



Ngwathe

MUNICIPALITY

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**HUMAN CAPITAL MANAGEMENT: -
POLICY AND PROCEDURE MANUAL
FOR:
NGWATHE LOCAL MUNICIPALITY**

HUMAN CAPITAL MANAGEMENT POLICY AND PROCEDURE MANUAL

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Reviewed by: Name & Surname: Signature Date	The Human Capital Management Policy Working Committee Represented by the Chairperson of the Working Committee/Corporate Services Director Mr. _____ _____ _____
Reviewed by: Name & Surname: Signature: Date:	The Local Labour Forum Represented by the Chairpersons of Independent Municipal and Allied Trade Unions (IMATU) in Ngwathe Local Municipality. Mr. _____ _____ _____
Reviewed by: Name & Surname: Signature: Date:	Local Labour Forum Represented by the Chairpersons of South African Municipal Workers Union (SAMWU) in Ngwathe Local Municipality. Mr. _____ _____ _____

Reviewed by: Name & Surname: Signature: Date:	The Municipal Manager at Ngwathe Local Municipality <u>Dr Futhuli Patrick Mothamaha</u> _____ _____
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GLOSSARY OF TERMINOLOGY

In this policy and procedure manual, any word or expression to which a meaning has been assigned by the Act, shall bear the same meaning assigned to it in the Act and unless the context indicates otherwise

DEFINITIONS

“Abscondment” means absence from work for a period of ten (10) consecutive working days without permission and or notification.

“Accidental/Unwanted Application” means an application for a job at Ngwathe Local Municipality without the applicant referring to a specific advertised vacancy, whether there are any vacancies or not. In essence, it’s an unsolicited application.

“Accreditation”, refers to a process through which an organisation’s capability to perform or deliver training and / or assessment is recognised and approved to fulfil the intended outcomes.

“Act” means a rule/regulation promulgated into law, in relation to the relevant legislation in South Africa.

“Active bursary”, refers to a bursary awarded for a course which has not been worked back, or which is still being paid back.

“Adoptive Parent” means a person who complies with the requirements set out in section 231(2) of the Children’s Act, 2005 (Act No. 38 of 2005).

“Affirmative Action” means the purposeful and planned placement or development of people from designated groups in positions from which they were debarred in the past in an attempt to redress past disadvantages and to render the workforce more representative of the demographics of Ngwathe Local Municipality in particular, and South Africa in general.

“Agreement/ Contract” means a prescribed agreement between the employer and the employee with conditions to adhere to.

"Alcohol" means any beverage containing any percentage of alcohol. "Alcoholic beverage" has the corresponding meaning.

"Alcohol testing" means the testing of an employee to determine the level of his or her breath alcohol concentration [BrAC] expressed in mg/1 000 ml. The testing is done using standardised, scientifically recognised breathalyser instruments, such as the Lion Alco meter, Drager Alco tester and Alco scan.

"Allowance" means an amount paid to a qualifying employee for a specific purpose and which will lapse when the employee no longer meets the conditions for such payment.

"Anniversary date" means the date in any subsequent year corresponding to the date on which an employee was appointed by the Ngwathe Local Municipality.

"Annual employment cycle" means a period of twelve consecutive months starting on the day when an employee first commenced employment with Ngwathe Local Municipality.

"Annual Leave Cycle" means the period of twelve (12) months employment with Ngwathe Local Municipality immediately following an employee's commencement of employment or following the completion of that employee's existing Leave cycle.

"Appointment" means an act of assigning a job or position to an employee either on a permanent, temporary or fixed term basis.

"Assessment", refers to a process of gathering sufficient information for evaluating what learners know and can do, this may take place through several methods, for example, portfolios, simulations, workplace assessments or written and oral examinations.

"Attendance Register" means the prescribed standardised attendance register approved by the Municipal Manager or the electronic clocking mechanism, as applicable at the various workplaces and offices of Ngwathe Local Municipality.

"Authorised deductions" means deductions required or permitted in terms of a law, arbitration award, collective agreement, and any other agreement with the employee or court order or as defined in the Employment contract policies of Ngwathe Local Municipality and conditions of service.

“Basic Principles” means principles that are vital, essential and indispensable to employment and equity.

“Benefit” means a compensation provided by the employer to employees in addition to their normal basic salary, these include for example, Medical Aid, Pension fund, travel allowance (where applicable), etc.

“Blood alcohol concentration” (BAC) is the concentration of alcohol in a person's blood [milligrams per 100 millilitres expressed as %.

“Breath alcohol concentration” (BrAC) means the concentration of alcohol in a person's breath, expressed in mg/1 000 ml.

“Bursary” means a sum of money which is awarded to a qualifying individual or official of Ngwathe Local Municipality to allow them to pay their tuition and books at Institutions of Higher learning.

“Bursary Holder” means any employee or official of Ngwathe Local Municipality who has received financial assistance to further out their studies or qualifications.

“Bursary Scheme” means a comprehensive package that provides financial support.

“Calibration” is the checking of, and adjustment where necessary to, the reading displayed on a breath alcohol detector so that the reading equals the value of the alcohol concentration of an alcohol standard of known concentration. Calibration certificates should be maintained in respect of each instrument.

“Call-out” means an occurrence when an employee is required to report for duty outside normal working hours. Scheduled stand-by employees will be treated as per the stand-by allowance policy of Ngwathe Local Municipality.

“Candidate” Means a job seeker who is selected for the testing procedure and to participate in the selection process of Ngwathe Local Municipality.

“Career Path” 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 Municipality.

“Collective Agreement” means the Free State Collective agreement concluded in the Bargaining Council as contemplated in the Labour Relations Act 55 of 1995.

“Competencies” means a set of demonstrable skills, knowledge, experience and qualifications that are required to perform a job effectively and improve the efficiency of performance of an employee within the Institution.

“Confirmation by observation testing” occurs when a person refuses to take a breathalyser test, or is unable to provide an adequate breath sample, or there is reasonable suspicion of the individual being intoxicated or under the influence of drugs or alcohol and confirmation of this is derived from other observable evidence.

“Constitution” means the constitution of the Republic of South Africa, 1996.

“Consultation” means on-going interaction between all relevant stakeholders, within appropriate structures as referred to in the Labour Relations, Employment Equity Acts, or any related Legislation with an intention to reach consensus.

“Continuous Service” means the period of service with Ngwathe Local Municipality which is uninterrupted by any form of termination of service: provided that the period from the date of completion of a service contract, to the date of commencement of the next service contract shall not be deemed to be an interruption of service if condoned by Ngwathe Local Municipality.

“Council” means the Council of Ngwathe Local Municipality and includes any Political structure, Political office-bearer or employee of the Municipality lawfully acting in its stead.

“Counselling” means a sincere two-way process where a Manager together with an employee adopts a problem-solving approach to deal with issues arising from the employee’s condition and arrives at a course of action which the employee and any other identified persons will adopt to address the issues.

“Counsellor” means a professional person who provides counselling services to an employee.

“Day” means working days, i.e. Mondays to Fridays excluding public holidays unless indicated otherwise by the context.

“Debt” means an amount of money owed and payable to Ngwathe Local Municipality arising out of a liability or obligation to pay.

“Delegation of authority” means the document in which the Municipal Manager delegates authority for approval of specified expenses and or operational duties to the appointed Line Manager.

“Demotion” means the permanent or temporary movement of an employee from a position in one job category to a position in another job category of decreased responsibility or complexity of duties and on a lower salary range and job grading.

“Desertion” means abandonment of duties or post by the employee without notification or permission.

“Designated Groups” means black people, women and people with disabilities who are citizens of the Republic of South Africa by birth or descent or became citizens of the Republic of South Africa by naturalisation: before 27 April 1994 or after 26 April 1994 and who would have been entitled to acquire citizenship by naturalization prior to that date but were precluded by apartheid policies.

“Designated employer” means an employer who employs 50 or more employees, or an employer who employs fewer than 50 employees, but has a total annual turnover as reflected in Schedule 4 of the Act, Municipalities and Organs of State. Employers can also volunteer to become designated employers.

“Disability” means a long term or recurring physical, including sensory, or mental impairment which substantially limits prospects of entry into or advancement in employment of people with disabilities.

“Diversity” means any way in which individuals or groups differ from one another, including but not limited to cultural values, interests, traditions, languages, beliefs and preferences.

“Drugs” means any form of psychoactive substance that can be classified in any of the following categories: depressants, stimulants, narcotics, hallucinogens and cannabis [dagga], and includes drug paraphernalia. It may also include prescription and non-prescription medication that could lead to physical and mental impairment. "Intoxicating substances" has a corresponding meaning.

"Drug testing" means testing of an employee to determine the level of drugs in his/her urine or saliva, using approved testing equipment.

"Emergency Work" means any work, which, owing to a disruption in essential services, or owing to fire, accident, storm, pandemic, act/s of violence, theft, breakdown of plant and machinery, or any other unforeseen circumstances is required to be done without delay.

"Employee" or **"Employees"** means any person excluding an independent contractor who works for another person or for the State, and who receives or is entitled to receive any remuneration.

"Employee Wellness Programme", refers to a confidential and professional programme using the holistic and developmental approach to identify, treat and manage employees' personal and work-related problems that impact on work performance and their wellness. The scope covers, but is not limited to, financial, health, family, marital, stress, interpersonal relationships, and illness.

"Employer" or **"Employers"** means employers/Municipalities within the registered scope of the SALGBC (South African Local Government Bargaining Council: Free State); furthermore, shall the employer have the meaning assigned to it in the Municipal Systems Act, No. 32 of 2000, namely, means the Municipality employing a person as a Municipal staff member, and means the same as Council.

"Employment Equity Act" means the Employment Equity Act 55 of 1998, as amended".

"Establishment" means a permanent or temporary vacancy within Ngwathe Local Municipality`s approved staff establishment.

"Expertise" means special skill, knowledge or experience that is acquired by training, study, or practice.

"External Candidate" means an individual who is not permanently employed by Ngwathe Local Municipality or who has not successfully completed an internship program at the Local Municipality.

“Financial misconduct” means any misappropriation, mismanagement, waste, or theft of funds of a Municipality, and also includes any form of financial misconduct specifically set out in section 171 and 172 of the Municipal Finance Management Act.

“Financial Year” means the Financial year end of a Municipality as prescribed in terms of the Municipal Finance Management Act.

“Fixed term contract” means a contractual relationship between an employer and an employee that lasts for a specified period, such a period specifies a start and end date of the contract term.

“Follow-up testing” is when any employee who has received a written warning for any alcohol or drug related misconduct may be required to undergo a breathalyser test each time, he/she enters or re-enters Municipal premises.

“Formal Training” means formal training acquired through formal accredited institutions such as Universities, University of Technology, or TVET colleges.

“Grievance” means any dissatisfaction, or perceived or otherwise on the part of a staff member Arising from factors that include a staff member`s job, working environment or the Municipality`s employment practices

“Harassment” means aggressive pressure or intimidation.

“Hazard” means a source of or exposure to danger.

“Headhunt” means a proactive strategy to recruit top performers from outside the organization to fill high level positions within Ngwathe Local Municipality, where normal recruitment methods such as advertisement are not yielding results.

“Health and Safety Committee” means a committee established under section 19 of the Occupational Health and Safety Act, No 85 of 1993.

“Healthy” means free from illness or injury attributable to occupational causes.

“Hearing” means the formal procedure invoked against an alleged offender.

“Hours of Work” means the hours of work permitted in terms of Section 9 of the BCEA, or any agreement (i.e.) to a maximum of 40 ordinary hours of work per week and eight ordinary hours of work per day.

“Human Capital Management Policy (HR Manual)” means the policies and procedures contained in this document as approved by the Council of Ngwathe Local Municipality from time to time.

“Human Resources Planning” means an activity aimed at ensuring that Ngwathe Local Municipality has optimal number of employees of the required skills and competencies at the required time and at designated Divisions.

“Human Resources Supply” refers to the range of activities undertaken to ensure that Ngwathe Local Municipality continuously employs an optimal number of employees of the required quality within approved budget so as to deliver strategic objectives of the Organization effectively and efficiently.

“Ill-health or injury incapacity” is the temporary or permanent inability of an employee to perform his or her work because of ill-health or injury.

“Immediate family member” means a spouse, life partner, parents and grandparents, children and grandchildren, brothers and sisters, mother and father-in-law, brother and sister-in-law, daughter and son in law, adopted children for the purposes of this policy.

“IMATU” means the Independent Municipal and Allied Trade Union.

“Incidents” means an incident as contemplated in section 24 of the Occupational Health and Safety Act, No 85 of 1993.

“Independent contractor” means a contractor who enters into a voluntary agreement with Ngwathe Local Municipality and places his or her personal services or labour at the disposal of the Municipality for a determined period and based on specified output in exchange for remuneration. An independent contractor will:

- be a registered provisional taxpayer.
- work his own hours.
- run his own business.

- be free to carry out work for more than one employer at the same time.
- invoice the employer each month for his/her services and be paid accordingly.
- not be subject to usual “employment” matters such as the deduction of PAYE or UIF from his invoice,
- will not receive a travel allowance, annual Leave, sick Leave, or any other bonus payable to permanent employees of Ngwathe Local Municipality;

“Induction” means the process of welcoming, introducing and socializing the new entrants to the existing group of people. This process is implemented to make the new employee feel welcome at the new workplace.

“Institution” means a recognised university, university of technology or Technical and Vocational Education and Training (TVET).

“Issues” means personal safety equipment/protective clothing as well as other clothing and uniforms not compulsory by law.

“Integrated Development Plan (IDP)” means a document that sets out the Municipality's policy priorities, program and project plans for a five-year period, as approved by the Municipal Council and the MEC, within the scope of available resources. This Plan must be aligned with section 23 of the Municipal Systems Act 32 of 2000.

“Internal Applicants/Candidate” means all permanent employees of Ngwathe Local Municipality including employees in the Political Office, Interns, experiential trainees, EPWP and CWP workers.

“Job description” means to a simpler version of the job profile with brief overview of the role, list of key responsibilities, requirements and qualifications, and is developed by conducting a job analysis which includes examining the tasks and sequences of tasks necessary to perform the job to meet operational objectives and drafted in a format that feeds into the job evaluation and grading system.

“Job evaluation: means a process of assessing the relative worth of jobs within the Municipality using TASK evaluation system and directly serving as a tool to attain internal equity by establishing fair pay based on internal relative worth of the position, and not the incumbent. It is

used both independently and as part of the remuneration system designed to provide appropriate salary ranges for all positions and thereby ensure an equitable and defensible remuneration structure that remunerates employees fairly for the job value.

“Job grade” means a grouping that encompasses positions with the same or similar values in order to assign compensation rates and structures.

“Job profile” means a description of a particular work function that includes the elements deemed necessary to perform the post effectively. Specifically, might include such things as duties or job responsibilities, required qualifications, advancement prospects, and the initial pay or salary associated with the position

“Knowledge” means facts, information, and skills acquired through experience or education.

“Labour Relations Act” means the Labour Relations Act 66 of 1995, as amended.

“Labour Forum” means a forum established at the workplace with equal representation from the Trade Unions and the Employer, which has the powers and functions of negotiating and or conduct consultations.

“Learnership” means a formal training process guided by the principles of the Sector Education and Training Authority (SETA) as well as applicable Labour related laws of South Africa to provide the learners appointed by Ngwathe Local Municipality with experiential learning to enable them to be up skilled in order to meet the strategic imperatives of Ngwathe Local Municipality.

“Line Manager/ Supervisor” means a person who has direct authority to manage, supervise and/or control subordinates in their duties and activities within their respective departments, divisions and sections.

“Local Municipality” means Ngwathe Local Municipality which is a category “B” municipality in line with section 155 (1) (h) of the Constitution of South Africa.

“Machinery” means any article or combination of articles assembled, arranged or connected and which is used or intended to be used for converting any form of energy to performing work,

or which is used or intended to be used, whether incidental thereto or not, for developing, receiving, storing, containing, confining, transforming, transmitting, transferring or controlling any form of energy.

“Medical Examination” means any test, question, inquiry or other effort by the Ngwathe Local Municipality to determine whether an employee, job seeker or candidate is suffering from any medical condition. This examination will be conducted in line with the provisions of the Employment Equity Act 55 of 1998.

“Medical Practitioners” means all medical and dental practitioners as defined by the Health Professionals Council of South Africa.

“Month” means one calendar month.

“Municipality” means the Ngwathe Local Municipality, established in terms of section 12 of the Municipal Structures Act 117 of 1998, as amended. It also means to a juristic entity referred to in section 155 (b) of the Constitution of South Africa.

“Municipal Manager” means a person holding this position as the administrative head of the Municipality or acting in his/her stead or in terms of a power delegated in writing to him/her as contemplated in section 82 of the Municipal Structures Act.

“Municipal premises” include any building or property, as well as any fixed asset belonging to or leased to Ngwathe Local Municipality.

“Municipal Systems Act” means the Local Government Municipal Systems Act, No. 32 of 2000.

“Nepotism” means a practice of appointing relatives and friends in positions for which outsiders might be better qualified.

“Nicotine” means nicotine alkaloids.

“Normal Working Day” means any calendar day of the week in respect of which an employee is normally required to work.

“Occupational health” means including occupational hygiene, occupational medicine and biological monitoring.

“Occupational health practitioner” means an occupational medical practitioner or a person who holds a qualification in occupational health recognized as such by the South African Medical and Dental Council as referred to in the Medical, Dental and Supplementary Health Service Professions Act No 56 of 1974 or South African Nursing Council as referred to in the Nursing Act No 50 of 1978.

“Occupational Hygiene” means the anticipation, recognition, evaluation and control of conditions arising in or from the workplace, which may cause illness or adverse health effects to persons.

“Official travel journey” means a journey undertaken by an employee on official business utilizing company vehicle, private vehicle, or flight from departure point (e.g.) Ngwathe Local Municipality offices or home to destination point to carry out Ngwathe Local Municipality’s operational requirements.

“Operational Requirements” means requirements based on the economic, technological, structural or similar needs of the employer.

“Overpayment” means any payment made to an employee in error – a payment in error is one where there is no legal basis for such payment irrespective of the nature of the source of the error.

“Overtime” means that portion of any period that an employee works for Ngwathe Local Municipality during a working week or on a working day as the case may be, which exceeds the working hours as agreed by the Local Municipality and its employees from time to time, provided that it shall not include any period worked by an employee on a Sunday or a Public Holiday or during his free period of 24 hours unless such Sunday or Public Holiday is a normal working day for such employee.

“Part-time Employee” means an employee, excluding a student, occupying a post on the fixed or temporary establishment, with a work week not exceeding 24 (twenty-four) hours.

“Pay” or “Payment” means the monetary compensation due to an employee for services rendered to Ngwathe Local Municipality including the salary, housing benefits, allowances, bonuses, etc. based on the contract entered into between employer and employee.

“Pay Range” means a continuum starting at an amount and ending at a higher amount indicating remuneration packages.

“Payroll Administration” means transactions arising out of the application of statutory provisions, collective agreements, conditions of service, arbitration awards, court orders and approved policy directives.

“Payroll Calendar” means the annual calendar which informs the monthly payroll cycle, and which sets out the key dates in the payroll cycle and process.

“Payroll Systems” means the systems used to administer or process all payroll and Human Resources (HR) administration related transactions.

“Pensionable/Retirement age” is 65 years of age for all employees of Ngwathe Local Municipality.

“People with disabilities” means a long term or recurring physical, including sensory, or mental impairment which substantially limits prospects of entry into or advancement in employment of people with disabilities.

“Permanent Employee” means an employee, excluding an independent contractor who works for Ngwathe Local Municipality and appointed on an approved post on the staff establishment of Ngwathe Local Municipality, and includes a person appointed in such post for a probationary period.

“Permanent Establishment” means all positions that are budgeted for and approved on a permanent basis in the Organizational structure of Ngwathe Local Municipality.

“Performance Management” is a formal communication tool that helps Managers provide a motivating climate to assist employees in developing and achieving high standards of performance.

“Post-accident/near miss or incident testing” occurs as soon as possible after any potentially recordable injury or incident on Ngwathe Local Municipality premises.

“Preferred Candidate” Means a job seeker who is selected for the testing procedure and to participate in the selection process and who at the end of the process is selected for appointment by Ngwathe Local Municipality.

“Poor work performance”, means the inability or failure of an employee to meet the required standard(s) or output(s) for the position in which he / she is employed. Poor work performance could include less than expected output and poor quality; failure to meet set targets; work requiring rework / repair; unnecessary material wastage; any non-conformance to reasonable or agreed standards; time wasting.

“Post” means a position in the approved staff establishment of a municipality.

“Private Work”, means when an employee performs private work apart from his / her duties at the Municipality, and works for remuneration at another place.

“Promotion” means the permanent movement of an employee from a position in one job category to a position in another job category of increased responsibility or complexity of duties and on a higher salary range.

“Protected Disclosures Act” means the Protected Disclosures Act 26 of 2000 as amended.

“Protected disclosure” means disclosure of information regarding any conduct of another employee by an employee who has reasons to believe that the information concerned shows or tends to show one or more of the following:

- that a criminal offence has been committed, is being committed or is likely to be committed.
- that a person has failed, is failing or is likely to fail to comply with any legal obligation to which that person is subject.
- that a miscarriage of justice has occurred, is occurring or is likely to occur.
- that the health or safety of an individual has been, is being or is likely to be endangered.
- that the environment has been, is being or is likely to be damaged.
- unfair discrimination as contemplated in the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No, 4 of 2000); or
- that any matter referred to above has been, is being or is likely to be deliberately concealed.

“Public Holiday” means any day that is a Public Holiday in terms of the Public Holidays Act, 1994 (Act 36 of 1994).

“Public Place” means any indoor, enclosed or partially enclosed area that is open to the public, and includes a workplace and a public conveyance.

“Qualifications, Knowledge and Expertise” means basic professional certification required for entry and functioning within a particular discipline in the context of a management role within Ngwathe Local Municipality.

“Qualified personnel” refers to qualified persons who are trained and certified in administering any duties within an organization.

“Qualifying employee” means an employee who qualifies for certain benefits or allowances based on operational requirements of Ngwathe Local Municipality.

“Racial and ethnic harassment” means unwanted conduct based on race, ethnicity, nationality or colour, whether carried out by colleagues or supervisors, which constitutes an intolerable violation of an employee’s dignity, irrespective of cultural differences.

“Random testing” is the unsystematic testing of employees at the discretion of the Ngwathe Local Municipality, irrespective of position, who are subjected to random, non-discriminatory selection screening on entry or re-entry to the Local Municipality premises.

“Reasonable accommodation” means any modification or adjustment to a job or to the working environment that will enable a person from a designated group to have access to or participate or advance in employment.

“Recruitment” means a process of attracting, shortlisting, selecting and appointing suitable candidates for job.

“Relative” means a grandparent, grandchild, great grandparent, grandchild, great grandchild, sibling, aunt, uncle, niece, nephew, and cousin, related to the employee.

“Relocation” means the spatial shift of an employee’s normal place of work to another site elsewhere in the Organization.

“Remuneration” means any amount of income which is payable to employees by way of a salary, Leave pay, wage, overtime pay, bonus, gratuity, commission, emolument, pension, allowance, retirement allowance or stipend, whether in cash or otherwise in respect of services rendered.

“Remuneration Committee” means a sub internal Committee responsible for the remuneration and rewards as well as all HR related matters of Ngwathe Local Municipality employees.

“Return to work testing” is when any employee in rehabilitation may be required to undergo regular random testing for a specified period.

“Risk” means the probability that injury or damage will occur.

“Salary Increment” means the increment by which an employee’s salary is increased in accordance with his applicable salary scale and in line with the Collective agreement.

“SAMWU” means the South African Municipal Workers Union”.

“Scarce Skills” means skills that were identified as critical and of which a shortage is experienced, and which is required for key projects and/or positions within Ngwathe Local Municipality.

“Scheduled screening” means screening of all employees in certain categories of employment, at the discretion of the Municipal Manager, irrespective of a position, who are automatically screened on entry or re-entry to the Local Municipality.

“Senior Manager” means a Municipal Manager appointed in terms of section 54A of the Act and includes a Manager directly accountable to a Municipal Manager appointed in terms of section 56 of the Act.

“Section 79 Committee” means a committee of the Council under section 79 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) introduced to assist the Council and or Mayoral Committee.

“Sexual Harassment” means conduct based on sex, whether carried out by colleagues or Supervisors, which constitutes an intolerable violation of an employee's dignity, irrespective of cultural differences.

“Skills and Knowledge” means the ability to perform required tasks and the theoretical and practical understanding of a particular job and its relation to other jobs.

“Sexual harassment”, refers to:

- unwelcome and unsolicited conduct of a sexual nature, be it verbal, visual or physical such as unwelcome remarks, jokes, innuendoes or taunts about a person’s body, clothing or sex.
- threats, demands or suggestions that an employee's work status or any employment decision or condition affecting an employee is contingent upon the employee's tolerance of or submission to sexual advances or requests for sexual favours (*quid pro quo* harassment).
- abusing the dignity of an employee through unwelcome, insulting, degrading, exploitative or offensive sexual remarks or conduct.
- unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive work environment; and
- sexual favouritism in the workplace which results in the granting or offering of employment opportunities or benefits based on submission to sexual advances or requests for sexual favours.
- where a recipient has made it clear that the behaviour is considered offensive and unacceptable, and the perpetrator had continued with such behaviour.
- leering (an unpleasantly lustful or malicious look or smile), insulting gestures and practical jokes of a sexual nature which causes awkwardness or embarrassment.
- displaying pornographic, pin-up pictures, graffiti or other offensive material.
- coercion related to power, such as physical conduct of a sexual nature that includes all unwanted physical contact, ranging from touching to sexual assault, strip search by or in the presence of another person.

“Short-listing” means a process of selecting job applicants based on a set selection criterion and set key competencies (formal qualifications, experience, and attributes).

“Sick Leave cycle” means the period of thirty-six (36) months employment with Ngwathe Local Municipality immediately following an employee’s commencement of employment or following the completion of that employee’s existing sick Leave cycle.

“Skills Development and Training” means the process of developing and enhancing the skills of the employee to improve job efficiencies.

“Seminar or Short courses” means courses acquired through accredited institutions for duration of not more than six months and aimed at enhancing employees’ skill and performance on the job.

“Smoke” means to inhale, exhale, hold or otherwise have control over an ignited tobacco product, weed or plant, and “smoked” and “smoking” have corresponding meanings.

“Stakeholder” means those parties that shall be consulted on matters related to their interest or concern.

“Substance abuse/dependency” includes all kinds of addictions that can be hazardous to an individual’s health and/or wellbeing including but not limited to, the abuse/use of alcohol, drugs, and the internet and gambling.

“Substance Abuse” The Diagnostic and Statistical Manual of Mental Disorders (DSM IV) defines substance abuse as follows:

“A maladaptive pattern of substance use leading to clinically significant impairment or distress, as manifested by one (or more) of the following occurring within a 12 month period:

- (1) Recurrent substance use resulting in a failure to fulfil major role obligations at work, school, or home (e.g. repeated absences or poor work performance related to substance use; substance related absences, suspensions, or expulsions from school, neglect of children or household).
- (2) Recurrent substance use in situations in which it is physically hazardous (e.g. driving an automobile or operating a machine when impaired by substance use)
- (3) Recurrent substance related legal problems (e.g. arrests for substance related disorderly conduct)
- (4) Continued substance use despite having persistent or recurrent social or interpersonal problems caused or exacerbated by the effects of the substance (e.g. arguments with spouse about consequences of intoxication, physical fights).

“Suitably qualified” means a person who may be suitably qualified for a job as a result of any; one of, or any combination of the following:

- formal qualification
- prior learning
- relevant experience or
- capacity to acquire within a reasonable time, with the minimum competencies and skills to do the job

“TASK” means Tuned Assessment of Skills and Knowledge Job Evaluation System.

“Temporary Employee” means an employee, excluding a contract employee, appointed in a post on the fixed or temporary establishment of Ngwathe Local Municipality for a continuous period not exceeding 12 (twelve) months or tasks assigned by the Local Municipality.

“Termination of employment”. It is a fair process effected for fair reasons and in accordance with a fair procedure which complies with any notice period in a contract of employment or in legislation governing employment relationship as well as Ngwathe Local Municipality`s policies and procedures.

“Termination of employment-End of Contract”. It is a fair process effected for fair reasons and in accordance with conditions specified in the employee`s contract of employment as well as the Labour Relations Act 66 of 1995 which are related but not limited to a natural end of contract, or the end of a specific event/task.

“Termination of employment due to Misconduct”. It is a fair process effected for fair reasons and in accordance with a fair procedure which complies with the Labour Relations Act 66 of 1995 (Code of Good Practice) as well as Ngwathe Local Municipality policies and procedures, where an employee has been found guilty and terminated due to misconduct after a formal Labour relations/disciplinary process.

“Termination of employment due to incapacity-ill-health/Injury”. It is a fair process effected for fair reasons and in accordance with a fair procedure which complies with the Labour Relations Act 66 of 1995 (Code of Good Practice) as well as Ngwathe Local Municipality policies and procedures, where an employee is terminated due to incapacity ill health. The employer will ensure that the employee is reasonably accommodated before termination of service is considered.

“Termination of employment due to incapacity-Poor work Performance”. It is a fair process effected for fair reasons and in accordance with a fair procedure which complies Ngwathe Local Municipality policies and procedures, where an employee is terminated due to an inability to perform his/her work based on set performance standards and or probationary requirements. Ngwathe Local Municipality will ensure that the employee is given clear performance standards (Job description), appropriate instruction, training, coaching, guidance, counseling, and performance evaluation to ensure that the employee renders satisfactory service before termination of employment is effected.

“Termination of employment due to Operational Requirements”. It is a fair process-effected for fair reasons such as economic/financial viability, technological viability, structural viability or any similar needs of Ngwathe Local Municipality. This process will be carried out based on a fair procedure which complies with the Labour Relations Act 66 of 1995 as well as Ngwathe Local Municipality policies and procedures.

“Tools of the trade” means working resources provided by the employer to enable the employee to carry out his/her duties, these include but not limited to the following: office space, desk, telephone line (where required), Tablet, Laptops, equipment, etc.

“Trade Union” is an association of workers whose principal purpose is to regulate relations between workers and employers, including any employers' organizations.

“Transfer” means the permanent lateral/horizontal movement of an employee from one position to another post on the same job level and salary in the same or a different department.

“Underpayment” means any payment not made to an employee where there exists a legal obligation on the part of Ngwathe Local Municipality to make the payment.

“Union Representative” means a representative as defined in section 213 of the Labour Relations Act 66 of 1995, as amended.

“Urgent or Emergency Work” means any work which cannot be delayed, which the employer could have not foreseen that the problem would arise.

“Weekends” means Saturdays and Sundays except when an official occasion takes place on a Saturday or a Sunday in which case, it shall be deemed as a weekday.

“Working Day” means any calendar day of the week on which an employee must normally report for work.

“Working Hours” means the hours during which an employee normally has to work during a working week or on a working day.

“Working Week” means a period not exceeding 6 (six) consecutive calendar days as determined by Council in respect of an employee or class of employees.

“Workplace” Workplace” means the place of work as contemplated in the Labour Relations Act 1995 (Act number 66 of 1995), as amended.

All terminology not defined in this policy shall bear the same meaning as in the applicable legislation.

LIST OF ACRONYMS AND ABBREVIATIONS

"ABET"	Adult Basic Education and Training.
"BCEA"	Basic Conditions of Employment Act No 75 of 1997, as amended.
"COIDA"	Compensation for Occupational Injuries and Diseases Act, 130 of 1993.
"CTC"	Cost to Company-total remuneration including benefits.
"DOL"	Department of Labour.
"EAP"	The Employee Assistance Programme, is the approved means of assistance [such as counselling or referral to external professionals] made available to employees whose performance is considered to be negatively affected by wellbeing related problems, including substance abuse.
"EXCO"	Executive Committee i.e. The Executive Management Committee under the chairpersonship of the Municipal Manager, comprising of Departmental Heads and nominations and invitations by the Municipal Manager.
"KPA"	Key Performance Area.
"KPI"	Key Performance Indicator,
"LGSETA"	Local Government Sector Education and Training Authority.
"OHSA"	Occupational Health and Safety Act, 85 of 1993.
"RPL"	Recognition of Prior Learning.
"RTA"	Road Traffic Act, 1989.
"SALGA"	South African Local Government Association.
"SAQA"	South African Qualifications Authority. It is the body responsible for overseeing the development and implementation of the National Qualifications Framework.
"TASK"	Tuned Assessment of Skills and Knowledge.

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INTRODUCTION AND PURPOSE OF THE HUMAN CAPITAL MANAGEMENT POLICY MANUAL

(NLMHRP-1001)

CHAPTER 1

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1. INTRODUCTION AND PURPOSE OF THE HUMAN CAPITAL MANAGEMENT POLICY MANUAL

1.1 PREAMBLE

1.1.1. Ngwathe Local Municipality was established in terms of section 14 of the Local Government: Municipal Structures Act, No.117 of 1998 and was published in the Provincial Gazette number 184 dated 28 September 2000. The Local Municipality remains focused on continuous improvement, and is committed to strengthen good Governance and Compliance, Ethical Leadership and Customer centricity/Service Delivery. The Human Capital Management policies are therefore paramount in ensuring that the Local Municipality is Professionalized and attains its mission of *“Providing affordable and quality Municipal services and address triple challenges of poverty, unemployment and inequality, and promote sustainable development through Cooperative, Strategic Partnerships and Innovation”*.

1.2 THE PURPOSE OF THE HUMAN CAPITAL MANAGEMENT POLICY MANUAL

1.2.1. The main purpose of the Human Capital Management Policy, are inter alia, to: -

- 1.2.1.1 Establish transparent, fair, efficient, effective guidelines, and best practices for acceptable behaviour in Ngwathe Local Municipality.
- 1.2.1.2 Align the Strategic Objectives of Ngwathe Local Municipality with human resources best practice and market trends and ensure that the Organization is Professionalized.
- 1.2.1.3. Communicate, record and administer approved Human Capital Management policies and procedures and ensure consistent application of discipline.
- 1.2.1.4 Achieve Service excellence and optimisation.
- 1.2.1.5 Define what is acceptable and unacceptable in the workplace.
- 1.2.1.6 Reinforce and clarify the standards of performance expected from employees and help the Organization manage staff more effectively.
- 1.2.1.7 Drive Corporate Governance and ensure Compliance with Legislations.
- 1.2.1.8. Create aligned, consistent application and interpretation of policy manual between Line Managers and employees.

1.3 SCOPE AND APPLICATION

This policy manual is applicable to all employees of Ngwathe Local Municipality.

1.4 LEGISLATIVE FRAMEWORKS

- 1.4.1 The need for the Human Capital Management policies is derived from the following legislations as well as the South African Local Government Bargaining Council Collective Agreements: -
 - 1.4.1.1 The Labour Relations Act 66 of 1995 as amended.
 - 1.4.1.2 The Basic Conditions of Employment Act 75 of 1997.
 - 1.4.1.3 Local Government Municipal Systems Act 32 of 2000. Local Government: Municipal Staff Regulation: 890.
 - 1.4.1.4 SALGBC Collective Agreement on Conditions of Service for the Free State Division dated 1st August 2023 ending 31st July 2028.
 - 1.4.1.5 SALGBC Collective Agreement for the Free State Division, Circular 1/2023
 - 1.4.1.6 Employment Equity Act 55 of 1998.
 - 1.4.1.7 Occupational Health and Safety Act 85 of 1993.
 - 1.4.1.8 Skills Development Act 97 of 1998.
 - 1.4.1.9 And any other Labour related legislation applicable in South Africa.

1.5 RELATIONSHIP BETWEEN THE POLICIES AND PROCEDURES; MANUAL AND CONDITIONS OF SERVICE

- 1.5.1. Policies are guidelines under which procedures are developed, and they form conditions of service. The Standard Operating Procedures (SOP) described how the policy is implemented and enforced. SOPs includes forms, checklists, etc.
- 1.5.2. The Municipal Manager, with the assistance of the Human Capital Management Department must ensure that: -
 - 1.5.2.1. Human Capital Management Policies and Procedures Manual is accessible to all employees.
 - 1.5.2.2. Induction takes place to educate all employees of this policy manual annually.

1.6 APPROVAL, AMENDMENTS AND REVIEW OF THE POLICIES AND PROCEDURES MANUAL

- 1.6.1. The policies and the procedures contained in this Manual take effect upon approval by the Council of Ngwathe Local Municipality.
- 1.6.2 Ngwathe Local Municipality shall review this Policies and Procedures Manual as per Table below.

TABLE 1: HUMAN CAPITAL MANAGEMENT POLICY REVIEW CYCLE

OCCURRENCE	DESCRIPTION
New / updated legislation	New legislation may impact conditions of service, which require updates to policies. As legislation is passed, the impact on policies should immediately be assessed.
Periodic review	Regular review of policies should take place to ensure alignment and compliance. This should happen every two years, and or when there is a change in Legislation pertinent to employees.
Operational issues	Operational process issues can highlight inadequacies in existing policies. This can happen on an <i>ad hoc</i> basis.
Risk assessment	Risk assessments or policy implementation audits can identify policy issues, as a result a review must take place to address the risk identified.
Collective agreements	Collective agreements impact internal conditions of service, which require updates to policies. Impact on policies should be assessed once an agreement is signed.

1.7 STAKEHOLDER, ROLES AND RESPONSIBILITIES

Role	Responsibility
Municipal Manager / Director Corporate Services (subject to its delegations if any)	Responsible for ensuring that all Ngwathe Human Capital Management policies are aligned with the Legislative frameworks as well as the relevant Collective agreements. Responsible for approval of Ngwathe policies.
SALGBC	Responsible for all collective bargaining processes and distribution of collective agreements once signed.
Human Resources	Responsible for communication of policies and to monitor compliance. Responsible for distribution of policies to stakeholders.
Labour Representatives / Employees	Responsible for compliance to policies and to raise queries with relevant structure. The Union officials are responsible for collective bargaining processes at SALGA level.

1.8 INTERPRETATION OF POLICY

- 1.8.1. The Preamble as well as the various headings and sub-headings shall be taken into account in order to determine the intention of Ngwathe Local Municipality; and
- 1.8.2. Words importing one gender include the other genders.
- 1.8.3 Words importing the singular include the plural and vice versa unless the context indicates otherwise.
- 1.8.4 All terminology not defined under this policy shall bear the same meaning as in the applicable legislation.

1.9 BREACH OF POLICY MANUAL

- 1.9.1. This policy shall be implemented and effective once the Management and the Local Labour Forum (LLF) have provided inputs to the policy document and the Council of Ngwathe Local Municipality has accordingly approved it.
- 1.9.2. Non-compliance to the stipulations and clauses contained in this policy shall be regarded as breach of Code of Conduct, which shall be dealt with in terms of the Employee Relations Policy of Ngwathe Local Municipality.
- 1.9.3. The Director: Corporate Services shall carry out the monitoring and evaluation of the policy implementation.
- 1.9.4. Line Management are responsible to ensure full compliance and governance of this policy manual.



The home of harmony, prosperity and growth

**STAFF ESTABLISHMENT:
ORGANIZATIONAL DESIGN:
DEVELOPING, APPROVING AND CHANGING THE
ORGANIZATIONAL STRUCTURE, CREATING AND
ABOLISHING POSTS IN THE STAFF
ESTABLISHMENT POLICY**

(NLMHRE-1002)

CHAPTER 2

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2. ORGANIZATIONAL STRUCTURE/STAFF ESTABLISHMENT

2.1. PREAMBLE

Organizational structure is the **framework of roles, responsibilities, authority relationships, and communication channels within an organization**. It defines how tasks are divided, coordinated, and controlled to achieve the organization's objectives effectively. The Staff Establishment/Organizational Structure consists of permanent and fixed term contract positions, including Section 54/56 Senior Managers within an Organization.

2.2. PURPOSE OF POLICY

The purpose of the policy manual is to provide a standard framework for staff establishment, that includes but is not limited to: - how positions are created and abolished in the Municipality.

2.3. SCOPE OF APPLICATION

This policy manual applies to all employees of Ngwathe Local Municipality.

2.4. LEGISLATIVE FRAMEWORKS

- 2.4.1. The Constitution of the republic of South Africa act, 1996 (act no. 108 of 1996).
- 2.4.2. The Municipal systems act, 2000 (Act no. 32 of 2000).
- 2.4.3. The Municipal structures act, 1998 (Act no. 117 of 1998).
- 2.4.4. The Municipal finance management act, 2003 (Act no. 56 of 2003).
- 2.4.5. The Labour relations act, 1995 (Act no. 66 of 1995).
- 2.4.6. Employment Equity, 1998 (Act no. 55 of 1998).
- 2.4.7. The Skills development act, (At no. 97 of 1998).
- 2.4.8. The Local Government Systems Act 32 of 2000: Regulations on appointment and conditions of employment of Senior managers, 2014.
- 2.4.9. The Local Government Systems Act 32 of 2000: Municipal Staff regulations 890 of 2021.
- 2.4.10. The Local Government: guidelines for the implementation of the Municipal staff regulations, 2021.

2.5. POLICY PROVISIONS

2.5.1 TRIGGERS FOR THE REVIEW OF THE STAFF ESTABLISHMENT

The Municipality shall review its staff establishment when one or more of the following occurs: -

- 2.5.1.1 The adoption of a new integrated development plan (IDP) of the Municipality as contemplated in section 25 of the Municipal systems Act.
- 2.5.1.2 Municipality's strategic objectives including its core and support functions, within 12 months of one of the following:

- (i). the promulgation of Regulations on staff establishment by the Minister.
 - (ii). the election of a new Municipal Council.
 - (iii). the adoption of a new integrated development plan (IDP) of the Municipality as contemplated in section 25 of the Municipal Systems Act.
 - (iv). material changes to the functions of the Municipality.
 - (v). the determination of new Municipal boundaries.
- 2.5.1.3. Regulations on staff establishment proclaimed by the Minister:
- 2.5.1.4. Matters listed in part (b) of schedule 4 to the constitution and part (b) of schedule 5 to the constitution.
- 2.5.1.5. Chapter 5 of the Municipal Structures Act.

2.6. THE PROCESS FOR DETERMINING STAFF ESTABLISHMENT

The Municipality shall follow the following core process when reviewing its staff establishment:

- 2.6.1. Conduct a diagnosis that involve an analysis of the staff establishment and service delivery model's alignment to the legislative and political mandates, congruent with regulatory framework, supporting of the IDP and SDBIP, envisaged changes and their financial implications, and risks and mitigation factors.
- 2.6.2. Develop or review the service delivery model to ensure that it reflects the Municipality's mandate and meets its obligations to the community it serves.
- 2.6.3. Review levels of work (strategic, operational, transactional) to guide staff on where they should focus their energies.
- 2.6.4. Review the Organisational design principles to set parameters for Organizational design choice.
- 2.6.5. The staff establishment shall take into account race, gender, disability, occupational level (Employment Equity Plan) and grade with reference to competencies, training needs (Workplace Skills Plan) and capacities.
- 2.6.6. Review the span of control (the number of direct reporting lines).
- 2.6.7. Review the macro structure, being the top three levels in the Municipality, and which involves the disaggregation of each service or cluster of services identified in the service delivery model into roles by determining various components of economic development services (e.g., *electricity, water, roads, refuse removal*) and human resources management (e.g., *talent management, staff member relations, human resources information management*).
- 2.6.8. Review key processes that underpin each of the services in the service delivery model (e.g., policies on services, and streamlining of processes), and the Micro-structure that covers work study investigation to determine headcount for each service or product.

- 2.6.9. Determine a balance between *operational* (line, core, direct) and *support* (ancillary, indirect) functions, aiming for a direct: indirect (core: support) *ratio of 3: 1*.
- 2.6.10. Develop an implementation plan and a change management plan to support any change.
- 2.6.11. The proposed Staff Establishment/Organizational structure must be presented by the Municipal Manager or his/her delegate to the Local Labour Forum (LLF) for consultation before it is presented to the Mayoral Committee and subsequently the Council for approval.
- 2.6.12. The Municipal Manager or his/her delegate must present the proposed staff establishment to the Departmental Heads, Managers and Internal Stakeholders (Local Labour Forum) of Ngwathe Local Municipality for consultation and inputs.
- 2.6.13. The Municipal Manager or his/her delegate shall within thirty (30) days of reviewing the staff establishment, submit a report and the proposed staff establishment/Organizational structure for approval by the Municipal Council.
- 2.6.14. The Municipal Manager's report to Council shall entail but not limited to the following: -
- (i) The process followed in establishing the staff establishment/organizational structure.
 - (ii) The mandate and service delivery priorities of the Municipality and how the proposed staff establishment addresses these priorities.
 - (iii). Summaries of proposed positions that will materially change, positions to be abolished, positions that will not be affected, motivate for the proposed changes and link it to the strategic drivers of the Institution including an analysis of the strength, weaknesses and limitations of the current staff establishment.
 - (iv). Outline of the financial and non-financial implications of the proposed Organizational structure.
 - (v). Outline of the proposed implementation plan with specific timelines within which the new Organizational structure will take effect. This must include Stakeholders and the Change management plan.
 - (vi). The Municipal Council upon receipt of the proposed Organizational structure report must approve the proposed Organizational structure.
 - (vii). The Municipal Manager within fourteen (14) days of the Council approval of the Organizational structure, must submit the approved structure, the Council Resolution, as well as the report informing the staff establishment to the MEC of COGTA for approval.
- 2.6.15. The Organizational design metrics shall take into account four (4) key Dimensions, of a Category B Municipality. (See below)

2.6.16. ORGANIZATIONAL DESIGN METRICS WITH DIMENSIONS

Organizational design metrics shall entail the following dimensions:

- (i). Structural Layers.
- (ii). Structural Shape.
- (iii). Span of control.
- (iv). Core to Support Employee Ratio

TABLE 2: STAFF ESTABLISHMENT: STRUCTURAL DIMENSIONS: FOR A CATEGORY B MUNICIPALITY

Dimension	Category B
Structural Layers	Five (5) to Seven (7) layers
Structural Shape	- Strategic Level 1% - Managerial/Specialist Level 1% to 15% - Operational Level 85%-95%
Span of Control	- Municipal Manager: Six (6) to Eight (8)
	- Directors: Five (5) to Seven (7)
	- Divisional Managers: Five (5) to Six (6)
	- Supervisors: Nine (9) to Fifteen (15)
Core to Support Employee Ratio	The Core to Support Employee Ratio must be 70:30
	The ratio must be based on headcount and not the number of roles of the Municipality. (Refer Local Government Staff Regulation 890)

2.7. CREATING NEW PERMANENT OR TEMPORARY POSITIONS

- 2.7.1. All Positions at Senior Management Level, for example, the position of a Municipal Manager, shall be created and appointed in terms of a written Fixed Term Employment Contract, subject to the conclusion of an Annual Performance Agreement, as contemplated in section 57 of the Municipal Systems Act 32 of 2000, and the Regulations on Conditions of Employment of Municipal Managers, and Managers directly reporting to the Municipal Manager of 2006.
- 2.7.2. All permanent Positions at Senior Management Level, for example, the position of Senior Managers reporting to the Municipal Manager, shall be created and appointed in terms of a written Employment Contract, subject to the conclusion of an Annual Performance Agreement, as contemplated in section 57 of the Municipal Systems Act 32 of 2000, and the Regulations on Conditions of Employment of Municipal Managers, and Managers directly reporting to the Municipal Manager of 2006.

2.7.3. A Departmental Head wishing to create a new permanent position in his/her department must submit a written application to the Municipal Manager. That Submission/Application must contain the following: -

- 2.7.3.1. Full explanation of the need for the position, the department and the proposed level/grade.
- 2.7.3.2. An explanation of whether the position must be permanent or fixed term.
- 2.7.3.3. A full written explanation of the deliverables/outputs of the proposed position together with a Job Profile.
- 2.7.3.4. A full explanation of the proposed remuneration as well as the budget vote from which the position will be funded from.
- 2.7.3.5. The Municipal Manager shall consider in consultation with the respective Manager/Head of Department the proposed submission for the creation of the new post; His/her decision or outcome in this regard is final.
- 2.7.3.6. The decision of the Municipal Manager will be based, amongst others, on the financial viability, strategic and operational imperatives of Ngwathe Local Municipality.

