary determination and equalization thereof it's addressed further on.

### **9. ADDITIONAL FACTORS.**

Where more than one employee can be closed matched to a post and there is more employees than there are posts, the following factors will be used to facilitate the placement decision:

The provisions of the Employment Equity Act and Affirmative Action must be the overriding factor that will decide placement and preference to the placement of designated persons must strictly be adhere to.

- Relevant qualifications on the same position shall be considered.
- Relevant experience relating to the same position.
- No person will be worsened off.
- No person will lose his/her job based on the above said criteria.

If close match cannot be resolved and all avenues are not taking us anywhere, the employee concern will be requested to take another offer but not to be worsened off in **relation to his/her conditions of employment as clearly outlined by the provision of Section 197(2) of the Labour Relations Acts.**

#### **10.1 EXTREME CIRCUMSTANCES**

If all avenues have been exhausted to place an employee and the employee refuses to accept an offer, the employee shall have to tender his or her resignation with no severance package being paid.

### **10. ALLOCATION CRITERIA**

**The following criteria will apply:**

- a) The Abaqulusi Local Municipality is committed to ensuring continuity of employment and every attempt will therefore be made to ensure that no retrenchment or redundancy will occur, provided that the affected employees are willing to accept alternative positions that are offered.

In this instance every endeavour will be made to ensure that such alternatives are reasonable and justifiable in terms of the competencies, skills, and qualifications of the affected employees. If offers are not accepted, Section 189 of Labour Relations Act 66 of 1995 will be applied. Where offers are accepted and are at a lower level, the allocation will be done on Personal to Holder.

- b) The allocation of the employees shall be done by matching the job content/requirement of the post on the structure with the skills, competencies, qualifications, experience and existing job content of the employees. The employee whose skills, competencies, qualifications, experience and existing job content, is the closest match to the post requirements/job content of the new post shall be allocated to that post.

- c) An employee may not be allocated into a higher level post without the post having being advertised, unless the post is an unchanged or minor changed post presently held by the employee.
- d) Where more than one employee can be close matched to a post and there are more employees than there are posts, employment equity shall have preference over length of service. The employees who are close matched may also be called to an interview without advertising the post.

**The Allocation Committee shall ensure that all existing employees are allocated to posts and must be in accordance with the Employment Equity Act and Plan.**

## **11. ALLOCATION PROCESS**

The allocation will take place as follows:

### **12.1 CLASSIFICATION OF POSTS**

The Allocation Committee will classify the posts in the structure into the following five categories. Allocation in terms of these categories takes place in the following manner:

#### **12.2. UNCHANGED POSTS**

These are posts that have had no change to their scheduled duties.

The Municipality will be required to merely list these posts with the names and pay numbers of the present incumbents and submit them to the Allocation Committee for confirmation.

#### **12.3 MINOR CHANGED POSTS**

These are posts involving minor changes to the duty schedule which has no material effect on the level of responsibility. It might also involve change in title without a change in duties.

The Municipality will be required to merely list these posts with the names and pay numbers of the present incumbents and submit them to the Allocation Committee for confirmation.

#### **12. 4 MAJOR CHANGED POSTS**

These are posts which have undergone a major change to their duties and responsibilities. These posts will be advertised internally first.

### **12.5 NEW POSTS**

These are posts, which carry duties and responsibilities that do not exist in any form in the present structure. These posts shall be advertised as per Employment Policy.

### **12.6 NOTIFICATION OF ALLOCATIONS**

A letter shall be sent to each employee informing him or her of their allocation. A copy of the relevant portion of the organizational structure showing their allocated post will be attached to the letter.

All allocations shall be finalized within a period of three (3) months of the commencement of the Allocation process.

An organizational structure showing all posts and the names of the employees allocated to these posts shall be displayed on the main notice boards

## **12. CONDITIONS OF SERVICE**

All contracts of employment and conditions of service shall remain unchanged by this allocation process.

Notwithstanding the provisions, salaries and benefits shall be adjusted in accordance with the results of the Job Evaluation process and any relevant collective agreements concluded in the bargaining council.

All employees shall sign performance agreements.

## **13. TRAINING**

While the objective of this policy is to allocate employees with the correct skills, experience and qualification into the approved organizational structure, it is acknowledged that there may be instances where employees require some further mentoring and/or training, and this aspect will be dealt with in terms of the Municipality's Skill Development policies and procedures.

## **15. DISPUTE PROCESS**

The disputes shall be dealt with in terms of the SALBC processes after exhausting all internal processes.

## **16. MONITORING AND EVALUATION**

This Policy shall be monitored and evaluated by the Human Resources Management section annually or when necessary, whichever comes first.

## **17. REVIEWAL**

This policy shall be reviewed annually by the Human Resources Management Manager

## **18. Redundancy/ Retrenchment**

The following will not constitute grounds for retrenchment/redundancy:

### **18.1 Reasonable geographic re-deployment.**

The transfer from one employer to another employer without any changes to functions and/ or conditions of employment in terms of Section 197 of the Labour Relations Act.

### **18.2 Temporary Appointments**

- Employees who have been temporary in a position may be placed provided that that employee has the qualifications and experience. The Placement Committee will submit recommendations for consideration. It will be the prerogative of the Municipal Manager exercising his powers in terms of s55 of the Municipal Systems Act whether or not the employee will be placed in the position.
- The employer can also absorb any employee that serves as an intern, in-services trainee or doing voluntary duties, provided that there is a stronger motivation from the head of the Department



**ACKNOWLEDGEMENT BY EMPLOYEE**

I, acknowledge that I have read and that I understand the material contained in the Human Resources Policy Manual.

.....  
**Print Name**

.....  
**Signature**

.....  
**Date**