2.8. ABOLISHING PERMANENT POSITIONS ON THE STAFF ESTABLISHMENT

When the Municipality contemplates abolishing positions permanently, it is imperative that they look at the Operational as well as the financial needs of the Organization. The process of redundancy/abolishment of positions must be done in consultation with the Local Labour Forum (LLF).

Departmental Head wishing to abolish an existing permanent position in his/her department must submit a written application to the Municipal Manager. The application must state the following:

- 2.8.1. The reason for abolishing the Position.
- 2.8.2. The measures that must be taken to ensure that functions related to the position will continue to be performed and that Ngwathe Local Municipality will not be compromised.
- 2.8.3. That the job holder shall be reasonably accommodated in the organizational structure without being compromised in terms of grade and or remuneration.
- 2.8.4. Consultation has taken place with the employee/employee representative and there is a signed agreement between the parties in line with the Labour Relations Act 66 of 1995 or the Collective Agreement.

2.9. VOLUNTEER WORKERS, INTERNSHIP AND LEARNERSHIPS

2.9.1. Ngwathe Local Municipality will consider appointing Volunteer Workers, Internships and Learners for purposes of providing them with Experiential Training.

2.9.2. Volunteer workers, Internships and Learnerships will be appointed based on the following terms and conditions:

- 2.9.2.1. No remuneration will be payable to the Volunteer Workers, Internships and Learners from the budget of Ngwathe Local Municipality, unless those posts have been funded by other Institutions, e.g. SETAs, TVET Colleges, National or Provincial Treasury, etc.
- 2.9.2.2. Contracts depicting conditions of Service for Volunteer Workers, Internships and Learnerships must be developed and signed by both Ngwathe Local Municipality and the Volunteer Workers, Internships and Learnership employee.
- 2.9.2.3. The Learner will be subjected to the policies and procedures of Ngwathe Local Municipality.
- 2.9.2.4. A clear Program shall be in place reflecting how skills will be transferred to the learner.
- 2.9.2.5. Volunteer Workers, Internships and Learnerships will be accountable to a responsible Line Manager on daily basis.
- 2.9.2.6. Their performance shall be monitored by the respective Line Manager/Mentor and Monthly Reports submitted to the Municipal Manager or his/her delegate regarding the overall performance of each Learner.
- 2.9.2.7. Learners appointed and or seconded by National/Provincial Government Departments such as Provincial Treasury will be appointed and or seconded on terms agreed by the respective Provincial or National department and Ngwathe Local Municipality.

2.10. BREACH OF POLICY MANUAL

Non-compliance with the policy will be dealt with in line with the Employee Relations Policy of Ngwathe Local Municipality.



JOB DESCRIPTIONS AND JOB EVALUATION POLICY:

(NLMHRE-1003)

CHAPTER 3

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3. JOB DESCRIPTIONS AND JOB EVALUATION POLICY:

3.1. PREAMBLE

The Municipality is committed to ensuring that all jobs have job descriptions and are correctly evaluated and thereby provide the basis for a fair and orderly grading structure that underpins its commitment to equal pay for work of equal value.

The TASK Job Evaluation Implementation policy is a consequence of related employee engagements and agreement between the Employer and the South African Local Government Bargaining Council (SALGBC) that there needs to be a uniform Job Evaluation system within the Local Government Sector to ensure Professionalisation of Municipalities.

3.2. PURPOSE OF POLICY

The purpose of the policy is to ensure that the process of job evaluation and Job descriptions is both equitable and transparent, irrespective of the size or level of the job, in order to:

- 3.2.1. Determine the intrinsic worth of the job.
- 3.2.2. Systematically assess the degree of complexity of the job content, discretion and requirements, independent of any preconceived standards of remuneration and without regard to the qualities and performance of the incumbent of the job.
- 3.2.3. Create a rational rank order of jobs, and job structure based on a system that is readily understood, fair and defensible, for all stakeholders (e.g. Human Resources, management, staff members and representative staff member union).
- 3.2.4. Create a rational basis for establishing competitive salary ranges that take internal equity into account, apart from other factors such as national labour market surveys (for external pay equity), skill and performance.
- 3.2.5. Provide Human Resources management with key data for organizational design, recruitment and selection, performance management, training and development, career planning and pathing, and succession planning.

3.3. SCOPE OF APPLICATION

This policy applies to all permanent positions within the approved staff establishment of Ngwathe Local Municipality, and it must be read in context of the TASK Job Evaluation System, including the TASK Job Evaluation Training Manuals for the Municipal Sector as provided by SALGA and COGTA.

3.4. LEGISLATIVE FRAMEWORKS

- 3.4.1. Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996).
- 3.4.2. Municipal Systems Act, 2000 (Act No. 32 of 2000).
- 3.4.3. Municipal Structures Act, 1998 (Act No. 117 of 1998).
- 3.4.4. Municipal Finance Management Act, 2003 (Act No. 56 of 2003).
- 3.4.5. Labour Relations Act, 1995 (Act No. 66 of 1995).
- 3.4.6. Employment Equity, 1998 (Act No. 55 of 1998).
- 3.4.7. Skills Development Act, (Act No. 97 of 1998).
- 3.4.8. Local Government: Regulations on appointment and conditions of employment of Senior Managers, 2014.
- 3.4.9. Local Government Systems Act 32 of 2000, Local Government Municipal: Staff Regulations, 890.

3.5. POLICY PROVISIONS

Job evaluation is the Evaluation/Grading of jobs according to a specifically planned procedure and reliable methodology in order to determine the relative worth of each job in the Municipality.

- 3.5.1. The Job evaluation process involves evaluating the job and not the person/Job Holder.
- 3.5.2. All jobs shall be evaluated using the Council, SALGA-approved Job Evaluation System.
- 3.5.3. Job evaluation must be conducted based on actual and current activities of the job and not future projections of the job.
- 3.5.4. Job Evaluation must only be conducted based on a detailed and signed Job Descriptions.
- 3.5.5. Job Evaluation shall not be used as a means to a promotion or reward, though a properly authorized job evaluation of a particular job may result in higher grading.
- 3.5.6. Job evaluation shall ensure that work done at similar levels has a similar salary range so that disparities or inequalities in the payment of salaries are minimized.
- 3.5.7. Every staff member is entitled to know the grade of the post that he or she occupies.

3.6. POSTS SHALL BE EVALUATED:

- 3.6.1. Upon completion of the review of the Staff Establishment.
- 3.6.2. Within six months of a material and permanent change to the job content or job requirements for a post.
- 3.6.3. Before a new post is filled.
- 3.6.4. The Head of the relevant department and the Manager responsible for Human Resources shall provide the job evaluation committee with their representations as to whether the job description has materially or permanently changed.
- 3.6.5. The evaluation of the job may result in the job being:
 - (i) Upgraded.
 - (ii) Downgraded; or
 - (iii) Remaining on the same grade.

3.7. ESTABLISHMENT OF JOB EVALUATION COMMITTEE

A Job Evaluation Committee shall be established to evaluate all jobs in Ngwathe Local Municipality.

3.7.1. PRINCIPLES

- 3.7.1.1. Ngwathe Local Municipality shall consider evaluating all jobs in the Municipality using the District-Level Job Evaluation Committee.

3.7.2. COMPOSITION OF A JOB EVALUATION COMMITTEE

The job evaluation committee shall consist of the following:

- 3.7.2.1. The Manager responsible for job evaluation or any person delegated by that Manager.
- 3.7.2.2. Two representatives from each Trade Union who shall be released from their responsibilities to attend meetings of the job evaluation committee.
- 3.7.2.3. Four suitable additional members, each from different functional areas within the Municipality to undertake the grading of the jobs.
- 3.7.2.4. Four suitable additional members, each from different functional areas within the Municipality to undertake the grading of the jobs.
- 3.7.2.5. **Members of the job evaluation committee shall:**
 - (i) Appoint a chairperson; and
 - (ii) Receive adequate training to perform their duties on the committee.

- 3.7.2.6 The Job evaluation committee shall appoint a secretary to support it in carrying out its functions.
- 3.7.2.7. The job evaluation committee's quorum must be 50% plus one of the members. In the event that a meeting does not quorate, the meeting shall be postponed, and another date set where the members present form the quorum.
- 3.7.2.8. If a member of the job evaluation committee's job is being evaluated, he or she shall be recused from the meeting until the relevant agenda item has been disposed of.
- 3.7.2.9. Decisions of the job evaluation committee shall be taken by consensus, and if the committee fails to reach consensus, by a majority of the members of the committee, with the chairperson having a casting vote, in addition to a deliberative vote.
- 3.7.2.10. The meetings of the job evaluation committee must be recorded.
- 3.7.2.11. Should the Municipality's capacity to conduct job evaluation become inadequate, the Bargaining Council shall be requested to assist

3.8. APPEAL ABOUT JOB EVALUATION OUTCOME

- 3.8.1. The Municipality shall establish a Job Evaluation Appeals Committee to process and determine job evaluation appeals of employees.
- 3.8.2. **Job Evaluation Appeals Committee's role.** The rules, procedures and composition of the Job Evaluation Committee shall apply to the Job Evaluation Appeals Committee.
- 3.8.3 The job evaluation appeals committee shall process and determine job evaluation appeal of staff members
- 3.8.4. An employee who is dissatisfied by a decision of the Job Evaluation Committee may lodge an appeal to the Job Evaluation Appeals Committee within 30 days of being informed of the decision of the Job Evaluation Committee.
- 3.8.5. **The following may be grounds for appeal and review:**
 - (i). An inaccurate job description in relation to the post or job
 - (ii). Procedural irregularity.
 - (iii). Evidence of discrimination and/or bias.
 - (iv). Inconsistent results in comparison with similar positions within the Municipality
- 3.8.6. **The appeal or review may not be based on the grounds of:**
 - (i). The incumbent's performance, skills, knowledge or any other personal attribute.
 - (ii). The budget or affordability.

- 3.8.7. Once the appeal or review has been concluded, the outcome of the appeal or review shall be communicated to the Head of Department, Line Manager and the Complainant, through the Human Resources Unit.
- 3.8.8. Once the appeal or review has been finalized, no further appeal will be heard through the job evaluation process.
- 3.8.9. Should the complainant be dissatisfied with the outcome of the appeal or review, then this shall be addressed via the grievance procedure.

3.9. JOB EVALUATION/GRADE IMPLEMENTATION

- 3.9.1. Once the grade has been ratified by the Job Evaluation Committee, the grade shall be communicated to the relevant Head of Department and Line Manager through the Human Resource Unit.
- 3.9.2. The Human Resource Unit shall advise Line Management on the options regarding the implementation of the outcome.
- 3.9.3. **The outcome could include:**
 - (i). A commensurate salary adjustment for the incumbent in line with the new job responsibilities and the new grade.
 - (ii). The reinstatement of the previous job description at the old grade, with a commensurate adjustment in job responsibilities and performance management indicators for the incumbent; or
 - (iii). An adjustment of working conditions in order to afford the commensurate salary range for the new job at the new grade.
- 3.9.4. The Human Resource Unit shall proceed to implement the outcomes in line with the Municipality's policies and the delegated authority.

3.10. JOB DESCRIPTION

- 3.10.1. Every post on the staff establishment of the Municipality shall have a written job description.
- 3.10.2. The Municipality shall keep a record of job descriptions for all posts.
- 3.10.3. The supervisor shall develop, and where appropriate, review a job description for a post that the Supervisor is responsible for in consultation with the Human Resources department.
- 3.10.4. A job description shall contain at least the job title, objectives of the job, the location of the job on the staff establishment, key Performance Areas (KPA's)/responsibilities, competencies and requirements of the relevant job.
- 3.10.5. A job description may be reviewed at least once every five (5) years following the reorganisation of the Municipal administration resulting in significant

changes to the jobs to ensure that the job description remains relevant and current.

- 3.10.6. The Municipality shall, from time to time, align job descriptions to the standards and guidelines, as well as adopt generic jobs and benchmarking of critical jobs.

3.11. BREACH OF POLICY MANUAL

Non-compliance with the policy will be dealt with in line with the Employee Relations Policy of Ngwathe Local Municipality.



RECRUITMENT, SELECTION AND APPOINTMENT POLICY

(NLMHRE-1004)

CHAPTER 4

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4. RECRUITMENT, SELECTION AND PLACEMENT POLICY

4.1. PREAMBLE

- 4.1.1. The most important attribute of World Class Organizations is the ability to attract, develop and retain talent. Recruitment is defined as a “process of attracting, shortlisting, selecting and appointing suitable candidates for jobs” (Meyer & Kirsten: 2005).
- 4.1.2. Ngwathe Local Municipality is an Employment Equity Employer and preference shall be given to suitably qualified candidates who fall within the designated and under-represented groups as defined in section one (1) of the Employment Equity Act. The Municipality endeavours to match the Recruitment, Selection and Placement to its strategic and operational needs whilst ensuring the full utilisation and continued development of its employees.
- 4.1.3. All aspects of the employment –recruitment, selection, interviewing and appointment of employees - shall be non-discriminatory and will afford applicants equal opportunity to compete for vacant positions, except where explicitly provided for affirmative action and employment equity.
- 4.1.4 The right to appoint staff within Ngwathe Local Municipality is the competence of the Municipal Manager. Appointments will be conducted in line with the applicable employee related laws as well as governing Policies and Procedures of the Local Municipality.

4.2. PURPOSE OF POLICY

- 4.2.1. To attract, and retain talent with the required competencies (knowledge, skills and attributes) within Ngwathe Local Municipality to ensure that a continuous supply of high calibre employees is available to meet the Municipality’s immediate and future Human Resource needs; and to establish a positive image of the Organization, positioning it as the employer of choice.
- 4.2.2. To recruit, select, appoint and retain suitably qualified candidates to form a demographically balanced workforce, with the intention of providing effective service delivery to the community.
- 4.2.3. To ensure that the process of recruitment, selection and placement is objective, transparent and equitable as required by the Employment Equity Act, Labour Relations Act and other applicable legislations that govern employment of employees.

4.2.4. To establish principles and procedures ensuring that the employer complies with legislative principles in respect of Employment Equity and Affirmative Action.

4.2.5. To ensure that professional methods and techniques of recruitment are utilised, in line with the provisions of the Labour Relations Act 66 of 1995, the Basic Conditions of Employment Act 75 of 1997, the Employment Equity Act 55 of 1998, as well as any other employee related legislation applicable in South Africa.

4.2.6. To establish proper structures and clear responsibilities for the purpose of recruitment; for all role-players participating in the recruitment process.

4.2.7. This policy is further based on the principles of best Professional Human Resources Management practice that ensures the Municipality: -

4.2.7.1. is characterised by a high standard of professional ethics.

4.2.7.2. promotes efficient, economic and effective utilisation of employees.

4.2.7.3. conducts Human Resources in an accountable manner.

4.2.7.4. is transparent and promotes good career development practices to maximise human potential.

4.2.7.5. ensures that its administration is broadly representative of the people of South Africa with human resources management practices based on competence, objectivity, fairness and the need to redress the imbalances of the past to achieve broad representation/equity.

4.3. SCOPE AND APPLICATION

4.3.1 The Recruitment, Selection and Placement Policy is applicable to all employees of Ngwathe Local Municipality except: -

- (i) The Municipal Manager
- (ii) The Managers directly accountable to the Municipal Manager.
- (iii) Employees appointed to the office of any Political Office bearer of the Municipality in terms of the Fixed term contract.
- (iv) Appointments arising out of a procurement process, acting appointments or rotating portfolios to which staff is elected by popular voting.

4.4. LEGISLATIVE FRAMEWORKS

- 4.4.1. Labour Relations Act, 1995 (Act No. 66 of 1995).
- 4.4.2. Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997)
- 4.4.3. Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996).
- 4.4.4. Skills Development Act, (Act No. 97 of 1998).
- 4.4.5. Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)
- 4.4.6. Employment Equity, 1998 (Act No. 55 of 1998)
- 4.4.7. Income Tax Act, 1962 (Act No. 58 of 1962).
- 4.4.8. South African Qualifications Authority Act, 1995 (Act No. 58 of 1995).
- 4.4.9. Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).
- 4.4.10. Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).
- 4.4.11. Immigration Act, 2002 (Act No. 13 of 2002).
- 4.4.12. Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003).
- 4.4.13. Local Government: Regulations on appointment and conditions of employment of Senior Managers, 2014.
- 4.4.14. Local Government: Municipal Staff Regulations, 2021.
- 4.4.15. Local Government: Guidelines for the Implementation of the Municipal Staff Regulations, 2021.
- 4.4.16. National Skills Development Strategy • National Qualifications Framework

4.5. POLICY PROVISIONS: DETERMINING RECRUITMENT NEEDS

- 4.5.1 Recruitment needs shall be based and derived from the approved staff establishment. No position will be approved unless it is contained in the resolution signed by Council when approving the staff establishment.
- 4.5.2 Ngwathe Local Municipality shall maintain a record of all approved positions together with the Job grade for each position and shall monitor all appointments against posts approved in the staff establishment.
- 4.5.3 The respective Head of a Department determines the need to recruit candidates for employment in their Department with due regard to budget and numerical goals set in the Employment Equity Plan of Ngwathe Local Municipality.
- 4.5.4 When a position in the staff establishment becomes vacant, or is due to become vacant, the relevant Departmental Head concerned must submit a Recruitment Request to the Director: Corporate Services by completing a Vacancy Application Form stating reasons why the vacancy must be filled.
- 4.5.5 The Director: Corporate Services must submit the Form to the Municipal Manager for approval.
- 4.5.6 No position will be filled unless adequate provision has been made in the budget for that appointment and the position exists in the approved Staff establishment.

- 4.5.7 All aspects of the staffing process shall be non-discriminatory and will afford applicants equal opportunity to compete for vacant positions in line with the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) as amended and the relevant provisions of the Employment Equity Act, 1998 (Act No. 55 of 1998).
- 4.5.8 Selection criteria shall be objective and related to the inherent requirements of the job and realistic future needs of Ngwathe Local Municipality. The selection shall be competency based in relation to the inherent requirements of the job provided that selection shall favour, as determined by the approved Employment Equity Plan suitably qualified applicants as defined in section 20(3) of the Employment Equity Act, 1998 (Act No. 55 of 1998).
- 4.5.9 Canvassing or use of undue influence by job applicants or any other person on behalf of job applicants, for posts within the municipality's service is prohibited and evidence thereof will disqualify the applicant's application for consideration.
- 4.5.10 Canvassing of appointments by candidates or their relatives to advertised positions shall disqualify the affected applicants.
- 4.5.11 Ngwathe Local Municipality shall develop the strategy to: -
- (i). Fill funded vacancies.
 - (ii). Reduce turnaround times for filling of approved vacant posts.
 - (iii). Fill all funded vacant posts on the approved staff establishment within six (6) months of a funded post becoming vacant.
- 4.5.12 A vacant post on the staff establishment may not be filled unless: -
- (i). The Municipal Manager or a staff member to whom this function is delegated has approved the filling of the post.
 - (ii). The post is budgeted for.
- 4.5.13 Deviation from this policy may be granted on the following grounds: -
- (i). budget cut requiring prioritisation of personnel expenditure.
 - (ii). Impending restructuring exercise.
 - (iii). Alternative Staffing solutions adopted.

4.6. GENERAL REQUIREMENTS FOR THE APPOINTMENT OF EMPLOYEES

No person may be appointed as an employee of Ngwathe Local Municipality on a fixed term contract, permanent basis or probationary basis to any post unless: -

- (i). he or she is a South African Citizen.
- (ii). permanent residence or foreign national with a valid work permit appointed in a post classified as scarce skills.
- (iii). Possesses the relevant competencies, qualifications and experience as set out in the minimum competency regulations or Annexure A of the Local Municipal staff regulation 890.

4.7. INHERENT AND COMPETENCY REQUIREMENTS FOR STAFF MEMBERS

- 4.7.1 A person appointed as staff member in terms of this policy shall, where applicable have the necessary competencies; and comply with the minimum requirements for education qualifications, work experience and knowledge as set out in Annexure A of the Regulation 890.
- 4.7.2 In the event that the inherent and competency requirements do not appear in Annexure A of the Regulation 890, the Municipality must adopt the same in line with the framework provided in the Regulation 890.
- 4.7.3 The inherent requirements of a job shall refer to the key performance areas, competencies, knowledge, skills and qualifications required in order to perform in that role to achieve the service mandate of the Institution.
- 4.7.4 Prior to the recruitment process commencing, the key performance areas, skills, knowledge, competencies and stated educational requirements as contained in the competency framework and job description are determined for utilisation in the selection and assessment process.
- 4.7.5 The inherent and competency requirements must be so stated as to attract the right pool of applications and not to unfairly exclude potential applications to the position.

4.8. ADVERTISING OF VACANCIES

- 4.8.1 The Director: Corporate Services must, on a monthly basis or as and when the recruitment need arises, circulate a list of vacancies amongst all Heads of Departments.
- 4.8.2 Each Departmental Head must indicate whether any such vacancies that may exist in his/her department must be filled or not. If a vacant position must be filled in the opinion of the Departmental Head concerned, he/she must submit a Request to Fill Vacancy Application Form to the Director: Corporate Services for approval.
- 4.8.3 The Director: Corporate Services will then submit the Form to the Municipal Manager for final approval based on conditions applicable in clause above.
- 4.8.4 Once the position has been approved by the Municipal Manager, the Director: Corporate

Services, his/her delegate shall ensure that: -

4.8.4.1 All vacancies are advertised internally for a period of fourteen (14) working days so as to enable the right people with required skills to apply.

4.8.4.2 Internal applicants with requisite skills who apply for positions shall be considered first for vacancies.

4.8.4.3 Persons from designated groups shall be given first priority in line with the Employment Equity policy.

4.8.4.4 If there are no suitable candidates internally, the position will be externally advertised.

4.8.5 Advertisements will be published in one or more of the following media: -

4.8.5.1 Ngwathe Local Municipality Office Notice Boards

4.8.5.2 Local Newspapers

4.8.5.3 National Newspapers

4.8.5.4 Ngwathe Local Municipality's Website

4.8.5.5 Online recruitment platforms

4.8.6 The Advertisement of a vacancy must state the following: -

4.8.6.1 The name and location of the Local Municipality.

4.8.6.2 A statement that the Local Municipality subscribes to the Principles of Employment Equity.

4.8.6.3 The designation of the position that is advertised.

4.8.6.4 Competency requirements of the post, including qualifications and experience required.

4.8.6.5 A summary of the Key Performance Areas/Primary Duties of the position.

4.8.6.6 A statement that the appointment will be permanent or for a fixed term, and the applicable term (if applicable).

4.8.6.7 The name and contact details of the person to whom enquiries may be directed.

4.8.6.8 A statement that canvassing will disqualify any candidate from being considered for appointment.

4.8.6.9 An indication of the remuneration offered.

4.8.6.10 The format and content of the application.

4.8.6.11 The address where, and person to whom, applications must be delivered.

4.8.6.12 The closing date for the submission of the application.

4.8.6.13 A statement that applications received after the closing date will not be accepted

or considered.

- 4.8.6.14 A statement that if an applicant does not get a response from Ngwathe Local Municipality within 30 days from the closing date of the advert, it implies that his/her application for employment was unsuccessful.
- 4.8.6.15 A statement that applications completed without using the prescribed employment application form or electronic application medium will not be considered.
- 4.8.6.16 A statement that the applicant consents that Ngwathe Local Municipality may conduct recruitment screening including criminal record and competency assessments (based on inherent job requirements).
- 4.8.6.17 In cases of the Section 56 Managers (Senior Managers, i.e. Municipal Manager and Directors), the advertisement process must comply with section 10 (3) of the Regulations on Appointment of Senior Managers.

4.9. UTILIZATION OF RECRUITMENT AGENCY

Where the Municipality does not have the capacity to manage recruitment processes, the services of external employment / personnel agencies may be utilised for recruitment processes subject to compliance with the Supply Chain Management Policy and in terms of an approved tender. The recruitment agency shall not undertake the selection process.

4.10. JOB APPLICATIONS

- 4.10.1 Applications for vacant posts must be submitted on an official/prescribed Application Form.
- 4.10.2 Any Application not completed on the official form shall not be considered.
- 4.10.3 Applicants must disclose the following: -
 - (i) Applicants' Academic qualifications, proven experience and competencies.
 - (ii) Contactable References.
 - (iii) Any Criminal Record.
 - (iv) Any Disciplinary Actions, whether pending or finalised, instituted against the applicant in their current or previous employment.
 - (v) Registration with a relevant Professional Body (where applicable).
- 4.10.4 Any misrepresentation or failure to disclose information will result in the disqualification for appointment. Consequently, the employment contract will be regarded as null and void.
- 4.10.5 Applications not received in the prescribed format and forms will not be considered.
- 4.10.6 Incomplete applications will not be considered and will accordingly be listed as such on the Master List.

4.11. HEAD-HUNTING

- 4.11.1 If, after a post has been advertised twice, and a suitably qualified candidate that meets the minimum requirements of Ngwathe Local Municipality could not be found, headhunting may be conducted.
- 4.11.2 Headhunting will be conducted with caution at all times and may only be conducted with the explicit approval of the Municipal Manager.
- 4.11.3 Targeted persons will be provided with the copy of the recruitment advertisement to allow them to apply on their own accord, and without any expectations being created.
- 4.11.4 The sole purpose of headhunting will be to fill vacancies where people with scarce skills could not be found through the normal Recruitment Processes.
- 4.11.5 Headhunting may also be done for purposes of meeting Employment Equity numerical goals.
- 4.11.6 The maximum period of headhunting will not exceed a period of three (3) months.
- 4.11.7 After Headhunting was done and no suitably qualified candidate could be recruited, the Municipal Manager and the relevant Departmental Head may decide whether they want to re-advertise the post to start the Recruitment Process from scratch.

4.12. UNSOLICITED APPLICATIONS

- 4.12.1. Unsolicited applications will not be considered by the Local Municipality, as a result and due to administrative and financial cost, no formal response will be conducted for unsolicited applications.
- 4.12.2. No employee is allowed to promise or undertake to accept a casual application for appointment and to submit it when a vacancy is advertised.

4.13. SELECTION

- 4.13.1. A Candidate for appointment at Ngwathe Local Municipality's service must undergo the applicable selection procedures.
- 4.13.2. An objective approach for selection, e.g. targeted selection, shall be considered to ensure fair, equitable and legally defensible selection process.
- 4.13.3. The employment equity plan of Ngwathe Local Municipality shall serve as a basis for selection decisions. In the event that this is not possible due to lack of suitable candidates, the headhunting process shall be applied.
- 4.13.4 The Director: Corporate Support Services or his delegate shall constitute selection panels for advertised posts on the basis of post levels; skills required for the interviewing process. A recognised Trade Union representative shall be a panellist with an observer status on

levels other than Section 57/Directors or higher recruitment processes.

4.13.5. With the exception of Human Resources who are regarded as experts in the process and representatives of staff, no panellist shall be a level below the post being advertised. Members of the panel shall take an oath of secrecy for each interview they are asked to participate in. Panel members must be accordingly trained in recruitment aspects, and only those who are trained will form part of the selection panel.

4.13.6. The Selection Panel shall in addition to Human Resources representation, comprise at least a person with knowledge of the inherent requirements of a particular job in the management and above positions.

4.13.7. The Local Municipality relies on interviews and one or more relevant psychometric, physical and proficiency tests, reference checks, verification of qualifications, criminal check, fraud check, and any relevant verification based on the nature of the job. These techniques are applied to make decisions regarding appointments, promotions, and transfers. Depending on the nature of a post to be filled, psychometric and physical tests are also applied to serve as screening tools/techniques.

4.13.8. Medical Testing of an employee or a candidate for employment is prohibited, unless:

- (i). Legislation permits or requires the testing, or
- (ii). It is justifiable in the light of medical facts, employment conditions, social policy, the fair distribution of employee benefits or the inherent requirements of a job.

4.13.9. Testing of an employee or an applicant for employment to determine the applicant's HIV status is prohibited unless the Labour Court in terms of section 50(4) of the Employment Equity Act determines such testing justifiable.

4.13.10. Psychometric testing and other similar assessments of an employee or a candidate for employment are prohibited unless the test or assessment being used:

- (i). has been scientifically shown to be valid and reliable.
- (ii). Can be applied fairly to employees; and
- (iii). Is not biased against any employee or group

4.13.11. The Municipal Manager may appoint, subject to the Supply Chain Management Policy, external Service Providers to assist with the Screening, in cases where the spheres of Government are not able to assist.

- 4.13.12. In line with this clause, selection and shortlisting shall be conducted by a competent and duly constituted panel to enhance the decision-making processes, avoid any bias in the selection process and ensure joint responsibility of members to recommendations made.
- 4.13.13. A duly constituted and competent panel may only make recommendations regarding the suitability of candidates for advertised positions to the Council or Municipal Manager or their delegated authority as the case may be. The Council or Municipal Manager or their delegated authority shall appoint or reject the recommended candidates with substantive reasons.
- 4.13.14. With the exception of casual employees, who may be appointed by the Line Manager in consultation with the Human Resources department/Director Corporate Services, no candidate, may be appointed without the approval of the Municipal Manager or his delegated authority.

4.14. COMPILING OF MASTER LISTS

After the closing date of an Advertisement, all the applications received for every specific position are captured in Part A or Part B of the Master List compiled by the Director: Corporate Services or his or delegate. The Master List must contain, in Table Format, the following particulars in respect of each candidate:

- (i). The Applicant's surname followed by his/her initials.
- (ii). The Applicant's gender.
- (iii). The Applicant's race.
- (iv). The Applicant's qualifications and experience relevant to the job description and job specification; and
- (v). If applicable, the nature of the Applicant's disability.

4.14.1 Part A of the Master List shall contain the particulars of applicants that complies with the minimum requirements in terms of skills, expertise and other competency requirements for appointment determined in the advertisement calling for applications.

4.14.2 Part B of the Master List shall contain the particulars of every candidate that does not meet the minimum requirements in terms of skills, expertise, and competency requirements for appointment determined in the advertisement calling for applications.

4.14.3 The Director: Corporate Services shall submit the Master List, together with the

applications to the Municipal Manager and the relevant Departmental Head.

- 4.14.4 The Director: Corporate Services or his/her delegate shall, during the compilation of the Master List, take all reasonable steps and actions to establish the validity and accuracy of any certificates, diplomas and other information supplied by an applicant through screening of qualifications.
- 4.14.5 If any Candidate submitted or claimed that he/she had some or other certificate or diploma, qualification or experience that is disproved, such information must be noted next to the name of that candidate in the Master List.
- 4.14.6 The process of qualification vetting must be conducted by the Director: Corporate Services, through accredited Verification Agencies or directly with Institutions of Higher Learning.
- 4.14.7 A formal Qualification Verification Report must be obtained as proof of verified of qualifications/screening.

4.15. COMPILING OF SHORT LISTS

- 4.15.1 The Departmental Head concerned must, together with the Selection Committee, select from the Master List, with due regard for the Numerical Goals set in the Local Municipality's Employment Equity Plan, applicants who are the most suitable candidates to be subjected to the Selection Process.
- 4.15.2 The relevant Departmental Head and the Selection Committee are responsible to ensure compliance with the Employment Equity Plan in the selection process.
- 4.15.3 Shortlisting shall be done in accordance with the following order of preference:
 - (i). Internal applicants.
 - (ii). Local applicants.
 - (iii). Provincial applicants.
 - (iv). National Applicants.
- 4.15.4 The relevant Departmental Head, together with the Selection Committee, must submit the particulars of the short-listed candidates to the Municipal Manager.
- 4.15.5 The Director: Corporate Services or his designated representative must notify every candidate whose name appears on the shortlist, of the interview details using the most reliable formal communication methods available, about the venue, date and time and nature of the interview proceedings the applicant must attend.
- 4.15.6 The following Applicants may not be included in the shortlist:
 - (i). Applicants who do not meet the minimum criteria, including qualification and relevant experience, as advertised, unless if it is an internal applicant and their relevant work experience indicates that they have the capacity and potential

to acquire, within a reasonable time, the skills to do the job.

- (ii). Applicants who did not submit complete applications.
- (iii). Applicants who submitted their applications after the closing date.
- (iv). Applicants who are younger than the prescribed age in line with the Basic Conditions of Employment Act (16 years).
- (v). Applicants who have reached the retirement age of 65, unless the applicant has scarce skills required by Ngwathe Local Municipality.
- (vi). Applicants who cannot provide proof of South African citizenship or work permit.
- (vii). Applicants who did not submit certified copies of their qualifications with their original application.
- (viii). Applicants who, directly or indirectly, approach or canvass a Councillor or employee with a view to securing that Councillor or employee's vote or support in favour of the said Applicants' appointment.
- (ix). Applicants who are Members of Parliament or a Provincial Legislature or a Councillor of the Municipality at the time when the position is advertised.
- (x). Any person who has been dismissed for misconduct from any Public or Private Institution governed by the Municipal Finance Management Act may not be employed by Ngwathe Local Municipality before a period as set out in Table 1 below has expired.

TABLE 3: APPLICANTS TO BE EXCLUDED IN THE SELECTION PROCESS AS CONTEMPLATED BY THE MUNICIPAL FINANCE MANAGEMENT ACT

No.	CATEGORY OF MISCONDUCT	PERIOD THAT MUST EXPIRE
1.	Financial misconduct contemplated in section 171 of the Municipal Finance Management Act, corruption or fraud.	Ten (10) years
2.	(a) Gross misconduct involving elements of dishonesty or gross negligence.	Ten (10) years
	(b) Misconduct involving elements of dishonesty or negligence.	Six (6) years
3.	(a) Assault with intent to do grievous bodily harm where a Senior Manager has been criminally charged and convicted.	Twelve (12) years
	(b) Sexual harassment.	Ten (10) years

No.	CATEGORY OF MISCONDUCT	PERIOD THAT MUST EXPIRE
4.	Colluding with or acceding to an influence of any Councillor not to enforce an obligation in terms of this Act, any other legislation or by-law or a decision of the Local Municipality or Municipal Council of the Municipality, and who has been found guilty of an offence and convicted to a fine or to imprisonment for a period not exceeding one year.	Five (5) years
5.	Facilitating or aiding an occupier of premises in a Municipality to deny an authorised representative of the Municipality or a service provider access at all reasonable times to the premises in order to read, inspect, install, or repair any meter or service connection for reticulation, or to disconnect, stop or restrict the provision of any service.	Five (5) years
6.	Convicted to an offence and sentenced to more than twelve (12) months imprisonment without the option of a fine.	Five (5) years
7.	(a) Using the Senior Manager position, status or any privileged confidential information obtained by virtue of such position or status for private gain or to improperly benefit another person.	Five (5) years
	(b) Disclosing any privileged or confidential information obtained as a Senior Manager of a Municipality to an unauthorised person or persons.	Five (5) years
	(c) Taking a decision on behalf of the Municipality concerning a matter that the Senior Manager's spouse, partner or business associate, has a direct benefit or private business interest.	Five (5) years
8.	Being party to or beneficiary under a contract for the provision of goods and services to any Municipality or any Municipal entity established by a Municipality.	Five (5) years
9.	Soliciting or accepting directly or indirectly any gift or favour that may influence the exercise of his or her functions, the performance of his or her duties, or judgment.	Five (5) years
10.	Discriminating against others on the basis of race, gender, disability, sexual orientation or other grounds prohibited by the Constitution.	Five (5) years
11.	Breaching the Code of Conduct by the Municipal Staff as contained in Schedule 2 of the Act, other than misconduct referred to in item 1 to 10 in this table.	Two (2) years

4.16. COOLING OFF PERIODS FOR RE-APPOINTMENTS

- 4.16.1 Former employees of the Ngwathe Local Municipality who left the employ of the Municipality for whatever reason except those provided for in the table above can only be shortlisted after a cooling-off period of one (1) year, from date on which such employees have left the employ of the Local Municipality.
- 4.16.2 Upon approval by the Municipal Manager or his delegate.
- 4.16.3 Only after the reasons for leaving, as inter alia recorded in the exit interview, have been considered by the Municipal Manager or his/her delegate.

4.17. SCREENING AND REFERENCE CHECKS

- 4.17.1 Screening of shortlisted candidates must take place before the interviews take place by: -
 - (i). Conducting the necessary Reference Checks.
 - (ii). Determining the validity of a candidate's qualifications.
 - (iii). Conducting Criminal and Fraud checks; and
 - (iv). Verifying whether a Candidate has been dismissed previously for misconduct or poor performance by another employer.
- 4.17.2 The Director: Corporate Services or his/her delegate shall compile a written report on the outcome of the Screening Process before the interview takes place.
- 4.17.3 Whenever possible, a minimum of two to three verbal references from current and/or former employers shall be obtained for any candidate to whom the Local Municipality would consider making a job offer. If the Candidate has listed less than two reference sources, he/she should be asked to provide names of individuals with whom he/she has been involved in a volunteer capacity, with community groups, etc. References may include immediate superiors, peers and subordinates. References from those to whom a Candidate reported, are most preferred.
- 4.17.4 Reference information collected from outside sources will be kept in Human Resources for the entire period of the individual's employment, along with other information from the Selection Process.
- 4.17.5 References given to external companies on current/former employees must be documented and maintained by Human Resources. Records of References for terminated employees should be forwarded to Human Resources where they will be kept in the employee file. All Reference information, given or received, is considered to be confidential.

4.18. INTERNAL CANDIDATES

- 4.18.1. On applying for an internal position within the Local Municipality, the employee (who has applied for an internal position) will be advised in writing if they have been shortlisted. The employee information such as: - internal References, their Personnel File, including documented Performance Appraisals, documented Disciplinary Action and Attendance Records should be made available to the hiring Departmental Head, and will partly inform the hiring decision for the position.
- 4.18.2. Information on an internal candidate's previous performance shall Normally be required following completion of an internal job application. The hiring Departmental Head may obtain the Personnel File of the staff member to review previous Performance Appraisals on file and other information as referred to above.
- 4.18.3. The hiring Departmental Head will obtain Internal References. These Checks should be directly related to the competency requirements of the position into which the candidate will be hired for, and the results of the Screening checks will be incorporated into the Interview and Evaluation Process.
- 4.18.4. Managers and other employees may respond to the Departmental Head's requests for Internal References in respect of the criteria developed and documented in the Human resources file.

4.19. INTERVIEWING IN RESPECT OF VACANCIES

- 4.19.1 The Municipal Manager or his designated representative, the Director: Corporate Services, the relevant Departmental Head concerned and not more than one other Senior Employee from the relevant department must conduct interviews for all positions.
- 4.19.2 The Municipal Manager or his/her designated representative may attend and may participate in any interview for the appointment of any employee.
- 4.19.3 The Municipal Manager or the Departmental Head concerned, as the case may be, must allow each of the Trade Unions to designate a representative to attend and observe any interview.
- 4.19.4 The Selection Committee will consist of the Municipal Manager or his/her delegate, the Director: Corporate Services or his designated representative, the concerned Head of Department or his/her representative, the Employment Equity Chairperson and a respective Union representative as observers.
- 4.19.5 The Selection Committee will consist of the Director: Corporate Services or his designated

representative, The Head of department or his/her delegate where the vacancy exists, as well as the Employment Equity Chairperson or his/her delegate to assist with the Employment Equity requirements.

4.19.6 Notwithstanding the above, the Employment Equity Chairperson or his/her delegate may not be part of a Selection Committee concerning Senior Manager positions, as provided by the Local Government: Municipal Systems Act 32 of 2000: Regulations on Appointment and Conditions of Employment of Senior Managers.

4.19.7 The Head of Department concerned or his designated representative in consultation with the Director: Corporate Services, must draw up a list of questions relating directly to the job concerned, to be asked during the interview and provide such questions and score sheets to all persons who would be involved in the interview immediately before the interview commences.

4.19.8 The questions for the interview must also be supported with model answers that are required from Candidates.

4.19.9 The following information/documentation must be provided to the Selection Panel (including Observers):

- (i). Date, Time and Place of the Interview.
- (ii). Copy of the advert
- (iii). Long List.
- (iv). Shortlist.
- (v). Copies of the CV's of the candidates on the short list.
- (vi). Completed Score Sheets shall be kept in safe storage for a period of at least twelve (12) months after an appointment decision has been made.
- (vii). The Chairperson must ask all panel members to declare their interest on a formal sheet and accordingly sign the interview declaration form.
- (viii). All interviews must be recorded by a mechanical device to ensure the following:
 - Protection of the employer against allegations of unfair discrimination; and
 - Recordkeeping for purposes of disputes.

4.20. SCORING GUIDELINES

The following is a Guideline for the scoring of candidates during the interview. The Selection Panel may deviate from this guideline provided that the method used will still ensure consistency.

The following scoring may be used:

Rating	Definition
0	Unacceptable
1	Poor
2	Below Standard
3	Competent
4	Above Average
5	Excellent

4.20.1 In the event that no candidate achieves a competent rating, the panel may consider any other applicants that are considered suitably qualified for the post.

4.20.2 If no candidate achieves a rating of “3” or more, the post shall be re-advertised.

4.20.3 The scoring of the following members of the Selection Panel will be used to calculate the final score for recommendation to the Municipal Manager:

- (i). The Director: Corporate Services, or his/her delegate.
- (ii). The Departmental Head where the vacancy exists or his/her representative
- (iii). The Employment Equity Chairperson or his/her delegate; and
- (iv). Other members from the Human Resources Department who will provide administrative support but will not have the right to score.
- (v). If holders of three most senior positions in 4.20.3 (i) and (ii) could not be present at the interview, no scoring will take place. The process must only take place where departmental heads are present.
- (vi). Should a exist in the Human Resources Department, then the other senior employee mentioned above will be from another department.
- (vii). After completion of the interview, the attendees and observers must indicate on the prescribed form whether they were satisfied with the procedures followed. If any

Attendee or Observer is unsatisfied with the process, he/she must provide reasons in writing.

- 4.20.4 The Candidate with the highest score will be recommended to the Municipal Manager for consideration of appointment. Suitably qualified internal candidates that achieved a rating of “3” or higher, taking into account Employment Equity Plan and requirements, will receive preference.

4.21. CONDUCTING PROFICIENCY TESTS

- 4.21.1 One or more relevant Proficiency Tests (e.g. typing tests, etc.) may be required to be conducted before or after an interview is concluded. A proficiency test may only be required if the outcome thereof is relevant to the expected job standards that would be expected of the employee, and it relates to the inherent job requirements in the job description.
- 4.21.2 Whenever Applicants are required to undergo a Proficiency Test, the relevant Head of Department or his delegate must inform the Director: Corporate Services prior to the candidates being invited for an interview, in order to allow the Human Resource Department to inform the applicants of the practical arrangements regarding the testing.
- 4.21.3 The score of the proficiency tests shall account for 50% of the Assessment and the interview score will account for 50% of the Assessment.

4.22. GUIDELINES FOR RELEASING EMPLOYMENT REFERENCES

- 4.22.1 The Local Municipality releases Employment References on current employees to prospective employers only upon the written permission of the individual involved.
- 4.22.2 References are released without malice and in confidence to potential employers.

4.23. EMPLOYMENT REFERENCE PROCEDURES

- 4.23.1 Line Managers are responsible for providing reference information to external sources. The Human Resource Department may assist Line Managers.
- 4.23.2 Line Managers and the Director: Corporate Services may respond to Requests For References only to the extent that their comments are supported by documented information in the Human Resources files. Unsupportable commentary may not be provided.
- 4.23.3 Should no documented information be available in the Human Resources file, only dates of employment and position title(s) may be provided.

4.23.4 If a Reference Request is received from an external organisation regarding a current employee, the Director: Corporate Services or his/her representative will formally contact the employee and request consent/permission in line with the POPI Act to release reference information. A release of Reference Information Form will be completed by the employee and maintained on file in the Human Resources department.

4.23.5 All reference information given to external sources must be documented and maintained in the Human Resources File of the terminated employees.

4.24. APPOINTMENT OF STAFF

4.24.1 The appointment of an Applicant may take place only in accordance with the requirements of the post concerned and on merit.

4.24.2 Before making a decision to appoint, the Municipal Manager or delegate must satisfy himself or herself that the recommended candidate meets the relevant requirements of the post as provided in the Advert and the Job description.

4.24.3 If the decision of the Municipal Manager or the delegate does not accord with the recommendations of the selection panel, the reasons for such a decision must be recorded in writing.

4.24.4 An appointment may only take effect after the Municipal Manager, or his/her delegate has approved the appointment in writing.

4.24.5 Upon approval of candidates by the Council or Municipal Manager or their delegated authority, the Council or Municipal Manager or their delegated authority shall determine the salary applicable to the level of the position on offer based on the existing salaries of current employees and the applicable salary dispensation of the Local Municipality.

4.24.6 Should an Internal Candidate be successful, and he/she earns more than the starting notch of the posts for which he/she applied, the employee will be appointed to the next higher notch on the applicable post level's salary scale. If the employee earns more than the maximum notch of the posts for which he/she applied, the employee's salary will remain the same as that which he/she earned in his/her original position.

4.24.7 In the event that the skill being recruited is declared scarce within Ngwathe Local Municipality, the salary offers may be up to the maximum (that is, between 75th and 90th Percentile) of the applicable salary scale.

- 4.24.8 The Director: Corporate Services or his delegate shall reduce all offers of employment to writing, subject to applicable employment statutes and regulations promulgated as well as Ngwathe Local Municipality's Human Capital Management policies and procedures.
- 4.24.9 All permanent appointments including Section 57 appointments are subject to the compulsory membership of Ngwathe Local Municipality's employee benefit fund as well as the performance agreement in line with the performance management policy.
- 4.24.10 All new employees shall be subjected to a probationary period of at least three (3) months. The Municipal Manager and Section 57 Managers/Directors shall serve a twelve (12) month's probationary period during which period the parties shall ascertain competency and organizational fit. In the event that an employee does not perform satisfactorily during this period, fair and equitable procedures in line with the Labour Relations Act 66 of 1995 as well as Ngwathe Local Municipality's Human Capital Management policies shall apply.
- 4.24.11 The Municipal Manager or his or her delegate must ensure that all the interviewed candidates are informed of the outcome of the Interview in writing.

4.25. APPOINTMENT OF EMPLOYEES TO POSTS IN THE TEMPORARY STAFF ESTABLISHMENT

A person appointed to a temporary position:

- 4.25.1 Is appointed at the salary applicable to a comparable position on the permanent establishment.
- 4.25.2 Shall not receive any employee related benefits (Housing, Travelling, etc.).
- 4.25.3 Shall not be a member of a Retirement Fund or Medical Aid Scheme to which the Local Municipality contributes.
- 4.25.4 Shall not earn leave in terms of the relevant Collective Agreement.
- 4.25.5 Is subject to the Attendance Requirements, Rules of Conduct and Grievance Procedures in terms of the Local Municipality's Conditions of Service.
- 4.25.6 May not be appointed for a period exceeding three (3) months and/or a consecutive period of three (3) months.

4.26. APPOINTMENT OF TEMPORARY EMPLOYEES IN A PERMANENT ESTABLISHMENT

4.26.1 The Head of Department may, with the approval of the Municipal Manager, and after consultation with the Director: Corporate Services and Manager: Finance respectively, appoint a person who is not an employee, in a temporary capacity in a position in the permanent establishment if:

- (i). the position is vacant and is likely to remain vacant for a significant period; or
- (ii). The incumbent of that position is or will be absent from work for a prolonged period (30 days or more).

4.26.2 A person appointed in terms of the paragraph above:

- (i). is appointed on the lowest notch of the salary scale applicable to the position.
- (ii). Is appointed for a maximum period of 12 months (Fixed term contract).
- (iii). may not receive any employee related benefits applicable to permanent employees of the Municipality (e.g. Housing, Travelling Benefits, etc.).
- (iv). may not become a member of a Retirement Fund or Medical Aid Scheme to which the Local Municipality must contribute.
- (v). earns Leave in terms of the Basic Conditions of Employment Act; and
- (vi). Is subject to the attendance requirements, rules of conduct, grievance procedures and any other related policies of Ngwathe Local Municipality.

4.26.3 Whenever a person is appointed in a Fixed Term/Temporary capacity he/she must receive a Letter of Employment in terms of section 29 of the Basic Conditions of Employment Act 1997. Such a letter must, amongst other things, clearly state:

- 4.26.3.1 The date on which the person's fixed term/temporary employment with the Ngwathe Local Municipality commences.
- 4.26.3.2 The date on which his/her employment terminates or required task be completed, or if it is not possible to determine the termination date with reasonable accuracy, the circumstances under which his/her employment will terminate based on effluxion of time.
- 4.26.3.3 That there is no expectation that the person's employment will be renewed or extended beyond the term referred to in his/her contract.

- 4.26.3.4 That any failure to renew or extend the period of employment shall not constitute a dismissal of the person and that he/she shall not be entitled to any additional remuneration or compensation in respect of the completion of such period.
- 4.26.3.5 That the person's employment with the Ngwathe Local Municipality will come to an automatic end (effluxion of time) on expiry of the term, and such termination shall not be construed as a termination based on the Local Municipality's operational requirements, nor as an unfair dismissal. Accordingly, reference to remuneration or compensation to which the employee shall not be entitled includes but is not limited to: Severance Pay, Notice Pay, Retirement and Medical Aid Fund benefits to which an employee may otherwise be entitled to in the event of a termination based on an employer's operational requirements.

4.27. APPOINTMENT OF PERSONNEL IN THE OFFICE OF PUBLIC OFFICE BEARERS

- 4.27.1 Only the Mayor is entitled to one or more employee's being assigned to him/her in line with the provisions of the Local Government Staff Regulation 890.
- 4.27.2 A person appointed to a post on the approved staff establishment in order to support the office of a public office bearer must either be: -
- (i). seconded from a post on that Municipality's approved staff establishment or another Municipality's staff establishment; or
 - (ii). appointed on a fixed-term contract of employment linked to the term of office of the public office bearer
 - (iii). The duration of the secondment or fixed-term employment contract may not be longer than 30 days after the public office bearer vacates office.
- 4.27.3 The employment contract of a person appointed for a Fixed Term in the office of any Political Office Bearer shall be in line with the applicable employee related legislation read together with Ngwathe Local Municipality's Human Capital Management policies.

4.28. TRANSFERS

The purpose of transferring employees is:

- 4.28.1 To ensure that employees are utilised for the purposes of meeting the Local Municipality's strategic imperatives as well as the Human Resources needs.
- 4.28.2 To retain talent and create opportunities for career growth and succession.
- 4.28.3 No employee appointed for a fixed term, whether he/she was appointed in terms of section

57 of the Municipal Systems Act or an employee appointed in a temporary capacity may be transferred to another position.

4.28.4 An employee may not be transferred from one position to another unless:

- (i). A vacant position on the same level exists.
- (ii). The employee agrees to such transfer; and,
- (iii). The transfer is intended to avoid the employee's dismissal.
- (iv). The transfer is intended to address incapacity due to illness or injury or poor work performance; or
- (v). Due to the Local Municipality's operational requirements.
- (vi). Should the Employer transfer the employee to an office outside the current jurisdiction, the Employer will ensure that the task the employee performs is available at the new place of work.
- (v). The function the employee performs is required in the interest of improving efficiencies and operational requirements and resources of the Employer.
- (vi). Where the employee is requested to permanently relocate to another office of the Employer due to promotion, new position or Operational requirement by the Employer, the Employer shall be responsible for relocation cost in line with the relocation policy.
- (vii). Where an employee's job has been relocated to another office/Town outside the current jurisdiction, and the Employer is willing to pay for such relocation, but the employee opts to remain in his/her current residence, such an employee will not be eligible for relocation allowance

4.29. SECONDMENT OF OTHER GOVERNMENT EMPLOYEES TO THE MUNICIPALITY

4.29.1. A Municipality may request the National or Provincial Government, another Municipality or any Organ of State as the case may be, to second a staff member with relevant competencies to Act in a vacant post for a specified period or until such time that a suitable candidate has been appointed: Provided that the relevant legislation, terms and conditions of service of that person apply.

4.29.2. The parties contemplated must conclude a written agreement regarding the secondment that specifies the terms and conditions of secondments, such as:

- (i). The Municipality or Organ of State that must be held accountable for the costs of secondment.
- (ii). The duration of the secondment, which may not in each case exceed a period of twelve (12) months.
- (iii). The person to whom the seconded staff member must report to.
- (vi). The Municipality must inform the MEC of COGTA in respect of Senior Positions of any such secondment and the terms and conditions associated with that secondment.

4.30. DEMOTION

The purpose of demotion is to address employee related misconduct. Demotion shall be considered as an alternative to dismissal through a formal employee relations process, and the process shall be in line with the Labour Relations Act 66 of 1995, the Collective Agreement as well as the Ngwathe Human Capital Management policies.

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

Due Disciplinary Processes must unfold before an employee is demoted.

4.31. DEFERENCES BETWEEN APPOINTMENT, TRANSFERS AND DEMOTIONS

Whenever there is disagreement between two or more Departmental Heads regarding the appointment, transfer or demotion of an employee or an applicant in a position where the competence to make the appointment has been delegated to one of those Departmental Heads, the matter must be referred to the Municipal Manager for a decision. The decision of the Municipal Manager in the matter shall be final.

4.32. REPORTING ABOUT APPOINTMENTS AND DISMISSALS

The Director: Corporate Services or his/her delegate shall, on or before the fifteenth (15th) of each month, submit a report to the Municipal Manager regarding all Appointments, Promotions, Transfers, Demotions, Dismissals, Resignations, Retirements and Changes to Remuneration of employees during the past month in the format determined by the Municipal Manager.

4.33. PARTICULARS OF APPOINTMENT

- 4.33.1 The Director: Corporate Services must present every newly appointed employee with a Contract of Employment not later than the day on which he/she starts working in terms of section 29 of the Basic Conditions of Employment Act 1997.
- 4.33.2 Whenever any of the details contained in such a letter change, the Director: Corporate Services must inform the employee in writing of such changes.
- 4.33.3 In the event that an employee cannot read or write, the relevant Departmental Head must explain the content of such a Contract of employment and any amendment thereof to such an employee in a language that he/she understands.

4.34. TRAVELLING AND SUBSISTENCE OF SHORTLISTED CANDIDATES

Traveling and Subsistence Allowance shall be paid to shortlisted and headhunted candidates attending interviews, in line with the travel and subsistence policy of Ngwathe Local Municipality.

4.35. ETHICS GOVERNING THE SELECTION PROCESS

Whenever any person on the Selection Panel is conflicted:

- 4.35.1 Such a panel member must recuse himself/herself from any proceedings where the applicant is a family member, business associate or partner of a panel member or Councillor considered.
- 4.35.2 The Municipal Manager must appoint another senior employee from the relevant department and another Departmental Head to consider such an appointment.
- 4.35.3 The Selection Committee must advise the Municipal Manager with regards to such appointment, that the panel member or Councillor must recuse himself/herself from any proceedings of the selection process where such appointment is considered.
- 4.35.4 A Councillor's role in the appointment of employees is limited to his/her participation in a Committee and Council meetings during the appointment process.
- 4.35.5 An employee's job level and/or salary grade may not be increased for the sole reason of an increase in his/her workload.
- 4.35.6 An employee who may, during the course of the performance of his/her official duties, have access to personal information regarding another employee, shall be required to sign a Confidentiality Undertaking, provided that any employee appointed in terms of section 57 or 56 of the Municipal Systems Act shall sign such an undertaking. An original copy of the signed Undertaking shall be kept in the relevant employee's Personal File.

4.36. APPOINTMENT OF FAMILY MEMBERS OF EMPLOYEES

- 4.36.1 Employment of immediate family members and relatives of employees must, as far as possible, be avoided.
- 4.36.2 No Councillor or employee may participate in any decision making, which may directly benefit or be to the detriment of an immediate family member or relative or any other person with which he/she may have a relationship.
- 4.36.3 No employee may be appointed, promoted or transferred in such a manner that he/she would supervise, or be subordinate to an immediate family member or relative.
- 4.36.4 Whenever a family member or relative of an employee applies for a vacant position, the Director: Corporate Services must point out the content of this Policy to the parties involved, including the person or persons who must make the appointment.
- 4.36.5 The Councillor, interview panel member or employee must declare any relationship with any candidate and recuse themselves from the selection process.

4.37. GRIEVANCE PROCEDURE APPLICABLE ON PLACEMENTS

Any employee who is aggrieved by a decision regarding his/her placement or lack thereof, must use the objection and appeal procedures set out in the Employee Relations policy and may not use the grievance procedure in terms of her/his Conditions of Service.

4.38. BREACH OF POLICY MANUAL

Non-compliance with the Policy will be dealt with in line with the Employee Relations Policy of Ngwathe Local Municipality.



PROMOTION, TRANSFER, SECONDMENT, AND ACTING IN HIGHER POSITION POLICY

(NLMHRE-1005)

CHAPTER 5

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5. PROMOTION, TRANSFER, SECONDMENT, AND ACTING IN HIGHER POSITION POLICY

5.1. PREAMBLE

Ngwathe Local Municipality views Promotion, Transfer, Secondment and Acting in Higher positions as integral to the operations of the Local Municipality, as a result, a detailed policy guideline is important to ensure good governance and compliance with the prevailing legislation as well as the Collective Agreement. Although the promotion, transfers and secondment have been briefly dealt with in Recruitment, selection and placement policy, this part of the policy provides a detailed guideline.

5.2. PURPOSE OF POLICY

- 5.2.1 To provide a guideline and a procedure for employees Acting in higher positions, the management of Promotions, Transfers as well as secondments within the Local Municipality.
- 5.2.2 To ensure Promotions, Secondments, Acting in Higher positions as well as transfers are implemented and address the strategic imperatives of Ngwathe Local Municipality.
- 5.2.3 To ensure that decisions related to Promotions, Secondments, Acting in Higher positions as well as transfers are based on knowledge of the job, abilities, skills, aptitude, experience, performance, and the evaluation (performance review) of the incumbent's post.

5.3. SCOPE OF APPLICATION

This policy applies to all employees of Ngwathe Local Municipality.

5.4. LEGISLATIVE FRAMEWORKS

- 5.4.1 Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996).
- 5.4.2 Municipal Systems Act, 2000 (Act No. 32 of 2000).
- 5.4.3 Municipal Structures Act, 1998 (Act No. 117 of 1998).
- 5.4.4 Municipal Finance Management Act, 2003 (Act No. 56 of 2003).

- 5.4.5 Labour Relations Act, 1995 (Act No. 66 of 1995).
- 5.4.6 Employment Equity, 1998 (Act No. 55 of 1998).
- 5.4.7 Skills Development Act, (Act No. 97 of 1998).
- 5.4.8 Local Government: Regulations on Appointment and Conditions of employment of Senior Managers, 2014.
- 5.4.9 Local Government: Municipal Staff Regulations:890,2021.
- 5.4.10 Local Government: Guidelines for the Implementation of the Municipal Staff Regulations, 2021.
- 5.4.11 Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997)

5.5. PROMOTION

Promotion refers to the upward movement of an employee from a current job to another that is higher in pay, grade, responsibility, and organizational level.

5.5.1 POLICY PROVISIONS

Promotion in the Municipality occurs when:

- (i) A position higher in Grading/Notch exists in the staff establishment approved by the Council of Ngwathe Local Municipality.
- (ii) An employee is appointed to a post in the Municipality that is higher than the one the staff member previously occupied.
- (iii) The post the employee occupies through job evaluation is Upgraded (Broad banding).

5.5.1.1 An employee that qualifies for a promotional position that becomes available must be considered **having regard to the following:** -

- (i) The Head of the department has consulted and agreed with the Municipal Manager that a promotion must be considered and there are employees with potential and relevant competencies within the Municipality to perform the work.
- (ii) A position higher in Grading/Notch exists in the staff establishment approved by the Council of Ngwathe Local Municipality.
- (iii) A promotion Requisition form stipulating motivation for promotion is completed and approved by the Municipal Manager prior any promotion taking place.
- (iv) A transparent and fair promotional process in line with the promotion policy of the Municipality is applied.

- (v) Consultation with the Local Labour Forum (LLF).
- (vi) Skills and knowledge of the employee/s relative to the inherent Job requirement depicted in the Job description of the promotional position.
- (vii) The employee has completed a period of not less than two (2) years in their original post with Ngwathe Local Municipality.
- (viii) The Performance of an employee in his/her current position is exceptional. This must be based on a fair performance review process.
- (ix) The employee has Acted in the promotional position for a period not more or less than nine (9) months and his/her performance is outstanding or has extensive past experience needed to deliver the services required by the Municipality.
- (x) The employee has a sound record of dedication and commitment to fulfilling the obligations required from the vacant post.

- 5.5.1.2 Where there is more than one employee interested in a promotional position, the Municipal Manager in consultation with the Head of the relevant department must ensure that both employees are subjected to a fair and open interview and selection process. The Local Labour Forum (LLF) representative shall be invited as observers to the process. The outcome of such an interview and recommendations must be submitted to the Municipal Manager. An employee regarded by the Municipal Manager as the most suitable for a promotion post and not necessarily the employee with the longest service, shall be promoted.
- 5.5.1.3 The Human Resources Department shall ensure that the promoted employee signs a contract of employment depicting the new terms and conditions of service for the new position.
- 5.5.1.4 The promoted employee shall only commence with the responsibilities of the new post after serving notice and ensuring that proper handover is done for the current position.
- 5.5.1.5 The promoted employee shall not forfeit his or her years of service and the benefits that accrue from those years of service. The promoted employee shall be paid his/her annual bonus on the original date of his/her appointment in line with the remuneration and payroll policies of Ngwathe Local Municipality.
- 5.5.1.6 Whenever a promotion is implemented, the employee shall move up to the next Notch or Level.

5.6. TRANSFER OF EMPLOYEES

A transfer is the internal movement of an employee from one Department or Section to another without involving any substantial change in the employee's duties or remuneration. A transfer does not imply a promotion.

The purpose of transferring employees is:

- (i). To ensure that employees are utilised for the purposes of meeting the Local Municipality's strategic imperatives as well as the Human Resources needs.
- (ii). To retain talent and create opportunities for career growth and succession.

5.6.1 POLICY PROVISIONS

5.6.1.1 The Municipality may transfer any employee in its service to any equivalent post in the Municipality subject to Section 197 of the Labour Relations Act, to an equivalent post in another department or Municipality.

5.6.1.2 **Transfers may only be implemented if the following criteria has been met:**

- (i) A vacant position on the same level exists in the staff establishment.
- (ii) The staff member's salary and benefits remain the same.
- (iii) The organisational level/grade and salary Notch remains the same.
- (iv) The staff member's Job Grade and level of responsibility remains the same. (The Key Performance Areas may differ based on new responsibilities).
- (v) The function the employee performs is required in the interest of improving efficiencies and operational requirements and resources of Ngwathe Local Municipality.
- (vi) The staff member meets the minimum requirements of the post as confirmed in the job description of the position where the transfer is envisaged.
- (vii) The staff member requests or consents, in writing, to the transfer.
- (viii) The transfer is not applied as a punitive measure but occurs based on an agreed fair process. For example, in terms of the Disciplinary Code, a transfer can occur as a result of a transgression by the employee but only after the disciplinary process has been applied and a transfer decision is taken to avoid a dismissal.
- (ix) Proper consultation with the staff member has taken place in which the reason(s) for transfer, advantages and possible disadvantages have been discussed and resolved where applicable.
- (x) The Human Resources Practitioner has been informed of the transfer.
- (xi) A transfer request may not be considered if the vacant post is already advertised in terms of the recruitment policy.

- (xii) Should a request for a transfer be declined, the relevant director shall provide the staff member with a reason(s) for his/her decision.
- (xiii) A staff member shall not be transferred to a position at a level which is lower or higher than the staff member's current post level.
- (xiv) Where the employee is requested to permanently relocate to another office of the Employer due to a transfer or Operational requirement by the Employer, the Employer shall pay the employee relocation cost in line with the relocation policy of the Local Municipality.
- (xv) The Municipal Manager shall consider all expenses associated with the transfer envisaged and approve or decline the request on his / her sole discretion.
- (xvi) The Letter of Transfer shall state all conditions of the transfer, including expenses that the Municipality shall cover.

5.7. SECONDMENT OF MUNICIPAL STAFF TO ANOTHER MUNICIPALITY

The Municipality may second an employee with the relevant competencies to Act in a position that is vacant in another Municipality.

5.7.1 POLICY PROVISIONS

The Municipality shall conclude a written agreement regarding the secondment with the employee, and another Municipality or Organ of State where the employee is being seconded to.

5.7.1.1 The secondment shall specify the following: -

- (i) the Municipality or organ of State responsible for the costs of secondment.
- (ii) the duration of the secondment, which shall not in each case exceed a period of twelve months.
- (iii) the person to whom the seconded staff member shall report to.
- (iv) the place at which the seconded staff member shall work.
- (v) the new job description of the seconded staff member.

5.7.1.2 The Director Corporate Services must notify the employee on secondment of end of secondment a month before secondment termination date.

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

5.7.1.4 **SECONDMENT OF OTHER GOVERNMENT STAFF MEMBERS TO NGWATHE LOCAL MUNICIPALITY**

The Municipality may request the National or Provincial Government, another Municipality or any State organ as the case may be, to second a person with the relevant competencies to act in a vacant post for a specified period or until such time that a suitable candidate has been appointed.

5.7.1.4.1 **POLICY PROVISIONS**

The Terms of the secondment of other Government employees to the Municipality: -

- (i) The relevant legislation, terms and conditions of service of that employee shall apply.
- (ii) The Municipality shall conclude a written agreement regarding the secondment with the National or Provincial Government, another Municipality or any organ of State as the case may be, and the employee to be seconded.
- (iii) The agreement must specify the party responsible for the costs of secondment; the duration of the secondment, which shall not in each case exceed a period of twelve (12) months.
- (iv) The person to whom the seconded staff member shall report to.
- (v) The place at which the seconded staff member shall work.
- (vi) The new job description of the seconded staff member.
- (vii) The Municipality inform the MEC responsible for Local Government of any such secondment and the terms and conditions associated with that secondment.

5.7.1.5 **ACTING ON A VACANT POST**

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

The appointment to act in a post shall be

- (i). with the consent of the employee and in writing.
- (ii). authorised by the Municipal Manager or the person to whom this function is delegated.

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

- (i). the relevant requirements of the post and that person's performance.
- (ii). the Municipality's developmental needs.
- (iii). the Municipality's employment equity policy and plan.

5.7.1.5.1 **POLICY PROVISIONS**

- (i). Unless indicated otherwise in the appointment to the acting post, an employee of the Municipality who is acting in a higher post shall continue to perform the duties of the post that the employee ordinarily occupies during the acting period.
- (ii). A person acting in a higher post has no right or expectation to be appointed to that post.
- (iii). An employee may only act in a post that is equivalent to or one grade higher than the post that the employee ordinarily occupies.
- (iv). The employee appointed to act in a post shall have the requisite competencies to be able to perform the duties associated with the post.
- (v). A person may only be appointed in an acting position for a period not exceeding three (3) months.
- (vi). The Municipal Manager may extend the acting period for a further period of three (3) months if the Municipality has failed to attract suitable candidate and the vacant position must be re-advertised.
- (vii). Any further extensions made by the Municipal Manager shall not exceed a period of nine (9) consecutive

months, whereafter the post shall be advertised and filled on a competitive basis.

- (viii). The acting staff member shall be informed about his or her performance during the acting period in line with the Performance Management and Development Policy.
- (ix). The leave status of the acting staff member shall remain unchanged, though they shall not be allowed to take leave of absence unless: (a) it is an unplanned leave (e.g. sick leave); or (b) acting in a post where the permanent incumbent is on extended leave.

5.8. BREACH OF POLICY MANUAL

Non-compliance with the policy will be dealt with in line with the Employee Relations Policy of Ngwathe Local Municipality.



RELOCATION POLICY

(NLMHRE-1006)

CHAPTER 6

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6. RELOCATION POLICY

6.1 PREAMBLE

The Relocation Policy is one of the Human Capital Management strategies used by Ngwathe Local Municipality to attract and retain employees from other institutions in order to meet its operational needs. It aims at assisting newly appointed and current employees to relocate their household from their previous place of residence/town or former employer to Ngwathe Local Municipality. Relocation is a prerogative of the Employer.

6.2 PURPOSE OF POLICY

The primary purpose of Ngwathe Local Municipality Relocation Policy is to provide support and resources for employees who are transferred or relocated due to the operational imperatives of the Municipality.

6.3 SCOPE OF APPLICATION

The Relocation Policy is applicable to all employees of Ngwathe Local Municipality except Temporary employee/Interns.

6.4 LEGISLATIVE FRAMEWORKS

- (i) The Municipal Finance Management Act, 2003 (Act No. 56 of 2003).
- (ii). The Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996).
- (iii). The Municipal Systems Act, 2000 (Act No. 32 of 2000).
- (iv). The Municipal Structures Act, 1998 (Act No. 117 of 1998).
- (v). Labour Relations Act, 1995 (Act No. 66 of 1995).
- (vi). Employment Equity, 1998 (Act No. 55 of 1998).
- (vii). Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997).
- (viii). Skills Development Act, (Act No. 97 of 1998).
- (ix). South African Local Government Bargaining Council (SALGBC): Collective Agreements Relocation of Newly Appointed Employees

6.5 POLICY PROVISIONS

6.5.1 Relocation of Newly Appointed Employees

- 6.5.1.1 Ngwathe Local Municipality shall pay an employee the cost (excluding VAT) of moving from one place to another place that is closer to his/her workplace on his/her appointment, including transit insurance, but excluding any

packing and packaging cost, as indicated on the cheapest of the quotations obtained by the Supply Chain Management department of the Local Municipality.

- 6.5.1.2 The Municipality shall obtain three (3) written quotations for the relocation of that employee's household and shall appoint a removal company to relocate his/her household goods.
- 6.5.1.3 The Local Municipality shall pay reasonable accommodation at a three (3) star grading level for a newly appointed employee, at a prior approved accommodation establishment, for a maximum period of three (3) months, to enable the newly appointed employee to obtain suitable accommodation.
- 6.5.1.4 Ngwathe Local Municipality shall secure an accommodation for the newly appointed employee in line with the subsistence allowance policy of the Municipality.
- 6.5.1.5 The written quotations obtained by the employee must be attached to his/her claim for reimbursement. The reimbursement of the employee's claim will be subject to the Supply Chain Management policy requirements of Ngwathe Local Municipality.
- 6.5.1.6 The employee must reimburse the full amount of the relocation allowance to Ngwathe Local Municipality if his/her employment with the Local Municipality is terminated, for whatever reason except death, within one (1) year after payment of such relocation allowance.
- 6.5.1.7 If the employee's employment with the Local Municipality is terminated for whatever reason except death after completion of one (1) year, but before two years have been completed, the employee must reimburse the Local Municipality 75% of the relocation allowance amount.
- 6.5.1.8 If the employee's employment with the Local Municipality is terminated for whatever reason except death after completion of two (2) years, but before three years have been completed, the employee must reimburse the Local Municipality 50% of the relocation allowance amount.
- 6.5.1.9 The Local Municipality shall pay reasonable accommodation at a three (3) star grading level for a newly relocated employee, at a prior approved accommodation establishment, for a maximum period of three (3) months, to enable the newly relocated employee to obtain suitable accommodation.
- 6.5.1.10 The travel and subsistence allowance from the current place to the relocated place of work for employees who have vehicles, shall be reimbursed in line with the travel and reimbursement policy of Ngwathe Local Municipality.

6.6 RELOCATION OF PERMANENT EMPLOYEES

- 6.6.1 Ngwathe Local Municipality shall pay an employee the cost (excluding VAT) of moving from one place to another place that is closer to his/her workplace on his/her appointment or transfer, including transit insurance, but excluding any packing and packaging cost, as indicated on the cheapest of the quotations obtained by the Supply Chain Management department of the Local Municipality.
- 6.6.2 The Municipality shall obtain three (3) written quotations for the relocation of that employee's household and shall appoint a removal company to relocate his/her household goods.
- 6.6.3 The written quotations obtained by the employee must be attached to his/her claim for reimbursement. The reimbursement of the employee's claim will be subject to the Supply Chain Management policy requirements of Ngwathe Local Municipality.
- 6.6.4 Ngwathe Local Municipality shall secure an accommodation for the employee in line with the subsistence allowance policy of the Municipality.
- 6.6.5 The employee must reimburse the full amount of the relocation allowance to Ngwathe Local Municipality if his/her employment with the Local Municipality is terminated, for whatever reason except in cases of death, within one (1) year after payment of such relocation allowance.
- 6.6.6 If the employee's employment with the Local Municipality is terminated for whatever reason except in cases of death, after completion of one (1) year, but before two years have been completed, the employee must reimburse the Local Municipality 75% of the relocation allowance amount.
- 6.6.7 If the employee's employment with the Local Municipality is terminated for whatever reason except in cases of death after completion of two (2) years, but before three years have been completed, the employee must reimburse the Local Municipality 50% of the relocation allowance amount.
- 6.6.8 The Local Municipality shall pay reasonable accommodation at a three (3) star grading level for a newly relocated employee, at a prior approved accommodation establishment, for a maximum period of three (3) months, to enable the newly relocated employee to obtain suitable accommodation.

6.6.9 The travel and subsistence allowance from the current place to the relocated place of work for employees who have vehicles, shall be reimbursed in line with the travel and reimbursement policy of Ngwathe Local Municipality.

6.7 AUTHORISATION AND PAYMENT OF RELOCATION EXPENDITURE

6.7.1 The Municipal Manager is responsible for the approval of any expenditure related to the transfer or resettlement of employees and any other costs under this section of the policy.

6.7.2 In the case of household removals, three quotations shall be obtained and submitted to the Supply Chain Management department.

6.7.3 The Supply Chain Management department shall determine and authorise the removal company which Ngwathe will contract, subject to the Supply Chain Management Policy.

6.7.4 The Finance department shall effect payment directly via EFT to the removal company.

6.8 BREACH OF POLICY MANUAL

Non-compliance with the policy will be dealt with in line with the Employee Relations Policy of Ngwathe Local Municipality.



PAYROLL MANAGEMENT AND ADMINISTRATION POLICY

(NLMHRE-1007)

CHAPTER 7

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7. PAYROLL MANAGEMENT AND ADMINISTRATION

7.1 PREAMBLE

- 7.1.1 This policy outlines the Procedure applicable to all payroll related transactions for employees and recipients of disability benefits in terms of the Compensation and Occupational Injuries and Diseases Act 85 of 1993, management of garnishee Orders in line with Court Orders, and Councillors falling within a designated scope of the Municipality as an administration.
- 7.1.2 The Policy describes the key features of a Payroll Management System and Payroll Administration Process, Payroll Schedule and payment methods including the Administration of Appointment, Promotions/Demotions, Advances, Service Benefits and Allowances and processing of ad hoc Claims. It also provides the recovery of overpayments arising from payroll errors and non-payroll related errors.
- 7.1.3 This policy and related procedures will be underpinned by the following values and principles:
- (i). Good Governance, which imposes a duty to apply the policy and procedure in a consistent, open, transparent and fair manner.
 - (ii). Honesty and integrity, which require all involved to report unauthorised transactions including administrative and system errors once identified.
 - (iii). The values and principles contained in various legislations, especially the Code of Conduct for employees of Ngwathe Local Municipality, the Labour Relations Act 66 of 1995 and any related legislations, as well as the Code of Conduct for Councillors.
 - (iv) Ngwathe Local Municipality commits itself to complying with all Labour related legislations and ensuring an open transparent payroll administration management.

7.2 PURPOSE OF POLICY

- 7.2.1 To clarify and specify the policy in so far as Payroll Administration is concerned, given the very significant financial impact of payroll costs, it is critical that Ngwathe Local Municipality determine administrative and procedural arrangements to appropriately manage and control payroll related risks and ensure good governance.

7.2.2 Line Managers are to ensure that the internal controls and procedures specified in this Policy and Procedure are adhered to and, if necessary, advise on the need to modify them to meet the changing organisational needs and to eliminate errors and any form of or opportunity for fraudulent activities.

7.3 SCOPE OF APPLICATION

This policy is applicable to all employees (Permanent, Temporary, and Fixed Term contract) who are paid via the Ngwathe Local Municipality Payroll System.

The policy also applies to payroll related transactions for pensioners, recipients of disability benefits in terms of the Compensation and Occupational Injuries and Diseases Act and Councillors falling within a designated scope of the Municipality as an administration.

7.4 LEGISLATIVE FRAMEWORKS

Ngwathe Local Municipality will comply with all relevant legal Framework governing Payroll Management and Administration in South Africa such as: -

7.4.1 The Basic Conditions of Employment Act 75 of 1997.

7.4.2 Income Tax Act 58 of 1962.

7.4.3 Municipal Finance Management Act 56 of 2003.

7.4.4 Municipal Systems Act 32 of 2000.

7.4.5 Pension Fund Act 24 of 1956.

7.4.6 Unemployment Insurance Contributions Act 63 of 2001.

7.4.7 Prescribed Rate of Interest Act, 1975.

7.4.8 The South African Revenue Services deduction tables

7.5 POLICY PROVISIONS

Ngwathe Local Municipality uses an electronic-based Payroll System to process all payroll related transactions. This does not preclude special arrangements being made through the approved Supply Chain Management processes for special projects.

All manual systems shall be phased out from the date that this Policy and Procedure is approved.

7.6 PAYROLL CALENDAR

- 7.6.1 The Payroll Calendar and cut off dates shall be communicated to all Line Managers annually.
- 7.6.2 Line Managers are to ensure that all payroll input documents, authorising payroll related transactions that add or remove employees from the payroll, and information changes in employees pay are submitted atleast one (1) week before the appointed pay run date.
- 7.6.3 Payroll documents received after the closing date, will be processed in the next payroll cycle.
- 7.6.4 Requests for Electronic Fund Transfers (EFT's), outside of the specific payroll cycle shall be duly authorised by the Finance Manager and Municipal Manager before being processed.

7.7 HUMAN RESOURCES AND PAYROLL ADMINISTRATION FUNCTION

- 7.7.1 This relates to a centralised role and responsibility for processing payroll transactions. This process must be followed within the application and operation of the Local Municipality's conditions of service and Human Capital Management policies.
- 7.7.2 The responsibility entails the critical need to establish and maintain a credible database on employees' employment history and records.
- 7.7.3 Line managers are to ensure that all Source Documents authorising payroll and related administrative actions and other relevant documents relating to employees' employment history, are filed in accordance with the approved Document Management System(s) and Procedures and within set time frames.

7.8 PAYROLL DEDUCTIONS

- 7.8.1 Only Statutory deduction in line with the provisions of the Basic Conditions of Employment Act may be processed and be deducted from employee remuneration.
- 7.8.2 Statutory deduction include, but are not necessarily limited to, deductions in respect of employees' PAYE and UIF obligations, contributions in respect of membership fees to accredited Pension Funds, medical aid and group life schemes, repayment agreements

on the Housing Allowance Scheme, Garnishee Orders, Union Membership and any other approved Scheme or deduction authorised in terms of a Collective Agreement or legislation.

- 7.8.3 Deductions authorised by any legislation do not require consent from the employee for such deductions to be made.

7.9 ADMINISTRATION ERRORS

- 7.9.1 Errors may occur during the administrative processes of the payroll.
- 7.9.2 Errors may lead to Overpayments or Underpayments and may result in non-compliance with the Local Municipality's statutory or contractual obligations with various stakeholders. It is therefore important that these errors are reduced and addressed expeditiously.
- 7.9.3 Procedures as defined hereunder are aimed at limiting the error margin to a minimum and are to be used as control measures in this regard.
- 7.9.4 Any error occurring despite the application of predetermined control measures must be investigated to ascertain whether there are elements of negligence or not and corrective action taken to avoid such occurrences.
- 7.9.5 Such errors must be reported to the Director: Corporate Services and Chief Financial Officer within forty-eight (48) hours of occurrence.

7.10 OVER AND UNDERPAYMENTS

- 7.10.1. Any over or underpayments once identified must be reported to the Payroll Office or Director: Corporate Services immediately so as to ensure there is no delay in addressing it.
- 7.10.2. The Line Manager of the employee whose action resulted in the error shall investigate the reasons and/or root cause of the error and take corrective action within a reasonable period of time, but in any event not exceeding thirty (30) days from the date of discovery of the error.
- 7.10.3. In instances where there is evidence that an error emanated from the affected

employee's department e.g. through incomplete documents, incorrect data provided, etc. the relevant Supervisor or Line Manager will investigate and advise Payroll or Human Resources Department accordingly.

7.10.4. Errors so identified, the reasons thereof and action taken shall be logged in the Payroll Administration Logbook for remedial and training purposes.

7.10.5. Any debt resulting from an overpayment shall be dealt with in accordance with this policy and the relevant employee shall be:

7.10.5.1. Notified immediately in writing that a debt has been raised in respect of an overpayment, the total amount of the overpayment and reasons thereof.

7.10.5.2. Advised of the Local Municipality's Policy and Procedure on Debt Management and recovery of overpayments in line with Finance Management policies.

7.10.5.3. Informed that the debt must be repaid, and that the full overpayment amount will be deducted from his/her salary within 30 days from the date on which the debt has been raised or to make appropriate arrangements with the Human Resources Department to recover the relevant amount in instalments over a period not exceeding twelve (12) months.

7.10.6 In the event of the employee electing to repay the debt, a Debt Recovery Form (an Agreement) must be entered into, setting out the terms and conditions of the repayment plan with no interest on the debt. The signed Debt Recovery Form must be accordingly filed in the Employee Personnel File.

7.10.7. A debt recovery by way of a deduction from the employee's monthly salary, shall be up to 30% of the net monthly pay of the employee or higher. The deduction must be authorised by the Municipal Manager and the Finance Manager or their nominee(s).

7.10.8. In the event the employee refuses to pay the debt, he/she must be informed in writing of the Local Municipality's intention to implement the debt recovery and that legal action will be taken whereby the legal cost, the legal interest and any other debt recovery cost will be claimed from the employee.

7.10.9. On Termination of Employment for whatever reason, all monies owed to the Local Municipality by the employees will be recovered in full.

7.11. OTHER STAFF DEBTS AND LOSS CONTROL

Where employees lose or damage Municipal property as a result of negligence and such loss cannot be recovered from the Local Municipality's insurance:

- 7.11.1. The incident must be reported within 48 hours to Payroll and Human Resources Department.
- 7.11.2. The employee who has been found liable for such loss or damage must be investigated in line with the Employee Relations Policy.
- 7.11.3. The disciplinary measures as well as the outcome must be in line with the prescribed Employee Relations Policy and Procedure Manual.

7.12. OVER AND UNDERPAYMENTS RESULTING FROM SYSTEM CHANGES

- 7.12.1. Over or underpayments may also occur during the implementation of the Local Municipality's transformational initiatives and bulk inputs/transactions which are not the fault of the affected employee nor the administrator.
- 7.12.2. In instances where errors mentioned above occur, such must be investigated and addressed appropriately. These errors must be reported to the Municipal Manager immediately.
- 7.12.3. Decisions made in respect of this clause, including the recovery of any unauthorised debt, shall be subject to the Municipal Manager's approval in consultation with the Director Corporate Services and the Chief Financial Officer.

7.13. MEASURES RELATING TO RECOVERY OF UNDER AND OVERPAYMENTS

- 7.13.1. In execution of any payroll and related administrative action which results in an overpayment or underpayment, an employee (including his/her Supervisor or Manager), after being given an opportunity to be heard in a Disciplinary Hearing, is found guilty of any unlawful or negligent conduct, the Local Municipality reserves the right to recover such loss or damages from the employee (including his/her Supervisor or Manager) after following the disciplinary procedure in line with the Employee Relations Policy.
- 7.13.2. Good governance imperatives require a system to be put in place, to ensure opportunities for internal financial controls.

7.14. SEGREGATION OF PAYROLL DUTIES AND ADMINISTRATION AUTHORITY

Payroll Management in the Finance Department shall be granted access and be accountable for:

7.14.1. Preparation of Payroll Inputs.

- 7.14.1.1. Reviewing of completed payroll data received from Human Resources Department.
- 7.14.1.2. Reconciling generated payroll from Human Resources (HR) and accounting record to ensure that generated transactions match authorised pay amounts; and
- 7.14.1.3. Processing of the Payroll.
- 7.14.1.4. Distributing payslips to employees.
- 7.14.1.5. Conducting Payroll Reconciliation.
- 7.14.1.6. Producing monthly Payroll Reports and submitting them to Municipal Manager and Chief Financial Officer (CFO).

7.15. PAYROLL DEPARTMENT ROLES AND RESPONSIBILITIES

7.15.1. Line Managers

Line Managers are responsible to:

- (i). Ensure that employees' attendance and absence records are up to date and accurate in each pay period/cycle.
- (ii). Report all unauthorised absence that may lead to an overpayment in a pay period/cycle to Payroll and Human Resources within three (3) days of becoming aware of the unauthorised absence.
- (iii). Advise Payroll and Human Resources of all employees on extended sick/unpaid Leave and of actions taken to ensure that the affected employees are not overpaid in the relevant pay period/cycle.
- (iv). Check that all payroll related claims to be submitted for processing meet the minimum requirements of approved policies failing which the processing will be delayed or not be honoured, and.
- (v). Establish a system to record and ensure that all documents that inform payroll related transactions are duly authorised and are submitted ***before the first pay run in a pay period/cycle.***

7.15.2. Payroll and Human Resources (HR) Administration

Employees in Payroll and Human Resources are responsible to:

- (i). Record and verify that all submissions received comply with approved policy.
- (ii). Prepare payroll data for processing and process submissions and ad hoc claims that meet minimum requirements in line with approved policies.
- (iii). Advise Line Managers of submissions that do not meet the minimum requirements and ensure that corrective measures are undertaken by Managers.
- (iv). Extract Payroll Reports on the net pay variances, investigate reasons for any variance and confirm with Line Managers for appropriateness.
- (v). Advise the employee in instances where the employee's net pay does not allow all the compulsory and allowable deductions to go through e.g. housing allowance.
- (vi). Give effect to the procedure defined for termination of employment contract and advise the affected employee(s) of the status of the final pay, and.
- (vii). Process the necessary Payroll and/or Business Intelligence Reports to monitor and evaluate the accuracy of all transactions processed.

7.15.3. Payroll Management

Employees in Payroll Management are responsible to:

- (i) Upload all electronic interfaces into the payroll system.
- (ii) Process all Garnishee Orders.
- (iii) Verify the accuracy of the tax calculation on the Payroll System and process the SARS and other statutory reconciliations.
- (iv) Verify all balances on payroll General Ledger accounts.
- (v) Advise Finance and Human Resources Administration of all system rejections and returns for investigation and corrective action.
- (vi) Prepare and run all pay over schedules that balances to the third-party payments.
- (vii) Process Third Party transactions and payments (e.g. pension funds, medical aid schemes, group life, and net pay on behalf of all employees; and.
- (viii) Print monthly Audit Trial Reports on the payroll system and conduct

reconciliations.

- (ix) Ensure that errors identified are accordingly corrected.

7.15.4. Accountant Expenditure

Employees in Account Expenditure Department are responsible to:

- (i). Check and verify any changes made in the payroll during the month (e.g. overtime, acting, change in banking details, change in address, etc.). All changes shall be submitted to the Accountant: Expenditure before payments are made.
- (ii). Check and verify time sheets and attendance registers monthly before payments are made.

7.15.5. The Employees' Responsibility

All employees shall be responsible to:

- (i) Ensure full compliance with Human Resources including Payroll management policies.
- (ii) Advise Payroll on any change to the baseline information e.g. marital status, number of dependants, address changes, bank details etc.
- (iii) Ensure that all banking detail changes are submitted, no later than the payroll cut-off date, on the prescribed form with the relevant bank stamp.
- (iv) The payroll document must be authorized by the Municipal Manager of his/her delegate prior being submitted to Finance for processing.
- (v) Advise Human Resources and Payroll Administration of any changes to the medical information and not relying on the medical aid scheme to do so.
- (vi) Submit updates on beneficiary nominations in respect of pension and group life schemes to Payroll and Human Resources Administration.
- (vii) Report salary deviations to Payroll and Human Resources for investigation and corrective action.

7.16. RECORD KEEPING

All payroll related documents shall be maintained by the Payroll Department as per the approved Document Management Policy and Procedures.

7.17. BREACH OF POLICY MANUAL

Non-compliance with the policy will be dealt with in line with the Employee Relations Policy of Ngwathe Local Municipality



REMUNERATION AND REWARD POLICY

(NLMHRE-1008)

CHAPTER 8

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8. REMUNERATION AND REWARD POLICY

8.1. PREAMBLE

- 8.1.1. Remuneration is defined as “any amount of income which is payable to employees by way of a salary, Leave pay, wage, overtime pay, bonus, gratuity, commission, emolument, pension, allowance, retiring allowance or stipend, whether in cash or otherwise in respect of services rendered”. (Kirsten & Meyer: 2005). Remuneration will never be a stand-alone management process but rather will be fully integrated into other management processes such as the Performance Management process, Job Evaluation Process, Remuneration Benchmarking, and the overall Human Resources Policies.

8.2. PURPOSE OF POLICY

- 8.2.1. The purpose of the Remuneration and Rewards Policy is to set and establish a fair, transparent, and consistent framework for compensating employees, ensuring alignment with the Municipality’s Strategic goals (IDP), as well as the Collective Agreement on conditions of service for the Free State Division of the SALGBC of 1st August 2023, ending 31st July 2028
- 8.2.2. Ngwathe Local Municipality Remuneration policy is based on the following principles: -
- 8.2.2.1. **Equal Pay for work of equal value:** - The Municipality shall pay equal remuneration to employees performing equal work of equal value.
 - 8.2.2.2. **Transparency:** - Remuneration although confidential, will be treated transparently and openly with each employee.
 - 8.2.2.3. **Equity:** - Ngwathe Local Municipality shall strive to remunerate its employees fairly so as to ensure that equity principles are maintained.
 - 8.2.2.4. **Simplicity:** - The Remuneration of employees and the procedures will be simple enough to explain, understand and apply.

- 8.2.3. All employees who are part of the South African Local Government Bargaining Council (SALGBC), except employees who are specifically excluded from the Collective agreement, shall be remunerated in terms of the multi-year Salary and Wage Collective Agreement.
- 8.2.4. The overall remuneration of employees consists of a Total Cost to Employment (TCE). This comprises the following: -
- 8.2.4.1. A basic monthly salary.
 - 8.2.4.2. A 13th cheque.
 - 8.2.4.3. The Municipality's contribution to a Retirement/Pension fund.
 - 8.2.4.4. Group Life Cover Scheme.
 - 8.2.4.5. The Municipality's contribution to a Medical Aid scheme.
 - 8.2.4.6. Travelling Allowance (where applicable).
 - 8.2.4.7. Housing Allowance.
 - 8.2.4.8. Such allowances shall be payable in terms of the Salary and Wage Collective Agreement as amended.

8.3. SCOPE OF APPLICATION

- 8.3.1. This policy applies to all permanent employees of Ngwathe Local Municipality. It must be noted that Fixed-Term employees will only be eligible to remuneration as outlined in their contract of employment.

8.4. LEGISLATIVE FRAMEWORKS

- 8.4.1. Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997).
- 8.4.2. Constitution of the Republic of South Africa, 1996.
- 8.4.3. Employment Equity, 1998 (Act No. 55 of 1998).
- 8.4.4. Labour Relations Act, 1995 (Act No. 66 of 1995).
- 8.4.5. Local Government: Upper Limits of Total Remuneration Packages Payable to Municipal Managers and Managers Directly Accountable to Municipal Managers.
- 8.4.6. Minimum Wage Act, 2018 (Act No. 9 of 2018).
- 8.4.7. Municipal Finance Management Act, 2003 (Act No. 56 of 2003).
- 8.4.8. Municipal Structures Act, 1998 (Act No. 117 of 1998).
- 8.4.9. Municipal Systems Act, 2000 (Act No. 32 of 2000).
- 8.4.10. Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
- 8.4.11. Skills Development Act, (Act No. 97 of 1998).
- 8.4.12. South African Local Government Bargaining Council: Collective Agreements.

8.5. POLICY PROVISIONS

8.5.1. Determination of Pay Ranges

8.5.1.1. Remuneration of the Municipal Managers and Senior Managers Reporting to the Municipal Manager shall be determined in terms of the Local Government: Municipal Systems Act, Local Government: Upper Limits of Total Remuneration Packages payable to Municipal Managers and Managers Directly Accountable to Municipal Managers (Directors), as amended from time to time or on personal-to holder basis for Senior Managers appointed before the proclamation of said legislation. In terms of the Municipal Systems Act 32 of 2000. A Municipality must publish in the media the salary scales and benefits applicable to the post of the Municipal Manager and all Managers directly accountable to the Municipal Manager.

8.5.1.2. Remuneration of Employees below the Level of Senior Managers (Section 56/54) shall be as per the applicable negotiated salary and wage agreement entered into by the South African Local Government Bargaining Council (SALGBC).

8.5.2. The Total Cost of Employment to Employer (TCOE) is defined as follows: -

- (i). Current basic annual salary or retirement funding income (RFI) Plus Employer's contributions to retirement fund.
- (ii). Plus, Employer's contribution to Medical Aid.
- (iii). Plus, Housing subsidy or Rental subsidy.
- (iv). Plus, Car Allowance.
- (v). Plus, annual bonus.
- (vi). Plus, long service emoluments.
- (vii). Plus, all allowances not defined as operational allowances.

8.5.3. The following are currently deemed to be operational allowances and are therefore excluded from Total Cost of Employment to Employer.

- (i). Overtime pay.
- (ii). Standby allowance.
- (iii). Shift allowance.
- (iv). Fire service allowance.
- (v). Night work allowance.
- (vi). Acting allowance.

(vii). Scarce Skill/Critical skills allowance.

8.5.4. Appointment of Support staff to Offices of Public office Bearers

8.5.4.1. A person appointed to a post on the approved staff establishment in order to support the office of a Public Office Bearer must either be-

- (i). Seconded from a post of the Municipality's approved staff establishment or another Municipality's staff establishment.
- (ii). Appointed on a fixed-term contract of employment linked to the term of office of the Public Office bearer. The duration of the fixed-term employment contract contemplated may not be longer than 30 days after the public office bearer vacates office.
- (iii). The remuneration of the Seconded employee shall be in line with the secondment contract. If the employee is appointed on a Fixed Term contract, the remuneration shall be in line with Ngwathe remuneration policy.

8.5.5. Renouncement of, Laying a Claim to and Cession of Salary or Benefits

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

8.5.6. Annual Salary Increase

8.5.6.1. Annual general salary increases are determined through the Collective bargaining process.

8.5.6.2. An employee is entitled to an annual increment of a notch increase only once the employee has completed one year service after date of appointment, until the employee reaches the top notch of the applicable scale.

8.5.6.3. The notch increase is additional to the general annual percentage increase as determined by the Bargaining Council and implemented with effect from 1 July of each year.

8.5.6.4. An employee may apply to be appointed on a higher salary notch other than the entry level of a post and can only be considered in terms of the set criteria in the Recruitment Policy.

8.5.7. Date and method of Payment of Remuneration

Employee salaries shall be paid in twelve equal instalments, as per Section 32(4) of the Basic Conditions of Employment Act. Payments will be made in arrears on the 25th day of each month. If the 25th falls on a weekend or public holiday, the salary will be paid on the preceding Friday or the closest working day before the 25th. All payments will be made via EFT in South African Rands directly into the employee's nominated bank account.

8.5.8. 13th Cheque

8.5.8.1. Every employee is entitled to a 13th cheque payable together with his/her salary, on the anniversary of his/her appointment. The employee appointed in terms of Section 57 of the Municipal Systems Act may only receive a 13th cheque if he/she has opted so on his/her contract of employment.

8.5.8.2. An employee is entitled to the pro-rata payment of his/her annual bonus upon:

- (i). retirement.
- (ii). termination of service for poor performance or due to illness or injury.
- (iii). Resignation.
- (iv). Death.

8.5.9. Salary Advice / Pay Slips

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

8.5.10. Deductions from Salary

8.5.10.1. Ngwathe Local Municipality shall deduct from an employee's monthly salary statutory deductions and pay the amounts deducted over to the relevant institutions (third parties) listed below, together with the company's contribution (where applicable) in line with the Basic Conditions of Employment Act:

- 8.5.10.2. Income Tax in terms of The Income Tax Act 58 of 1962 as amended.
- 8.5.10.3. The employee's contributions to the retirement and medical aid funds.
- 8.5.10.4. Any deductions ordered by a court of law.
- 8.5.10.5. Any deductions permitted in terms of a Collective Agreement.
- 8.5.10.6. Any fines and reimbursements imposed as a penalty for misconduct.
- 8.5.10.7. Monies owed upon termination of service.
- 8.5.10.8. Municipal rates and service charges.
- 8.5.10.9. Any deduction shall be clearly shown on the employee's Salary Advice
- 8.5.10.10. Ngwathe Local Municipality must inform the employees of any non-statutory deductions such as Garnishee Orders, Loan Deductions etc. prior to the deduction being processed.
- 8.5.10.11. Non- Statutory deduction are not permitted.
- 8.5.10.12. Whenever the service of an employee is terminated, any monies due to him/her will be payable and processed through the payroll and the employee will accordingly be given a payslip by the Municipality. This includes: -
 - (i). monies that the employee owes to the Local Municipality.
 - (ii). monies that the Local Municipality owes to the employee, including any Leave accrued

8.6. BENEFITS AND ALLOWANCES

8.6.1. Medical Aid

- 8.6.1.1. Membership to a Medical Aid Scheme is compulsory for all permanent employees of Ngwathe Local Municipality, except married employees whose spouses are members of a registered Medical Aid Fund. In such cases, documentary proof must be supplied to Payroll within two weeks of commencement of employment.
- 8.6.1.2. Employees must choose from the list of approved Medical Aid schemes, which Medical Aid they want to belong to.
- 8.6.1.3. Ngwathe Local Municipality shall contribute 60% to a Medical Aid Scheme, and the employee will contribute 40%.
- 8.6.1.4. It is compulsory that on appointment, or in cases where employee information changes, employees complete Medical Aid Forms and submit to Payroll for processing.
- 8.6.1.5. Payroll shall within 48 hours submit the employee forms to the respective medical aid Scheme and provide the employee proof of

submission.

- 8.6.2. The following **Pension/Pension Fund** applies to employees who were employed before July 2009 in line with SALGBC Collective Agreement.

8.6.2.1. **Free State Provident Fund:**

The employer will contribute 18.07% and the employee will contribute between 4.5%-8.5% to the Pension/Provident Fund.

8.6.2.2. **Municipal Workers Retirement Fund**

The Employer will contribute 18.0%, and the employee will contribute 8.5% to the Retirement Fund.

8.6.2.3. **National Fund for Municipal Workers**

The employer will contribute 18.07% and the employee will contribute 7.5%.

8.6.2.4. **Free State Municipal Pension Fund**

The Employer will contribute 18.07%, and the Employee will contribute 7.5%.

8.6.2.5. **Employees' Pension Fund**

The Employer will contribute 18.07%, and the employee contributes 7.5%.

- 8.6.3. The following **Pension/Provident Fund** applicable to employees employed after July 2009 in line with SALGBC Collective Agreement. The employer will contribute 18% and the employee will contribute between 4.5%-8.5% to the Pension/Provident Fund.

8.6.3.1. **Municipal Workers Retirement Fund**

The Employer will contribute 18%, and the employee will contribute 7.5% to the Retirement Fund.

8.6.3.2. **National Fund for Municipal Workers**

The employer will contribute 18%, and the employee will contribute 7.5%.

8.6.3.3. Free State Municipal Pension Fund

The Employer will contribute 18%, and the Employee will contribute 7.5%.

8.6.3.4. Employees' Pension Fund

The Employer will contribute 18%, and the employee contributes 7.5%.

8.7. GROUP LIFE COVER

- 8.7.1. All employees employed on a permanent basis are obliged to join the Group Life Cover on the day which they qualify for membership, according to the rules of the Fund Scheme as well as terms and conditions set out from time to time by Ngwathe Local Municipality.

8.8. PERSONAL LOANS AND PETTY CASH ADVANCES

- 8.8.1. Ngwathe Local Municipality shall not grant Personal Loans or Advances from Petty Cash or any other account or fund to any employee.

8.9. STAND-BY ALLOWANCE

- 8.9.1. A Stand-by Allowance is provided for in the Collective Agreement of the Free State Division of the South African Local Government Bargaining Council (SALGBC) dated 1st August 2023 ending 31st July 2028 as amended.
- 8.9.2. An employee is entitled to a Standby Allowance when he/she is requested in a written instruction by the Municipal Manager or his/ her Superior/Line Manager to be available for the performance of duty outside his/ her normal working hours.
- 8.9.3. In the event that the lawful instruction to be on standby is verbal, it must be in the presence of fellow employee or a Shop Steward and followed by an official instruction confirming the standby duty within three (3) days from the date of the instruction.
- 8.9.4. Should the employer fail to comply with providing a written instruction to be on standby duty, the employee may refuse to act or perform the function.
- 8.9.4.1. **The Standby Allowance shall be payable on the following conditions only:**
- 8.9.4.1.1. When an employee is required to be available for duty for a

period of at least sixteen (16) hours during a 24-hour period (based on a 40-hour working week) after normal working hours.

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

8.9.4.1.3. A standby allowance will be payable where an employee is working overtime or emergency work

8.9.5. Every Municipality shall determine a Delegation Policy for purposes of the clauses above. Where no such policy is in place, any written instruction by a Supervisor to perform stand-by duty shall qualify as an instruction for the purposes of this Clause. Such a policy must be communicated to all employees.

8.9.6. **The Stand-by Duty is calculated as follows:**

8.9.6.1. From normal closing time of the employee's place of work; or on a day on which the employee is not normally required to work.

8.9.7. The Stand-by Allowance shall not affect or be affected by any remuneration for overtime or emergency work worked by the employee during the period of standby duty.

8.9.8. **The Stand-by Allowance shall be equal to 13% of the normal hourly rate based on the pensionable salary formula:**

$$\frac{13}{100} \times (\text{annual pensionable salary}) / 260 / 8 \times \text{actual number of hours on stand-by.}$$

8.9.9. Performance of Duties between 23:00 and 06:00 and applicable terms and conditions:

8.9.9.1. Should the Municipality wish to schedule duties, other than operational duties as contained in the employee's job description (i.e. routine operational duties, skills development training, maintenance of equipment, guarding services, patrols, emergency call-outs, the restoration of equipment on vehicles for the next call-out), for the hours between 23:00 and 06:00 such duties will be arranged on a work/training roster where after it will be communicated to all involved operational personnel a week in advance of the commencement of the envisaged duties.

8.9.9.2. The duties envisaged in the above clause shall: -

- 8.9.9.2.1. not be employed as punitive measures against employees.
- 8.9.9.2.2. be reasonable in relation to the volume of operational and emergency duties/callouts performed by the affected employees.

8.9.10. NIGHT WORK ALLOWANCE

- 8.9.10.1. All employees will be eligible for receiving a night work allowance. In the event that an employee's salary is above the earning threshold, his/her night allowance will be capped on the earning threshold as determined in the Basic Conditions of Employment Act by the Minister of Labour from time to time.
- 8.9.10.2. An employee is entitled to a Night Work Allowance when he/she is requested by the employee's Superior in terms of section 17(2)(a) of the BCEA and approved by the Municipal Manager or his assignee to perform night work.
- 8.9.10.3. **The employee shall be compensated in the form of a Night Work Allowance for night work according to the following formula:**
- 8.9.10.4. $18/100 \times (\text{annual pensionable salary} + 260+8)] \times \text{actual number of hours working night work.}$
- 8.9.10.5. Every Municipality shall determine a Delegation Policy for the purposes of the above clause. If no such policy is in place, any written instruction by the superior to perform night work shall qualify as an instruction. Such a policy must be communicated to all employees.
- 8.9.10.6. Only employees whose working hours fall between 18h00 and 06h00 the next day shall qualify for compensation in terms of the night work allowance.
- 8.9.10.7. In terms of Section 6(2) of the BCEA Sections 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 a night work allowance. Therefore, an employee on standby who works overtime between 18:00 and 06:00 shall receive a night work allowance subject to this policy and the collective agreement.
- 8.9.10.8. When it is required of an employee to perform work on a regular basis after 18:00 and before 06:00 the next day, a Manager must: -

- (i). inform the employee in writing or orally if the employee is not able to understand written communication.
 - (ii). Of any health and safety hazards associated with the work that the employee is required to perform.
 - (iii). Of the employee's right to undergo a medical examination in instances where there are hazards.
 - (iv). At the request of the employee, enable the employee to undergo a medical examination for the account of the employer, concerning those hazards.
 - (v). Before the employee starts, or within a reasonable period of the employee starting such work and at appropriate intervals while the employee continues to perform such work.
- 8.9.11. Transfer the employee to suitable day work within a reasonable time if the employee suffers from a health condition associated with the performance of night work; provided that it is practical for the employer to do so and after due consultation has taken place.
- 8.9.12. For the purpose of the clauses above, an employee performs night work on a regular basis if the employee works for a period of more than one hour after 18:00 and before 06:00 at least five (5) times per month or 50 times per year, including employees on standby.

8.10. SHIFT ALLOWANCE

- 8.10.1. All employees working shifts within Ngwathe Local Municipality will be paid a monthly fixed allowance in terms of the Free State SALGBC Agreement of 1st August 2023, ending 31st July 2028
- 8.10.2. The allowance is 6.5% of the employee's monthly Basic Salary and is payable monthly.

8.11. EMERGENCY WORK

In the case of emergencies owing to circumstances for which an employer could not normally have made provision, Ngwathe Local Municipality may require employees to perform emergency work outside his/her normal working hours and remuneration for such emergency work shall be paid as follows:

- (i). Mondays to Saturdays: 1 times the normal rate of pay.
- (ii). Sundays and Public Holidays: Double the normal rate of pay.
- (iii). Provided that such work is authorized by the Municipal Manager
Or his assignee, or in accordance with standing operating procedures. A standby allowance will be payable where it is expected from an employee to perform emergency work.

8.12. HOMEOWNER ALLOWANCE AND HOUSING LOAN SUBSIDY

- 8.12.1. Any employee appointed on the permanent staff establishment and who has completed his/her period of probation may participate in Ngwathe Local Municipality's Homeowner's Allowance/ Loan Subsidy Scheme, subject to compliance with the qualifying conditions at the date of application for participation and during the full period of such participation.
- 8.12.2. Qualifying Conditions
 - 8.12.2.1. The benefit only applies to permanent employees of Ngwathe Local Municipality.
 - 8.12.2.2. The employee's spouse or life partner may not receive a similar allowance in respect of the same or another property.
 - 8.12.2.3. The property in respect of which the employee applies to participate in the scheme must be:
 - (i) registered in his/her name or jointly in his/her spouse's or life partner's name.
 - (ii) constructed on premises in respect of which the employee and his/her spouse or life partner has obtained a leasehold in terms of a statute.
 - (iii) obtained by way of a Deed of Sale which will lead to registration of the property in the name of the employee, and his/her spouse or life partner.
 - (iv) must be situated within the Republic of South Africa.

- (v) the employee and/or his/her immediate family must occupy the home, in respect of which the Housing Allowance/Subsidy is paid.
- 8.12.2.4. No Homeowner's Allowance/ subsidy may be paid in respect of a property registered in the name of a company, trust, close corporation or similar legal entity.
- 8.12.2.5. The Homeowner's Allowance/ subsidy payable to an employee is calculated on the balance of the total amount of the mortgage bonds registered against the property in respect of which the application is made minus any amount of such a mortgage not taken up by the employee.
- 8.12.2.6. The Municipality must pay the first instalment on a mortgage bond on the date it is due. Subsequent instalments must thereafter be paid not later than the first day of every month until the sooner of any of the following dates:
- 8.12.2.6.1. The term of the mortgage.
- 8.12.2.6.2. Until such mortgage had been discharged.
- 8.12.2.6.3. Until the employment of the employee with the Municipality is terminated for whatever reason.
- 8.12.2.6.4. Until twenty (20) years has expired from date of the first instalment.
- 8.12.3. The Allowance will be payable as a fringe benefit to the employee, and the employee is liable to make bond repayments directly to their respective financial institutions.
- 8.12.4. A Homeowner's Allowance is discontinued on the date on which any disqualifying change appears.
- 8.12.5. The amount of the Homeowner's Allowance/ Subsidy payable to an employee is such amount as the SALGBC may determine from time to time.
- 8.12.6. An employee who receives a Home-Owners Allowance/ Subsidy may in writing authorise the Municipality to deduct the full amount of the compulsory instalment on such bond from his/ her salary and to pay same, together with the employers' contribution, over to the relevant institution.
- 8.12.7. An employee who receives a Home-owners Allowance may in writing authorise the Municipality to deduct and pay over to the relevant institution an amount higher than the compulsory instalment on his/her mortgage bond. Such an authorisation may only be given or changed once during every six-month period. No Home-Owner's Allowance is paid on an additional payment.
- 8.12.8. An employee who participates in the Homeowner's Allowance/ Subsidy Scheme must report to the Manager: Finance, about any changes during the period that

he/she receives the allowance that may affect the payment or amount thereof.

8.12.9. Whenever the amount paid to an employee is found to be incorrect due to:

- (i). the overpayment thereof, the amount of the overpayment must be recovered from the employee.
- (ii). the underpayment thereof, the amount of the underpayment must be paid to the employee or the mortgager.

8.12.10. The employer must accordingly inform the employee before the overpayment or underpayment process is effected.

8.13. RENTAL ALLOWANCE

8.13.1. An employee appointed on the permanent establishment, who has successfully completed her/his probation period and who complies with the qualifying conditions may receive a Rental Allowance.

8.13.2. To qualify for a Rental Allowance: -

- (i). the employee together with his/her spouse/life partner (if any) and one or more of their minor dependents (if any) must ordinarily reside in the residence concerned.
- (ii). the employee's spouse/life partner (if any) may not receive a similar benefit from her/his employer.
- (iii). the employee must, together with his/her application for participation in the scheme, submit written proof by way of a signed rental agreement or sworn affidavit of the person from whom the residence is rented of the fact that he/she is renting a residence in the amount of rental payable to the landlord; and
- (iv). the employee may not receive any other housing benefits from the Local Municipality.

8.13.3. A Rental Allowance is payable to the employee together with his/her salary monthly.

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

8.13.5. An employee shall forfeit her/his Rental Allowance if it is found in any disciplinary proceedings, or she/he admits, that he/she: –

- (i). received any benefit under this scheme whilst she/he did not comply with the qualifying conditions; or
- (ii). Was paid an amount under the scheme to which she/he was not entitled; or
- (iii). did not immediately declare that any amount paid to her/him under the scheme was paid to her/him in error.

8.13.6. A Rental Allowance shall be determined by the Council of Ngwathe Local Municipality from time to time. This shall exclude any services such as water and lights, refuse collection, etc.

8.14. ADMINISTRATIVE MATTERS OF THE HOMEOWNER AND RENTAL ALLOWANCES

8.14.1. The following documents must accompany an application for Homeowner allowance / Loan Subsidy.

8.14.1.1. Water and electricity account of property in respect of which a subsidy is applied for.

8.14.1.2. Letter from a registered Financial Institution indicating the approval of the mortgage bond or home loan.

8.14.1.3. Letter from an Attorney indicating the following: -

- (i) Purchase price of the property.
- (ii) Date on which the property was registered in the applicant's name.
- (iii) Receipts of instalment/ interest paid directly to the mortgager.
- (iv) Final Settlement from a mortgager in respect of previous mortgage bond for which a subsidy was received.

8.15. ACTING ALLOWANCE

8.15.1. The employee is considered to be acting if he/she is duly appointed in writing and or verbally instructed by the Municipal Manager or his assignee to act in a post.

8.15.2. In the event that the lawful instruction to act is verbal, it must be followed by an official written instruction confirming the acting status and the period of acting.

8.15.3. The verbal instruction to act mentioned above must be in the presence of a fellow employee or a shop steward.

8.15.4. The official written instruction mentioned above must be issued within 3 (three) days from the date of the instruction.

8.15.5. Should the employer fail to comply with providing a written instruction to Act, the employee may refuse to act or perform the functions of such a position.

8.15.6. When an employee is acting in a more Senior post for a period of not less than ten

- (10) consecutive working days, an acting allowance at an annual rate equal to the difference between an employee's salary and the incumbent salary scale of the post in which he acts, shall be paid to such an employee in addition to his salary in respect of the period in which he acts.
- 8.15.7. In the event that an employee's salary is equal to or higher than the incumbent notch of the salary scale of the post in which he is due to assume an acting position, an acting allowance fixed at 12,5% of the incumbent basic salary must be paid.
- 8.15.8. An employee acting in equal or lesser position shall be entitled to an acting allowance fixed at 12,5% of the acting employee's basic salary.
- 8.15.9. Any interruption of less than five (5) working days in total shall be deemed to form part of the acting period if occasioned by any of the following circumstances: -
- (i). Illness supported by a medical certificate.
 - (ii). Family bereavement.
 - (iii). Attendance at Court of Law as a Witness, if subpoenaed.
 - (iv). Family responsibility.
 - (v). Paternity Leave.
 - (vi). Being quarantined.
- 8.15.10. Subject to existing operational requirements, appointments to vacant posts shall be reviewed within 3 (three) months.
- 8.15.11. Vacant posts on a Municipality's permanent staff establishment must be filled within 6 (six) months unless there is a compelling written reason not to do so.
- 8.15.12. Unless operational requirements dictate otherwise, acting appointments must be confined to employees reporting directly to the applicable acting position. In the event that there is more than one employee on the same level, the employees must act on a rotational basis. No cross-departmental acting must be allowed.
- 8.15.13. The calculation of acting allowance/s paid to employees performing acting duties in Section 56 or other fixed term contractual posts shall be based on 60% of totals remuneration package of the Section 56 or other contractual post, 60% shall be deemed to be the basic salary of the total remuneration package.
- 8.15.14. An employee holding a transport allowance bearing post, acting on a higher position shall be entitled to the difference between his/her transport allowance and the allowance payable to such a post.
- 8.15.15. An employee holding a non-transport allowance bearing post, acting on a higher position with a transport allowance shall be entitled to the transport allowance payable to such a higher post. To qualify for transport allowance the acting employee must have a suitable vehicle available to execute his/her acting duties.

8.16. ACTING IN A SECTION 57 POSITION

- 8.16.1. The Municipal Manager in consultation with the Council may appoint an employee to act in section 57 positions reporting to the Municipal Manager.
- 8.16.2. The approval to Act in section 57 positions must be authorized by the Council of Ngwathe Local Municipality.
- 8.16.3. An Acting Allowance is only payable when an employee Acts in a section 57 position for a minimum of ten (10) consecutive working days.
- 8.16.4. The salary component for determining the Acting Allowance of an employee acting in a section 57 position will be 60% of the remuneration package of the post in which the employee is acting, as prescribed in terms of the Municipal Systems Act 32 of 2000 as amended.
- 8.16.5. An employee appointed to Act as a section 57 Manager may not be appointed for a period exceeding three (3) months.
- 8.16.6. Ngwathe Local Municipality Council may, in special circumstances and on good cause shown, apply in writing to the MEC for Local government to extend the period of appointment contemplated above, for a further period that does not exceed three months.

8.17. ACTING AS HEAD OF DEPARTMENT

- 8.17.1. The Municipal Manager, after consultation with Council may appoint an employee to act as Head of Department.
- 8.17.2. The Municipal Manager shall authorize the payment of an Acting Allowance to an employee who acts as Head of a Department.
- 8.17.3. An Acting Allowance is only payable when an employee Acts as Departmental Head for a minimum of ten (10) consecutive working days.
- 8.17.4. The salary component for determining the Acting Allowance of an employee acting as Head of Department will be 60% of the remuneration package of the post in which the employee is acting.
- 8.17.5. An employee appointed to act as Head of Department may not be appointed for a period exceeding three (3) months.
- 8.17.6. The Municipal Manager may in special circumstances, based on operational reasons request Council to extend the acting of an employee for a further period of not exceeding three (3) months.

8.18. ACTING IN OTHER POSTS

- 8.18.1. The Municipal Manager after consulting with the Departmental Head shall appoint in writing a person to act in a funded post, as and when it is deemed necessary for operational reasons.
- 8.18.2. The job grade and post of the employee considered for Acting shall be at the same level or one level lower than that considered for acting.
- 8.18.3. The Departmental Head shall authorise the payment of an Acting Allowance to a person acting in a more Senior posts.
- 8.18.4. The Acting Allowance is only payable when an employee acts in another post for a minimum of ten (10) consecutive working days.
- 8.18.5. The Acting Allowance payable is calculated in terms of the Collective Agreement on Conditions of Service for the Free State Division of the South African Local Government Bargaining Council (SALGBC).
- 8.18.6. Any acting appointments to vacant positions must be reviewed within three (3) and must not exceed six (6) consecutive working months.

8.19. ACTING ON HORIZONTAL POSTS

The Municipal Manager will in terms of the provisions in the Local Government: Municipal Systems Act, Act 32 of 2000, approve acting in a horizontal position and the remuneration therefore based on 12.5% of the salary of the incumbent of the vacant post.

8.20. GENERAL CONDITIONS FOR ACTING

- 8.20.1. An Acting Allowance is payable to an employee Acting in another position for ten (10) or more consecutive working days, provided that no acting or other allowance shall be paid for performing functions of a post lower than the position which the person who performed such functions was appointed.
- 8.20.2. An Acting Allowance equal to the difference between an employee's salary and the commencing notch of the salary scale of the post in which he/she acts, shall be paid to such employee in addition to his salary in respect of the period in which he/she acts, provided that:
- 8.20.3. The employee has been duly appointed by the Municipal Manager (or his/her assignee) to act in a higher post.
- 8.20.4. Any interruption of less than 3 (three) working days in total shall be deemed to form part of the acting period if occasioned by any of the following circumstances:

- (i). Illness supported by a medical certificate.
- (ii). Family bereavement; and
- (iii). Attendance at Court as a witness, if subpoenaed.

- 8.20.5. Acting appointments should be confined to employees reporting directly to the applicable acting position, unless operational requirements dictate otherwise. If there is more than one employee on the same level, the employees shall act on a rotational basis in a fair and transparent manner.
- 8.20.6. No person may be appointed to act in another position than that of Municipal Manager or Departmental Head without the express prior approval of the Council having been obtained.
- 8.20.7. An employee holding a Transport Allowance bearing post, acting on a higher position shall be entitled to the difference between his/her transport allowance and the transport allowance payable to such a post.
- 8.20.8. An employee holding a non-transport allowance bearing post, acting on a higher position with a transport allowance shall be entitled to a Transport Allowance payable to such a post.

8.21. LONG SERVICE BONUS

- 8.21.1. An employee shall qualify for the following monetary award as recognition for continuous service at the completion of the following:

TABLE 4: LONG SERVICE BONUS TERMS

Number of Years with the Employer	Benefits
5 years' service	5 days accumulative Leave plus a once off payment equal to 2% of the employee's annual salary.
10 years' service	10 days accumulative Leave plus a once off payment equal to 3% of the employee's annual salary.
15 years' service	15 days accumulative Leave plus a once off payment equal to 4% of the employee's annual salary.
20 years' service	15 days accumulative Leave plus a once off payment equal to 5% of the employee's annual salary.

25 years' service	15 days accumulative Leave plus a once off payment equal to 6% of the employee's annual salary.
30 years' service	15 days accumulative Leave plus a once off payment equal to 6% of the employee's annual salary.
35 years' service	15 days accumulative Leave plus a once off payment equal to 6% of the employee's annual salary
40 years' service	15 days accumulative Leave plus a once off payment equal to 6% of the employee's annual salary.
45 years' service	15 days accumulative Leave plus a once off payment equal to 6% of the employee's annual salary.

- 8.21.2. On Termination of Service, an employee shall be paid his/her Leave entitlement, including the Leave mentioned in terms of the collective agreement, calculated in terms of the relevant provisions of the Basic Conditions of Employment Act 75 of 1997.
- 8.21.3. Upon resignation and or retirement, the long service years in between five and 45 years of long service must be calculated on a pro rata basis.
- 8.21.4. The initial date of appointment of an employee shall be maintained for the purposes of determining the actual service period of the employee and for the calculation of the long service bonus.
- 8.21.5. The long service leave must be taken within one year of receiving such leave or may be wholly or partially encashed. The employer must inform the employee in writing that he is qualifying for long service leave.

8.22. OVERTIME

- 8.22.1. **Introduction:** The objective of this policy is to provide guidelines for the administration of overtime as required by the Basic Conditions of Employment Act and the Collective Agreement on Conditions of Service for the Free State Division of the SALGBC, dated 1st August 2023.
- 8.22.2. **Scope and Application:** Senior Managerial employees, as defined in the BCEA, as well as employees earning more than the overtime earnings threshold provided for in the Basic Conditions of Employment Act, do not qualify for any overtime payment. The employer, however, has discretion to decide on the payment of overtime.
- 8.22.3. Employees earning less than the overtime earnings threshold provided for in the

BCEA, will, subject to the provisions of this policy, be given time off in lieu of overtime worked.

- 8.22.4. An employee shall be entitled to be paid overtime when he is requested by written instruction by the Municipal Manager or his authorised assignee, in terms of delegated authority in accordance with standing operational procedures, to perform duty outside his normal working hours.
- 8.22.5. Overtime is generally regulated in the BCEA (section 10), and these provisions should govern overtime payment.
- 8.22.6. Overtime shall be paid or time-off granted to all employees except senior managerial employees as defined in the BCEA and employees earning in excess of the threshold as determined from time to time by the Receiver of Revenue.
- 8.22.7. Employees on standby in terms this policy shall receive overtime payment or time off when called out irrespective of the statutory threshold.
- 8.22.8. The payment of overtime or time off granted must be agreed to prior to the overtime being worked.
- 8.22.9. Employees working or assisting in the political and tourism offices during weekends or on public holidays shall be entitled to overtime payment equivalent to one day's salary provided that the number of hours worked are in excess of the minimum five (5) hours in a day. Should the minimum hours be less normal overtime as per this agreement will be applicable but in the event that the employee is working in excess of eight (8) hours the concerned employee shall be entitled to the equivalent of two days salary.
- 8.22.10. The employees will be entitled to a maximum of 15 hours of overtime per week, except in case of an emergency.
- 8.22.11. Overtime work is subject to the provisions of the BCEA, 1997, the Collective Agreement on Conditions of Service for the Free State Division of the SALGBC and the provisions of this policy.
- 8.22.12. Overtime work is subject to prior written approval of the Departmental Head and no overtime may be worked without such written approval/instruction being obtained from officials with delegated authority.
- 8.22.13. Only Departmental Head may approve Overtime work and Overtime payment.
- 8.22.14. Overtime only commences after completion of ordinary daily or weekly working hours. Overtime can only be claimed for actual hours worked and include travelling time when an employee has to report for duty at another location other than his usual location. Overtime for travelling time in respect of commitments outside Ngwathe Local Municipality area shall not be paid.
- 8.22.15. No Overtime can be claimed for planned overtime should an employee work short time on a specific day. A full day's work (normal working hours and a lunch break

- of an hour) must first be worked before such employee is eligible for overtime. This clause is however not applicable to any emergency overtime worked on such day.
- 8.22.16. No Overtime will be paid for attendance of functions/prize giving, etc. by personal invitation except in cases of compulsory attendance as official representative of the Local Municipality provided that such employee qualifies for overtime in terms of this policy, and provided that such overtime is authorised in advance by the Municipal Manager or his assignee.
- 8.22.17. Overtime will be worked in line with the provisions of the Basic Conditions of Employment Act and based on operational requirements.
- 8.22.18. All employees who work overtime will not be paid in cash, but time off will be granted in lieu of Overtime worked
- 8.22.19. Time off in lieu of Overtime must be taken within 6 months of such overtime being worked.
- 8.22.20. Time off not taken within 6 months will be forfeited.
- 8.22.21. Time off to be forfeited may, for operational reasons, be extended to a maximum of twelve (12) months by the Municipal Manager. No overtime encashment will be considered by the Local Municipality.
- 8.22.22. Overtime worked on Sundays and during public holidays will be dealt with in line with the Basic Conditions of Employment Act.
- 8.22.23. Should the employee be on leave, such an employee shall not resume duties on a weekend.
- 8.22.24. On Termination of Employment, all overtime worked will be paid out by the Local Municipality.
- 8.22.25. Each Head of Department is responsible and accountable for the management of overtime. This includes but not limited to ensuring that overtime forms are signed, copies are sent to Human Resources and Finance for payment, and Human Resources must accordingly file overtime forms daily.

8.23. PAYMENT OF OVERTIME

- 8.23.1. Overtime may be remunerated either in monetary terms or by means of time off in lieu of overtime worked as per the election made by the employee.
- 8.23.2. Where overtime is worked by an employee earning below the earnings threshold of the BCEA and such an employee elect to take time off in lieu of payment for overtime worked, such employee will be granted paid time off, calculated at 1.5 times the number of hours worked by the employee. With regard to time off for Overtime worked on a Sunday, the same principle applicable to the payment of overtime will apply for time off.

- 8.23.3. Payment of Overtime shall be done at the rate of pay that was applicable when the overtime was worked.
- 8.23.4. Overtime payment is rounded off to the nearest quarter of an hour and is only payable after the first 14 minutes that exceed ordinary hours of work.
- 8.23.5. **Administrative Measures for Municipal Manager and Line Managers in managing Overtime**
- 8.23.5.1. Each Line Manager is responsible and accountable to constantly monitor and review the provisions of Overtime on his/ her budget and to ensure that trends are noted early; funds are adequate; over expenditure is noted, justified and provided for timeously.
- 8.23.5.2. Each Director is responsible and accountable to provide the pay office with a list of officials or representatives [name, signature, vote number] who are authorised in terms of the delegated powers to approve overtime work. It is the responsibility of each Director [or nominee] to update and maintain the information on the list. The Director must determine whether the information on the Overtime Form is accurate and correct before they authorise the form for payment.
- 8.23.5.3. A Monthly Report on all Overtime worked plus expenditure involved shall be drafted by the Accountant: Expenditure and be tabled to the first monthly meeting of the Directors for scrutiny and corrective measures to be taken.
- 8.23.5.4. The Payroll Office or any other body or person authorising overtime payment is responsible to ensure that the relevant Director duly authorises all payments for overtime, The Payroll Office is specifically responsible to compare the overtime forms signatures with the authorisation list provided.
- 8.23.5.5. Attendance Registers, which should indicate starting and ending times, must be kept for all employees who qualify for overtime payment or time off in terms of this policy. Attendance Registers serve as source documents to complete overtime sheets and shall correspond with log sheets where applicable.
- 8.23.5.6. Overtime worked must be reflected on the employees' Attendance Register/ Time Sheet. Line Managers and/or supervisors are responsible to monitor and sign the Attendance Registers/ Time sheets on a daily basis.
- 8.23.5.7. An employee acting in a higher position and receiving an Acting allowance will be remunerated Overtime for emergency work only at his/her current post level.

8.24. SHIFT ALLOWANCE

8.24.1. 42 Hour Working Week (4 shifts)

8.24.1.1. This inclusive fixed monthly Shift Allowance will be paid at a rate of 27% of each of the concerned employees' basic salary, e.g. If an employee earns a Basic Annual Salary of R120 000 on a special scale, he earns a basic monthly salary of R10 000, this employee will then be paid an additional R2 700.00 per month as a fixed allowance of 27%.

8.24.1.2. The inclusive fixed monthly Shift Allowance will be paid in consideration of and in lieu of the following:

8.24.1.2.1. Payment for the scheduled Overtime (those hours exceeding the agreed upon 40 hours per week, worked by operational personnel as part of the 42-hour rotational 4 shift system (42-hour work week) i.e. the additional 2 hours per week (over and above the 40 hours which constitutes the employee's normal average weekly working hours).

8.24.1.2.2. Payment for work performed on Sundays as prescribed by the BCEA (as part of scheduled shift).

8.24.1.2.3. Payment for work performed during night hours between the hours of 18h00 and 06h00, as prescribed by the BCEA and the divisional Collective Agreement.

8.24.1.2.4. Payment for work performed during meal intervals as prescribed by the BCEA.

8.24.1.2.5. Payment for any other form of Shift Allowance which may have been payable to any shift workers, or which may have existed before the conclusion of this agreement.

8.24.1.3. This Allowance is not in consideration of the following and therefore specifically excludes payment for the following:

8.24.1.3.1. Payment for work performed on Public Holidays as prescribed by the BCEA and Divisional Collective Agreement.

8.24.1.3.2. Any other allowances not related to working hours and which is currently the subject of existing collective agreements and/or conditions of service, or which might in future form the basis of negotiations on conditions of services e.g. stand-by.

8.24.1.3.3. Payment for scheduled overtime, unscheduled overtime and emergency overtime i.e. overtime not included in the 42-hour working week.

8.24.1.4. Irrespective of the threshold determined by the BCEA employees performing operational duties will be paid for the above allowance.

8.24.2. **56 Hour Working Week (3 shifts)**

8.24.2.1. Working of a 56-hour working week, three (3) shift system, shall only be applicable to operational employees performing a twenty-four hour, seven days per week service.

8.24.2.2. This inclusive fixed monthly Shift Allowance will be paid at a rate of 48% of each of the concerned employees' basic salary e.g. If an employee earns a basic annual salary of R120 000-00 on a specific scale, he earns a basic monthly salary of R10 000 -00, this employee will then be paid an additional R4 800.00 as a fixed allowance of 48%.

8.24.2.3. The inclusive fixed monthly Shift Allowance will be paid in consideration of and in lieu of the following:

8.24.2.3.1. Payment for the Scheduled Overtime (those hours exceeding the agreed upon 40 hours per week) worked by operational personnel as part of the 56 hours rotational 3 shift system (56-hour work week), i.e. the additional 16 hours per week over and above the 40 hours which constitute these officials normal average weekly working hours).

8.24.2.3.2. Payment for work performed on Sundays as prescribed by the BCEA (as part of scheduled shift).

8.24.2.3.3. Payment for work performed during night hours between the hours of 18H00 and 06H00, as prescribed by the BCEA and the Divisional Collective Agreement.

8.24.2.3.4. Payment for work performed during meal intervals as prescribed by the BCEA.

8.24.2.3.5. Payment for any other form of Shift Allowance which may have been payable to any shift workers, or which may have existed before the conclusion of this agreement.

8.24.3. This allowance is not in consideration of the following and therefore specifically excludes payments for the following:

8.24.3.1. Payment for work performed on Public Holidays as prescribed by the BCEA and Divisional Collective Agreement.

8.24.3.2. Any other allowances not related to working hours and which is currently the subject of existing collective agreements and / or conditions of services or which might in future form the basis of negotiations and conditions of services.

8.24.4. Irrespective of the threshold determined by the BCEA. employees performing operational duties will be paid the above allowance.

8.24.5. 84 Hour Working Week (2 shifts)

- 8.24.5.1. Working of an 84-hour working week, two (2) shift system, shall only be applicable to operational employees performing a twenty-four hour, seven days per week service.
- 8.24.5.2. This inclusive fixed monthly Shift Allowance will be paid at a rate of 72% of each of the concerned employees' basic salary, e.g. if an employee earns a basic annual salary of R120 000.00 on a specific scale, he earns a basic monthly salary of R10 000.00, this employee will then be paid an additional R7 200.00 per month as a fixed allowance of 72%.
- 8.24.5.3. The inclusive fixed monthly Shift Allowance will be paid in consideration of and in lieu of the following:
 - 8.24.5.3.1. Payment for the Scheduled Overtime (those hours exceeding the agreed upon 40 hours per week) worked by operational personnel as part of the 84 hour, rotational 2 shift system (84-hour work week), i.e. the additional 42 hours per week (over and above the 40 hours which constitute these officials normal average weekly working hours).
 - 8.24.5.3.2. Payment for work performed on Sundays as prescribed by the BCEA (as part of scheduled shift).
 - 8.24.5.3.3. Payment for work performed during night hours between the hours of 18H00 and 06H00, as prescribed by the BCEA and the Divisional Collective Agreement.
 - 8.24.5.3.4. Payment for work performed during meal intervals as prescribed by the BCEA.
 - 8.24.5.3.5. Payment for any other form of Shift Allowance which may have been payable to any shift workers, or which may have existed before the conclusion of this agreement.
- 8.24.6. This allowance is not in consideration of the following and therefore specifically excludes payment for the following:
 - 8.24.6.1. Payment for work performed on Public Holidays as prescribed by the BCEA.
 - 8.24.6.2. Any other Allowances not related to working hours and which is currently the subject of existing collective agreement and / or conditions of services or which might in future form the basis of negotiations and conditions of services.
- 8.24.7. Irrespective of the threshold determined by the BCEA employees performing operational duties will be paid the above allowance.

8.25. TERMINATION OF FIXED ALLOWANCES

- 8.25.1. The agreed Fixed Allowance will terminate under the following circumstances:
- 8.25.2. Where an employee has exhausted his/her Leave.
- 8.25.3. The provision in the above clause is not applicable to employees who are absent from duty due to:
 - 8.25.3.1. An injury on duty (IOD) and these employees will receive the Fixed Allowance for the full duration of their absence from duty. This is agreed to with the understanding that, should the Compensation Commission reject an IOD claim as a valid claim, the fixed allowance paid to that employee for more than the three months period (envisaged in the above clause) will be recovered from that employee's salary over the same period as it was so paid over to him or her; and
 - 8.25.3.2. Their attendance to a Training and/or Educational Course/ Seminar (for more than six months), officially recognised and approved by the Municipal Manager or his authorised representative.

8.26. APPLICATION AND EFFECTS

- 8.26.1. The agreement does not repeal or substitute any of the other conditions agreed to in terms of the Collective Agreement on Conditions of Service, Free State Division, which are not covered by this agreement, the Main Collective Agreement.
- 8.26.2. Employees will be entitled to the inclusive Fixed Allowance when on annual, special and or sick Leave.
- 8.26.3. It is agreed that the Parties to this Agreement must enter into negotiations regarding a new agreement at least three (3) months prior to the termination of this Agreement.
- 8.26.4. All Safety, Security and Emergency personnel must receive trauma counselling at least every six months, the employer will be responsible for the cost thereof.
- 8.26.5. When an employer wishes to change its shift system the matter must be the subject of Local Labour Forum discussion and agreement.
- 8.26.6. The 2-shift system will only be allowed to assist municipalities that were on their 2 shift systems for a period of twelve (12) months from the signature of this agreement, thereafter they must change to a 3 or 4 shift system in terms of this agreement.

8.27. SALARY ADVANCE

8.27.1. Notwithstanding that the preferred policy is not to provide staff loans, Ngwathe Local Municipality recognise that in certain extra-ordinary circumstances it may be necessary to provide a salary advance and where such advances are approved, it shall be for compassionate reasons or to employees who, through circumstances beyond their control, have suffered extreme financial hardships as a result of a natural disasters, death of immediate family members. Documentary proof shall be required to support any advance application e.g. natural disaster, or death certificate.

8.27.2. **Payment of Advances**

8.27.2.1. The advance shall be repaid in full of the following month's salary and this deduction will be processed through the payroll system.

8.27.2.2. The Salary Advance may not exceed 25% of the employee's monthly basic salary.

8.27.2.3. All salary advance applications must be made in writing on the necessary Salary Advance Form to an employee's supervisor/direct Manager.

8.27.2.4. The line manager/supervisor must determine the reasons for the request and make a recommendation to the departmental head concerned. All supporting documentation must be attached.

8.27.2.5. The Human Resources Department will validate the reason given by the employee taking into account:

8.27.2.5.1. Validity of the reasons.

8.27.2.5.2. Employment and disciplinary record (final notice, etc.); and

8.27.2.5.3. Number of advances previously requested by the employee.

8.27.2.5.4. On approval by the Municipal Manager and the Department Head, an Acknowledgment of Debt shall be entered into between the employee and Ngwathe Local Municipality, where the employee will sign a consent form to deduct the full amount advanced to him/her from accrued leave, or salary.

8.27.2.5.5. The Human Resources Department will process the advance through payroll and accordingly credit the employee.

8.27.2.5.6. Should the request for the advance be declined, it is the responsibility of the Line Manager to inform the employee.

8.28. CELLULAR PHONE ALLOWANCE/MOBILE DEVICES POLICY

8.28.1. Preamble

Ngwathe Local Municipality's cellular phone/mobile device policy provides guidelines for the acquisition, use and maintenance of cellular phones/mobile devices for employees of the Municipality who are eligible for the use of cellular phones/mobile devices for operational requirements. The policy will also address issues of allowances and reimbursements of calls.

8.28.2. Purpose of Policy

The purpose of this policy is to regulate the use of cell /mobile devices by Councillors and employees of Ngwathe Local municipality. The purpose is to achieve the following:

- 8.28.2.1. making employees to remain fully aware of the rules regarding the use and care of Municipality resources and to ensure that there is a clear understanding of what is expected of employees and what role would be played by employees who receive cell /mobile devices. In this regard, this policy must be read in conjunction with the "Employee Use of Municipal Assets Policy" as well as the Remuneration and Rewards Policies.
- 8.28.2.2. guiding the Municipality in ensuring that cell phones/mobile devices are issued to employees without favour or prejudice but by looking at the functions that the employee performs and the inherent requirements of the job.

8.28.3. Scope of Application

- 8.28.3.1. The following categories of employees shall automatically qualify to receive cellphone/mobile device packages:

- (i) Municipal Manager
- (ii) Directors reporting directly to the Municipal Manager (section 56)
- (iii) Senior Managers (Post level 2).
- (iv) Managers (Post level 3).
- (v) Other permanently appointed officials who by virtue of their work qualify for a cellular phone/mobile device and or SIM only package.

8.28.4. **CELLULAR PHONE PACKAGES AND MODEM CONTRACTS**

A Service Level Agreement shall be entered into with the service provider/s in order to ensure consistent and continuous service satisfaction.

8.28.5. **POLICY PROVISION**

8.28.5.1. All contracts entered into, shall be in the name of Ngwathe Local Municipality.

8.28.5.2. The duration of a cellular phone and 3G/4G or 5G modem contract will be for a minimum period of two (2) years and will be upgraded every twenty-one (21) months.

8.28.5.3. In the event of the official opting to take a more expensive instrument that is issued by the service provider, the official will be liable for the additional cost thereof by paying directly to the service provider a once off payment when collecting the chosen instrument.

8.28.6. **TYPE OF CONTRACTS**

All contracts entered into, will be Top-Up Contracts, allowing all who have contracts to top-up if and when the need arises, except for the Municipal Manager and Section 57 Senior Managers.

8.28.6.1. 3G/4G/5G Modem.

Employees eligible for a modem allocation shall be based on an application and motivation submitted by the employee to the relevant Head of Department and then submitted to Corporate Services for comments and final approval rests with the Municipal Manager.

Designation	Package	Breakdown of Package			Mobile device Price range
		Minutes	Data	SMS's	
Municipal Manager	VIP Red	Unlimited	20GB	Unlimited	Between R
Section 57 Managers	VIP Red	Unlimited	20GB	Unlimited	
Senior Managers	Smart Top Up	600	1.2GB	600 SMS	

Managers	Smart Top Up	600	1.2GB	600 SMS	
Other Officials who Qualify	Smart Top Up	400	900MB	400 SMS	

An employee may also have the following option to choose from if they have own cell-phone gadget when the contract is due for upgrade:

8.28.6.2. SIM ONLY CONTRACTS

	DESIGNATION	PACKAGE	BREAKDOWN OF PACKAGE		
			MINUTES	DATA	SMSs
1	Municipal Manager	VIP RED	Unlimited	20GB	Unlimited
2.	Section 57 Manager	VIP RED	Unlimited	20GB	Unlimited
3.	Senior Manager	Smart Top Up L+	600	1.2GB	600SMS
4.	Managers	Smart Top Up L+	600	1.2GB	600SMS
5.	Other Officials who Qualify	Smart Top Up M+	400	900MB	400SMS

8.28.6.3. Councillors Cell phone Allowances

Councillors Cell phone Allowances shall be allocated as regulated in the Upper limits. In the event there are abnormal and extra-ordinary circumstances, such as excessive demand due to remote access requirements and changes in the way Council meetings and its Committees should be conducted (virtual meetings) the following data packages and allocations will apply:

8.28.6.4. Data package for Councillors

Councillors shall be provided with the following additional data package per month.

	DESIGNATION
1.	Full Time Councilors
2.	Part Time Councilors (Directly Elected EDM Cllrs
3.	Part Time Councilors (Indirectly elected Cllrs)

8.28.6.5. The packages above will be reviewed when the legislation changes and, in the event, there is a new directive in the way Council meetings and its Committees should be conducted.

8.28.6.6. The Tool of trade (3G/4G or 5G modem) allocated shall remain an asset of Council and should a Councillor's term of office ends or terminate, it should be returned to the Municipality for re-allocation.

8.28.6.7. The provision of additional data package to Councillors due to abnormal and extraordinary circumstances shall be regarded as additional tools of trade and be subjected to a concurrent of the MEC COGTA in the Province in line with the Upper Limits of Salaries, Allowances and Benefits of Councillors Gazette.

8.28.7. **CELLPHONE ALLOWANCE**

8.28.7.1. An employee may opt to receive a cell phone allowance which will be taxable to be paid directly with his/her salary on a monthly basis only if the currently allocated contract he/she has with the Municipality has reached 24 months and qualifies for free cancellation based on terms of this policy guidelines:

8.28.8. **HANDSET & MAINTENANCE**

8.28.8.1. Employees who are entitled to a cell phone allowance will only receive monetary remuneration and will be expected to provide their own handset by means of a contract with a recognized cellular service provider (i.e. Vodacom, MTN, Telkom or Cell C). Council will not be responsible to provide any handset or additions to a handset to any employee or stakeholder covered in this policy.

8.28.8.2. Employees are encouraged to structure their contract with the service provider in a manner which best suits the individual's needs and personal circumstances. Recipients of a cell phone allowance must avail their cell phone number to the Municipality and must continue to maintain the cell phone contract or airtime/pay-as you-go contract while in receipt of the allowance.

8.28.8.3. The contract should be entered into between the Employee and Service Provider, and onus is on the employee to ensure the monthly payment of the contract. Furthermore, the Employee is responsible for insuring the handset against theft, loss or damage and should ensure that the mobile phone is available, at all times, for Council's or Municipal use, failing which the allowance will be forfeited.

8.28.8.4. Employees must inform the responsible official at Corporate Services of any cancellation arising from theft, sale, termination of the contract, etc. within 24 hours in which the event occurred. An allowance will not be granted to employees without official authorization to acquire a cell phone for official use. The Municipality will not be liable for any costs incurred without official authorization if a private contract has been obtained for official use.

8.28.9. **PRE-PAID CONTRACTS**

8.28.9.1. Employees making use of a prepaid contract with a service provider are entitled to a cell phone allowance benefit. Employees on a prepaid contract should ensure that the mobile phone (preferably a smartphone) is always available i.e. that enough airtime is available for making and receiving business calls, send and receive emails, failing which the allowance will be forfeited.

8.28.10. **ALLOWANCE AND CELLPHONE LIMITS**

8.28.10.1. A Cell phone allowance is payable to an employee on a monthly basis and may be amended from time to time in terms of business-related costs incurred by the individual and per approval from the relevant Head of Department and Municipal Manager.

8.28.10.2. Any increase in a cell phone allowance payable to an employee should be within the prescriptions of this policy. The maximum amount will only be payable if sufficient evidence, from the employee, is provided and agreed to by the relevant Head of Department and Municipal Manager.

8.28.10.3. An employee shall be eligible to the following limits of a cell phone and data contracts reimbursement or cell phone and data contracts allocation per month as per applicable packages below:

DESIGNATION	ALLOWANCE PACKAGE
Municipal Manager	Red VIP

Section 56 Managers (Senior Managers)	VIP Red
Senior Managers and Managers	Smart Top Up I+
Other Officials who qualify	Smart Top Up M

8.28.10.4. The Municipal Manager may increase the fixed allowance on abnormal circumstances, such as excessive demand due to remote access requirements and rates increases due to service provider cost increases.

8.28.10.5. The above allowances will be adjusted on annual basis in line the provisions of the applicable Municipal policies, the collective agreements and upper limits of Senior managers.

8.28.11. OBLIGATION OF USERS

8.28.11.1. An employee shall be responsible for the conclusion of their own cell phone contract, cell phone accessories and maintenance, repair and or replacement of handset as and when required.

8.28.11.2. Reimbursement of cell phone and data benefit shall be within the allocated limit as prescribed in this policy.

8.28.11.3. An employee shall be responsible for notifying the Municipality of the cell phone number issued to ensure access and availability for business calls by the employer at all times.

8.28.12. EXISTING POSITIONS

8.28.12.1. In the event of an employee has already been appointed and the need for a cell phone or 3G/4G/5G modem allocation arise the following procedure should be followed:

8.28.12.1.1. A written application, supported by a detailed motivation as to the need for a cell phone allocation, from the employee should be forwarded to the relevant Head of Department. The Head of Department will consider the application, if supported the recommendation should be forwarded to the Municipal Manager for final approval. Thereafter, the approved application must be forwarded to Corporate Services for record purposes, from where the approved request will be implemented accordingly.

8.28.13. EMPLOYEE MOVEMENT

8.28.13.1. An employee who is transferred or appointed to a new higher position shall be eligible for cell phone and/data allocation based on the function and position, but the employee will have to wait for the upgrade period to change the device as per the mobile contract.

8.28.14. INCREASING BENEFITS

8.28.14.1. In the event of an employee continually exceeding the approved limits of the cell phone allowance provided for to him/her, as a result of their job function, a written motivation should be made to the relevant Head of Department to approve a revised limit. Again, the application should be forwarded to Corporate Services, then final approval to the Municipal Manager. In the event of increasing the cell phone allowance, proof of the exceeded amount should be provided i.e. itemised billing.

8.28.15. RESPONSIBILITY OF THE MUNICIPALITY ON THE CELLPHONE AND DATA CONTRACTS

8.28.15.1. It is the responsibility of the Ngwathe Local Municipality to procure on behalf of the employee or Councillor who is eligible for the cellular phone contract and or sim only contract and 3G/4G/5G modem on a Corporate contract.

8.28.15.2. The cell phone and or 3G/4G/5G modem shall be an asset of the Municipality for the duration of the employee's employment contract or Councillor's term of office.

8.28.15.3. An employee and or Councillor with a cell phone or 3G/4G/5G modem of the Municipality shall sign a Cell phone and Data agreement and such agreement shall indicate monthly limit.

8.28.15.4. On termination of service or end of office term, the employee or Councillor shall have an option of transferring the cell phone contract/3G/4G/5G modem to his/her name by taking over the contract at an applicable amount for that period or hand back the handset/3G/4G/5G modem and sim card to the Corporate Services Department for safekeeping and reallocation.

8.28.15.5. In the event of a deceased employee, Corporate Services shall request the cell phone gadget and 3G/4G/5G modem from the deceased's family within 30 days after the burial.

8.28.15.6. The family may be given the option to buy over the contract at the applicable amount at that time and transfer it to the opted chosen

member of the family. If the latter option is not exercised, the cell phone contract shall then be reallocated to the next employee who has applied

8.28.16. LIMITATIONS

- 8.28.16.1. The monthly contract includes any amount charged by the Service Provider which includes subscription, caller line identity, airtime, data and SMSs, and an instrument in line with the contract. Ngwathe Local Municipality is not responsible for the insurance, battery, charger and general repairs. The Municipality owns the lines and the asset, i.e. cellular phone, sim card, pouches etc. until such transfer has been finalised.
- 8.28.16.2. Should the employee terminate service, the line and hardware remain the property of the Municipality.

8.28.17. SETTLEMENT OF ACCOUNT

- 8.28.17.1. The Municipal Manager settles the account with the Service Provider on the terms contained in the contract and up to the limits amount per month.
- 8.28.17.2. Itemized invoices will be provided on a monthly basis. Finance will effect payment to the service provider by means of electronic fund transfer (EFT) on receipt of a completed payment advice from the mobile network company

8.28.18. INTERNATIONAL CALLS AND/OR ROAMING

- 8.28.18.1. All employees will be allowed to use their Watsup for International Travel. The employer will arrange data enough to enable the employee to be contactable when on an Official trip outside the borders of South Africa.
- 8.28.18.2. An employee travelling outside the Republic for personal reasons will be liable for the amount used for roaming and international calls.

8.28.19. SAFEKEEPING AND CARE OF MUNICIPALITY CELLPHONES AND MODEMS

- 8.28.19.1. Employees shall ensure that cell phones/3G/4G/5G modem are not exposed to theft or wilful damage. Should a Municipality cell phone or modem be lost, stolen or damaged, the official concerned will have to replace the lost, stolen or damaged out of his/her pocket.
- 8.28.19.2. An employee whose cell phone/sim card or modem that has been lost or stolen must report the loss/theft as soon as possible but within 24 hours to the SAPS and furnish a detailed affidavit describing the

loss/theft including full particulars of the case number to the Responsible official in Corporate Services.

8.28.19.3. The Responsible official must also arrange for Sim card/sim swap with the service provider and blacklisting or cancellation of the cell phone instrument with the service provider.

8.28.20. CELL PHONE USAGE WHILE DRIVING

8.28.20.1. The Municipality is aware that in utmost circumstances, that employees use their cell phones for business purposes while driving. Due to the recent research about the safety of cell phone usage while driving, Council prohibits employees from using their cell phones while driving, unless the vehicle is fitted with a blue tooth device.

8.28.20.2. Council recognizes that other distractions occur while driving, however, eliminating the use of cell phones, while driving is one way to minimize the risk to employees of accidents. Employees are therefore required to either park the vehicle so as to safely communicate via cell phone or to request the caller for permission to contact them at a more convenient and safer time as to driving.

8.29. ENTERTAINMENT ALLOWANCE

8.29.1. In terms of a decision taken after consultation with the Local Labour Forum (LLF) and the financial viability/liquidity of the Municipality, no entertainment allowance will be payable to any employee of Ngwathe Local Municipality.

8.30. TRAVEL AND SUBSISTENCE ALLOWANCE POLICY

8.30.1. PREAMBLE

8.30.1.1. It is essential that representatives of Ngwathe Local Municipality from time-to-time travel to other cities and towns in order to establish and maintain links and relationships with other Municipalities, Government bodies, and other parties, institutions and organisations operating in the sphere of Local Government. This policy is developed to ensure that subsistence and travelling is properly monitored to guard against fraud and wastage of resources.

8.30.2. PURPOSE OF POLICY

8.30.2.1. To ensure that Municipal employees and Councillors are reimbursed for reasonable expenses incurred for travel, conferences, meetings and

meals as a result of conducting authorized Municipal business *in line with the National Treasury Cost containment guideline listed in schedule three (3) of the Public Finance Management Act 1 of 1999.*

8.30.2.2. To provide guidelines on norms and standards for travellers travelling on official business both domestically and internationally.

8.30.2.3. To ensure that payments made by Ngwathe Local Municipality are for the actual and necessary expenses incurred for municipal business in adherence with National Treasury's prescribed Cost Containment Measures.

8.30.3. **SCOPE OF APPLICATION**

8.30.3.1. The Travel allowance policy is applicable to the following: -

- (i). The Municipal Manager.
- (ii). The Managers directly accountable to the Municipal Manager (Section 56/57 Managers). Senior Managers will be allowed to structure their travel allowance as part of their remuneration packages. The amount of the travel allowance to be structured will be depended on the actual anticipated annual business distance to be travelled claimable by the employee but will be limited to an amount equal to 25% (twenty five percent) of the employee's cost of employment. Travel allowance will be granted in accordance with the income tax legislation of South Africa applicable at that time.
- (iii). The employees in any positions or levels that will be determined by the Municipal Manager from time to time requiring travel based on the strategic business imperatives of Ngwathe Local Municipality.

8.30.4. **LEGISLATIVE FRAMEWORKS**

- (i). Basic Conditions of Employment Act, No. 75 of 1997.
- (ii). Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993.
- (iii). Constitution of the Republic of South Africa, 1996.
- (iv). Cost Containment Instructions issued by National Treasury 2024/2025.
- (v). Financial Manual as published by the Department of Public Service and Administration.
- (vi). Guide for Employers in respect of Allowances issued by the South African Revenue Services.
- (vii). Income Tax Act, No. 58 of 1962.
- (viii). Labour Relations Act, No. 66 of 1995.

8.30.5. **POLICY PROVISIONS**

- 8.30.5.1. The Ngwathe Local Municipality has the option to appoint a travel agency or company in accordance with its Supply Chain Management policies. These appointed agencies will ensure cost-effectiveness and competitiveness by comparing the best available prices for airline tickets, accommodation rates, and car rentals on the day of booking before finalizing any arrangements, prioritizing the Municipality's economic interests.
- 8.30.5.2. Travel bookings shall be based on the approved budget, financial liquidity of the Municipality as well as support the Municipal strategic objectives (value for money).
- 8.30.5.3. The Municipal Manager or authorising Official must satisfy himself/herself on the following prior to approving travel requests: -
 - 8.30.5.3.1. The necessity to travel, this shall be limited to official business trips in support of the institution's mandate.
 - 8.30.5.3.2. The number of travellers.
 - 8.30.5.3.3. The benefit of the travel to Ngwathe Local Municipality.
 - 8.30.5.3.4. Other alternatives to travelling (e.g. MS Teams, Zoom, or other video and conferencing facilities).
- 8.30.5.4. Compliance with the Institutional Travel Policy and procedures.
- 8.30.5.5. When considering travel requests, the Municipal Manager and any other relevant Official authorizing travelling must consider alternatives to travel, including the possibility of attending meetings, training or event through virtual platforms, where possible.
- 8.30.5.6. The employee is responsible to maintain, the validity of personal travel documents such as a passport, visa, international driver's license, local driver's license, etc.
- 8.30.5.7. The traveller must submit proof of travel expenses, such as receipts, within three (3) days of returning from a business-related trip. This documentation should accompany the claim form for reimbursement. If receipts or proof of payment are unavailable, the traveller may provide an affidavit, sworn before an authorised official, outlining the expenses incurred and explaining why the proof is missing. The reasons provided must be reasonable and require the approval of the authorising official.

8.30.6. Requests for Local and international travel

8.30.6.1. Requests for Local and International travel shall include the following: -

- (i) A formal invitation or motivation or both for the visit and its benefit for the Local Municipality.
- (ii) An indication of whether the trip is fully or partly sponsored.
- (iii) The financial implications of the visit.
- (iv) The support staff, or other officials, including the role of each Official in the proposed trip.

8.30.6.2. Travel Authorization: -

8.30.6.2.1. The Municipal Managers' travel shall be authorized before travel by the Mayor of Ngwathe Local Municipality.

8.30.6.2.2. Travel of Managers accountable to the Municipal Manager shall be approved before travel by the Municipal Manager

8.30.6.2.3. Travel of any other Official accountable to Senior Management shall be recommended by their respective Senior Manager and approved by the Municipal Manager before such travel is undertaken.

8.30.6.3. Class of Travel

8.30.6.3.1. In view of the National Treasury cost containment travel guideline, all employees within Ngwathe Local Municipality will travel Economy class for Local and International trips.

8.30.6.3.2. The Municipal Manager may approve a Business Class travel in cases where an employee has special needs based on medical grounds, or any form of disability or where the business class ticket is the same price or cheaper than the economy class ticket to the same destination.

8.30.6.3.3. Work documentation, laptops and any other sensitive or valuable property should be carried on board while flying and not be placed in the cargo hold. Employees are also required to ensure that the security and confidentiality of Ngwathe Local Municipality's information and intellectual property is protected whilst travelling.

8.30.6.4. Lost baggage

8.30.6.4.1. In the event of baggage being lost, employees should immediately contact the airline's passenger services to

report the incident. If there is a delay in receiving the lost luggage, the airline is responsible to provide basic clothing for the interim period. All these costs are to be borne by the airline.

8.30.6.5. Cancellations and Refunds

8.30.6.5.1. The traveller should inform either the Municipal Manager, the responsible Head of Department/Line Manager or the travel Agency immediately if he or she realises that they will not be able to take a specific flight which has already been booked.

8.30.6.5.2. If the traveller will not fly to the same destination within the next six months, the air ticket must be cancelled immediately, and a refund must be obtained.

8.30.6.5.3. If the traveller fails to inform either the Municipal Manager, the responsible Head of Department/Line Manager or the travel Agency before the air ticket expires and a cancellation fee is incurred, the institution will cover the cancellation cost, and if the traveller is found liable, recover the amount from the traveller.

8.30.6.6. Baggage Allowance

8.30.6.6.1. The travellers must acquaint themselves with the baggage policy of the airline that he or she will be travelling on.

8.30.6.6.2. The employee is responsible to pay the cost of extra baggage.

8.30.6.7. Airport Lounge Facilities

8.30.6.7.1. Ngwathe Local Municipality will not pay any cost for airport lounge facilities. Employees are however, permitted to use airport lounges at their cost.

8.30.6.8. Domestic Accommodation and meals.

8.30.6.8.1. Ngwathe Local Municipality shall arrange domestic accommodation for travellers where the distance travelled exceeds 300 kilometres on a return journey (150km each way) from the place of work to the destination; or when the meeting/ conference/workshop is held over a number of days; or if the event finishes after hours (after 5pm).

8.30.6.8.2. Accommodation shall be secured at a safe and cost-effective place for the employee of Ngwathe Local Municipality.

8.30.6.8.3. The selection of hotels or guest houses should be based on obtaining the most cost-effective accommodation, which is

three (3) stars graded, or equivalent.

8.30.6.8.4. The preferred hotels listed below should be used, unless there are more cost-effective alternatives available or it is inconvenient or impossible to make use of the preferred hotels, in which case authorization is required from the Line Manager.

8.30.6.9. The preferred hotels and the relating priorities are as follows:

8.30.6.9.1. 1st Priority: Town Lodge Hotels / City Lodge

8.30.6.9.2. 2nd Priority: - Protea Hotels / Preferred Hotels offering best available rate within costs prescribed below.

(i) For the Council members, the Municipal Manager and Directors, the cost of the hotel must be within the limit of R2 200.00. The cost includes Bed, Breakfast and Dinner.

(ii) All other Municipal official's accommodation must be a cost within the limit of R1 800.00, which includes, Bed, Breakfast and Dinner.

(iii) Should the Municipal Official's cost be covered by the Host/invitee, then the hotel cost, meals and travel will be prescribed by the policy provision of the host/invitee.

(iv) When demand is high and accommodation establishments are fully booked, the travel Booker/Agent must secure the most reasonable alternative and document the justification for choosing or exceeding the allowable rate.

8.30.6.10. Subsistence Allowance

8.30.6.10.1. Section 8(1)(a) read together with section 8(1)(c) of the Income Tax Act No. 58 of 1962 (the Income Tax Act) defines a subsistence allowance as "any allowance given to an employee or a holder of any office for expenses incurred or to be incurred in respect of personal subsistence and incidental costs (for example, drinks, lunch, parking)". Section 8(1)(c) of the Income Tax Act prescribes that the employee shall be deemed to have actually expended a certain amount (daily expenses in respect of meals and/or incidentals costs) where the employee is absent from his/her usual place of residence.

8.30.6.10.2. Where the accommodation to which the allowance or advance relates is in the Republic of South Africa, an amount equal to the following is deemed to be expended for each day or part of a day in the period during which the employee is absent from his/her usual place of residence

(i) Only incidental costs – R184.00

(ii) Meal and incidental costs – R595.00, provided meals are not served at the place of accommodation.

8.30.6.10.3. Section 8(1)(a)(ii) of the Income Tax Act states that where the recipient is by reason of the duties of his or her office or employment obliged to spend a part of a day away from his or her usual place of work or employment and provides proof of such expenditure to the employer, a reimbursement or advance for such expenditure actually incurred by the recipient is excluded from taxable income if the recipient is allowed by his or her principal to incur expenditure on meals and other incidental costs for that part of a day and the amount of the expenditure does not exceed an amount of R184.00

8.30.6.10.4. Ngwathe Local Municipality shall review and align the subsistence allowance Rates based on the SARS rates for each tax year published by notice in the Government Gazette.

8.30.6.11. International Accommodation and Meals.

8.30.6.11.1. Accommodation shall be secured at a safe and cost-effective place for employees of Ngwathe Local Municipality

8.30.6.11.2. The selection of hotels or guest houses should be based on obtaining the most safe and cost-effective accommodation, which is three (3) stars graded, or equivalent.

8.30.6.11.3. The preferred hotels listed below should be used, unless there are more cost-effective alternatives available or it is inconvenient or impossible to make use of the preferred hotels, in which case authorization is required from the Municipal Manager.

8.30.6.11.4. The preferred hotels and the relating priorities are as

follows:

(i) 1st Priority: Town Lodge Hotels / City Lodge

(ii) 2nd Priority: - Preferred Hotels offering best available rate within costs of a three-star hotel.

8.30.6.11.5. The cost of the hotel must include Bed, Breakfast and Dinner.

8.30.6.11.6. When demand is high and accommodation establishments are fully booked, the travel booker/Agent must secure the most reasonable alternative and document the justification for choosing or exceeding the allowable rate.

8.30.6.11.7. Should the Municipal Official's cost be covered by the Host/invitee, then the hotel cost, meals and travel will be prescribed by the policy provision of the host/invitee.

8.30.6.12. Other Travel expenses

8.30.6.12.1. International and any other travel must be proceeded by a letter of authorization/invitation.

8.30.6.12.2. Ngwathe Local Municipality shall cover the cost of the Passport, the administration costs related to passports (passport Photos), the vaccination costs (where required).

8.30.6.13. Subsistence Allowance Payable for International Trips

8.30.6.13.1. A subsistence allowance based on set specific daily rates for Foreign Travel published by SARS which cover the cost of meals and incidental expenses during business trips shall be payable. Refer to SARS prescribed annual rates.

8.30.6.13.2. A representative of the Municipality must claim his or her subsistence allowance, as provided for in this policy, before embarking on any official trip.

8.30.6.13.3. The subsistence allowance will be paid within three (3) or four (4) days before the trip, provided the following are in place: -.

(i) S&T claim form signed by the head of department and the Municipal Manager

(ii) Invoice or proof of additional expenditure incurred by the Official where applicable must be submitted within three (3) or four (4) days after returning from a foreign

or local trip and such will be accordingly disbursed by the Municipality.

(iii) Attendance register for the meeting, training or workshop attended.

8.30.6.14. Other Requirements

8.30.6.14.1. If the traveller does not check in at all, or fails to cancel the booking on time, where it is within his or her ability to do so, and without notification to the Municipal Manager or the respective Line Manager or the accommodation establishment, a no-show fee may be charged. In such cases, the Municipality shall settle the account, and if the traveller is found liable, recover the amount from the traveller.

8.30.6.14.2. All additional expenses such as private phone calls, newspapers, alcoholic beverages, toiletries, movies, gratuity for porters or waiters, room service charges, etc. is for the traveller's own personal account. The traveller must settle these expenses at the time of departure.

8.30.6.14.3. Travellers are responsible for checking Accommodation bills for accuracy and signing them off prior to checking out. If the traveller fails to check out and not settle the additional charges and not sign the bill, Ngwathe Local Municipality will not settle the account. The cost will be borne by the traveller.

8.30.6.14.4. **Officials who choose to stay with Family Members during a Business Trip** will not be paid for accommodation, instead he/she must claim for the living out allowance of R220.00 per night and the meal and incidental allowance of R595.00 per night.

8.30.6.15. Car Rental

8.30.6.15.1. The various Car Rental Companies use different groups and, or Standard Interline Passenger Procedure (SIPP) codes to categorise their vehicles. SIPP codes are four-letter abbreviations that identify the major features of a rental car. For example, a compact, two-door car with air-conditioning would have a SIPP code of CBMR or CBAR depending on whether it's a manual or automatic vehicle

- 8.30.6.15.2. The Municipal Managers subject to the approval of the Mayor may hire a higher-class vehicle categorised as “Intermediate, Standard or Premium”.
- 8.30.6.15.3. Members of Council of Ngwathe Local Municipality subject to the approval of the Mayor may hire a higher-class vehicle categorised as “Intermediate, Standard, or Premium.
- 8.30.6.15.4. Senior Managers reporting to the Municipal Manager subject to the approval of the Municipal Manager may hire a vehicle categorised as “Intermediate or Standard”.
- 8.30.6.15.5. Ngwathe Local Municipality employees hire vehicles categorised as “Mini or Economy”, subject to availability and cost effectiveness for all employees travelling on business trips.
- 8.30.6.15.6. Officials with a disability who require the use of an automatic vehicle, and, or officials who have a restriction on their driver’s license may hire a “Mini or Economy” type of vehicle with an automatic transmission.
- 8.30.6.15.7. The hiring of an automatic vehicle for any other traveller shall be preapproved by the Municipal Manager before any trip is undertaken.
- 8.30.6.15.8. Notwithstanding paragraphs above, the Municipal Manager may approve the hiring of an “Intermediate, Standard, or Minibus, bus (16-seater or above) or passenger van in instances where three (3) or more travellers are travelling together, the return journey to be travelled exceeds 400 kilometres to and from the destination (return journey); the special needs of a Traveller (based on medical grounds) are to be catered for; extra luggage must be accommodated; transportation of more than 16 passengers; or transporting of foreign dignitaries.
- 8.30.6.15.9. A different class of vehicle (e.g. Intermediate or Standard sports utility vehicle or 4X4) may be hired if required for a particular terrain. Mountainous and gravel roads are considered difficult terrain and vehicles with higher ground clearance may be required.
- 8.30.6.15.10. The minimum safety requirements for any rental vehicle will include power steering, airbags, ABS, air-

conditioning, and central locking.

8.30.6.16. Car Rental Inspections.

8.30.6.16.1. A Traveller must verify and complete the Quality Check Card prior to leaving the Car Rental premises, both on collection and return of the rental vehicle. A traveller must ensure that all scratches, dents, windscreen cracks, and chips are marked on the Quality Check Card and signed off by the Car Rental attendant. Failure to complete the Quality Check Card may result in the traveller being held personally liable for any damages.

8.30.6.17. Shuttle and Transfer Services

8.30.6.17.1. Ngwathe Local Municipality shall use a shuttle and transfer service where more than three (3) employee travel together where travellers travel from his or her residence or place of work (Ngwathe) to and from the airport in case where:

8.30.6.17.1.1. An institutional vehicle and, or driver is not available to transport employees.

8.30.6.17.1.2. If the cost of such a service is lower than the cost of renting a vehicle.

8.30.6.17.1.3. If the use of public transport is not readily available or impractical.

8.30.6.17.1.4. Or if the cost of the claimable kilometres and parking/long term parking are higher than the cost of a shuttle service.

8.30.6.17.1.5. Where a Traveller travels from the airport directly to the place of Accommodation or Place of Duty on a return journey.

8.30.6.17.1.6. Shuttle and travel services must be preapproved by the Municipal Manager.

8.30.6.17.2. In instances where the accommodation establishment does not provide a complementary shuttle service/transfer service between the airport and the accommodation establishment and, or, the return journey, the traveller may make use of shuttle services based on the following conditions: -

- (i) If an institutional vehicle and, or driver is not available to collect the traveller from the airport.
- (ii) If the cost of such a service is lower than the cost of renting a vehicle; or
- (iii) If the use of public transport is not readily available or impractical.
- (iv) If the rental car provider offers an insurance option, the employee shall **decline** this additional service.
- (v) By law no vehicle will be released to a renter without presenting a valid driver's license. Employees must ensure that their driver's license is valid and available at all times.
- (vi) Vehicles may only be driven by employees who are registered as designated drivers with the preferred rental car provider.
- (vii) All traffic fines and associated costs incurred by the renter will be for the account of the renter/driver.
- (viii) The safety of all employees who are required to travel on behalf of the Local Municipality is of utmost importance hence the Municipality recommends the following when travelling:
 - (a) Trips between 1 and 3 days > use airport parking.
 - (b) Trips longer than 3 days > use airport parking or Uber.
 - (c) Travelling in groups > use shuttle services.

8.30.6.18. Parking and Toll Fees

- 8.30.6.18.1. It is the responsibility of the traveller to ensure that the toll fees are paid.
- 8.30.6.18.2. A claim with appropriate toll gate receipts must be submitted by the traveller within three (3) days of return from travelling on an appropriate claim form to the Line Manager for approval and accordingly send to finance for S&T processing.

8.30.6.19. Travel Allowance for Municipal Officials

- 8.30.6.19.1. Travel allowance is where an allowance or advance is based on the actual distance travelled for business

purposes (that is, excluding private use).

- 8.30.6.19.2. Where the Municipality requires an official to attend to official business matters at the normal place of work on a weekend or public holiday and such day is not a normal working day, the trip is an official business trip.
- 8.30.6.19.3. If required to return to the place of work after hours, such a trip is an official business trip. Any journey where the official departs from his or her residence directly to a place of duty and or returns from such a venue directly to his or her residence, is considered an official business trip. In such cases, the claim is to be based on the actual kilometres travelled.
- 8.30.6.19.4. Business trips must be pre-planned and pre-authorized by delegated officials before they are undertaken.
- 8.30.6.19.5. Travelling must be done preferably during working hours.
- 8.30.6.19.6. An invitation to attend a workshop, meeting or related event is not an automatic authorization to attend such workshop or event, Pre-authorization must still be obtained from the Municipal Manager, Mayor or Director as the case may be. The employee must submit to his/her Line Manager within three (3) days of return from workshop a meeting attendance register. If any representative fails to do so, the Municipal Manager may recover all allowances and disbursements paid to such an employee. The respective employee will be afforded an opportunity to present representations/reasons in writing to the Line Manager and the Municipal Manager.

8.30.6.20. Reimbursement for Business Travel

- 8.30.6.20.1. Employees who are being paid a fixed transportation allowance or where such an allowance has been structured into the total cost of the remuneration package of the employee concerned, and who have travelled on an official business within the boundaries of Ngwathe Local Municipality will only be reimbursed when they have exceeded 850 kilometres a month. Meaning only kilometres between 850 to 1500 per month will be reimbursed.
- 8.30.6.20.2. Kilometres above 1500 per month will only be approved

provided there is a motivation from the respective Director, supported by the approved operational weekly plan and Logbook.

- 8.30.6.20.3. Employees who are on fixed transport allowance and those who are not eligible for fixed transportation allowance will be reimbursed at a rate of R4.95 per kilometre.
- 8.30.6.20.4. Councillors and Section 57 Managers will be reimbursed in line with the Department of Transport rates.
- 8.30.6.20.5. Bursary holders are not eligible to claim for travel while attending classes.
- 8.30.6.20.6. Any journey between an official's residence and normal place of work constitutes a private journey.
- 8.30.6.20.7. A claim submitted by a traveller, when travelling outside the municipal area of Ngwathe with private transport on official municipal duty, will be considered for reimbursement, subject to the following conditions:
 - (i). that the trip is for an approved official event.
 - (ii). that no other municipal transport was available to officials not in receipt of a transportation allowance at the time of the travel, as confirmed with the Mayor, relevant Director or Municipal Manager.
 - (iii). that the use of private transport is pre-approved by the Mayor, relevant Director or Municipal Manager.

8.30.6.21. Payment of Transport for Employee who attend Interview

- (i). Employees who have been shortlisted for Interviews will be paid for travel and subsistence in line with this policy.

8.30.6.22. Travel Allowance for Counsellors.

Counsellors shall be paid travel allowance in terms of the government gazette regulating the payment of kilometre tariff to Councillors, and subject to the following conditions: -

- (i). That the travel is for official duty.

- (ii). In the case of more than one Councillor travelling to the same destination, only one claim for the vehicle utilised shall be accepted and approved.
- (iii). The Allowance/claim shall be taxable at the rate prescribed by the Income Tax Act number 58 of 1962, as amended from time to time.

8.31. CAR ALLOWANCE

A “**Car allowance**” is defined as an amount of money allocated to a Senior Manager, a Councilor or an Employee for the purpose of providing for privately-owned motor vehicle for official duties and discharging of the municipal service delivery obligations having regard to availability of resources, prudent financial management and the municipal financial viability.

8.31.1. OBJECTIVES OF THE POLICY

- 8.31.1.1. To regulate conferment of car allowance within the available means and resources for Employees, Senior Managers and Councillors who need to utilise car allowance for execution of their official duties.
- 8.31.1.2. To manage the utilization of car allowance within the Municipality.

8.31.2. CAR ALLOWANCE QUALIFYING POSITIONS

8.31.2.1. CAR ALLOWANCE FOR COUNCILLORS, SENIOR MANAGERS AND QUALIFYING EMPLOYEES

- (i) Councillors and Senior Managers receive a total remuneration package (Total Cost to Company) as part of their remuneration structure from the Municipality which remuneration may include a car allowance structured according to the applicable individual needs within the prescribed SARS provisions.
- (ii) Should a Councillor, Senior Manager or a qualifying Line Manager structure his/her package to include a car allowance, it is an inherent requirement that proof of ownership of a motor vehicle including a valid driver’s License must be submitted to the

Human Resources Department/Director Corporate Services.

- (iii) A car allowance structure is catered for by Ngwathe Local Municipality to enable the Councillor, Senior Manager or qualifying Employee to carry out their official duties.
- (iv) Senior Managers, Middle or Divisional Managers and any other qualifying posts shall receive a car allowance of 25% of their basic salary as follows: -

Position / Post	% car allowance to be received
Full time and part time Councillors	According to the applicable individual needs within the total annual remuneration package and SARS provisions
Municipal Manager	According to the applicable individual needs within the total annual remuneration package and SARS provisions
Senior Manager	According to the applicable individual needs within the total annual remuneration package and SARS provisions
Middle / Divisional Managers	25% of employee`s Basic salary
Other Qualifying Employees based on inherent requirements of the Job	25% of employee`s Basic salary
Chief Traffic Officers (excluding Traffic Wardens)	25% of employee`s Basic salary

- (v). Chief Traffic Officers who qualify for Car allowance due to the nature of their work shall receive a Car allowance of Twenty five percent (25%).
- (vi). Chief Traffic Officers who get Car Allowance must ensure that they have their own vehicles and valid driver`s Licenses to ensure that they are able to perform Municipal duties for the full duration of their shift.
- (vii). Ngwathe Local Municipality shall provide magnetic stickers for the

branding of vehicles, and the Traffic Officers must ensure that such stickers/branding is affixed to their vehicles before commencing duty daily. Noncompliance with this policy will be dealt with in line with the Employee Relations policy of the Municipality.

- (viii). Traffic Officers must ensure that all tools of trade required (sirens, blue lights, etc.) for execution of their duties are availed and or installed in or on the vehicle during working hours and removed when off duty.
- (ix). Chief Traffic Officers that receive Car allowance must utilize their own subsidized vehicle during execution of their duties and may not utilize a Municipal vehicle with other Traffic Officers unless authorized by the Manager: Public Safety.
- (x). Traffic Officers may not transport any private individual during execution of their duties, without prior authorization of the immediate supervisor, Superintendent Traffic or Manager: Public Safety. This excludes offenders arrested by the Traffic Officer in the execution of his/her duties.
- (xi). Officials that receive a Car allowance are responsible for all maintenance, fuel, repairs and licensing costs relating to their vehicles.
- (xii). Officials that receive a Car allowance are required to provide their own substitute vehicles during an incident/accident where their vehicle is in for maintenance or repairs.
- (xiii). Officials that receive Car allowance must ensure that the vehicles are maintained and are available to always carry out Municipal/Official duties during official hours.
- (xiv). Officials that receive Car allowance must ensure that a Logbook is kept and SARS provisions and or requirements are complied with.

8.31.2.2. Minimum Specifications of Vehicles for Traffic Officers

- (i). Traffic Vehicles used by employees may not be older than three years or have more than 50 000km on date of purchase.
- (ii). Traffic Vehicles must be white in colour or meet the approved Municipal colour.

- (iii). Traffic Vehicles may not be imported vehicles and must at least be registered as “New” or “Code 2” vehicles.
- (iv). Traffic vehicles must be suitably designed / configured and equipped for their intended use. It must be designed that the equipment supplied by Ngwathe Local Municipality can be uniformly fitted as required, for example, blue light and siren on the roof and magnetic signage on areas identified by the Manager: Public Safety.
- (v). Traffic Vehicles must be registered in the Free State Province and display the “FS” registration plate
- (vi). Traffic Vehicles must be presented on a weekly basis for inspection and must always be kept clean and in a roadworthy condition and will be inspected by the relevant Supervisor and or Manager: Public Safety from time to time.
- (vii). Traffic Officers must ensure that all traffic equipment is maintained in good working order and any losses/damage reported daily to the respective Line Manager within 24 hours.

8.32. BREACH OF POLICY MANUAL

Non-compliance with the policy stipulations will be dealt with in line with the Employee Relations policy of the Local Municipality.



The home of harmony, prosperity and growth

PERFORMANCE MANAGEMENT POLICY

NLMHRE-1009

CHAPTER 9

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9. PERFORMANCE MANAGEMENT POLICY

9.1. PREAMBLE

Ngwathe Local Municipality places performance by all its employees at the forefront of service delivery and has thus developed a policy to drive performance management across all levels and in synchronisation with other Human Capital Management systems and processes.

9.2. PURPOSE OF POLICY

The purpose of this policy is to provide a standard framework for planning and continuous assessment and optimisation of performance of all employees in the Municipality.

9.3. SCOPE OF APPLICATION

This policy applies to all employees of the Ngwathe Local Municipality, except a staff member who is:

- 9.3.1. appointed on a fixed term contract with a duration of less than 12 months.
- 9.3.2. serving notice of termination of his or her contract of employment.
- 9.3.3. About to retire on statutory retirement age.
- 9.3.4. appointed on an internship programme or participating in the National Public Works programme or any similar scheme.
- 9.3.5. appointed in terms of sections 54A and 56 of the Municipal Systems Act.

9.4. LEGISLATIVE FRAMEWORKS

- (i). Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996).
- (ii). Municipal Systems Act, 2000 (Act No. 32 of 2000).
- (iii). Municipal Structures Act, 1998 (Act No. 117 of 1998).
- (iv). Municipal Finance Management Act, 2003 (Act No. 56 of 2003).
- (v). Labour Relations Act, 1995 (Act No. 66 of 1995).
- (vi). Employment Equity, 1998 (Act No. 55 of 1998).
- (vii). Skills Development Act, (Act No. 97 of 1998).
- (viii). Local Government: Regulations on appointment and conditions of employment of Senior Managers, 2014.
- (ix). Local Government: Municipal Staff Regulations, 890, 2021.

- (x). Local Government: Guidelines for the Implementation of the Municipal Staff Regulations, 2021.
- (xi). Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997).
- (xii). Municipal Planning and Performance Management Regulations, 2001.
- (xiii). National Skills Development Strategy
- (xiv). National Qualifications Framework.

9.5. POLICY PROVISIONS

Performance management and development principles and policy provisions of Ngwathe Local Municipality is governed by three (3) Principles: -

9.5.1. Simplicity

The system must be simple and user-friendly, allowing the Municipality to operate within its existing resource capacity and involve external stakeholders.

9.5.2. Politically Driven

Legislation clearly tasks the Executive Committee as the owner of the Performance Management System. The Executive Committee will drive both implementation and improvement of the system, and delegate responsibilities in this regard.

9.5.3. Incremental Implementation

Considering Ngwathe's resources and capabilities, a phased implementation strategy has been adopted, emphasizing a commitment to continuous improvement.

The municipality shall apply the performance management and development system in a consultative, supportive and non-discriminatory manner in order to enhance organisational efficiency, effectiveness and accountability. The performance management and development system shall be underpinned by an open, constructive and on-going communication between the Supervisor and the employee. The performance management and development system shall, where reasonably practicable, link to

- (i). the Municipality's strategic objectives and Integrated Development Plan, the SDBIP of Ngwathe Local Municipality, as well as the respective Department.
- (ii). the Senior Manager's performance plan and the performance plans of the employee falling under that Senior Manager's department.

The performance management and development system shall be developmental, while allowing for: -

- (i). an effective response and relevant measures to manage substandard performance.
- (ii). recognition and reinforcement of fully effective performance above expectations and outstanding performance.

The performance management and development system shall be integrated with other Human Capital Management policies and practices, as well as any other organisational development initiatives of the Municipality.

The performance management and development system shall promote productivity and optimise skills development targets.

9.6. DETERMINATION OF PERFORMANCE OF MANAGEMENT AND DEVELOPMENT SYSTEM

The objective of the performance management and development system is to

- 9.6.1. Promote the objects and developmental duties of the Municipality as set out in 152 and 153 of the Constitution.
- 9.6.2. Promote a culture of service delivery to the public, accountability, mutual cooperation and assistance amongst employees.
- 9.6.3. Institutionalise performance planning, monitoring and evaluation in the Municipality.
- 9.6.4. Maximise the ability of the Municipality as a whole to achieve its objectives and improve the quality of life of its residents by aligning municipal-wide, departmental and individual performance.
- 9.6.5. Build a common understanding among employees of Ngwathe Local Municipality's objectives contained in the Integrated Development Plan (IDP) and annual performance plan.
- 9.6.6. Set clear performance indicators and performance targets by communicating to employees how their roles contribute to the success of the Municipality.
- 9.6.7. Build individual capability, skills, competencies that are key to the Municipality achieving its mandate and objectives and encourage commitment among employees.
- 9.6.8. Create an enabling environment to plan, monitor and measure performance against set targets or outputs.
- 9.6.9. Encourage desired behaviours as articulated in the Code of Conduct for Municipal Staff Members, as contained in Schedule 2 to the Municipal

Systems Act.

9.6.10. Identify and improve substandard performance of employees.

9.6.11. Recognise performance of employees that have achieved a rating of performance significantly above expectations and outstanding performance.

9.7. PERFORMANCE MANAGEMENT AND DEVELOPMENT SYSTEM

An employee of Ngwathe Local Municipality is a Public servant in a developmental Local Government system, and therefore shall: -

- 9.7.1. be committed to serve the public and to a collective sense of responsibility for performance in terms of standards and targets.
- 9.7.2. participate in the overall performance management system of the Municipality, as well as the employee's individual performance evaluation and reward system in order to maximise the ability of the Municipality as a whole, to achieve its objectives.
- 9.7.3. The Municipality, as represented by the relevant Supervisor, and employees shall, during the planning phase, agree on: -
 - (i). the performance objectives and targets that the staff member is expected to achieve during a performance cycle.
 - (ii). specific performance standards, weightings for targets and performance indicators for measuring achievement of performance against set targets.
 - (iii). job specific competencies to be assessed in the performance cycle.
 - (iv). the Supervisor and employee shall ensure that performance management is aligned to the employee's job, and Key Performance Areas (KPA's) are relevant to the post that the employee holds.
 - (v). the KPA's shall relate to the employee's functional area and shall consist of not less than five (5) and not more than seven (7) KPA's.
 - (vi). the Key Performance Indicators (KPI's) shall the input, quality or impact of an output by which performance in respect of a KPA is measured.
 - (vii). be measurable and verifiable.
 - (viii). the performance standard for each KPI may be qualitative or quantitative but shall also satisfy the criteria set out in this clause.
 - (ix). the KPA weighting demonstrates the relative weight of each KPA.
 - (x). the job specific competencies, as derived from Annexure A of the Municipal Staff Regulations 890, shall include the name and definition of the specific competency, the expected level of capability, the relevant weightings, be specific and applicable to the job of the employee.
 - (xi). the employee's job specific competencies shall not exceed six (6)

competencies within a performance cycle.

- (xii). the Supervisor shall, during the performance cycle, monitor, coach and provide feedback to the employee.
- (xiii). The Supervisor and employee shall undertake a formal mid-year performance review. The review shall be recorded as a formal engagement between the Supervisor and employee.
- (xiii). the Supervisor and employee shall undertake an annual performance assessment for each performance cycle based on the performance agreement.
- (xx). the criteria upon which the performance of the employee shall be assessed consist of two components: KPAs and job specific competencies. The staff member's performance shall be assessed against both components. KPAs covering the main areas of the work will account for 80% of the weight while the job specific competencies will constitute 20% of the overall assessment result as per the weightings agreed in terms of the performance agreement.
- (xxi). the annual performance assessment shall be recorded and signed by the Supervisor and the employee.
- (xxii). the Supervisor shall ensure that any relevant personal development and career incidents are deliberated upon with the staff member during the performance appraisal or assessment.

9.8. PERFORMANCE AGREEMENT

A Supervisor and employee shall enter into a performance agreement for each performance cycle of the Municipality. The performance agreement of a serving employee shall be concluded within thirty (30) days of commencement of the new financial year of the Municipality, and an employee shall be concluded within 60 days of his/her appointment after probation as from 1 July of the new financial year; his/her transfer or promotion to a new post; or his/her return from prolonged leave that is more than three (3) months.

If at any time during the period of the performance agreement, the responsibilities of the employee change to the extent that the performance plan in the performance agreement is no longer appropriate, the parties shall revise the performance agreement. The performance agreement shall not diminish the obligations and duties of a employees in terms of the employee's employment contract, or any applicable regulations or Municipal policy.

The performance agreement shall include a performance plan that contains

- (i). the name, job title and the department of the staff member.

- (ii). the objectives or targets.
- (iii). the KPAs, their weightings and the target date for meeting the KPA.
- (iv). the KPIs and the performance standard for each KPI.
- (v). the name and definition of the job specific competencies, their weightings and the expected level of capability for each competency.
- (vi). a personal development plan (PDP) prepared as prescribed in terms of the skills development policy.
- (vii). the process of monitoring and assessing performance, including the planned dates of assessment.

9.9. PERFORMANCE MONITORING AND REVIEW

The monitoring process shall involve a Manager consistently measuring performance on the job and providing ongoing feedback to employees and teams on progress towards reaching employee and team goals. The monitoring of performance shall include conducting progress assessment with the employee and teams through one-on-one or team engagement sessions during which their performance is compared against predetermined performance standards every Quarter.

The Supervisor shall offer coaching when required in order to reinforce effective performance or bring the performance of the employee closer to the expected standards. The performance of the employee shall be reviewed at mid-year to assess the employee or teams' progress towards meeting performance targets, to identify challenges and agree to solutions and to consider reviewing targets resulting from workplace changes beyond the employee or team's control.

9.10. PERFORMANCE EVALUATION

Ngwathe Local Municipality uses a five (5) point rating scale as set out in the table below for purposes of implementation of performance evaluation. The prescribed five-point rating scale below shall apply to all staff members.

Level	Terminology	Description
5	Outstanding performance	Performance far exceeds the standard expected of an employee at this level. The appraisal indicates that the employee has achieved above fully effective results against all performance criteria and indicators as specified in the Performance Agreement and Performance Plan and maintained this in all areas of responsibility throughout the year.

4	Performance significantly above expectations	Performance is significantly higher than the standard expected in the job. The appraisal indicates that the employee has achieved above fully effective results against more than half of the performance criteria and indicators and fully achieved all others throughout the year.
3	Fully effective performance	Performance fully meets the standards expected in all areas of the job. The appraisal indicates that the employee has fully achieved effective results against all significant performance criteria and indicators as specified in the Performance Agreement and Performance Plan.
2	Performance not fully effective	Performance is below the standard required for the job in key areas. Performance meets some of the standards expected for the job. The review/assessment indicates that the employee has achieved below fully effective results against more than half the key performance criteria and indicators as specified in the Performance Agreement and Performance Plan.
1	Unacceptable performance	Performance does not meet the standard expected for the job. The review/ assessment indicates that the employee has achieved below fully effective results against almost all of the performance criteria and indicators specified in the Performance Agreement and Performance Plan. The employee has failed to demonstrate the commitment or ability to bring performance up to the level expected in the job despite management efforts to encourage improvement.

An overall rating shall be calculated by using the assessment rating calculator as provided in the Municipal Staff Regulation 890/attached as a list of annexure/Standard Operating Procedure attached in this policy. Such overall rating represents the outcome of the performance appraisal. The annual performance evaluation shall determine a performance rating for the performance cycle. The employee shall provide the Supervisor with a portfolio of evidence relating to his or her KPAs for the entire performance cycle.

The maintenance and provision of the portfolio of evidence to support the decision on the final score to each KPA and competency, shall be the responsibility of the employee. Personal growth and career development needs identified during any performance review or assessment, together with the actions and timeframes agreed to, shall be recorded in the employee's Personal Development Plan (PDP). Once the annual performance evaluation has been concluded, the performance assessment reports and outcomes shall be subjected to departmental moderation processes in terms of this policy.

9.11. PERFORMANCE MODERATION

The Municipal Manager shall establish departmental performance moderation committees, which must be convened annually. Performance moderation processes must take place within a reasonable timeframe after the end of the performance cycle, but not later than six months after the end of the financial year. The departmental performance moderation committees shall be constituted as follows:

- (i). The relevant Heads of Departments, who must act as chairpersons in the committees.
- (ii). All Managers directly accountable to the Heads of Departments, who must be recused from the committee before their assessments are considered by the committee; and
- (iii). A Senior Human Resource Practitioner who will advise, guide and provide support, including arrangements for secretariat services.

The purpose of the departmental performance moderation committee is to—

- (i). conduct moderation of annual employee performance results in order to ensure that the norms and standards for performance management and development systems are applied in a fair, realistic and consistent manner across the department.
- (ii). assess and compare the performance and contribution of each employee with his or her peers towards the achievement of departmental goals.
- (iii). ensure fairness, consistency and objectivity with regard to dispersal of performance recognition and ratings achieved for a common understanding amongst Supervisors of the performance standards required at each level of the performance rating scale.
- (iv). determine the cost implications for recognition of performance of all employees within the department.
- (v). recommend the moderated performance scores for all employees to the Municipal moderating committee for approval.
- (vi). ensure that performance rewards are based on affordability.
- (vii). consider the impact of the performance assessments on financial rewards and options for various forms of recognition.
- (viii). recommend performance rewards as well as remedial actions for performance considered to be below effective performance.
- (ix). ensure that the integrity of the performance management and development system is protected.

- (x). If the departmental moderation committee has reason to believe that any performance assessment by the Supervisor does not conform to performance norms and standards or that there is lack evidence or information to support the performance ratings, the departmental moderation committee may not reassess, amend or adjust the performance ratings of an employee, but may refer the assessment back to the relevant Supervisor for reassessment in consultation with the affected employee.
- (xi). Upon conclusion of the reassessment, the departmental moderation committee may reconvene to moderate the assessment of the employee concerned.
- (xii). If the Supervisor fails to reassess the employee within the stipulated timeframe despite the request to do so by the relevant authority, or the departmental moderation committee still has reason to believe that the performance ratings are not substantiated, the moderation committee may request the higher-level Supervisor to reassess the relevant employee.
- (xiii). The affected employee must be consulted and be offered an opportunity to respond.

The Municipal Council must establish a Municipal moderation committee, which must be convened annually. The Municipal moderation committee shall be constituted as follows:

- (i). The Municipal Manager, who must act as the chairperson of the committee.
- (ii). All Heads of Departments.
- (iii). Head of Municipal planning and organisational performance.
- (iv). Head of the Municipal internal audit.
- (v). A Senior Human resource functionary to guide, advise and provide support, including arrangements for secretariat services; and
- (vi). A performance specialist, where applicable.

The purpose of the Municipal moderation committee is to—

- (i) Provide oversight over the employee performance management and development system to ensure the performance management process is valid, fair and objective.
- (ii) Moderate the overall performance assessment score for employees, determined after the departmental moderation processes and ensure

that the final individual performance ratings are fair across each grade and department or directorate.

- (iii) Ensure that the final individual assessment outcome corresponds with the performance of the municipality and the relevant department aligned to the employee`s job description or directorate before any recognition of performance is considered.
- (iv). Determine the percentages for the merit-based rewards subject to affordability and the annual approved municipal budget in terms of section 16 of the Municipal Finance Management Act.
- (v). Recommend appropriate recognitions for different levels of performance.
- (vi). Recommend appropriate remedial actions for performance believed to be substandard and advise the Municipality on recognition of performance, including financial and non-financial rewards, where applicable.

9.12. PERFORMANCE REWARDS

- (i) A performance related reward is at the discretion of the municipality; and may be awarded to a staff member who has served the full assessment period of 12 months on 30 June of each financial year of a municipality.
- (ii). Transferred or seconded horizontally during the performance cycle within the municipality.
- (iii). An employee who is on uninterrupted approved leave for 3 months or longer who is on approved maternity leave for more than 3 months; and who received a performance rating of performance significantly above expectations or outstanding performance during a performance cycle after moderation of performance results.
- (iv). may not be awarded to an employee appointed after 1 July of that performance cycle who is serving probation and whose performance period is less than 12 months.
- (v). whose employment is for a fixed term duration of less than 12 months; or whose post was upgraded without a change in performance agreement.
- (vi). A municipality may not spend more than 1.5% of its annual salary and wage bill on staff performance rewards.

9.13. DISPUTES ABOUT PERFORMANCE AGREEMENTS AND ASSESSMENT

All disputes related to performance management will be dealt with as follows: -

- (i). Any dispute about performance objectives or targets must be mediated by the relevant Head of department or directorate of the employee to whom this function is delegated. If the dispute is not resolved to the employee's satisfaction, the employee may lodge a grievance in terms of the applicable grievance procedures.
- (ii). Any dispute relating to the conclusion of the performance agreement or an amendment to the performance agreement, must be referred to the head of the relevant department or directorate not later than five days of lodging the grievance in terms of the applicable procedures.
- (iii). A dispute contemplated in this clause must be resolved within one month of receipt of the dispute by the head of the department.
- (iv). An employee who is not satisfied with the outcome of the grievance procedure may lodge a dispute in terms of the dispute resolution mechanisms of the bargaining Council.

9.14. MANAGING SUBSTANDARD PERFORMANCE

An employee who receives a performance rating below 3 in terms of the Five- Point Rating table above must: -

- (i) be assisted in developing his or her competencies through training and supervision, develop a revised personal development plan with his or her supervisor.

The personal development plan must contain at least—

- (i) a description of the behaviour and skills that require improvement.
- (ii) A description of the actions that will be undertaken to improve the identified behaviour and skills that require improvement.
- (iii) the deadlines for improvement, a schedule of meeting to assess improvements and provide feedback; and details of the potential consequences in the event that there is no improvement in performance.
- (iv) the meetings to assess improvements and to provide feedback must be recorded in writing.
- (v) the personal development plan to manage performance improvement

must cover a maximum period of six months, at the end of which, a formal evaluation of performance must take place.

- (vi) poor work performance must be dealt with in accordance with the Employee Relation Policy as well as Schedule 8 to the Labour Relations Act.

9.15. PERFORMANCE MANAGEMENT OF STAFF MEMBERS WHO ARE ACTING IN POSTS

If an employee is required to act in a post for a period that exceeds three (3) months, the Supervisor to whom the acting employee is reporting to, must review the KPAs and KPIs in consultation with the acting employee, and include the KPAs and KPIs in the employee's amended performance agreement.

The performance review shall be dealt with in line with the performance review process in this policy. Moreover, the grievance shall be dealt with in line with the grievance policy of Ngwathe Local Municipality.

9.16. BREACH OF THIS POLICY

Non-compliance with the policy will be dealt with in line with the Employee relations policy of Ngwathe Local Municipality.



HOURS OF WORK POLICY

(NLMHRE-1010)

CHAPTER 10

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10. HOURS OF WORK POLICY

10.1 PREAMBLE

The hours of work are the standard hours an employee within Ngwathe Local Municipality is scheduled to work. This is defined and guided by the Basic Conditions of Employment Act 75 of 1997, the Collective Agreement of the Free State as well as the Human Capital Management policies of Ngwathe Local Municipality.

The policy sets out guidelines related to hours of work and attendance of employees within Ngwathe Local Municipality. The main aim of the policy is to establish clear and consistent guidelines for the working hours of employees, ensuring efficiency in service delivery while promoting work-life balance, employee well-being, and compliance with labour laws.

10.2 PURPOSE OF POLICY

The purpose of the policy on working hours and working arrangements is to outline expected rules related to working hour and attendance within Ngwathe Local Municipality and consequences of non-compliance to the policy and ensure that employees observe the hours of work for optimal service delivery. The policy takes into account both the operational requirements of Ngwathe Local Municipality as well as terms and conditions in the Collective Agreement.

10.3 SCOPE OF APPLICATION

This policy applies to all employees of Ngwathe Local Municipality.

10.4 LEGISLATIVE FRAMEWORKS

The hours of work policy is governed by the following legal framework: -

- (i). The Basic Conditions of Employment Act, 1997.
- (ii). The Constitution of the Republic of South Africa.
- (iii). The Labour Relations Act 66 of 1995.
- (iv). The Occupational Health and Safety Act, 1993.
- (v). The Municipal Finance Management Act, 2003.
- (vi). The Municipal Systems Act, 2000 and Code of Conduct for Municipal employees.

- (viii) The Collective Agreement on conditions of service for the Free State division of the SALGBC concluded on 01 August 2023 ending on the 31st July 2028.

10.5 MAXIMUM WORKING HOURS PER WEEK

Working hours for all employees of Ngwathe Local Municipality excluding Senior Management and those in the Traffic, Fire and Emergency services shall be forty (40) hour working week (excluding meal intervals as sanctioned by the Basic Conditions of Employment Act - BCEA) from Monday to Friday, except public holidays.

The Official hours of work are from 07h30 to 16h30 including a One-hour meal/lunch interval which shall be taken between 13h00 and 14h00. Lunch outside these hours will be dependent on workload and operational demands of the employer.

Temporary employees and Casual Workers are required to work the hours as stipulated in their Contracts of Employment. The operational hours are a prerogative of the employer and may be reviewed from time to time based on operational requirements of Ngwathe Local Municipality.

A Manager's working hours will be determined by the operational requirements of the employer but must work at least 40 ordinary hours per week.

Security and Emergency personnel's working hours will be determined by the operational requirements of the employer but will not exceed 40 hours per week.

10.6 ATTENDANCE REGISTER

All employees shall be required to sign an attendance register daily. An employee shall, until the contrary is established, be deemed to be absent from work if he/she has not signed the attendance register between 07:30 and 16:30 daily as required.

An employee shall, until the contrary is established, be deemed to be absent from work if by 10:00am he/she has not reported for duty. No employee may Leave his/her ordinary place of work during working hours without the express prior permission of his/her immediate Supervisor. No employee may arrive late for work in the morning or after any lunch break or Leave early for lunch or after work without the permission of his/her

immediate Supervisor. A Supervisor shall take appropriate disciplinary action against any employee who transgresses any rule regarding this policy.

10.7 BREACH OF THIS POLICY

Non-compliance with the policy will be dealt with in line with the Employee Relations Policy of Ngwathe Local Municipality.



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PRIVATE WORK AND DECLARATION OF INTERESTS POLICY

NLMHRE-1011

CHAPTER 11

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11. PRIVATE WORK AND DECLARATION OF INTEREST POLICY

11.1. PREAMBLE

The Municipality is committed to managing the declaration of interest and applications for private work of Councillors and staff members of Ngwathe Local Municipality to avoid and prevent conflicts of interests.

11.2. PURPOSE OF POLICY

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

11.3. SCOPE OF APPLICATION

The policy shall apply to all employees as well as the Council members of Ngwathe Local Municipality.

11.4. LEGISLATIVE FRAMEWORKS.

- (i). Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996).
- (ii). Municipal Systems Act, 2000 (Act No. 32 of 2000).
- (iii). Municipal Structures Act, 1998 (Act No. 117 of 1998).
- (iv). Municipal Finance Management Act, 2003 (Act No. 56 of 2003).
- (v). Labour Relations Act, 1995 (Act No. 66 of 1995).
- (vi). South African Local Government Bargaining Council: Collective Agreements.
- (vii). Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings, 2014.
- (viii). Public Administration Management Act, 2014

11.5. POLICY PROVISION

11.5.1. Private Work

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

For example: -

- (i). An electrician performing electrical work in his / her private capacity and issuing a certificate of competence in his / her official capacity.
- (ii). Building control officer drawing building plans after hours, and approving the same building plans in his / her official capacity, etc.

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

- (i). Capacity of the staff member.
- (ii). Nature of the duties of the staff member at the Municipality.
- (iii). Nature and extent of the proposed remunerated work outside the Municipality, as well as the time (hours) estimated to be spent on it and the possible conflict thereof with normal duties within the employment contract.

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

- (i). The proposed remunerated work shall not interfere with the staff member's normal duties and/or cause a conflict of interests of whatever nature to arise.
- (ii). The proposed remunerated work shall take place entirely outside the employee's prescribed hours of work.
- (iii). The proposed remunerated work shall not be of such a nature that it is detrimental to the relationship between the Municipality and the employee or causes the employee to violate the code of conduct.
- (iv). The Municipality resources shall under no circumstances be used in the performance of the envisaged remunerated work.
- (v). An employee of Ngwathe Local Municipality who conducts private work is obliged to disclose the nature of such private

work by completing a Private Work Disclosure Form and an Application for Permission to conduct Private Work.

- (vi). Application for Private Work must be submitted before 1 July of every year.
- (vii). Permission to perform the envisaged remunerated work shall be valid for a period of one (1) year only provided there is no conflict of interest, and the said work has been declared and approved by the Municipal Manager. If the employee wishes to continue performing the outside work after the said one (1) year has passed, he / she shall renew the application to do so for the following one (1) year at least thirty (30) days prior to the expiry of the first year. The abovementioned procedure is repeated each and every following year for as long as the employee concerned wishes to continue with his / her outside work.

11.5.1.4. Disciplinary action shall be taken against an employee:

- (i). Who performs remunerated work outside his / her duties at the Municipality without written permission by the Municipal Manager; or
- (ii). Who, after permission has been given to perform private work, in the opinion of the Municipality breaks or does not comply with any stipulation or condition as stated in this policy.

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

11.6. DECLARATION OF INTEREST

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

11.6.2. In addition, where an employee who or whose spouse, partner or business associate or close family member acquired or stands to acquire any direct benefit from a contract concluded with the Municipality, he / she shall disclose in writing, full particulars of the benefit to the Municipality.

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

- (i). Shares and securities in any company.
- (ii). Membership of any Close Corporation.
- (iii). Interest in any trust.
- (iv). Directorships.
- (v). Partnerships.
- (vi). Consultancies and retainerships.
- (vii). Other financial interests in any business undertaking.
- (viii). Other employment and remuneration.
- (ix) Interest in property, pension, subsidies, grants and sponsorships by any organisation.

11.6.4. An employee who has declared his conflict of interest in terms of this Policy must not participate in the relevant decision making.

11.6.5. It is a condition of employment that an employee assigns to Ngwathe, without charge, all claims and rights to any copyright, inventions, improvements to inventions, photographs, writings and the like, which may now or in the future vest with the employee in any work arising out of or from the scope of their employment with Ngwathe. Such employees shall grant Ngwathe full right to alter and adapt such work.

11.7. APPLICATION FOR AND APPROVAL OF PRIVATE WORK OR DECLARING A BUSINESS INTEREST

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

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

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

11.7.4. A copy of the application with the decision of the competent authority shall be filed on the employee`s personal record.

11.8. THE HUMAN RESOURCES MANAGEMENT UNIT

11.8.1. The Human Resources shall be the custodian of the administrative infrastructure and processes to safeguard the relevant documentation and files.

11.9. ROLES AND RESPONSIBILITIES

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

11.10. POLICY MONITORING AND EVALUATION

- 11.10.1. This policy shall be implemented and effective once recommended by the Local Municipality in consultation with the Local Labour Forum and approved by Council.
- 11.10.2. Non-compliance to the stipulations contained in this policy shall be regarded as breach of Code of Conduct, which shall be dealt with in line with the employee relations policy.
- 11.10.3. The Director Corporate Services shall carry out the monitoring and evaluation of the policy's implementation.

11.11. BREACH OF POLICY MANUAL

Non-compliance with the policy will be dealt with in line with the Employee Relations Policy of Ngwathe Local Municipality.



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DRESS CODE POLICY

(NLMHRE-1012)

CHAPTER 12

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12. DRESS CODE POLICY

12.1 PREAMBLE

The policies and procedures contained in this document supplement the conditions of employment of every employee, the workplace rules issued from time to time by the Ngwathe Local Municipality, the South African Local Government Bargaining Council Collective Agreements and the code of conduct for employees of Ngwathe Local Municipality contained in Schedule 2 of the Municipal Systems Act.

12.2 PURPOSE OF POLICY

12.2.1. The Dress Code Policy seeks to set acceptable standards to guide employees as to what is deemed appropriate to wear at work. The context and nature of work performed as well as the level of interaction with internal and external clients determine the formality of the workplace dress code.

12.2.2. The objective is to ensure that the work attire of employees complements a work environment that reflects an efficient, orderly and professional organization, whilst allowing employees to work comfortably and safely in the workplace.

12.3 SCOPE OF APPLICATION

12.3.1 The policy applies to all employees of Ngwathe Local Municipality, with the following exceptions: -

12.3.2 Uniformed staff whose dress codes are provided in terms of their respective Staff Codes and employees who are issued with work clothing in terms of the Local Municipality's Uniform and Protective Clothing Schedule. For example, Security personnel, employees working on projects that require protective clothing to be worn, etc.

12.4 LEGISLATIVE FRAMEWORKS

12.4.1 This policy is Governed by the following Legal Framework: -

- (i). The Constitution of the Republic of South Africa.
- (ii). The Labour Relations Act 66 of 1995, as amended.

(iii). Basic Conditions of Employment Act 75 of 1997, as amended.

(iv). Occupational Health and Safety Act 181 of 1993, as amended.

(v). Municipal Systems Act 32 of 2000

12.5 POLICY PROVISIONS

- 12.5.1 Employees need to project a professional, client-orientated appearance that promotes and reflects Ngwathe Local Municipality's image and values that embrace cleanliness and good hygiene.
- 12.5.2 Dress code must be clean, neat and tidy, and should fit correctly, i.e. clothing that is not oversized or undersized. Under most circumstances business-casual attire must be acceptable.
- 12.5.3 Where Officials are required to attend high level meetings such as Council and/or Mayoral Committee meetings, to represent the Local Municipality in Court or to engage clients in high level meetings or proceedings, they are required to be formally dressed at all times.
- 12.5.4 All Councillors and Officials, as representatives of the Local Municipality must at all times when attending any official meetings of the Local Municipality, dress appropriately to portray a professional and corporate image.
- 12.5.5 Clothing that reveals too much bare body skin, and or underwear/clothing that is see-through, is not acceptable.
- 12.5.6 Any clothing that has words, slogans, terms, or pictures that constitutes hate-speech, infringes the rights and dignity of others, or is deliberately provocative is unacceptable. T-Shirts of a Political nature are also not allowed at the workplace.
- 12.5.7 Whilst body art is not discouraged, employees must be sensitive that visible tattoos and body piercing such as nose rings and tongue studs may offend some of the customers and colleagues. The only requirement is that the tattoos and piercings should not be visible in the workplace to the public if this is likely to cause an offence and if tattoos are overtly offensive, they must be covered at all times.
- 12.5.8 Any articles of clothing or jewellery that may present a health and safety hazard for employees are unacceptable.
- 12.5.9 No dress code can cover all contingencies, so employees must exert a certain amount of judgement and common sense in their choice of clothing to wear to work.
- 12.5.10 If employees experience uncertainty about acceptable attire for work, they must

consult their Supervisor or Line Manager.

12.6 FRIDAY WEAR

12.6.1 Fridays are designated as Casual Wear Day and employees may wear casual clothing to work, provided it is clean, neat, and tidy, in good repair and is not offensive to fellow employees.

12.7 TECHNICAL AND OPERATIONAL STAFF

12.7.1 Employees working in Projects and in the field are generally required to wear Protective Clothing as listed in the Local Municipality's & Municipal Uniform and Protective Clothing Schedule.

12.7.2 Where employees are required to undertake site visits or where work requires more functional clothing, hardwearing, rugged attire is acceptable. Examples include overalls, bibs, dust covers, hiking boots and bush jackets.

12.8 COMPLIANCE

12.8.1 Monitoring against this Policy is a responsibility of all those with Line Management responsibilities and compliance should be reviewed on a regular basis.

12.8.2 If clothing fails to meet these standards, as determined by the employee's Supervisor, the employee will be asked not to wear the inappropriate item to work again. Progressive Disciplinary Action will be applied if dress code contraventions continue.

12.9 BREACH OF POLICY MANUAL

12.9.1 Non-compliance with the policy will be dealt with in line with the Employee Relations Policy of Ngwathe Local District Municipality.



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LEAVE POLICY

(NLMHRE-1013)

CHAPTER 13

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13 LEAVE POLICY

13.1 PREAMBLE

13.1.1. Ngwathe Local Municipality shall abide by legislation and the Collective agreements to manage leave for all its employees subject to the requirements of each type of leave.

13.1.2. According to the Standard of Conduct of Employees, it is required of employees:

- (i). To attend work regularly and punctually.
- (ii). To request permission in advance for any Leave of absence.
- (iii). To refrain from being absent from duty without Leave or permission, except in exceptional cases such as for example, accident, incarceration, etc.
- (iv). This policy as mandated by the Office of the Municipal Manager has been developed to assist Ngwathe Local Municipality to manage Leave effectively and efficiently.
- (v). The mandate from the office of the Municipal Manager is in response to give effect to Municipal Systems Act and other pieces of legislation applicable to the administration of Ngwathe Local Municipality.
- (vi). The Municipal Systems Act stipulates that as Accounting Officer, the Municipal Manager is responsible and accountable for policy formulation, inter alia as well as responsible and accountable for the formation and development of an economical, effective, efficient and accountable administration; this includes giving effect to the Local Municipality's by-laws and other legislation.
- (vii). The Leave structure forms part of Conditions of Service for employees in the service of Ngwathe Local Municipality.
- (viii). The management of employee leave is imperative for Ngwathe Local Municipality due to the fact that it has a financial implication to the Municipality.
- (ix). This policy, the Basic Conditions of Employment Act 1997 as well as the Collective Agreement of the Free State operating effective 1st August 2023 and ending 31st July 2028, supersede any other agreements in the management of leave.

13.2. PURPOSE

The purpose 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.

13.3. SCOPE OF APPLICATION

13.3.1. This policy applies to all employees of the Ngwathe Local Municipality, excluding Temporary employees who work less than Twenty-four (24) hours a month, the Municipal Manager and Managers directly accountable to the Municipal Manager as contemplated in Section 56 of the Municipal Systems Act, 2000 (Act 32 of 2000 and as amended).

13.3.2. The Leave arrangements for the Municipal Manager and Managers directly accountable to the Municipal Manager is set out in the Local Government: Municipal Systems Act, Act 32 of 2000: Local Government: Regulations, on appointment and Conditions of Employment of Senior Managers.

13.4. LEGISLATIVE FRAMEWORKS

13.4.1. Municipal Systems Act 32 of 2000.

13.4.2. The Basic Conditions of Employment Act 75 of 1997 as amended.

13.4.3. Labour Relations Act 66, of 1995 as amended.

13.4.4. SALGBC Collective Agreement on Conditions of Service.

13.4.5. Free State SALGBC Collective Agreement on Conditions of Service.

13.4.6. SALGBC Collective Agreement on Disciplinary Procedure.

13.4.7. SALGBC Main Collective Agreement.

13.5. POLICY PROVISIONS

The policy highlights the different categories of Leave as well as the different types of Leave and legislative stipulations as depicted in the various pieces of legislation, collective agreements, and government notices. The aforementioned seek to assist the employer and the employees with the management and administration of Leave.

13.6. APPLICATION AND APPROVAL OF LEAVE: GENERAL CONDITIONS

- 13.6.1. An employee is entitled to Leave as prescribed in this policy.
- 13.6.2. An employee's application for Leave must be applied for on the prescribed Leave Application Form. Such an application for Leave of absence must be submitted at least three (3) days prior to the date of the commencement of the Leave applied for, except in unforeseen circumstances.
- 13.6.3. An application for Leave must be approved by the relevant Head of the Department or his delegate in the instance of an employee, and an application by the Head of a Department by the Municipal Manager, while the Municipal Manager takes Leave in consultation with the Council. Leave of absence, with the exception of Sick Leave, is subject to the Operational requirements of Ngwathe Local Municipality and shall only be valid after having been approved. The onus is on the employee to ensure that he/she has sufficient Leave available.
- 13.6.4. If the employee so requests, his/her Leave that has been approved, may be cancelled at any time before such Leave commences, by the relevant Head of Department or his/her delegate following a written recommendation by the Head of the Department or Municipal Manager, depending on the case. An employee is credited with the cancelled Leave.
- 13.6.5. Without prior permission from the Municipal Manager, no employee may undertake any private work/moonlighting for remuneration during absence from service on annual or any other prescribed Leave.
- 13.6.6. Employees must ensure that their Leave is approved before commencing with such Leave. If an employee commences with his/her Leave and such Leave has not been approved in writing, he/she will be regarded as being absent from work without Leave and or permission. Where appropriate disciplinary action shall come into effect as prescribed in the Employee Relations Policy.

13.7. LEAVE RECORD

- 13.7.1. All Leave of absence due, granted and taken, shall be recorded on an Leave Management data sheet entrusted to the Human Resources Department, and an employee shall have access to his/her Leave record at all reasonable times during office hours.

13.8. CANCELLATION OF LEAVE

- 13.8.1. Leave of absence granted to an employee, with the exception of sick Leave, may be cancelled, postponed or interrupted at any time by the Municipal Manager on the recommendation of the relevant Head of the Department concerned.
- 13.8.2. Should this be deemed necessary, in the interest of Ngwathe Local Municipality, such employee shall be compensated by the Local Municipality for irrecoverable expenses or obligations entered into by him before he/she was notified of the postponement, cancellation or interruption.
- 13.8.3. Proof of any such irrecoverable expenses is the responsibility of the employee.
- 13.8.4. If an employee's application for Leave of absence is cancelled, postponed or interrupted, the reasons for this must be placed on record and the employee must be credited with the Leave that has been cancelled, postponed or interrupted.
- 13.8.5. Should such Leave credit arise from the postponement or interruption of an employee's compulsory Leave, it is placed to the credit of the employee on the same basis, and the period for which the compulsory Leave is valid is extended by a maximum of one year.
- 13.8.6. If an employee, whose Leave of absence is interrupted, has to travel in order to resume duty, Ngwathe Local Municipality shall pay his expenses for the travelling from departure point and back based on travel and subsistence policy, Such a person shall be deemed to be doing service while travelling.
- 13.8.7. Postponement or interruption of Leave of absence must be confirmed in writing.

13.9. LEAVE CREDIT IN THE EVENT OF AN EMPLOYEE'S DEATH

Should an employee die after Leave has been granted to him/her, any leave taken shall be placed to his/her credit.

13.10. RESUMPTION OF SERVICE WHILE ON APPROVED LEAVE

- 13.10.1. An employee who is absent on approved Leave, may not voluntarily resume duty before the full period of such Leave has expired, unless he receives permission to do so beforehand after his/her Head of Department has submitted an application in this regard to the Director: Corporate Services.
- 13.10.2. In the case of a Head of a Department, such permission must be obtained beforehand from the Municipal Manager, and in the case of the Municipal Manager, The Mayor must provide the necessary approval beforehand.

- 13.10.3. An employee who was absent on sick Leave or maternity Leave may resume his/her duty earlier upon submission of a medical certificate. In the case of an employee on maternity Leave, 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.

13.11. ADMINISTRATIVE RECTIFICATION OF LEAVE RECORDS

- 13.11.1. When an employee is accidentally granted more Leave than the Leave due to him/her and takes more Leave than that allowed, the amount of Leave granted in excess may be deducted from Leave due to him/her later, or the value thereof may be recovered from him/her upon his/her termination of service.
- 13.11.2. Faulty Leave (positive or negative) allocation will be rectified administratively.

13.12. EXCEEDING PERIOD OF LEAVE

- 13.12.1. When Leave with or without pay is granted to an employee and he/she stays away from work for longer than the approved period, he/she is deemed absent without Leave for the period after his/her Leave expired until he/she returns to work.
- 13.12.2. If the period of unauthorised absence exceeds ten (10) consecutive working days, the employee is deemed to have deserted from the employment of Ngwathe Local Municipality. Such absence from work due to unauthorised leave shall be dealt with in line with the provisions of the Employee Relations policy.

13.13. CALCULATION OF PRO-RATA LEAVE

In cases where pro rata Leave is calculated, fractions of a half-day and more must be added as a full day and in cases where the fractions are less than a half day, these are not taken into account.

13.14. PRO-RATA LEAVE WITHIN THE FIRST YEAR

Annual Leave, with full pay, may be granted to an employee on a pro rata basis in the first year of service with Ngwathe Local Municipality.

13.15. LEAVE DURING PERIOD OF NOTIFICATION

- 13.15.1. Application for Leave during a period of notification of termination will not be accepted, except in cases of urgent private concern such as funeral, or sickness.
- 13.15.2. In cases such as these, the Director: Corporate Services may accept an application for Leave after receiving written proof of such funeral or ill-health from the employee or Head of the Department.

13.16. CHANGE OF WORK WEEK

- 13.16.1. When an employee's working week changes, his/her Leave credit as on the day prior to the change in respect of the working week, is converted to determine the relevant equivalent, based on the number of days to which he/she is entitled to in the new post.

13.17. LEAVE ADMINISTRATION WITH TRANSFER OR DEMOTION

- 13.17.1. Should the promotion, transfer, or demotion of an employee be implemented, the employee's Leave, as well as the earnings, will accordingly be amended.
- 13.17.2. The change in Leave and or earnings comes into effect from the date of such promotion, transfer, or demotion.

13.18. DIVISION OF LEAVE

Leave of absence is divided into the following groups namely:

- 13.18.1. Annual Leave.
- 13.18.2. Sick Leave.
- 13.18.3. Special Leave.
- 13.18.4. Unpaid Leave.
- 13.18.5. Maternity, Parental Leave, Adoption Leave, and Commissioning Leave.
- 13.18.6. Family Responsibility Leave.
- 13.18.7. Long Service Leave.

13.19. ANNUAL LEAVE

- 13.19.1. Annual leave means a period of twelve (12) months with Ngwathe Local Municipality following commencement of employment or following the completion of an employee`s existing leave cycle.
- 13.19.2. Annual leave is intended to provide the opportunity for a period of rest and recuperation, so employees are expected to take leave within the leave circle, when leave is due. Leave may be taken at any time convenient both to the employee and Ngwathe Local Municipality`s Operational requirements.
- 13.19.3. Ngwathe Local Municipality shall grant an employee annual Leave as set out in the Main Collective Agreement of 1st August 2023-ending 31st July 2028 on Conditions of Service of the SALGBC.

13.20. ELIGIBILITY

- 13.20.1. Employees who work five (5) working day week are entitled to 24 days annual paid leave provided that the leave for an employee that works less than a five (5) day week shall be calculated on a pro rata basis.
- 13.20.2. A five (5) day worker is required to take a minimum of sixteen (16) days annual leave.
- 13.20.3. All employees who work six (6) working day a week are entitled to 27 days annual paid leave.
- 13.20.4. A six (6) day worker shall take a minimum of nineteen (19) days leave.
- 13.20.5. None of the statutory paid public holidays will be regarded as a working day for the purpose of leave calculation.
- 13.20.6. Leave will be calculated from the date of employment.
- 13.20.7. Employees will not accrue full annual leave benefits whilst absent from work on sick leave, maternity leave or paternity leave which extends beyond the normal maximum of such leave, except in the case of extended absence due to injury during the course of their duties.
- 13.20.8. An employee shall take annual leave not later than six (6) months after the end of the annual leave cycle.
- 13.20.9. An employee is required to take annual leave within each leave cycle as follows:
 - (i). A five- (5) day worker shall take a minimum of sixteen (16) working days Leave per annum, and.

- (ii). A six-day (6) day worker shall take a minimum of nineteen (19) working days Leave per annum.

13.21. ANNUAL LEAVE ACCRUAL

- 13.21.1. Annual Leave shall only be accumulated to a maximum of forty- eight (48) working days.
- 13.21.2. Any leave in excess of forty-eight (48) days may be encashed should the employee be unable to take such leave as a result of operational requirement. A signed written submission must be obtained from the employee's Departmental Head authorizing such excess leave. If, despite being afforded by the Departmental Head/Line Manager an opportunity to take leave, an employee fails/ refuses/neglects to take the remaining leave due to him/her during the leave cycle, such remaining leave shall be forfeited.
- 13.21.3. In the event of the termination of service, an employee shall be paid his/her accrued leave entitlement calculated in terms of the relevant provisions of the Basic Conditions of Employment Act, less statutory deductions.
- 13.21.4. Annual leave due to an employee in the event of death shall not constitute part of his/her estate.
- 13.21.5. Upon the death of an employee, an amount equivalent to the value of the Leave due to such an employee at the date of his death, must be paid out to the person nominated by the deceased (according to Beneficiary Fund rules/Executor of Estate letter from the Master of the High Court), on the prescribed form that must be submitted to Director: Corporate Services, on condition that such Leave due does not exceed the number of days according to the current collective agreement which is forty-eight (48) days.
- 13.21.6. If an employee has failed to nominate a beneficiary, the amount due shall be paid into the deceased's estate or to a nominee appointed by the Master of the High Court.
- 13.21.7. In calculating such amount, the pro rata payment for Leave due in respect of sections of an incomplete year of service or Leave of which the validity has been extended is included; such amount being based on the salary earned at the date of the employee's death.

13.22. PROCEDURE FOR APPLICATION OF ANNUAL LEAVE

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

- 13.22.2. Annual leave shall be recorded in the annual leave register and may not be taken in advance. Any leave taken prior to approval and recording as prescribed shall be treated as unpaid leave.
- 13.22.3. All leave of absence due, granted and taken shall be recorded in a leave register at the Human Resources Management Unit and the employee's leave record shall be available for inspection by him / her during office hours.
- 13.22.4. Application must be made in advance equal to the period of Annual leave to be taken.
- 13.22.5. Subject to consultation with an employee, the Municipal Manager may change or withdraw Annual leave already granted.
- 13.22.6. If any employee becomes ill during Annual leave, paid sick leave shall be granted in lieu of annual leave in accordance with normal sick leave policy on submission of a written proof from a Medical Practitioner.
- 13.22.7. Ngwathe Local Municipality affords its employees to take annual leave during Christmas and New Year. To ensure service delivery is not compromised, the Municipal Manager will ensure that there are employees working during this period. Leave taken during this period shall be considered as annual leave. Employee must ensure that leave forms are completed and accordingly signed by respective line Managers before the December leave is taken. Signed leave forms must be submitted to Human resource Department.

13.23. SICK LEAVE

13.23.1. DETERMINATION OF SICK LEAVE

- 13.23.1.1. With effect from the new sick Leave cycle, Ngwathe Local Municipality shall grant an employee eighty (80) days' sick Leave in a three (3) year Leave cycle, provided that new appointments / employees may not take more than thirty (30) days sick leave in the first year of employment.
- 13.23.1.2. If more than two (2) consecutive days are taken as sick leave, the employee shall be required to submit a medical certificate from a Registered Medical Practitioner, or any other person who is certified to diagnose and treat patients, and who is registered with a Professional Council established by an Act of Parliament:
- 13.23.1.3. Ngwathe Local Municipality shall not pay the employee if absent on more than two (2) occasions during an eight- (8) week period, and on request by the Municipality, does not produce a medical

certificate stating that the employee was unable to work for the duration of his/her absence on account of sickness or injury.

- 13.23.1.4. In the event of an illness or other unforeseeable circumstances, it is the responsibility of the employee to notify their respective Line Managers/Supervisors before 10h00 on the date of absence or, where possible, before then.
- 13.23.1.5. Absence without approval and/or without a valid reason shall be regarded as misconduct and shall be dealt with in line with the disciplinary procedure of the Municipality.
- 13.23.1.6. Where sick leave days have been exhausted, and the employee has not been granted additional leave, any absence from work will be treated as unpaid leave.
- 13.23.1.7. Employees who are away from the office and who are being treated in an Institution for Rehabilitation of alcohol, or drug addiction or any form of abuse, may be granted sick leave for the period that they are away, provided that a sufficient number of eighteen (18) days sick leave are available to the employee in the current sick leave cycle.
- 13.23.1.8. Sick leave application form, with a valid medical Practitioner's Certificate must be submitted to the Human Resources department immediately upon return to work by the employee.

13.23.2. ADDITIONAL PAID SICK LEAVE

- 13.23.2.1. If the maximum period of sick leave in terms of this policy as well as the Main Collective Agreement to which an employee is entitled to has been granted to him/her and owing to reasons of ill-health he is not able to resume duty, the Municipal Manager may grant such employee an additional eighty (80) working days sick leave which must be made up as follows: -
 - (i). 50 working days on full pay.
 - (ii). 30 working days on half pay.

13.23.2.2. Additional Paid Sick Leave Conditions

- (i). The employee must submit a valid Medical Certificate from a Registered Medical or Dental Practitioner, or a Traditional healer Registered with a Recognised Professional Council

substantiating reasons for such additional sick leave, before such additional leave is approved.

- (ii). An employee to whom the maximum period of full and a half paid sick leave has been granted, may be granted Unpaid sick leave for a period not more than Two Hundred and Fifty (250) working days in any sick leave cycle, provided the employee signs a written consent form authorizing Ngwathe Local Municipality to deduction from his/her salary contributions towards the employee benefits such as Provident/Pension fund, Medical Aid, etc..
- (iii). Where sick leave exceeds forty (40) consecutive days, the employee will be referred to a medical Practitioner appointed by Ngwathe Local Municipality to understand the nature of the ill-health and the cost of such Medical consultation shall be paid by the Municipality. This intervention shall be conducted purely to determine how the employee may be supported to return to a state of good health.
- (iv). On written application by an employee who has exhausted his full paid sick leave and additional sick leave, annual vacation leave which the employee has to his/her credit may be granted to supplement sick leave on half pay or unpaid sick leave basis. Should all leave be exhausted, the employee will be consulted to authorize a deduction from his/her salary to maintain the contribution towards Provident/Pension fund and Medical Aid.
- (v). All other terms of extended sick leave will be death with-in-line with the provisions of the Labour Relations Act 66 of 1995 as well as the Collective Agreement on Conditions of Service for the Free State division of the SALGBC.

13.23.3. MEASURES TO MANAGE THE TAKING, ACCRUAL AND/OR CONVERSION OF SICK LEAVE AND ADMINISTRATIVE ARRANGEMENTS FOR THE TAKING OF SICK LEAVE

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

medical or dental practitioner or a traditional healer registered with a recognized professional council in terms of relevant legislation.

- 13.23.3.2. If, due to illness, an employee is unable to take annual Leave already deducted, he/she shall be credited with an equal number of annual Leave.

13.23.4. REASONS FOR GRANTING SICK LEAVE

- 13.23.4.1. Sick Leave is only granted in respect of absence from duty as a result of illness, indisposition or injury, which is not the consequence of an employee's misconduct.
- 13.23.4.2. Sick Leave will not be granted for operations/treatment of a cosmetic nature unless a Physician thereof certifies the necessity.

13.23.5. INDISPOSITION IN THE COURSE OF A WORKING DAY

- 13.23.5.1. Should an employee take ill and leave his work after 10:00am in the course of a working day, he/she shall be compensated in full for that day. No sick Leave application form is required in this regard.

13.23.6. MISUSE OF SICK LEAVE

- 13.23.6.1. All Supervisors must continuously monitor sick Leave.
- 13.23.6.2. When a head of a Department or his delegate suspect that an employee is misusing sick Leave, a full extract of an employee's sick-Leave record may be requested from the Human Resources Department.
- 13.23.6.3. The Director: Corporate Services shall supply the sick leave statistics to the Municipal Manager and to Heads of Departments monthly, the report must include the following information:
- (i) The details of the employee who took sick Leave.
 - (ii) The period for which the employee took sick Leave.
 - (iii) The start date and expiry date of the sick Leave period.
 - (iv) Whether or not the employee handed in a medical certificate.
- 13.23.6.4. The Director: Corporate Services shall determine trends and identify possible employees who misuse sick Leave.

13.23.7. HOLIDAY LEAVE INSTEAD OF SICK LEAVE

On written application by an employee, who has exhausted his full paid sick Leave and additional paid sick Leave, annual vacation Leave which he/she has to his credit may be granted to supplement sick Leave on half pay or unpaid sick Leave, provided that arrangements are made to maintain risk benefits applicable.

13.24. SPECIAL LEAVE

13.24.1. SPECIAL LEAVE FOR STUDY AND EXAMINATION PURPOSES

- (i). Study leave shall be granted according to the Collective Agreement on Conditions of Service for the Free State Division of the SALGBC Circular number:1/2023.
- (ii). Study Leave shall be granted on the basis of one day paid special leave for each day that an employee writes an examination plus an equivalent number of days for preparation for the examination.
- (iii). The said leave for examination must be preapproved by the Municipal Manager or his/her delegate, which approval shall not be unreasonably refused.
- (iv). The examination roster shall be included with the submission of the study leave application.
- (v). Results of the examination shall be submitted to the Municipal Manager as soon as they are available, and not later than three (3) months after the examination was written.
- (vi). In cases where examinations were not written, the examination and study leave shall revert to annual leave unless a medical certificate is provided, in which case sick leave may be granted.
- (vii). In case where the employee fails the examination and has to sit for a re-examination, he/she must resubmit the study leave application with proof of such re-examination to his/her Line Manager for approval.

13.24.2. ADDITIONAL LEAVE FOR RESEARCH POST GRADUATE STUDIES

- (i). Special leave for a Research, Dissertation or Thesis shall be granted to an employee admitted for Post Graduate studies with full pay to a maximum ***of fifteen (15) days in a year, per qualification***. The special leave for

examination procedure outlined in the examination section above shall apply to Post Graduate studies.

- (ii). If an employee on commencement of service has already been enrolled for Post Graduate study as defined above, the special leave period shall be reduced as follows: -

<u>Study Period in Service</u>	X	15 Days
Actual Study Period		

13.24.3. ATTENDING CLASSES DURING WORKING HOURS

- (i). An employee who studies part time or through correspondence in a field applicable to the Municipality and who, as a result of his / her studies is required to be absent from work shall be granted vacation leave and special leave on a 50:50 basis for the time he / she is released from duty, subject to the operational requirements of Ngwathe Local Municipality.
- (ii). If no leave to his / her credit, unpaid vacation leave shall be granted.

13.24.4. LEAVE TO ATTEND A COURT OF LAW CASE TO GIVE EVIDENCE OR BEING SUMMONED AS A WITNESS

- (i). On receipt of a subpoena, an employee who is summoned to attend a Court of law case as a witness must be granted paid special leave for the period of absence from duty.
- (ii). Any employee who is arrested and appears in court as a result of a charges laid by his employer and who is later acquitted must be granted paid special leave for the period of incarceration.
- (iii). Any employee who is arrested and appears in court as a result of charges laid against him/her and who is later acquitted shall be granted unpaid leave for the period of incarceration until he/she is released or acquitted and the employer shall not institute disciplinary action against the employee for being absent from duty. It is the responsibility of the employee to inform the employer of his/her whereabouts within a reasonable time.

13.24.5. SPECIAL LEAVE FOR SPORTS, ARTS AND CULTURE EVENTS

An employee who is elected by a recognised amateur or Professional Sports, Arts and Culture Association which association must be recognised by NOCSA or the Council of Sports of South Africa and the Council for Arts and Culture, to: -

- (i). Represent South Africa or any Province as a participant in International, National or Provincial sports, arts and cultural competitions inside as well as outside the Republic of South Africa.
- (ii). Accompany Teams that will represent South Africa in International sports competitions inside as well as outside the Republic of South Africa as Coach or Manager.
- (iii). Officiate at Provincial, National or International events, shall be granted paid special leave for these purposes subject to the following conditions: -
 - Supporting documents are provided to the Municipal Manager or his/her delegate within a reasonable period before such leave is taken.
 - Exigencies of the employee's service with Ngwathe Local Municipality must be considered.
 - Special leave must not exceed twenty (20) working days in an annual leave cycle

13.24.6. SPECIAL LEAVE FOR QUARANTINE AND ISOLATION UNDER MEDICAL INSTRUCTION

Where a registered medical practitioner has placed an employee under quarantine/in isolation in terms of the National Health Act, 2003 (Act No. 61 of 2003) or any regulations in force there under, such an employee shall be granted paid special leave, provided that the medical certificate issued details the period of absence and the reason thereof. Alternatively, where a state of Disaster is declared and the Regulations issued by the Minister place an employee in isolation/quarantine, the employer will grant the employee special leave in line with the Collective Agreement on Conditions of Service for the Free State division of SALGBC.

13.24.7. SPECIAL LEAVE FOR OCCUPATIONAL INJURIES AND DISEASES

- (i). An employee who sustains an injury or contracts an illness in the course of his official duties such as to entitle the employee to compensation in terms of the Compensation for Occupational Injuries and Diseases Act, 1993, (Act 130 of 1993), as amended, shall receive special leave for the period that he/she is declared unfit for work by a Medical practitioner.
- (ii). An employee who sustains an injury or contracts an illness in the course of his official duties shall continue to receive his normal pay from the employer in the following circumstances: -
 - Until payments for loss of income is received from the Compensation

Commissioner under the Compensation for Occupational Injuries and Diseases Act, 1993 (Act 130 of 1993), as amended or under an applicable benefits policy.

- Should an employee receive payments for loss of income from the Compensation Commissioner under the said Act, the employer may pay an amount not exceeding the difference between the normal pay he receives from the employer and any periodical payments in lieu of loss of income received under the said Act or applicable policy.

13.24.8. UNPAID LEAVE CONDITIONS

- (i). Leave without pay must be applied for and approved by the Municipal Manager or his/her delegate only when all available vacation, long service and/ or sick leave has been exhausted.
- (ii). For the period of leave without pay Ngwathe Local Municipality shall continue to make employer's contributions only to the employee's group life insurance scheme, pension and medical aid fund, provided that the employee also makes his contributions to the said funds, as well as any payment in terms of a collective agreement.
- (iii). The special leave procedure of Ngwathe Local Municipality shall be complied with at all times.

13.24.9. MATERNITY LEAVE: CONDITIONS

- (i) To qualify for paid maternity leave, an employee must have one (1) year of service with Ngwathe Local Municipality.
- (ii) An employee including those adopting a child under three (3) months, shall be entitled to receive four (4) months paid maternity leave, with no limit to the number of confinements or adoptions. This leave provision shall also apply to a staff member whose child is still born.
- (iii) An employee who has not completed one (1) year of service with Ngwathe Local Municipality shall be granted a discretionary unpaid Leave of not more than sixty (60) days by the Municipal Manager.
- (iv) An employee may commence maternity leave any time from four weeks before the expected date of birth of the child, unless otherwise agreed and approved by the Municipal Manager. Alternatively, an employee may commence with maternity leave from a date which a Medical Doctor or Midwife certifies it is necessary for the employee's health and/or that of her unborn baby.

- (v) The application for maternity leave shall be accompanied by a certificate from the Medical Doctor, which states the expected date of confinement, or evidence of legal adoption of a child.
- (vi) Maternity leave is to be taken consecutively and may in normal circumstances not be split and taken on an ad hoc basis.
- (vii) An employee may apply to supplement maternity leave with annual leave. Approval of annual leave in these circumstances is, as with any other application for annual leave, at the sole and entire discretion of the Line Manager or Municipal Manager and shall be dependent on the operational requirements of the Municipality. No negative leave may be applied for to supplement maternity leave.
- (viii) Unpaid leave over and above maternity leave and annual leave to supplement maternity leave may be granted. Such approval is at the discretion of the Municipal Manager and shall be subject to the Operational needs of the Municipality. Any such unpaid leave may not exceed two (2) months.
- (ix) It is expected that any employee who learns of her pregnancy or confirmation of adoption shall advise the Municipal Manager or his/her delegate as soon as possible. The purpose of this is to facilitate planning, both for the period of absence as well as the employee's return to work.
- (x) Employees shall submit supporting documentation prior to commencing maternity leave either by way of a medical certificate confirming the expected date of birth or documentation from the relevant authorities confirming the adoption of a child.
- (xi) No employee may work for six (6) weeks after the birth of her child, unless a medical doctor or midwife certifies that she is fit to do so.
- (xii) An employee who has a miscarriage during the third trimester of pregnancy, or bears a stillborn child, is entitled to maternity leave for six weeks after the miscarriage or stillbirth, even if the staff member has not yet proceeded on maternity leave.
- (xiii) Employees proceeding on maternity leave shall be offered their original position upon return, unless they are consulted on alternatives prior to or during the course of maternity leave, and such alternatives have been accepted in writing.
- (xiv) Absence from work for the purposes of maternity leave shall count towards qualifying years of service with the Municipality. For example, Long service awards regardless of whether this absence is unpaid, part-paid or fully paid.
- (xv) Any incentive payable at the discretion of the Municipality, for which an

employee may qualify for in terms of the applicable criteria, may be pro-rated in view of the extended temporary absence from work whilst on maternity leave.

- (xvi) Employees on maternity leave shall remain eligible for increases and promotions in the normal course

13.24.10. PARENTAL LEAVE

- (i). An employee who is a parent of a child is entitled to at least ten (10) consecutive days' parental leave. An employee may commence parental leave on the day the child is born, or the date that: -
 - The adoption order is granted.
 - A child is placed in the care of a prospective adoptive parent by a competent Court, pending the finalisation of an adoption order in respect of that child.
- (ii). An employee shall notify the Municipality in writing of the dates on which he/she intends to commence parental leave, and return to work, after parental leave. Notification shall be given at least one month before the staff member's child is expected to be born, or the date of adoption order, or date the child is placed in the care of a prospective adoptive parent by a competent court pending the finalisation of an adoption order.
- (iii). The Municipality shall not pay the employee during the parental leave, but the employee may qualify for benefits under the Unemployment Insurance Act 63 of 2001, as is the case with maternity leave.

13.24.11. ADOPTION LEAVE

- (i). Adoption Leave applies to an employee who has been in employment with Ngwathe Local Municipality for a period longer than four (4) months.
- (ii). Employees whose service with Ngwathe Local Municipality is less than four (4) months may take annual leave provided they have accrued leave days.
- (iii). An employee who is an adoptive parent of a child who is below the age of two, is entitled to an adoption leave of at least ten (10) consecutive weeks, or the parental leave. If there are two adoptive parents, one should choose adoption leave, and the other parental leave. An employee may commence adoption leave on the day that: -
 - The adoption order is granted by the Court.

- A child is placed in the care of a prospective adoptive parent by a competent Court, pending the finalisation of an adoption order in respect of that child.
- (iv). An employee shall notify the Municipality in writing of the dates on which the employee intends to commence adoption leave and return to work after adoption leave. Notification shall be given at least one month before the date of adoption order, or date the child is placed in the care of a prospective adoptive parent by a competent Court pending the finalisation of an adoption order.
- (v). The Municipality shall not pay the employee during the parental leave, but the employee may qualify for benefits under the Unemployment Insurance Act 63 of 2001, as is the case with maternity leave.

13.24.12. COMMISSIONING PARENTAL LEAVE

- (i). A Commissioning parental Leave applies to an employee who has been in employment with Ngwathe Local Municipality for a period longer than four (4) months.
- (ii). Employees whose service with Ngwathe Local Municipality is less than four (4) months may take annual leave provided they have accrued leave days.
- (iii). An employee who is a Commissioning parent in a surrogate motherhood agreement is entitled to a commissioning parental leave of at least ten (10) consecutive weeks, or the parental leave under parental leave clause above. If there are two commissioning parents, one should choose commissioning parental leave, and the other parental leave.
- (iv). An employee may commence Commissioning parental leave on the day that the employee's child is born as a result of the surrogate motherhood agreement.
- (v). An employee shall notify the Municipality in writing of the dates on which the employee intends to commence Commissioning parental leave and return to work after such leave. Notification shall be given at least one month before the employee's child is expected to be born as a result of surrogate motherhood agreement.
- (vi). The Municipality shall not pay the employee during the commissioning parental leave, but the employee may qualify for benefits under the Unemployment Insurance Act 63 of 2001, as is the case with maternity leave.

13.24.13. FAMILY RESPONSIBILITY LEAVE

- (i). Ngwathe Local Municipality shall grant its employees during each annual leave cycle at the request of an employee, a total of five (5) days paid family responsibility leave, which the employee is entitled to take, either when: -
- The employee`s Child is sick.
 - The employee`s Spouse is sick.
 - In the event of death of the employee`s Spouse or Life partner, the employee`s Parent, Adoptive parent, Grandparent, Child, Adopted child, Grandchild or Sibling.

13.24.14. LONG SERVICE LEAVE AND APPLICABLE BONUSES

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

- (a). After 5 years' service: - 5 working days.
- (b). After 10 years' service: 10 working days.
- (c). After 15 years' service: 20 working days.
- (d). After 20 years' service: 30 working days.
- (e). After 25 years' service: 30 working days.
- (f). After 30 years' service: 30 working days.
- (g). After 35 years' service: 30 working days.
- (h). After 40 years' service: 30 working days.
- (i). After 45 years' service: 30 working days.

13.24.14.2. On termination of service, an employee shall be paid his leave entitlement, including the Long service leave value, calculated in terms of the relevant provisions of the Basic Conditions of Employment Act 75 of 1997.

13.24.14.3. Upon resignation and or retirement, the long service years in between the years on service on the employee must be calculated on a pro rata basis.

13.24.14.4. The initial date of appointment of an employee shall be maintained for the purposes of determining the actual service period of the employee and for the calculation of the long service bonus.

13.24.14.5. The long service leave must be taken within one year of receiving such leave or may be wholly or partially encashed. The employer shall inform the employee in writing that he is qualifying for long service leave.

13.24.15. LEAVE FOR SHOP STEWARDS

13.24.15.1. Leave for Shop Stewards shall be arranged in line with the Main Collective Agreement on conditions of service for the Free State Division of the SALGBC.

13.25. BREACH OF POLICY MANUAL

13.25.1. Non-compliance with the policy will be dealt with in line with the Employee relations policy of Ngwathe Local Municipality.



OCCUPATIONAL HEALTH & SAFETY POLICY

(NLMHRE-1014)

PART 14

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14. OCCUPATIONAL HEALTH & SAFETY POLICY

14.1 PREAMBLE

Ngwathe Local Municipality is committed to providing and maintaining a safe and healthy working environment for all its employees, contractors, and visitors. This commitment is rooted in the municipality's understanding that a healthy and safe workforce is essential for effective service delivery and the overall well-being of the community. The Municipality recognizes its legal and moral obligation to proactively manage occupational health and safety risks, ensuring compliance with the Occupational Health and Safety Act, 1993 (Act 85 of 1993), and other relevant regulations. This policy outlines the framework for achieving these objectives and promoting a culture of health and safety within the Municipality.

14.2. PURPOSE

- 14.2.1. To protect the health and safety of workers while operating machinery or performing their duties as well as protecting those around them against any health or safety hazards that may rise from the production process.
- 14.2.2. To be aware of all risks and changes in risk factors in areas regarded as high risk.
- 14.2.3. To implement an Occupational Health and Safety Programme within Ngwathe Local Municipality.
- 14.2.4. To train everyone in the Municipality on matters pertaining to their work, the associated risks involved, as well as ways of mitigating such risks to ensure a healthy and safe working environment.
- 14.2.5. To ensure that knowledge and information available is adequate, to achieve the Organizational objectives in so far as Occupational Health and safety.
- 14.2.6. To continually evaluate health and safety programmes, adapting them as and when health and safety risks are identified.
- 14.2.7. To partake actively in the accident / incident prevention programme and ensure that employees exposed to occupational injuries are issued with protective clothing at all times.
- 14.2.8. To conduct annual performance review and effectiveness of the Occupational Health and Safety Programme.

14.3. SCOPE OF APPLICATION

This policy applies to all employees of the Municipality, as well as to Councillors, Visitors, Suppliers and Contractors.

14.4. LEGISLATIVE FRAMEWORKS

- 14.4.1. Compensation for Occupational Injury and Diseases (Act 130 of 1993)
- 14.4.2. Occupational Health and Safety Act (Act 85 of 1993)
- 14.4.3. Basic Conditions of Employment Act (75 of 1997)
- 14.4.4. Labour Relations Act (Act 66 of 1995)
- 14.4.5. Municipal Systems Act (Act 32 of 2000)
- 14.4.6. Municipal Finance Management Act (56 of 2003)
- 14.4.7. Mental, Dental and Supplementary Health Service Professions Act, 1974 (No 56 of 1974) read in conjunction with; South African Nursing Council as referred to into the Nursing Act, 1978 (Act 50 of 1978).
- 14.4.8. Skills Development Act, (Act No. 97 of 1998).
- 14.4.9. The South African Local Government Bargaining Council: Collective Agreements.

14.5. POLICY PROVISIONS

14.5.1. Medical Surveillance Programme

- 14.5.1.1. Ngwathe Local Municipality shall develop a Medical Surveillance Programme used to identify and record the presence of any occupational diseases and the degree of exposure in line with section seven (7) of the Occupational Health and Safety Act 85 of 1993.
- 14.5.1.2. The information shall be used to ensure that the health of employee shall not be compromised by placement in a particular job.
- 14.5.1.3. Employees who have health conditions that could or would be compromised shall not be placed in high-risk areas.
- 14.5.1.4. General health information, not required for the job, shall be used to identify health needs and the health care that the individual would require.

- 14.5.1.5. A declaration shall be signed by all employees to accept the conditions of the Medical Surveillance Programme and any results of the testing required.

The following may apply under the programme:

(a) Pre-employment examination (PEM)

Some employees shall undergo pre-employment medical examination where the selection criteria include the risks involved as determined by the inherent job requirement. The results shall be kept confidential.

(b) Periodic Screening (PS)

Employees working in specific areas or shifts will undergo screening at various intervals, depending on the health risk profile to risk – e.g. drivers may be annually, and a Certificate of fitness shall be issued.

(c) Transfer Screening (TS).

Employees shall only be screened for the job they are initially placed in. This means that they shall not necessarily be suitable to work in another area, except if they are required to be multi-skilled and work in all areas. Thus, any employee requiring or applying for a transfer would first undergo an assessment to ensure suitability.

14.6. COMPLIANCE

- 14.6.1. The Municipality shall comply with the basic legislation, including any other regulatory documents such as the South African National Standards (SANS) or South African Bureau of Standards (SABS) codes.
- 14.6.2. Where specific compliance or risk exists, internal policies and procedures shall apply.
- 14.6.3. Any training done with respect to the legislation or Council's Health and Safety programme, policies and procedures will be noted and kept on file.
- 14.6.4. Any person who does not adhere to this legislation will be guilty of an offence and thus be disciplined according to the disciplinary code.

14.7. INCIDENT AND INJURY REPORTING

- 14.7.1. All injuries and incidents shall be reported immediately or as soon as practically possible, for assessment, recording, or possibly investigation.
- 14.7.2. The following measures shall be followed in case of injury on duty and in case of death while on duty:

14.7.2.1. Minor injury

- (a). The injured employee shall be taken to the relevant department's first aid station, to be attended to by a departmental First Aider.
- (b). The First Aider shall complete the first aid register indicating the following: --
 - (i) the Name and Surname of the injured staff member.
 - (ii) the nature of the injury.
 - (iii) the date and time of the injury, as well as the assistance given and material used.

14.7.2.2. Injury Requiring Medical Attention

- (a). For an injury that the attending First Aider or Supervisor believes requires the attention of a Medical practitioner, it shall be brought by a Supervisor to Human Resources Management Unit.
- b) The injured staff member shall bring along his / her ID.
- (c). The Human Resources Management Unit shall complete the necessary form for reporting the injury to the Compensation Fund, and a copy given to the staff member to be taken to the medical practitioner of her/his choice.
- (d). Where the injured staff member is unable to do so in person, the injured staff member's Line Manager or the family member shall notify the Human Resources Management Unit as soon as possible of the injury, furnishing available details. Any incorrect details of the staff member should be corrected as soon as the correct information are available.

14.7.2.3. Serious Injury or Death

The Senior employee of the relevant department at the scene shall:

- (a). Immediately get medical assistance; Inform the Human Resources Management Unit to arrange the completion of the forms as required.
- (b). Inform relevant Head of Department of the incident, to ensure transport is immediately arranged to take the employee to the

nearest / most convenient medical centre / hospital for medical help.

- (c). Make sure that nothing is disturbed or removed from the scene except for persons or things that may cause further injuries.
- (d). Make notes, arrange for photos to be taken etc. as to give the most accurate account possible of what the scene looked like.
- (e). Take the names, ID's, addresses etc. witnesses, take down short accounts from them and have it signed by the witness.
- (f). Inform the Head of department and furnish details to incorporate in the report to the Inspectorate of the Department of Employment and Labour.
- (g). The relevant Head of Department or his/her assignee, together with the Director of Corporate Services or his / her assignee, shall arrange to inform the next-of-kin of the injured or deceased staff member, ensuring that the message conveyed is factually correct and not based on speculation that may be incorrect with regrettable consequences.
- (h). The relevant Head of Department or his/her assignee shall also liaise with the Council's media liaison personnel to provide them content for press statements or enquiries.
- (i). The relevant Head of Department or his/her assignee, assisted by Human Resources Management Unit, shall also report to the Department of Employment and Labour any incident where a person at the workplace: -
 - (i) Dies, is likely to die.
 - (ii) or loses a limb or part of a limb, formally in line with the applicable legislation.
 - (iii) Becomes unconscious, or is likely to suffer a permanent physical defect, formally in line with applicable legislation.
 - (iv) Is injured, or ill so that is likely that he/she would be unable to recommence work for a period of at least fourteen (14) days, using prescribed form.
- (j). Where any serious injury or death occurs, the site where the accident occurred may not be disturbed without the consent of the South African Police Service (SAPS) or the Medical Practitioner, except for the removal of the persons involved, or to prevent further accidents.

- (k). The relevant head of department shall also be responsible for the follow up / subsequent investigations and further reports required by the Department of Employment and Labour. The Health and Safety Officer shall render assistance in this regard.

14.7.3. Wearing of personal protective clothing (PPC) and Equipment (PPE)

- (a). Ngwathe Local Municipality shall identify various occupations in the job specification that require PPC /PPE to be worn by employees.
- (b). Each department requiring or using PPC / PPE shall draw up a list, updated annually, containing all categories, description, quantities per staff member, frequency of issue.
- (c). The lists shall be recommended for approval by the Health and Safety Officer and approved by Council or delegated authority.
- (d). Employees shall be required to sign for the PPC / PPE, follow the procedure and undergo training required for correct usage, and to wear the prescribed PPC / PPE issued.
- (e). Where safety clothing or equipment has not been worn at all times, disciplinary action according to the disciplinary code will be undertaken.

14.7.4. Hazardous chemical substance in daily use

- (a). Material Safety Data sheets will be available regarding the safe use, storage etc., of all chemical substances in use on site.
- (b). Ngwathe Local Municipality Suppliers must provide the Material Safety Data sheets whenever they deliver hazardous chemical substances.
- (c). Each department will have the relevant information in an accessible file and ensure that the necessary training according to Section 13 of the Act and Regulations is given to all employees.

14.8. HEALTH AND SAFETY PROCEDURES

- 14.8.1. Occupational Health and Safety Officer shall make regular inspections and hold regular safety meetings with management to plan and implement further improvements in the Safety programme.
- 14.8.2. Any wilful or habitual violation of Safety rules shall be considered cause for disciplinary action.
- 14.8.3. Employees are encouraged to report unsafe conditions or hazards immediately to their respective Supervisors or to a member of the Safety Committee, and to give

earnest consideration to the rules of safety presented on poster signs, during discussions with Supervisors, on departmental poster rules, and regulations published in the safety booklets.

The following are important procedures:

(a). Accident reporting:

Any injury at work, no matter how small, shall be reported immediately to the Supervisor and receive first aid attention.

(b). Specific safety rules and guidelines:

To ensure one's safety, and that of co-workers, the following rules and guidelines shall be observed:

- (i) Observe and practice the safety procedures established for the job.
- (ii) In case of sickness or injury, no matter how slight, report to the Supervisor. In no case shall an employee treat his / her own or someone else's injuries or attempt to remove foreign particles from the eye or parts of the body.
- (iii) In case of injury resulting in possible fracture to legs, back, or neck, or any accident resulting in an unconscious condition, or a severe head injury, the staff member shall not be moved until medical attention has been given by authorised personnel.
- (iv) Where required, always wear protective equipment, such as goggles, safety glasses, masks, gloves, hair nets, etc.
- (v) Safety equipment such as restraints, pull backs, and two-hand devices are designed for protection, and employees shall adjust them to fit.
- (vi) Pile materials, skids, bins, boxes, or other equipment so as not to block aisles, exits, fire-fighting equipment, electric lighting or power panel, valves, etc. Fire doors and aisles must be kept clear.
- (vii) Observe smoking regulations.
- (viii) Shut down the machine before cleaning, repairing, or leaving.
- (ix) Do not tamper with electric controls or switches.
- (x) Do not operate machines or equipment until properly instructed and authorised to do so by the Supervisor.
- (xi) Do not engage in such other practices as may be inconsistent with ordinary and reasonable common sense safety rules.
- (xii) Use designated passages when moving from one place to another; never take hazardous shortcuts.

- (xiii) Do not adjust, clean, or oil moving machinery.
- (xiv) Keep machine guards in their intended place.
- (xv) Do not throw objects.
- (xvi) Clean up spilled liquid, oil, or grease immediately.
- (xvii) Place trash and paper in proper containers and not in cans provided for cigarette butts.
- (xviii) Wear hard sole shoes and appropriate clothing. Shorts or mini dresses shall not be permitted in most work environments.
- (xix) Lift properly, use legs, not the back. For heavier loads, ask for assistance where necessary.
- (xx) Report any unsafe condition or acts to the Supervisor.
- (xxi) Tow motors and lift trucks shall be operated only by authorised personnel. Walk-type lift trucks shall not be ridden and only the operator is permitted to ride the tow motors. Do not exceed a speed that is safe for existing conditions.
- (xxii) Running and horseplay are strictly forbidden.
- (xxiii) Do not block access to fire extinguishers.
- (xxiv) Use compressed air only for the job for which it is intended. Do not clean own clothes with it and do not play with it.
- (xxv) Do not wear loose clothing or jewellery around machinery. It may catch on moving equipment and cause a serious injury.
- (xxvi) Never distract the attention of another staff member, as this might cause him / her to be injured. If necessary to get the attention of another staff member, wait until it can be done safely.
- (xxvii) Keep the work area clean.
- (xxviii) Help to prevent accidents.

(c). Safety checklist:

It shall be every employee`s responsibility to be on the lookout for possible hazards and report, for instance, the conditions on the following list or any other possible hazardous situation to the supervisor immediately:

- (i) Slippery floors and walkways.
- (ii) Tripping hazards, such as hose links, piping, etc.
- (iii) Missing (or inoperative) entrance and exit signs and lighting.
- (iv) Poorly lighted stairs.
- (v) Loose handrails or guard rails.
- (vi) Loose or broken windows.

- (vii) Dangerously piled supplies or equipment.
 - (viii) Open or broken windows.
 - (ix) Unlocked doors and gates.
 - (x) Electrical equipment left operating.
 - (xi) Open doors on electrical panels.
 - (xii) Leaks of steam, water, oil, etc.
 - (xiii) Blocked aisles.
 - (xiv) Blocked fire extinguishers.
 - (xv) Blocked fire doors.
 - (xvi) Evidence of any equipment running hot or overheating.
 - (xvii) Oily rags.
 - (xviii) Evidence of smoking in non-smoking areas.
 - (xix) Roof leaks.
 - (xx) Directional or warning signs not in place.
 - (xxi) Safety devices not operating properly.
 - (xxii) Machine, power transmission, or drive guards missing, damaged, loose, or improperly placed.
- (d). **Safety equipment:** The Supervisor shall see that employees receive the protective clothing and equipment required for the job, use them as instructed and take care of them, and are charged for loss or destruction of these articles only when it occurs through negligence.
- (e). **Safety shoes:** The Municipality shall designate which jobs and work areas requires safety shoes, under no circumstances shall an employee be permitted to work in sandals or open-toe shoes. These shoes may be supplied by the Municipality as tools of the trade.
- (f). **Safety glasses:** Wearing safety glasses where designated shall be mandatory.
- (g). **Seat belts:** All employees shall use seat belts and shoulder restraints (if required) whenever they operate a vehicle on the Municipality business. The driver is responsible for ensuring that all passengers are buckled up.
- (h). **Good housekeeping:** The work location shall be kept clean and orderly. Keep machines and other objects out of the centre of aisles. Place trash in the proper receptacles. Stock shelves carefully so items would not fall over upon contact.

The following shall be observed, where applicable:

- (i). **Ownership:** All issues of equipment remain the property of the Municipality shall be marked in a way that the date of issue can be determined. When an item is replaced, it shall be taken in and subsequently destroyed.
- (ii). **Wear and use of issues:** Employees are compelled to wear and use the relevant issues. Supervisors, Occupational Health Safety Officers and safety representatives shall continuously check on employees and report deviations to the relevant Head of Department and the Municipal Manager. No staff member may use or wear issues in their private time or for private use.
- (iii). **Cleaning, washing and ironing:** Cleaning, washing and ironing of issues are the responsibility of the employee.
- (iv). **Undertaking in writing:** All employees shall undertake in writing to wear and use all issues, before an issue can handed over to the employee.
- (v). **Termination of service:** When an employee leaves the Municipality's service, Line Managers shall see to the return or retaining of issues issued for a specific cycle as well as recovering of outstanding monies in collaboration with the Human Resources Management Unit, as determined in the employee's employment contract.
- (vi). **Induction training:** new employees shall be properly informed of the contents of this policy and shall sign to acknowledge receipt of induction thereon.
- (vii). **Frequency / terms of issue:** Issues of overalls, etc. shall be based on the principle of as and when needed and shall therefore only be replaced when worn out. These schedules serve as determination of which equipment and clothing shall be issued, the quantities that shall be issued as well as the minimum life expectancy of the items issued. Proof that the items are worn out or the returning of worn-out items is compulsory before a new issue can / may be made.
- (viii). **Responsibility for issues:** Employees who negligently loose or damage their issues shall be held responsible.

14.8.4. Working when it rains

- 14.8.4.1. Every employee who works in the open-air shall wear suitable protective clothing on any working day during which it rains. Depending on the level, rate or concentration of the rainfall, the Supervisor concerned may

require employees who work in the open air to continue working whilst it rains, provided they wear suitable protective clothing.

- 14.8.4.2. The Supervisor concerned shall evaluate the rainfall level, extent, concentration and the effect it has on the safety, health and qualitative production of employees working in the rain. Should the Supervisor be of the view that the level, rate or concentration of the rainfall affects the safety, health, effectiveness or qualitative production of the employees, he / she shall order work be abandoned forthwith and order such employees to move to a suitable place identified by the Supervisor where there is shelter.
- 14.8.4.3. Should the Supervisor upon his / her assessment of the weather conditions be of the view that there is slim and / or no prospects of the stoppage of rainfall, he / she may instruct the employees to abandon work and return to the relevant depot, workshop or plant.
- 14.8.4.4. Any employee removed from a worksite in the open-air due to rain may be expected to perform other duties at the depot, workshop or plant, which shall not expose him / her to rain.

14.9. ROLES AND RESPONSIBILITIES

14.9.1. Responsibilities of the Municipal Manager

- (a). Establish the precautionary measures that are necessary to protect employees against the identified hazards and provide means to implement these precautionary measures in order to reduce or remove the risks associated with the hazards.
- (b). Provide the necessary information, instructions, training and supervision.
- (c). Take steps to ensure every employee complies with requirements of legislation.
- (d). Enforce the necessary control measures in the interest of health and safety.
- (e). Delegate responsibilities to employees appointed in terms of legislation.
- (f). Provide employees appointed in terms of legislation with appropriate information, training, facilities and time to execute their duties.
- (g). Identify potential hazards which may be present while work is being done, and in any equipment being used.
- (h). Ensure that plant, tools, equipment and machinery are safe, maintained in good working order and those materials and operational processes are without risk to health.

14.9.2. Duties of Safety, Health and Environmental (SHE) Officers

- (a) Conduct Incident Investigations.
- (b). Conduct Internal audits.
- (c). Monitoring of legal compliance.
- (d). Training, development and facilitation of employees, representatives, awareness, information, formal and informal training.
- (e). Coordinate Committee meetings, remedial actions, contractor control, and support structures for representatives and committees.
- (f). Maintain occupational health and safety information, records and database.
- (g). Supervise execution and compliance with Compensation for Occupational Injuries and Diseases legislation.
- (h). Report on incidents, trends, risks.

14.9.3. Duties of Human Resource Management Unit

- (a). Ensure full compliance with the legislation.
- (b). Make written appointments indicating duties, functions and responsibilities.
- (c). Document all agreements relevant to occupational health and safety.
- (d). Report all deviations, deficiencies and concerns to the Municipal Manager for authorisation, action and implementation within reasonable timeframes.
- (e). Ensure that all aspects of the programme are identified, assessed, and that suitable risk control measures are implemented, maintained, evaluated and reviewed for efficiency and compliance.

14.9.4. Duties of Employees

- (a). Take care of own health and safety, as well as that of other persons who may be affected by his or her actions or negligence to act.
- (b). Follow all the health and safety rules and procedures that are provided and communicated by the Municipality or anyone authorised or competent to do so.
- (c). Wear or use prescribed safety clothing or equipment where it is required.
- (d). Cooperate with the Municipality or any person who has been authorised by the Municipality to carry out duties in terms of legislation.
- (e). Inform the Supervisor or health and safety representative of any unhealthy circumstances or acts that they are aware of.
- (f). Give information to an inspector from the Department of Labour if he / she should require it.
- (g). Formally report any incident that they were involved in or aware of that could cause a health risk or that may result in an injury.

- (h). Not to interfere with, damage or misuse anything that is provided in the interest of health or safety. This applies to intentional, negligent and irresponsible actions.

14.9.5. Duties of the Health and Safety Committee

- (a). The Local Labour Forum, as provided for in the Operational Risk Assessment (ORA) shall be a Health and Safety Committees as required by Section 19 of the Act.
- (b). The Local Labour Forum shall further establish additional Health and Safety Committees to ensure compliance with the provision in Section 19(2)(b) that every Health and Safety Representative shall be a member of “at least one” of such committee.
- (c). The Local Labour Forum may at any normal monthly meeting review and consult on any matters relating to Health and Safety and may also refer any matter to the sub-committee on Human Resources/Municipal Manager.
- (d). In addition to such normal meeting the Committee shall hold a special meeting every three months for the sole purpose of dealing with the functions of a Health and Safety Committee.
- (e). Investigate, discuss and reports workplace incidents involving injuries, illnesses or fatalities according to section 19 (6)(a).
- (f). Make recommendations to the employer and Inspectors regarding Safety measures.
- (g). Maintain a record of incidents and recommendations for a minimum of three (3) years as stipulated in Occupational Health and Safety General Administrative Regulations 2003 (GAR 5).

14.9.6. Composition of the Health and Safety Committee: -

- (a). The Health and Safety Committee shall comprise of the Health and Safety Officer, a member of the Human Resources management team (as resource persons). Furthermore, Health and Safety representatives who a representing Ngwathe Local Municipality.
- (b). The Mayor shall draft a legal appointment Letter to the Municipal Manager as per Section 16.1 of the OHS Act.
- (c). The Municipal Manager shall in writing appoint the management representative (HR & Labour Relations Manager and OHS Officer) as highlighted in section 16.2 of OHS Act together with the Elected Committee Members and Nominated Chairperson and Secretary as official office bearers with the OHS Committee.

- (d). Election of Health and Safety Representatives are to be conducted by employees in line with section 17 of the Act. Management and LLF are to supervise the election of Health and Safety representatives in line with Section 17 of the Act.
- (e). Employees who elect the Health and Safety Representatives as outlined in the Act may recall the health and safety representative/s who fail to carry out their duties. However, the elections period of electing health and safety representatives shall be every three years.

14.10. POLICY MONITORING AND EVALUATION

- (i). This policy shall be implemented and effective once recommended by the Local Labour Forum and approved by Council.
- (ii). Director: Corporate Services shall carry out the monitoring and evaluation of the policy's implementation.
- (iii). All issues may only be done in terms of this policy and the approval by the relevant Manager (Section 16 (2) delegated in terms of Act 85 of 1993.
- (iv). The relevant Manager in writing to the Municipal Manager or his/her delegate shall motivate amendments to this policy manual.
- (v). This policy and related procedures shall form part off the Induction of employees within Ngwathe Local Municipality.

14.11. BREACH OF POLICY MANUAL

- 14.11.1. Non-compliance with the policy will be dealt with in line with the Employee relations policy of Ngwathe Local Municipality.



The home of harmony, prosperity and growth

EMPLOYEE ASSISTANCE, SUBSTANCE ABUSE AND WELLNESS POLICY

(NLMHRE-1015)

CHAPTER 15

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15. EMPLOYEE ASSISTANCE, SUBSTANCE ABUSE AND WELLNESS POLICY

15.1. PREAMBLE

The Municipality views substance abuse and dependency as treatable health problems and accepts that employees who experience such problems should be provided with assistance, subject to conditions outlined in this policy. Moreover, the Local Municipality supports and is committed to the overall health and well-being of its employees.

15.2. PURPOSE OF POLICY

Employee assistance, substance abuse and Wellness policy is a work based intervention designed to assist in the identification and resolution of productivity problems associated with employees impacted by personal concerns, but not limited to health, HIV/AIDS, family, marital issues, financial, substance, (alcohol, drug), legal, emotional, stress, or any other personal concerns which may adversely affect employee job performance/productivity. The purpose of this policy is therefore to have healthy employees living healthy lifestyles and energized to deliver best results for Ngwathe Local Municipality.

15.3. SCOPE OF APPLICATION

This policy applies to all employees of Ngwathe Local Municipality. The policy must, where applicable, be read together with the Smoking policy, employee Wellness programme, incapacity (ill health) policy, the collective agreement, as well as the disciplinary code.

15.4. LEGISLATIVE FRAMEWORKS

- 15.4.1. The Constitution of the Republic of South Africa.
- 15.4.2. The Labour Relations Act 66 Of 1995, As Amended.
- 15.4.3. The Basic Conditions of Employment Act 75 of 1997; as amended.
- 15.4.4. The Municipal Finance Management Act 56 of 2003.
- 15.4.5. The Employment Equity Act 55 of 1998, as amended.
- 15.4.6. Occupational Health and Safety Act 85 of 1993.
- 15.4.7. The Collective Agreement and conditions of Service of the Free State dated from 1st August 2023, ending 31st July 2028.
- 15.4.8. The Pension and Provident Fund rules of the Ngwathe Local Municipality related to extended Leave due to incapacity ill-health.
- 15.4.9. The Employment Equity Act 55 of 1998, as amended.
- 15.4.10. The prevention and treatment of Drug Dependency Act, 1992 (Act No. 20 of 1992).

- 15.4.11. Mental Health Care Act, 2002 (Act No. 17 Of 2002).
- 15.4.12. Criminal Procedure Act 51 of 1977.
- 15.4.13. Hazardous Substances Act, 1973 (Act No. 15 of 1973).

15.5. POLICY PROVISIONS

15.5.1. Invoking the Employee Assistance Policy

15.5.1.1. The following conditions give grounds for invoking the employee assistance policy:

- 15.5.1.1.1. Alcohol problems.
- 15.5.1.1.2. Excessive Smoking.
- 15.5.1.1.3. Substance (Drug) abuse.
- 15.5.1.1.4. HIV/AIDS (Infected and affected employees).
- 15.5.1.1.5. Occupational injuries and illnesses.
- 15.5.1.1.6. Victim of a serious incident (accident or crime).

15.5.1.2. Any other addiction, incident or condition as may be approved by the Director: Corporate Services, Departmental Head, or Municipal Manager.

15.5.1.3. The provisions of the Employee Assistance Programme (EAP) may be invoked by the following persons:

- 15.5.1.3.1. By the Employee requiring assistance.
- 15.5.1.3.2. By the Supervisor or Head of Department.
- 15.5.1.3.3. By the Municipal Manager.
- 15.5.1.3.4. By agreement between the Employer and Employee as a consequence of remedying a misconduct or incapacity shortcoming.

15.6. UTILIZATION OF THE EMPLOYEE ASSISTANCE PROGRAMME

15.6.1. If there is a drop in performance level of an employee and a parallel change in behaviour, this may be due to personal circumstances. This should be a signal to Line Management of an underlying psychological problem, which requires an immediate intervention.

15.6.2. Heads of Department or any Senior Management employee are responsible for constructive consultation with employees, and they must also ensure that confidentiality or privacy is maintained in all respects. Should consultation between the Line Manager and the employee not yield a positive outcome, the Line Manager

must inform the Director: Corporate Services who will consult with the employee and provide necessary support.

15.6.3. Should such support fail, the Director: Corporate Services must inform the Municipal Manager and seek approval to refer the employee for formal Counselling with a Professional registered Counsellor/ Social Worker/Psychologist/Priest.

15.6.4. Under special circumstances, the Director: Corporate Services or Departmental Head of a specific department may approve the utilisation of a one-on-one session, and such a session must be during normal working hours for only two sessions which will be paid for by the Ngwathe Local Municipality. It should, however, not exceed two-and-a-half hour sessions a week and should be arranged as far as possible during the lunch-hour breaks.

15.6.5. The Employee's Line Manager/Supervisor must be notified a day in advance of any employee counselling appointments scheduled for the employee. This is to ensure that productivity is not compromised.

15.6.6. Should further sessions be recommended by the therapist, the cost of such will be paid for from the employee's medical account.

15.6.7. If an employee's medical aid scheme does not provide for the payment of such further treatment, or if the Employee does not belong to a medical aid scheme, or if the Employee's medical provision is exhausted, the Counsellor may motivate to the Employer to consider assisting the employee in that regard. However, the Employer is under no obligation to pay any additional costs.

15.6.8. If a medical practitioner diagnoses an employee as being addicted to any substance, be it drugs or alcohol, specialised treatment in the form of rehabilitation may be recommended by the medical practitioner. In this case, the employee may apply for the allocation of sick Leave for the purpose of attending a rehabilitation centre for treatment purposes.

15.6.9. The employee shall subject him/herself as a patient at an approved institution for a period specified by a registered medical practitioner/counsellor of the institution.

15.6.10. The employee must complete the full period of treatment as prescribed by the

medical practitioner/institution.

15.6.11. After completion of the treatment period, the employee shall submit a written confidential report from the medical Practitioner that she/he has complied with all the provisions of the treatment and is medical fit to resume work.

15.6.12. Should the employee not complete the prescribed period of treatment, the period that he/she spent at the rehabilitation centre shall be regarded as normal sick Leave, unless the Director: Corporate Services in consultation with the employee`s registered trade union representative or fellow employee, found that the reason for not completing treatment were warranted.

15.7. PROCEDURE TO BE FOLLOWED BEFORE EMPLOYEE ADMISSION TO AN INSTITUTION

STAGES	DESCRIPTION
STAGE 1	Referral comes from the following sources: • Employee`s request • Departmental Head/Supervisor. • Disciplinary process.
STAGE 2	• If the employee voluntarily decides to go for rehabilitation, follow the procedure for admission.
STAGE 3	• If the employee denies that he/she has a problem or refuses to go for rehabilitation, one or more of the following actions may be taken: - • The Human Resources practitioner/Counsellor must counsel the employee with regard to the need and benefits of rehabilitation. • When the employee has given permission, the Human Resources practitioner/Counsellor must arrange that the employee signs a consent form and arrange rehabilitation facilities. • If the employee refuses to attend rehabilitation, the Human Resources practitioner must inform the line manager/Departmental Head, the Municipal Manager and Director: Corporate services, and the employee must be informed of the consequences of his/her refusal, for example: - • Disciplinary action, which is as a result of possible non-performance, absence without permission or Leave, etc.

15.8. PROCEDURE TO BE FOLLOWED TO ADMIT EMPLOYEES AT REHABILITATION INSTITUTION

STAGES	DESCRIPTION
STAGE 1	The employee acknowledges that he/she has a substance dependency or related problem and must sign a Consent Form to be rehabilitated.
STAGE 2	- The Director: Corporate Services must arrange for rehabilitation on behalf of the employee in consultation with the employee's family. - The Counsellor/Doctor must discuss remedial options with the employee and arrange rehabilitation admission authorization with the Medical Aid Fund of the employee. - Should the employee have insufficient funds in the medical aid, the Councilor/admitting Doctor must inform Ngwathe Local Municipality Municipal Manager as well as the Director: Corporate Services who will determine the cost of the treatment and the duration, and based on that, authorize payment to cover the treatment. - The employee must sign the Acknowledgement of Debt Form for such advance payment to the institution, which advance will be paid by the employee as soon as he/she resumes duty on terms agreed on the acknowledgement of debt. - The employee signs a sick Leave/special Leave form.
STAGE 3	- The employee is admitted at the Rehabilitation Center. - The Director: Corporate Services monitors the employee's progress and family wellbeing.
STAGE 4: COMPLETION OF TREATMENT PERIOD	- On completion of the treatment period at the Rehabilitation Center, the Doctor/Counselor must provide the employer with a sick note and a Reports on ways of supporting the employee while on duty. - The relevant Head of Department or any Senior Management must provide feedback report to the Director: Corporate Services regarding the work progress of the employee concerned.

15.8.1. All Employee Assistance Programmes will be budgeted for annually. It is incumbent on the Director: Corporate Services and Manager Finance to ensure that the budget is appropriately managed.

15.9. CONFIDENTIALITY

15.9.1. It is of utmost importance that all Managers should respect the confidentiality of the counselling process.

15.9.2. This includes any confidential information or communication by the Employee,

especially that of a personal nature.

15.9.3. Records and documentation must also be treated confidentially.

15.9.4. No information obtained as part of the Employee Assistance Programme process may be disclosed to any third party without the written consent of the Employee.

15.10. BREACH OF THIS POLICY

15.10.1. Non-compliance with the policy will be dealt with in line with the Employee Relations policy of Ngwathe Local Municipality.



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SMOKING POLICY

(NLMHRE-1016)

CHAPTER 16

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16. SMOKING POLICY

16.1. PREAMBLE

- 16.1.1. Research by the World Health Organization (2023) states that tobacco epidemic is one of the biggest public health threats the world has ever faced, killing over eight (8) million people a year around the world. More than seven (7) million of those deaths are the result of direct tobacco use while around 1.3 million are the result of non-smokers being exposed to second-hand smoke.
- 16.1.2. Based on the research outcome above, Ngwathe Local Municipality is committed in terms of the Occupational Health & Safety Act (Act no 85 of 1993) and the Tobacco Products Control Act (Act 83 of 1993) to provide a healthy work environment, and to protect the health of all employees, Councillors and visiting public at the workplaces.

16.2. PURPOSE OF POLICY

- 16.2.1. To regulate smoking and ensure quality indoor air and a healthy workplace environment is maintained and that the health of non-smokers is not adversely affected by exposure to tobacco smoke in all the Municipality workplaces.

16.3. SCOPE OF APPLICATION

- 16.3.1. This policy is applicable to all employees, service providers, clients and visitors to the Municipality buildings, premises and / or those using the Municipality vehicles.

16.4. LEGISLATIVE FRAMEWORKS

- 16.4.1. The Tobacco Products Control Act 12 of 1999, as amended.
- 16.4.2. The Constitution of the Republic of South Africa Act 108 of 1996, Section 24 which states that "Every person has the right to an environment which is not harmful to their health and well-being".
- 16.4.3. Government Notice R975 relating to smoking of tobacco products in public places, dated 29th September 2000.
- 16.4.4. Occupational Health and Safety Act 85 of 1993.

16.4.5. The Labour Relations Act 66 of 1995, as amended.

16.4.6. The Municipal Systems Act 32 of 2000.

16.5. POLICY PROVISIONS

16.5.1. Acknowledgement of health risks

16.5.1.1. The Municipality acknowledges the fact that tobacco smoke could cause adverse effects such as allergies, irritation of the respiratory tract, some cancers, heart disease, peripheral vascular disease, and respiratory diseases such as emphysema and chronic bronchitis.

16.5.1.2. The Municipality further acknowledges the fact that non-smokers are harmed by secondary tobacco smoke and may develop the adverse effects.

16.5.2. Smoke Breaks And Smoking Areas

16.5.2.1. Heads of departments shall oversee that no working hours are lost as a result of smoking by employees.

16.5.2.2. Ngwathe Local Municipality will allow employees who do smoke, to take short breaks during the day to smoke in designated areas. However, the specific times and number of smoke breaks will be dependent upon the operational requirements, deadlines and workload.

16.6. PROCEDURE

16.6.1. Smoking is prohibited in the workplace, unless in an area that is a designated "Smoking Area". A designated smoking area shall be clearly marked as such and it will be properly ventilated. Ventilation from designated "smoking areas" shall be directed out of the building so as to ensure that the smoke-filled air is not circulated into other areas of the workplace.

16.6.2. The number, location and distribution of designated areas will be solely determined by Ngwathe Local Municipality.

16.6.3. The Ngwathe Local Municipality on a regular basis will monitor designated "smoking areas" for compliance to the policy.

16.6.4. Ngwathe Local Municipality will allow employees who do smoke, to take short breaks during the day to smoke in designated areas. However, the specific times and number of smoke breaks will be dependent upon the operational requirements, deadlines and workload.

16.6.5. Any negative impacts of the absence from the workplace on employees who remain

in that workplace, particularly, if the employees, who remain at their workplaces, will have to perform tasks normally performed by those employees who are away from their workstations due to smoke breaks must be managed down by the Line Manager.

16.6.6. The Ngwathe Local Municipality recognises and acknowledges that employees have the right to work in a safe and healthy working environment and therefore will attempt to minimise the exposure of non-smoking employees to designated “smoking areas”.

16.6.7. Despite this, consideration must also be given to the operational needs and requirements of Ngwathe Local Municipality.

16.6.8. Bearing this in mind, non-smoking employees, who liaise with the public must acknowledge that in certain circumstances, they will be required to perform their services in areas of the workplace, which are designated “smoking areas”.

16.7. ADMINISTRATION

16.7.1. The Human Resources Department will be responsible for facilitating the implementation of this policy and for monitoring adherence.

16.7.2. The Occupational Health and Safety Officer as well as the Safety Committees will be responsible to attend to employee and customer complaints or requests, attend to questions about the application of this policy as referred to them by management or staff.

16.7.3. The Occupational Health and Safety Committees will review such referrals and make recommendations to the Director: - Corporate Services and the Municipal Manager to resolve any problems arising from this policy.

16.8. EMPLOYEE ASSISTANCE TO EMPLOYEES WHO WISH TO QUIT SMOKING

16.8.1. Any assistance to employees who wish to quit smoking will be dealt with in line with the Employee Assistance policy.

16.8.2. Ngwathe Local Municipality will assist employees who wish to quit smoking through smoking cessation programs. This includes referrals and workshops conducted by:

16.8.2.1. National Council Against Smoking.

16.8.2.2. Cancer Association of South Africa.

16.8.2.3. Heart Foundation.

16.8.2.4. National Cancer Registry.

16.8.2.5. Medical Research Council.

16.8.2.6. Human Sciences Research Council.

16.8.2.7. South African Medical Association.

16.9. DISCIPLINARY MEASURES

16.9.1. Disciplinary action will be taken against any employee who violates the regulations of this policy.

16.10. BREACH OF THIS POLICY MANUAL

16.10.1. Non-compliance with the policy will be dealt with in line with the Employee Relations policy of Ngwathe Local Municipality.



The home of harmony, prosperity and growth

HARASSMENT POLICY

(NLMHRE-1017)

CHAPTER 17

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17. HARASSMENT POLICY

17.1. PREAMBLE

The Municipality recognises that every employee, Councillor, Consultants/Contractor as well as Members of the Public are entitled to fair labour practice and have the right to dignity and privacy, as such, any form of harassment will not be permitted or condoned. Ngwathe Local Municipality is committed to ensuring that employees are not subjected to any form of harassment, for example, racial or sexual harassment. Violations of this policy shall be dealt with in line with the Employee Relations policy.

17.1.1 TYPES OF HARASSMENT

17.1.1.1. **Physical Harassment**

This may include touching, patting, bullying, pinching, fondling, molestation, assault, or attempted rape.

17.1.1.2. **Verbal Harassment**

This entails unwanted verbal abuse/remarks, sexual advances, telephone calls with sexual overtones, sex related jokes or insults, innuendos or taunts about a person's body, clothing, bullying, enquiries about a person's life, whistling, and comments about a person's sexual orientation.

17.1.1.3. **Non-Verbal Harassment**

This entails leering, winking, electronic, public media display of offensive or derogatory words, pictures, pornographic, pin-up pictures, graffiti or other offensive material.

17.1.1.4. **Racial Harassment**

Race is primarily a social meaning in which individuals are classified into groups ("races") on the grounds of perceived heritable physical differences. Racism is defined as an intolerance of, and hostility to other people on account of their "race". Racial prejudice is therefore a belief that a particular "race" (or group of "races") is inferior to another "race" (or group of "races") in respect of one, or usually many, qualities or attributes.

Racial discrimination occurs when: -

- (i). Anyone is put at a disadvantage on the grounds of his/her “race” in respect of one or more (usually a whole set of) opportunities and rights in Ngwathe Local Municipality.
- (ii). Racial slurs occur when a vocabulary is used which is recognised to be demeaning or insulting to individuals on account of their “race”.
- (iii). Racial harassment is a social behaviour that is intended to coerce, manipulate, intimidate, or take advantage of persons belonging to a particular “race”, typically but not always in situations where unequal power and authority relations prevail between those employees who harass and those who are harassed.

17.1.2. Quid Pro Quo Harassment

This type of harassment occurs where a Manager, or Supervisor, member of Management or co-employee, Councillor, undertakes or attempts to influence the process of employment, promotion, training, discipline, dismissal, salary increment or other benefits of an employee or job applicant, in exchange for sexual favours.

17.1.3. Sexual Favouritism

This type of harassment exists where a person who is in a position of authority rewards only those who respond to his/her sexual advances, whilst other deserving employees who do not submit themselves to any sexual advances, are denied promotions, merit rating or salary increases.

Any conduct that has been stipulated above constitutes prohibited conduct. Submission to such conduct is either an explicit or implicit term of the condition of employment and submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individuals.

It must be noted that such conduct has the possibility of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment. It is therefore incumbent on the recipient of the remark, gesture or physical contact to report all forms of harassment to the office of the Municipal Manager or Human Resources Department.

17.2. PURPOSE OF POLICY

The purpose of the policy is to ensure that: -

- 17.2.1. Employees are provided with practical guidelines to report incidents of harassment at the workplace.
- 17.2.2. Harassment is not permitted or condoned and shall be regarded as a form of serious misconduct.
- 17.2.3. Employees or any other person who have been subjected to any form of harassment including sexual harassment have the right to lodge a grievance or lay a formal complaint with the Municipality.
- 17.2.4. The Municipality is committed to investigate all complaints and grievances brought to its attention.
- 17.2.5. Prospective staff members and clients of the Municipality are protected from any form of harassment.
- 17.2.6. Incidents of harassment or continued harassment are viewed as serious misconduct and may lead to dismissal.
- 17.2.7. The Municipality shall deal with allegations of misconduct due to harassment speedily, sensitively and confidentially, and shall protect people who have been affected by any form of harassment or victimisation.
- 17.2.8. It is a disciplinary offence to victimise or retaliate against a staff member who in good faith lodges a complaint of harassment.
- 17.2.9. False or vindictive accusations shall be viewed in a very serious light and possibly attract disciplinary action for the accuser.
- 17.2.10. Anonymous complaints shall not be entertained by the Municipality.

17.3. SCOPE AND APPLICATION

This policy is applicable to all employees, Councillors, Contractors/Consultants, Job Applicants in Ngwathe Local Municipality. It also covers non-employees who allege to be victims of any form of Harassment within the Local Municipality premises and employees discharging their official duties outside the Municipality premises.

Although this policy is intended to guide the employer and employees, the perpetrators and victims of Harassment may include the following: -

- (i). Managers.
- (ii). Supervisors.
- (iii). Employees.
- (iv). Job Applicants.

(v). Clients of the Municipality including Suppliers/Contractors/Consultants.

(vi). Any other person dealing with the Municipality.

17.3.1. Nothing in this policy prohibits Ngwathe Local Municipality to take disciplinary/legal action in respect of non-permanent employees where evidence of harassment has been identified and obtained.

17.3.2. A non-permanent employee who is a victim of any Harassment including sexual harassment may lodge a grievance with Ngwathe Local Municipality through the office of the Municipal Manager or Corporate Services Director. The Municipal Manager as well as Management within the Municipality have the responsibility to ensure that victims of any Harassment and their rights are protected.

17.4. LEGISLATIVE FRAMEWORKS

17.4.1. Employment Equity Act, 1998, Chapter 2 Clause 6 (1) and (3).

17.4.2. The Constitution of the Republic of South Africa 1996 Chapter 2 Clause 9, 10, 12 and 24(a).

17.4.3. The Labour Relations Act 66 of 1995, Chapter VII (Code of Good Practice promulgated by Notice 1367 in Government Gazette of 17 July 1998).

17.4.4. Section 16 of the Labour Relations Act, Chapter 3 section 16.

17.4.5. South African Local Government Bargaining Council: Collective Agreements.

17.5. PROCEDURES FOR SETTLING COMPLAINTS OR GRIEVANCES RELATING TO ALLEGATIONS OF HARASSMENT

17.5.1. Harassment including Sexual complaints shall be reported to the Municipal Manager or Director: Corporate Services, who will ensure that the following procedure takes place:

17.5.1.1. Informal Procedure

(i). The Municipal Manager or his delegate the Director: Corporate Services shall facilitate a meeting between the grievant and the perpetrator, where the grievant should inform the perpetrator that the behaviour is unacceptable.

(ii). The grievant should keep records of each event namely, the date, time, location, what happened, what was said, how he/she felt, the names of any witnesses and the name of anyone else victimized by the

perpetrator.

- (iii). Alternatively, in cases where the grievant does not want to have a face-to-face meeting with the perpetrator, the grievant should write a letter to the perpetrator or fill in the grievance complaint form.
- (iv). The letter should include the following:
 - A description of the unwelcome behaviour.
 - Date (s) and time(s) when the behaviour occurred.
 - A clear message that the recipient wants this behaviour to stop immediately.
 - A warning that if the behaviour does not stop the recipient will take further action.
 - The recipient's signature and date.
 - A copy of the letter or form should be placed in the recipient's personal file.

17.5.1.2. Formal procedure

- (i). If the employee (grievant) feels that the informal process is not able to resolve the problem to his/her own satisfaction, the formal grievance procedure may be followed.
- (ii). Firstly, the recipient should report the matter to his/her immediate Supervisor.
- (iii). A formal grievance form must be filled in line with the grievance procedure and the Employee Relations policy of the Municipality.
- (iv). Should the grievant feel that the matter warrants a Civil case being opened, he/she has the right to refer the matter externally to the South African Police Services (SAPS) for criminal charges against the perpetrator.

17.5.1.3. Reporting of harassment cases by non-employees

In cases where the offence has occurred to non-employees and outside the Municipality premises but within the jurisdiction of Ngwathe Local Municipality, in the execution of official duties, the victim can immediately follow the following procedure:

- (i). Report the offence to the Municipal Manager or his/her delegate the Director: Corporate Services within the Municipality.
- (ii). Report to the immediate Supervisor/Line Manager of the perpetrator (if known).
- (iii). Report to his/her Ward Councillor, the Chief Whip of the Council or any

member of the Mayoral Committee.

17.5.1.4. Investigation and Disciplinary Action

Care must be taken during any investigation of a grievance of any form of harassment, that the aggrieved person is not disadvantaged, and that the position of other parties is not prejudiced if the grievance is found to be unwanted.

17.5.1.5. Criminal and civil charges

A victim of harassment including sexual assault has the right to lodge a separate criminal and/or civil charges against an alleged perpetrator, and the legal rights of the victim are in no way limited by this Policy.

17.5.1.6. Reporting of harassment cases by Councillors

Any Councillor or any person reporting a harassment case from a Councillor can refer it to: -

- (i). The Chief Whip.
- (ii). Any member of the Mayoral Committee.
- (iii). Any Councillor serving on Corporate Services or the Gender Committee who will then take the appropriate steps.

17.6. COMPOSITION OF THE DISCIPLINARY COMMITTEE FOR HANDLING HARASSMENT CASES

17.6.1. Matters of harassment are considered by Ngwathe Local Municipality as serious matters and the Municipal Manager has the power to appoint the disciplinary Committee that must be gender balanced to preside over such matters. This committee will comprise of: -

- 17.6.1.1. Director: Corporate Services.
- 17.6.1.2. Manager Labour Relations.
- 17.6.1.3. Head of Department/Line Manager of the aggrieved employee.
- 17.6.1.4. Presiding Officer.
- 17.6.1.5. Witnesses.

17.7. CONFIDENTIALITY AND PROTECTION

- 17.7.1. Ngwathe Local Municipality will ensure that grievances about harassment and sexual harassment are investigated and handled in a manner that ensures that the identities of the persons involved are kept confidential to ensure protection of the aggrieved.
- 17.7.2. Only appropriate members of management, and aggrieved person, his or her representative, the alleged perpetrator, witnesses and the interpreter, if required, should be present at the disciplinary enquiry.
- 17.7.3. Ngwathe Local Municipality shall disclose to either party or their Representatives such information as may reasonably be necessary to enable the parties to prepare for any proceedings in terms of the Employee Relations policy.
- 17.7.4. The relevant provisions of the Labour Relations Act, 1995 (No 66 of 1995) section 16 as well as the POPI Act will apply to the disclosure of information in terms of this policy.

17.8. EMPLOYEE SUPPORT

- 17.8.1. Where an employee needs support, for example in cases of rape, or any harassment, Ngwathe Local Municipality will provide such support in line with the Employee Assistance Policy. This may include amongst others; Trauma counselling, special Leave, or any other therapy recommended by a professional Counsellor.

17.9. BREACH OF POLICY MANUAL

- 17.9.1. Non-compliance with the policy will be dealt with in line with the Employee Relations Policy of Ngwathe Local Municipality.



The home of harmony, prosperity and growth

SKILLS DEVELOPMENT POLICY

(NLMHRE-1018)

CHAPTER 18

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18. SKILLS DEVELOPMENT POLICY

18.1. PREAMBLE

- 18.1.1. Skills development interventions aims at providing Ngwathe Local Municipality employees especially people from all designated groups as per the Employment Equity and Skills Development Acts with the necessary competencies required to meaningfully contribute to a continued culture of lifelong learning, improve productivity, efficiencies and effectiveness within the Municipality.

18.2. PURPOSE OF POLICY

The Purpose of this policy is: -

- 18.2.1. To ensure a comprehensive and relevant Skills Development policy framework aligned with Ngwathe Local Municipality's Budget and Integrated Development Plan.
- 18.2.2. To provide clear alignment of the strategic plan (IDP and SDBIP), National Skills Development Strategy, and the Human Resource policies of the Municipality.
- 18.2.3. To serve as an effective guideline in the education, training and development of employees.
- 18.2.4. To facilitate access to appropriate skills development.
- 18.2.5. Ensure compliance with the requirements of the relevant education, training and development legislation.
- 18.2.6. Promote Ngwathe' s Employment Equity objectives i.e. addressing inequality, a proactive development tool to overcome barriers to equal opportunity, in process to eliminate discrimination and a means to increase opportunities for formally disadvantaged groups.
- 18.2.7. To ensure implementation of identified Personal development gaps/plans, Career development and succession Planning.
- 18.2.8. To promote and facilitate participation of unemployed learners within the jurisdiction of the Municipality in Learnerships.

18.3. SCOPE OF APPLICATION

- 18.3.1. This policy applies to all employees of the Municipality, learners in cases of learnership programmes for students who are not staff members, and interns,

where applicable.

18.4. LEGISLATIVE FRAMEWORKS

- 18.4.1. Skills Development Act 97 of 1998.
- 18.4.2. Skills Development Levy Act 9 of 1999.
- 18.4.3. Free State SALGBC Collective Agreement on Conditions of Service, as concluded on the 1st August 2023.
- 18.4.4. National Skills Development Strategy.
- 18.4.5. National Qualifications Framework.
- 18.4.6. Labour Relations Act 66 of 1995
- 18.4.7. Basic Conditions of Employment Act 75 of 1997.
- 18.4.8. Occupational Health and Safety Act 85 of 1993.
- 18.4.9. The Constitution of the Republic of South Africa.
- 18.4.10. Occupational Health and Safety Act 85 of 1993.
- 18.4.11. Municipal Finance Management Act 56 of 2003.
- 18.4.12. Municipal Systems Act 32 of 2000.
- 18.4.13. South African Qualifications Authority Act 58 of 1995.
- 18.4.14. Skills Development amendment Act of 2008 and 2011.

18.5. POLICY PROVISION

18.5.1. POLICY OBJECTIVES

The main objectives for Skills Development are:

- 18.5.1.1. To support the achievement of the Municipality's goals set out in the Integrated Development Plan by providing critical skills that ensure the delivery of quality services.
- 18.5.1.2. To promote the development and retention of competent Municipal employees, including the development of technical, professional and specialists who have the required qualifications and skills.
- 18.5.1.3. To improve quality provision and effective workplace learning and development practices, including coaching, mentoring, on-the-job learning, and opportunities for the practical application of skills in the workplace.

- 18.5.1.4. To continuously improve Organizational results and the returns on learning investments, by defining measures of success, conducting regular evaluations, and improving the impact of learning, training and development.
- 18.5.1.5. To up-skill employees and enable them to acquire better knowledge, skills and other attributes and develop their potential.
- 18.5.1.6. To improve employee morale, their capabilities and potential for career progression and retention.
- 18.5.1.7. To improve Safety, Health, Wellness and support Employment Equity Objectives within the Municipality.
- 18.5.1.8. To ensure upkeep with technology.

18.6. PRINCIPLES OF SKILLS DEVELOPMENT

18.6.1. Skills development policy must take into account the following principles:

- 18.6.1.1. Training Needs Analysis. Managers must identify and record the training needs of their employees on an annual basis using the Individual Development Plan (IDP), competencies employees require in order to meet the current and future operational requirements of the job, the department imperatives, the strategic objectives of Ngwathe local Municipality and the individual employee's career aspirations. The following will be used to assist the Line Manager in determination of skills development needs the following:
 - (i). The employee's Job Description.
 - (ii). An understanding between the employee's current or possible job relative the learning applied for (value for money).
 - (iii). Ngwathe's strategic objectives.
 - (iv). The departmental budget and cost of learning.
 - (v). Knowledge of whether learning will be facilitated on the job or off the job

- (vi). How Skills development programme content will improved efficiencies and productivity.
- (vii). What impact completion of a programme will have on the career growth (succession planning) of a learner.

18.7. INSITUTIONAL ARRANGEMENT FOR SKILLS DEVELOPMENT

18.7.1. The Manager Human Resources in consultation with the Skills Development Facilitator/Learning and Development Manager shall do the following:

- (i) Advise and assist other Departmental Heads with regard to skills development, especially with regard to the identification of developmental needs and selecting appropriate programmes to supply those needs.
- (ii) Ensure that a Workplace Skills Plan (WSP) and a Learning schedule is approved at the beginning of each financial year taking into account the needs of employees and that of Ngwathe Local Municipality. The learning and development needs must be aligned with the Integrated Development Plan (Strategy) of the Municipality.
- (iii) Takes responsibility for the administration of the training process and programmes, events, including arranging transportation and accommodation for the learner.
- (iv) Ensure that learning is for Impact and not Activity. It addresses the strategic needs of the Organization as well as that of the Department.
- (v) In consultation with the Manager Finance, make provision in the annual operating budget for training and development of employees in addition to the payment of the skills development levy.
- (vi) Submit resolutions and recommendations of the Training Committee to the Municipal Manager and the Human Resources Committee.
- (vii) Make recommendations to the Municipal Manager regarding employees' participation in training programmes and attendance of seminars, workshops and similar training events upon receiving nominations from Departmental Heads.
- (viii) Ensure that employees who have been approved by Line Managers to attend skills development interventions complete the requisition form and such is submitted to the Director: Corporate Services for approval.
- (ix) Submit the Workplace Skills Plan (WSP) annually to the Local Government Sector Education Training Authority (SETA).
- (x) Ensure that skills development levy as well as other training related rebates are claimed from the Local Government SETA.

18.7.2. The Skills Development Committee must:

- (i) Ensure the co-ordination and integration of the Skills development activities of the Local Municipality.
- (ii) Promote equitable access to Skills development opportunities.
- (iii) Ensure that Skills development interventions address the non-numerical goals depicted in the Employment Equity Plan.
- (iv) Assess and monitor Skills development needs of employees and ensure that skills/learning programmes address performance gaps identified in the Performance appraisal/review document.
- (v) Monitoring and Evaluation of Skills programme, determine value for money for the Municipality as well as the effectiveness of Learning interventions.
- (vi) Oversee on-going communication and feedback on all matters relating to equity, unfair discrimination and affirmative action in employment and Skills development practices.
- (vii) Assess the workplace skills and employment equity plans and make recommendations thereabout to the Human Resources committee.
- (viii) Make recommendations on allocation of resources for Skills development.
- (ix) Review and formulate Skills development policies for the Municipality.

18.7.3. The Skills Development Committee shall consist of:

18.7.3.1. Line Managers from all departments.

18.7.3.2. Employees responsible for Skills Development in the Human Resources department.

18.7.3.3. Finance Manager or his/her delegate.

18.7.3.4. Trade Union representatives.

18.7.3.5. The position of chairperson and vice chairperson of the meeting shall rotate annually between the parties.

18.7.3.6. The Chairperson and Vice Chairperson shall be elected at the first meeting of the year.

The Chairperson must:

- (i). Determine the time, date and place of meetings of the committee.
- (ii). Preside at meetings of the committee.
- (iii). Ensure compliance with the rules and orders during committee meetings.

- (iv). Ensure, together with the manager responsible for Human Resources that agendas for meetings, minutes and documentation relating to the committee's activities are prepared.
- (v). Submit such reports regarding the committee's activities to the Human Resources Standing Committee as may be prescribed.

18.8. EMPLOYEE INDUCTION/ONBOARDING

18.8.1. PREAMBLE

18.8.1.1. Induction/Onboarding is regarded as a vital part of employee recruitment and integration into Ngwathe Local Municipality. This policy, associated procedures and guidelines define the Local Municipality's commitment to ensure that all employees are supported during the period of induction/onboarding, to the benefit of the employee and the Organization alike.

18.8.2. PURPOSE OF POLICY

18.8.2.1. The purpose of this policy is to provide guidelines and a framework to enable and facilitate the integration of new employees into the Municipality. The Municipality believes that all new employees must be effectively inducted/onboarded into the affairs of Municipality. Induction/Onboarding is regarded as a vital part of staff recruitment and integration into the working environment.

18.8.2.2. This policy, associated procedures and guidelines define the Municipality's commitment to ensure that all employees are supported during the period of induction/ Onboarding, to the benefit of the employee and the Municipality alike. It is the aim of the Municipality to ensure that employee induction/ Onboarding, is dealt with in an organised and consistent manner, to enable employees to be introduced into a new post and working environment quickly, so that

they can contribute effectively and as soon as possible to the Organization.

18.8.2.3. This induction/ Onboarding policy, associated procedures and guidelines aim to set out general steps for Managers and employees to follow during the induction process.

18.8.3. SCOPE OF APPLICATION

18.8.3.1. This policy applies to all employees at the Municipality, including existing employees who have been promoted and or transferred within the organisation.

18.8.4. LEGISLATIVE FRAMEWORKS

18.8.4.1. This policy is part of Skills Development as a result, the Legislation applicable to Skills Development will also apply in Induction/ Onboarding of employees.

18.8.5. PRINCIPLES

18.8.5.1. This policy will be guided by the following principles:

- (i). The need to facilitate swift integration of the new recruit to the Municipality.
- (ii). The need to facilitate the employee's readiness for work by exposing him/her to the pertinent job requirements of the Department/Section or Unit.

18.8.6. POLICY PROVISION

18.8.6.1. Every new employee, employees promoted and or transferred regardless of function or job level shall, within one month of him/her commencing employment receive systematic induction/ Onboarding which will enable him/her to become fully oriented with his/her job at

Ngwathe Local Municipality. It is expected that all Managers and Staff will adhere to this policy.

18.8.6.2. The Induction/ Onboarding programme shall include but not limited to the following:

Acquainting new employees with the:

- (i). Constitutional mandate of Local Government.
- (ii). Organisational objectives (IDP, SDBIP).
- (iii). Job procedures.
- (iv). Organizational and Departmental Structure as well as the relationships of the job holder with co-workers including Managers and other colleagues.
- (v). Creating a sense of belonging among employees by showing them how their job fits into the overall organization.
- (vi). Providing the employee with an indication of the preferred means by which organisational goals should be attained.
- (v). Clarifying the basic responsibilities of the job.
- (vi). Agreeing performance expectations of the employee.
- (vii). Indicating the required behaviour patterns for effective job performance.
- (viii). Ensure that employees operate in a safe working environment.

18.8.7. THE ROLE OF THE HUMAN RESOURCE DEPARTMENT

18.8.7.1. Human resources will be the first calling place for new employees. The following areas will be covered within the first week of appointment:

- (i) A warm welcome to the Municipality. The Municipality and employing Department management structure will be outlined and a brief description of the Municipality given.
- (ii) Employee Qualifications/ Training /Professional Registration details (as appropriate.) will be confirmed and copies taken for personnel files (if not already done).
- (iii) The importance of maintaining appropriate professional registration if required will be emphasised and attention drawn to the contractual requirement to do so.

- (iv) The need for confidentiality regarding the Municipality will be highlighted.
- (v) Pay scales and allowances, method of payment, holiday entitlements, hours of work, pension scheme will be explained in detail.
- (vi) Information will be given on the absence policy and procedure, including method of reporting absence.
- (vii) The discipline and grievance procedures will be fully explained and written copies of these supplied.
- (viii) The Municipality Human Capital Management policies will be detailed.
- (ix) Brief tour of building.
- (x) Attendance Register signed by inducted/onboarded employees confirming that onboarding/induction took place.

18.8.8. THE ROLE OF THE EMPLOYING DEPARTMENT (LINE MANAGER)

18.8.8.1. The Line Manager or his/her delegate shall: -

- (i). Provide and take employees through the Departmental structure.
- (ii). Supply the names of key Line Management within the Department.
- (iii). Introduce key Line Managers to new employees.
- (iv). Conduct a tour of the department, indicating for example, first aid equipment, ablution facilities, parking area, etc.
- (v). Specific job responsibilities should be explained, referring to the job description if necessary.
- (vi). Safety precautions that must be taken into account, the safety officer may be called upon to perform induction specific to safety issues.
- (vii). Procedures relating to personal accident reports should be explained.

18.8.9. ON THE JOB (IN-SERVICE) TRAINING AND COACHING

18.8.9.1. The objective of on-the-job training is to: -

- (i). Provide an employee with the skills and knowledge (competencies) that employees need to improve on performance within the Organization.

- (ii). Enhancing workers' performance in a specific area or job role.
- (iii). Providing practical experience in real-world scenarios.
- (iv). Equipping employees with the knowledge, skills, and competencies needed for their roles.
- (v). Speeding up the learning process and enabling quick adaptation to new roles.
- (vi). Improving team dynamics and facilitating knowledge sharing within the organization.
- (vii). Supporting productivity and nurturing self-confidence.

18.9. ROLE OF SUPERVISORS IN SKILLS DEVELOPMENT

- (i). To ensure that his/her subordinates have the required skills, knowledge and attitude to perform his/her functions effectively and efficiently.
- (ii). Identify developmental needs and requisite skills gaps of their subordinates.
- (iii). Communicate employee developmental needs to Human Resources.

18.10. BREACH OF POLICY MANUAL

18.10.1. Non-compliance with the policy will be dealt with in line with the Employee relations policy of Ngwathe Local Municipality.



The home of harmony, prosperity and growth

LEARNERSHIP, INTERNSHIP AND EXPERIENTIAL TRAINING POLICY

(NLMHRE-1019

PART 19

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19. LEARNERSHIP, INTERNSHIP AND EXPERIENTIAL TRAINING POLICY

19.1. PREAMBLE

Ngwathe Local Municipality realises that there exists a large number of students who are required by the type of studies they pursue to acquire practical on the job learning in order to qualify/Graduate. On the other hand, there are unemployed graduates and or learners who have completed their tertiary qualifications but cannot be absorbed by the labour market because of lack of experience. The Municipality realises that, as an employer, it has a pivotal role to play in ensuring that these students and unemployed youth are assisted by being exposed to the world of work (practical training) in order to enable them to complete their academic qualifications and secure future employment.

19.2. PURPOSE OF THE POLICY

The purpose of this policy is to: -

- 19.2.1. Provide students/Learners with opportunities to acquire skills and experience in their respective fields of learning.
- 19.2.2. Develop the skills requisite of the unemployed youth to improve their potential to be employed.
- 19.2.3. Improve the supply of high-quality skills (particularly scarce skills), which are more responsive to societal and economic needs of the Local Municipality.
- 19.2.4. Increase a pool of candidates the Local Municipality can source from for future career, succession as well as creating a leadership pipeline.

19.3. SCOPE OF APPLICATION

The policy is applicable only to students and unemployed youth residing within Ngwathe Local Municipality and who are citizens of South Africa.

19.4. LEGISLATIVE FRAMEWORKS

This Policy shall be read in conjunction with:

- (i). The Skills Development Act No 97 of 1998, as amended.
- (ii). Skills Development Levies Act No 9 of 1999.
- (iii). The Basic Conditions of Employment Act 75 of 1997, as amended.
- (iv). The Labour Relations Act 66 of 1995, as amended.
- (v). The Employment Equity Act 55 of 1998.

- (vi). The South African Qualifications Authority Act 58 of 1995.
- (vii). Occupational Health and Safety Act 85 of 1993.

19.5. POLICY PROVISIONS

Policy Provisions and Requirements to be Considered for the Learnership / Internship / Experiential Training Programme. Experiential training shall be offered to the following persons:

- 19.5.1. South African Citizens.
- 19.5.2. Bona fide residents of the Ngwathe Local Municipality.
- 19.5.3. The applicant must be registered with a recognized tertiary institution studying towards a tertiary qualification.
- 19.5.4. The applicant must have completed junior or senior degree or diploma from any recognised institution of learning in South Africa or doing his/her final year. This includes applicants who are doing their N6, at TVET colleges who must complete the practical to qualify/graduate.
- 19.5.5. Applicants must be willing to be placed on a training programme that has a bearing upon and is applicable to the functions and activities of the Ngwathe Local Municipality.
- 19.5.6. The Departmental Heads shall identify critical skills required and accordingly inform Human Resources to source such skills through Public Private Partnerships (PPPs).
- 19.5.7. The number of experiential learners will be based on the availability of mentors, required number of critical skills and available resources.
- 19.5.8. In cases where students are seconded by for example, National/Provincial Treasury, Institutions of higher learning or TVET colleges, such institutions will enter into an agreement with Ngwathe Local Municipality before the learnership or experiential training commences.
- 19.5.9. A signed copy of the experiential training contract between the learner/experiential trainee and the seconding institution shall be submitted to Ngwathe Local Municipality before the experiential trainee commences employment.
- 19.5.10. The remuneration of students/learners will be borne by the institution of higher learning or government institution that seconded the learner, for example, National or Provincial Treasury, SETA or TVET College, and conditions of employment of those learners will be that of the Ngwathe Local Municipality.
- 19.5.11. Ngwathe Local Municipality will agree upfront the mentoring programme to be

covered with the institution as well as the duration.

19.5.12. Mentors shall submit formal monthly mentee progress reports to the Municipal Manager or his/her delegate as well as the relevant institutions of higher learning or Government institution (National/Provincial Treasury/TVET Colleges). and will accordingly keep a record of all experiential training provided to mentees, duration, as well as records of assessments.

19.5.13. Should training be conducted at a cost by the Municipality, such will be in line with the Workplace Skills Plan (WSP), and appropriate rebates will be claimed from LGSETA.

19.5.14. The Human Resources Department must ensure that Learners are informed a month in advance of termination of their contract, and such termination will be implemented in line with signed contracts of learners.

19.6. DURATION OF LEARNING

19.6.1. The duration of learning will be range from three (3) months to not more than twenty-four (24) months.

19.7. EXTENSION OF INTERNSHIP / LEARNERSHIP PROGRAMME

19.7.1. Internships/learnership programme may not be extended beyond the initial agreement.

19.8. PAYMENT OF STUDENT DURING THE PERIOD OF TRAINING

19.8.1. The payment of student's Stipend shall be as follows, unless otherwise determined: -

19.8.2. Seconded experiential training Institution (TVET College, University, etc.) shall be liable for the payment of the stipend.

19.9. BREACH OF THIS POLICY

19.9.1. Non-compliance with the policy will be dealt with in line with the Employee relations policy of Ngwathe Local Municipality.



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**BURSARY POLICY
FOR
INTERNAL AND EXTERNAL APPLICANTS
(NLMHRE-1020)**

CHAPTER 20

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20. BURSARY POLICY FOR INTERNAL AND EXTERNAL APPLICANTS

20.1. PREAMBLE

- 20.1.1. Ngwathe Local Municipality recognises the need for its employees to improve their skills and knowledge in their field of work in order to execute their duties exceptionally. This need is in terms of the Skills Development Act 97 of 1998 which requires employers to regularly train their employees to better their capacity and productivity. The formulation of the bursary policy is in line with the foregoing principles.
- 20.1.2. Ngwathe Local Municipality further recognises the need to allocate bursaries to external students who need to further their studies in Institutions of higher learning in particular, those who are in fields that are categorised as critical and scarce skills within the jurisdiction of the Local Municipality.

20.2. PURPOSE OF POLICY

- 20.2.1. The main purpose of the Bursary Assistance Scheme is to grant financial assistance to Internal employees and External students who undertake studies in specifically identified areas, where there is a critical shortage of personnel with suitable qualifications within Ngwathe Local Municipality and where the posts cannot be readily filled through the recruitment of qualified people. Moreover, this policy provision will enable permanent employees of the Municipality to obtain qualifications at recognized Institutions of Higher learning accredited by the Council of Higher Education and registered with the Department of Higher Education (DHET). This entails: SAQA/DHET Accredited Universities and or Universities of Technology for a Junior Degree/National Diploma, Post graduate studies (Honours, Masters and Doctoral degrees) or a Certificate.

20.3. SCOPE OF APPLICATION

20.3.1. SERVING EMPLOYEES

- 20.3.1.1. Bursaries may be allocated to Permanent and Fixed Term Contract employees of Ngwathe Local Municipality whose contract with the Municipality exceeds one (1) year only and NOT Interns, Learnerships

or Volunteers in accordance with the empowering legislation of the Municipality. However, the duration of the bursary contract shall not exceed the duration of the contract. The bursary period shall equal at most half the duration of the contract.

20.3.2. EXTERNAL STUDENTS

20.3.2.1. For external students, bursaries may be allocated annually to needy students residing in the jurisdiction of Ngwathe Local Municipality who wish to further their Undergraduate studies at a Registered Institution of Higher Learning (University/University of Technology/TVET College and this will be categorised as the Mayoral Bursary. The allocation of bursaries is subject to Municipal conditions and successful students will sign a binding contract / agreement with Ngwathe Local Municipality.

20.4. LEGISLATIVE FRAMEWORKS

20.4.1. This policy shall be governed by the below Legislations: -

- (i). The Constitution of South Africa Act, 1996.
- (ii). Skills Development Act 97 of 1998; as amended.
- (iii). Skills Development Levy Act 9 of 1999.
- (iv). Labour Relations Act 66 of 1995; as amended.
- (v). Basic Conditions of Employment Act 75 of 1997; as amended.
- (vi). Municipal Finance Management Act 56 of 2003.
- (vii). Municipal Systems Act 32 of 2000.
- (viii). Free State SALGBC Collective Agreement on Conditions of Service, as concluded on the 1st August 2023 and ending on the 31st July 2028.
- (ix). Employment Equity, 1998 (Act No. 55 of 1998).

20.5. POLICY PROVISIONS

20.5.1. Policy provisions and conditions of the bursary provisions and conditions of the

bursary for employees.

20.5.1.1. Bursaries shall be granted to Ngwathe Local Municipality employees who have been with the Municipality for a continuous period of twelve (12) months.

20.5.1.2. The educational institutions where studies to be undertaken must be accredited and registered with the Educational institutions of Higher learning (Dhet).

20.5.1.3. Financial assistance given to employees in terms of the Bursary Policy will be for Undergraduate Degrees/National Diploma, Post Graduate Studies (Honours, Masters and Doctoral Degrees) or a One-year Certificate.

20.5.1.4. The Bursary amount payable in terms of financial assistance shall be reviewed on an annual basis by Ngwathe Local Municipality for undergraduate and post graduate studies and that the amount shall be based on approved annual University fees. The annual bursary amount to be awarded, will be based on the financial position of the Municipality.

20.5.1.5. The study field and courses to be followed shall be applicable and related to the Local Government activities and/or job-related activities/career path of the studying employee and to address a critical skills gap identified in the needs analysis conducted between the employee and his/her Line Manager.

20.5.1.6. The Municipality will ONLY pay a bursary for the following: -

- (i). The registration fee.
- (ii). Compulsory administrative fees.
- (iii). Tuition fees (cost of the study units or subjects enrolled in. Proof or registration must be submitted with the application form to enable payment to be made to the Institution of Higher Learning.

- (iv). Textbooks and prescribed text material to a maximum of the amount approved by Council, and the conditions set by Council from time to time.
 - (v). **Fixed term employees.** The bursary amount may not exceed the amount that the employee shall be able to work back during the term of the contract of employment.
- 20.5.2. No meals, accommodation and transport will be covered. The Municipality shall not be responsible for providing official transport in respect of registration, seminars, attendance of classes and or examination.
 - 20.5.3. Ngwathe Local Municipality will make payment directly into the Institution of Higher Learning account, unless proof of payment of such registration fee is submitted by the relevant employee and they are eligible for a refund.
 - 20.5.4. All monies paid by the Municipality to any academic institution in terms of bursary related payments shall be for the current accounts only, for the relevant bursary holder, and not for the payment of any arrears amounts due to the institution by the bursary holder.
 - 20.5.5. A bursary shall be granted subject to the verification of results of studies for which a previous bursary was granted, and employees shall be granted financial assistance for one programme per year. Multiple degrees focused on one employee per academic year shall not encouraged to enable the Municipality to ensure equity and access of learning to other deserving employees.
 - 20.5.6. Applications for assistance for full-time study will not be considered.
 - 20.5.7. The applicant shall enter into a bursary agreement with Ngwathe Local Municipality immediately when the application for the bursary has been approved. No payments will be released to the Institution of higher learning unless the bursary agreement is signed by both the employer and the employee.
 - 20.5.8. The employee receiving a bursary must submit proof to the Municipality annually that (s)he has completed that particular year successfully, where after (s)he will qualify for a bursary for the following year.
 - 20.5.9. The total period of study towards a qualification must not extend for more than the minimum prescribed or duration of the study/ recommended duration as applicable to part-time study.
 - 20.5.10. The annual bursary will continue until completion of the qualification, subject to the condition that the employee passes all the subjects entered for the course and does not change his/her field of study.
 - 20.5.11. If an employee is transferred to another Department within Ngwathe Local Municipality such Department shall not compel an employee to change his/her

study direction if the course is relevant and beneficial to the Municipality as a whole.

- 20.5.12. Should an employee withdraw from the course for any reason whatsoever the employee will be liable for the repayment of the full amount paid by the Municipality.
- 20.5.13. If an employee fails a subject/s in an academic year, such subject/s must be repeated at his/her own cost before another bursary can be granted.
- 20.5.14. A bursary will not be granted in order to write supplementary examinations for subjects or entry examinations for the course of study.
- 20.5.15. The normal duration of the course shall be One academic year or longer and the benefiting employee shall contract in writing to serve/work back for one year for each year of study the employee enjoys the benefit of the Municipality's bursary.
- 20.5.16. Employees who do not qualify for bursaries, shall be encouraged to proceed with their intended studies at their own costs in order to equip themselves for their existing and future careers.
- 20.5.17. Ngwathe Local Municipality reserves the right whether or not to allocate a bursary and amend the conditions of the bursary scheme.
- 20.5.18. All Applications for a bursary shall be submitted to the Director: Corporate Services on or before 31st October each year. The Municipality may require an applicant for a bursary to attend and participate in such interviews and other selection methods as the Municipality may determine.
- 20.5.19. There shall be no repayment obligation if the employee successfully passes the course, and he/she remains in the employment of Ngwathe Municipality for a minimum period equal to the period of study for which he/she received the bursary.
- 20.5.20. The full cost of the bursary taken and paid for by Ngwathe Local Municipality will be recovered from the salary of the employee over a period not exceeding 12 months, if the employee does not provide proof that he/she has passed his or her studies successfully within one month following the examination.
- 20.5.21. Should an employee resign whilst having a bursary, Ngwathe Local Municipality shall deduct all monies due to it in full upon termination of employment of the employee.
- 20.5.22. In the event of death of a bursary recipient, the Municipality may not recover from his/her family or from the deceased estate, such bursary monies.
- 20.5.23. In cases where an employee will be absent from work due to study requirements, it is the employee's responsibility to ensure that his/her strategic and operational duties are properly attended to and that his/her absence will not place undue

burden on the work of other employees as well as the Municipality.

- 20.5.24. Any financial assistance granted to the employee will be withdrawn by the Municipal Manager, where such employee is refused permission by an institution to continue his/her studies, does not comply with the provisions of this policy, his/her employment is terminated by the Municipality for any reason other than operational requirements.
- 20.5.25. If financial assistance is withdrawn, the outstanding amount of which has been paid to or on behalf of the employee up to and including the date of such cancellation shall immediately and unconditionally become due and payable by the employee to the Municipality.
- 20.5.26. The completion of studies by an employee shall not give rise to any right or expectation of automatic promotion, increase in salary or any other benefit.
- 20.5.27. The Human Resources Department together with the Office of the Municipal Manager shall ensure compliance with the collective agreements, finance policies and procedures, Human Resources policies and procedures, Employment Equity policy, Skills Development and any other regulatory framework applicable in the Municipality.

20.6. MAYORAL FUNDING

- 20.6.1. Conditions of the funds for external students and children of employees of Ngwathe Local Municipality. Ngwathe Local Municipality will provide annual external bursary scheme for the following:
- (i). Indigent Youth residing within the jurisdiction of Ngwathe Local Municipality and who are South African Citizens, subject to approved budget from National Treasury.
 - (ii). People with disabilities residing within the jurisdiction of Ngwathe Local Municipality and who are South African Citizens, subject to approved budget from National Treasury
 - (iii). Children of employees of the Municipality and who are South African Citizens, subject to approved budget from National Treasury

20.7. POLICY PROVISIONS

- 20.7.1. Financial assistance shall be granted on merit (above average performance), to the Indigent Youth, People with Disabilities living in the jurisdiction of the

Municipality as well as qualifying children of employees of Ngwathe.

- 20.7.2. A consistent above average academic record must be provided.
- 20.7.3. Consideration for a bursary shall be given to the Youth who have completed Grade 12 and possess a minimum University/ University of Technology or TVET College admission at a recognized South African Institution.
- 20.7.4. The following documents are required for the application to be considered:
- (i) Mayoral Funding Application form (obtainable on the Human Resources Department of Ngwathe Local Municipality. All applications must be submitted on or before 31st August each year.
 - (ii) Grade 12 certified Results and academic record if already at the Institution of Higher Learning.
 - (iii) A Letter of motivation.
 - (iv) Certified copy of ID of the applicant, certified copy of ID of the Parent/Guardian, ID document/death certificate of parents if deceased/ Doctors' certificate if permanently disabled.
 - (v) Letter of admission or proof of admission from the institution of higher learning.
 - (vi) Proof of parents/guardian income (of total monthly not exceeding the Old age pension grant offered by government combined).
 - (vii) A Copy of pension slip (for indigent applicants).
 - (viii) Proof of residence/Signed and stamped letter from the Councillor confirming Local address.
 - (ix) Scarce skills in line with the Skills Development Policy of the Municipality, such as Engineering, Finance, Information Technology, Environmental Health and any other field at the discretion of the Mayor.
 - (x) The normal duration of the course must be a minimum of three (3) academic years but limited to Undergraduate degree.
 - (xi) Applicants will be assisted with tuition, registration, prescribed textbooks relevant to the field of study, meals and accommodation.
 - (xii) Payment will be made directly to the Institution of higher learning, and no payment shall be made in cash/EFT to the student, unless proof of registration and payment is provided by the student.
 - (xiii) A formal contract will be entered into between the applicant and the Municipality in line with the Bursary policy.
 - (xiv) In the event of the Student completing his/her studies, Council may consider appointing such a student through following the recruitment

processes of the Municipality, provided the vacancies exist in the approved staff establishment.

- (xv) Should the applicant fail a subject/s in an academic year, such subject/s must be repeated at his/her own cost before another bursary can be granted.
- (xvi) Should the applicant/student for whatever reason wish to change the field of study or the courses for which he/she originally enrolled, such changes will be made at his/her own cost.
- (xvii) The annual bursary will continue until completion of the qualification, subject to the condition that the student passes all the subjects entered for the course and does not change his/her field of study.
- (xviii) The funding approved at a tertiary educational institution in respect of a bursary recipient will be payable directly to such tertiary educational institution.
- (xix) Other Policy requirements will be in line with the bursary policy of Ngwathe Local Municipality.

20.7.5. The Human Resources Department together with the Office of the Municipal Manager shall ensure compliance with the collective agreements, finance policies and procedures, Human Resources policies and procedures, Employment Equity policy, Skills Development and any other regulatory framework applicable in the Municipality.

20.8. BREACH OF POLICY MANUAL

20.8.1. Non-compliance with the policy will be dealt with in line with the Employee Relations Policy of Ngwathe Local Municipality.



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SCARCE AND CRITICAL SKILLS POLICY

(NLMHRE-1021)

CHAPTER 21

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21. SCARCE AND CRITICAL SKILLS POLICY

21.1. PREAMBLE

21.1.1. As the country battles high unemployment rate, it is striking to note that there are no sufficient applicants with qualified skills for available career opportunities in areas such as Engineering, Water reticulation, environmental sciences, including other core areas regarded under scarce skills. Disturbing findings on the scarcity of professionals in some fields has resulted in Ngwathe Local Municipality developing this Policy Guideline.

21.2. PURPOSE OF POLICY

- 21.2.1. The purpose of the policy is to provide Ngwathe Local Municipality with a framework for attraction and retention of scarce skilled employees.
- 21.2.2. The Municipality is committed to achieving its mission to ***“Provide affordable and quality Municipal services and address triple challenges of poverty, unemployment and inequality, and promote sustainable development through cooperative, strategic partnerships and innovation”***. In delivering on this mandate, the Municipality regards its human resource and staff component to be the most critical asset to be utilised in providing services on a sustainable basis and will strategically ensure a sufficient supply of adequate scarce skilled employees.
- 21.2.3. Although all employees are valuable, some employees have skills that are so vitally important to the municipality that without such, service delivery will be seriously impacted on. In this regard, the municipality is therefore committed to acquiring, developing, maintaining, nurturing and retaining a qualified, competent, motivated and dedicated workforce to meet the challenges faced in delivering the quality, affordable and reliable municipal services referred to above.

21.3. THE LEGISLATIVE FRAMEWORKS

The legislative and policy framework that govern the scarce skills policy:

- 21.3.1. Skills Development Act 97 of 1998.
- 21.3.2. Skills Development Levy Act 9 of 1999.

- 21.3.3. Labour Relations Act 66 of 1995.
- 21.3.4. The Constitution of the Republic of South Africa.
- 21.3.5. Basic Conditions of Employment Act 75 of 1997.
- 21.3.6. Occupational Health and Safety Act 85 of 1993.
- 21.3.7. Immigration Act 13 of 2002- Government Gazette Number 37716, [Sections 19(4), read with Regulation 19(5)].
- 21.3.8. Municipal Finance Management Act 56 of 2003.
- 21.3.9. Municipal Systems Act 32 of 2000.
- 21.3.10. SALGBC Main Collective Agreement of the Free State on Conditions of Service as concluded on 1st August 2023 to 31st July 2028.

21.4. POLICY PROVISION

- 21.4.1. It is the responsibility of the employer to determine the strategic and operational needs of the organization.
- 21.4.2. The nurturing and retention of staff is not a once off project, but a constant management tool interlinked with performance management, mentoring, training and development, succession and career planning.
- 21.4.3. The scarce skills policy and its implementation is fundamentally aimed at identifying those critical skills shortages, attracting individuals who have the skills required and retaining those individuals once appointed.
- 21.4.4. It is the responsibility of the employer to develop and retain employees especially those employees whose skills are limited and are in high demand.
- 21.4.5. To enable the municipality to adhere to the requirements of the Employment Equity Act 55 of 1998 and to ensure representation of previously disadvantaged groups in all occupational categories, it is necessary to take unusual steps to identify, develop and retain individuals that will relieve the critical skills shortages in the long run and will ensure appropriate representation within all occupational categories and levels in these fields.
- 21.4.6. Internal employees who possess the potential to be trained or developed to meet the required needs for scarce skills shall be identified, developed, funded with bursaries and internally mentored.
- 21.4.7. Measures that deal with the attraction and retention of scarce skills shall aim to address the problem in the short term and in the long term.
- 21.4.8. The Scarce Skills policy needs will be reviewed in line with the Human Capital Management policy (every two years, or as and when there is a change in employee related legislation).

- 21.4.9. Remuneration and Rewards will preferably be determined based on scarcity of skills in terms of the Bargaining Council, Provincial or District context.
- 21.4.10. It is the responsibility of Departmental Heads, the Line Managers and Supervisors to identify posts and/or occupational groups affected by a scarce skills challenge using any or all of the following criteria:
- (i). Skills identified in the National Master Scarce Skills List for South Africa as published annually by the Department of Labour.
 - (ii). Turnover rate of employees in a particular occupation. The turnover rate must be significantly above the average turnover experienced by the Local Municipality.
 - (iii). High vacancy rate. Vacancies should prove difficult to fill.
 - (iv). The demand for a particular skill/s outweighs the supply.
 - (v). The Individual skills/knowledge/experience is critical to a specific project or service.
 - (vi). Exit interview reports upon resignation depict the fact that scarce skilled employees leave as a result of “**War for Talent**” within the country or Province.
 - (vii). A list of all occupational groups that meet the above criteria must be submitted to the Director: Corporate Services who in consultation with the Municipal Manager will designate the occupational groups as falling in the category of “scarce skills”.
 - (viii). All Occupational Groups determined in terms of this clause shall be reviewed every two years or based on operational requirements of Ngwathe Local Municipality to allow for the relevant adjustments, based on changing trends and to confirm whether the occupations remain scarce.

21.5. REWARD STRATEGY FOR ATTRACTING AND RETAINING SCARCE SKILLS

21.5.1. Short-Term & Long-Term Solutions for attracting and retaining individuals with scarce skills

- 21.5.1.1. All occupations/jobs classified under the category of scarce skills will be remunerated at a notch higher than that prescribed in the collective agreement but within the job grade.
- 21.5.1.2. Should the municipality fail in attracting the services of individuals from designated and non-designated groups with scarce skills; a scarce skills allowance shall be paid to the individual.
- 21.5.1.3. Depending on the critical status of the skills needed, appointing a

consultant on a short-term basis to ensure the successful completion of a project/task may be considered.

- 21.5.1.4. Employees including Learners who have the intention of studying in the fields identified to be scarce skills will be provided bursaries by Ngwathe Local Municipality and will accordingly be required to comply with the Bursary Policy as well as its agreement.
- 21.5.1.5. A Bursary Fund will be put in place to which Ngwathe Local Municipality allocates a designated amount for funding of applicants pursuing Qualification that are classified as scarce skills. The Fund should be designated for the training of learners or individuals who intend studying in the fields identified as scarce.
- 21.5.1.6. Should the skilled employee resign, he/she must receive a bona fide offer of employment from another employer which must be in writing. The offer should include details of remuneration offered to the employee. The Human Resource Manager/ Director recommending the retention of the employee must verify the offer and provide a concise written submission justifying the scarce skills allowance allocation/ increase in order to retain the skills of the employee within Ngwathe Local Municipality where possible.
- 21.5.1.7. The submission/recommendation shall include a new proposed salary level and be in line with budgetary constraints and any other ramifications/ implications the action/retention might have on the department and Ngwathe Local Municipality.
- 21.5.1.8. Any counter offers made to the employee which modify their current employment contracts must be made via a new employment contract and accepted by the employee.

21.6. LONG TERM STRATEGY FOR ATTRACTING AND RETAINING INDIVIDUALS WITH SCARCE SKILLS

- 21.6.1. Students who intend pursuing studies in the fields identified to be in high demand, should be identified at tertiary Institutions based on their academic record.
- 21.6.2. Any other students could be offered bursaries to enable them to study in the various identified fields with an obligation to work for the municipality after obtaining their required qualification/s for the equivalent period for which they received a bursary.
- 21.6.3. A bursary fund shall be established by the municipality that will cover full tuition,

residence, books as well as accommodation fees as part of the attraction and retention strategy for scarce skills.

- 21.6.4. Students who leave the employment of the municipality before they have worked back the required years of service in line with the bursary policy, shall be obliged to pay an amount proportional to the bursary they received which shall go back into the bursary fund for the training of learners in the fields identified as scarce.
- 21.6.5. The municipality must ensure that in consultation with the LGSETA obtain discretionary grant funding to implement internship Programmes in areas identified as scarce skills. Programmes will be subject to LGSETA approval.
- 21.6.6. The municipality shall ensure that these funded internships are taken up and implemented to enable the municipality to attract individuals at an early stage in fields of scarce skills and where experience is a necessity for the performance of a function / job.
- 21.6.7. Individuals who formed part of an internship should be accommodated by providing time off to obtain the necessary qualifications in the fields identified. It is essential that all bursary recipients undergo a mentoring Programme with identified mentors.
- 21.6.8. Individuals who formed part of an internship Programme at the Municipality should be given preferential treatment when they apply for jobs after finishing their internship.
- 21.6.9. Employees who are studying part time must be accommodated to enable them to attend classes and exams where necessary during working hours.
- 21.6.10. Reasonable study leave will be provided in accordance with the municipality's study leave policy. This will only be granted once a confirmed examination timetable and proof of enrolment is submitted.
- 21.6.11. The municipality shall ensure that a sustainable pool of individuals is established for future use. Proposals and submissions in this regard must be obtained from the Directors who have identified the scarce skills within their Directorates.
- 21.6.12. The scarce skills policy will be implemented in line with the Skills Development policy provisions.

21.7. PAYMENT OF A SCARCE SKILLS ALLOWANCE

- 21.7.1. The payment of a Scarce Skills allowance shall enable the Municipality to attract and retain scarce skills within its budgetary constraints.
- 21.7.2. Managers requesting a scarce skills allowance to be paid for a specific post/s shall submit a motivation to the Director Corporate Services or his/her delegate.

The Director: Corporate Services shall prepare a report for consideration by the Municipal Manager in consultation with the Skills Development/Employment Equity Committee.

- 21.7.3. Scarcity allowance will range from (10-15%) of the annual basic salary of the employee.
- 21.7.4. All normal recruitment processes must have been exhausted before a motivation is submitted for the payment of a scarcity allowance.
- 21.7.5. Allowances should allow for both the possession of skills and extent of the utilization of those skills in the general performance of duties.
- 21.7.6. Before the allowance is payable, the employee must sign an undertaking acknowledging that the payment of the allowance shall be terminated or reduced if the identified scarce skills occupation or qualification is no longer classified as a scarce skills occupation or qualification by the Skills development/Employment Equity, Scarce Skills Committee.
- 21.7.7. If the employee is appointed, transferred or promoted to a post in the same or another occupation with a lower classification in terms of the qualification to which the occupation is considered as a scarce skills occupation, the scarce skills allowance shall be reduced or terminated with effect from date of appointment, transfer or promotion.
- 21.7.8. The Municipal Manager retains the right to terminate a scarce skills allowance of a specific post after consultation with the incumbent based on operational requirements, provided that the payment of the allowance will only be terminated or reduced after the employee has been given at least three [3] months' written notice of the reclassification.

21.8. THE GRADING OF THE SCARCE SKILLS ALLOWANCE

21.8.1. The grading of the scarce skills allowance are as follows:

Category	Description	% Scarce Skills Allowance Payable
Category 1	Moderate Scarcity- there is a constant turnover, but replacements can be recruited again with extra efforts e.g. advertisements in national newspapers. Situation is relatively stable, but to be monitored regularly to prevent deterioration.	No allowance applicable
Category 2	Serious Scarcity- Vacancies can only be filled after prolonged and extensive recruitment process. All options have been exhausted to procure the best candidate. Barriers pertaining to	10% annual salary

	geographical location and remuneration to first be eliminated before the scarcity allowance is considered.	
Category 3	Severe Scarcity- Vacancies almost impossible to fill even after extensive recruitment processes. A high demand in the external market and general shortage in the labour market of a highly specialized post	15% annual salary
Category 4	Extreme Scarcity- pertaining to highly exceptional cases. Each case to be dealt with on a merit basis. Candidate should then sign a binding restraint contract and performance agreement.	Skills Development/EE/Scarce Skills Committee/ Municipal Manager Discretion

21.9. REVIEW OF THE SCARCE SKILLS ALLOWANCE

21.9.1. The scarce skills allowance should be re-evaluated on an annual basis to allow for the relevant adjustments, based on changing trends and to confirm whether the occupations remain scarce.

21.10. ROLES AND RESPONSIBILITIES

21.10.1. The Municipal Manager is responsible for determining and approving the awarding of salaries above the salary level for the retention of employees with skills or experience in a scarce field (where recruitment is difficult) and employees from designated groups.

21.10.2. Human Resources is responsible for ensuring that the criterion to determine the retention of staff is followed.

21.10.3. Line Managers in so far as it is within their control, are responsible for ensuring that the department does not lose competent, scarce and skilled employees particularly with regard to employees from designated groups.

21.10.4. Internal Stakeholders/Trade Unions. The employer should consult with the recognised Trade Unions in identifying the scarce skills and request them to make inputs regarding the strategy and measures to be used to attract and retain individuals with scarce skills prior to implementing the policy.

The responsibilities of the Trade Union Representatives shall be to observe the fairness of the process and whether applicable legislation, policies and procedures are being adhered to in the implementation of the policy. If there is

any evidence of contravention of the above mentioned, the matter should be reported to the Director: Corporate services and Local Labour Forum (LLF).

21.11. BREACH OF THIS POLICY

21.11.1. Non-compliance with the policy will be dealt with in line with the Employee Relations policy of Ngwathe Local Municipality.



The home of harmony, prosperity and growth

EMPLOYMENT EQUITY POLICY

(NLMHRE1022)

CHAPTER 22

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22. EMPLOYMENT EQUITY POLICY

22.1. PREAMBLE

- 22.1.1. Ngwathe Local Municipality is committed to achieving a diverse, inclusive, and representative workforce that reflects South Africa's broader demographics. This commitment is rooted in the constitutional imperative to redress past discrimination and advance social justice through equitable employment practices.
- 22.1.2. The Municipality acknowledges its obligation to implement affirmative action measures that promote equal opportunity and eliminate unfair discrimination in the workplace. This policy aligns with the National transformation agenda and supports the development of historically disadvantaged (Designated) groups.

22.2. PURPOSE AND POLICY OBJECTIVES

- 22.2.1. The purpose of this policy, as expressed in the form of the following combined objectives is to:
 - 22.2.1.1. Promote equal opportunity and fair treatment in employment.
 - 22.2.1.2. Redress the wrongs that arose from historic unfair discrimination and disparities in employment experienced by designated groups, by implementing affirmative action measures, in relation to the recruitment, selection and appointment policy.
 - 22.2.1.3. Achieve equitable representation of designated groups (Black people, Women, and Persons with disabilities) across all occupational levels within Ngwathe Local Municipality.
 - 22.2.1.4. Ensure compliance with the Employment Equity Act and related legislative and policy frameworks.
 - 22.2.1.5. Outline Monitoring and accountability measures.
- 22.2.2. The Employment Equity Policy has taken into cognizance the strategic imperatives of Ngwathe Local Municipality as entailed in the IDP, the Human Capital Management Plan, South Africa's Economically Active Population (EAP), as well as the provisions of the amended Employment Equity Act 55 of 1998-EEA17 (Economic Sectors and Sub-Sectors in line with the standard Industrial classification (SIC) codes applicable in Community, Special and Personal services sector (Local Government).

22.3. SCOPE OF APPLICATION

22.3.1. This policy applies to all employees of Ngwathe Local Municipality as prescribed in Chapter III of the Employment Equity Act, unless it provides otherwise, it must be read in conjunction with the following policies of the Municipality: -

- (i). The Human Capital Management.
- (ii). Skills Development of employees.
- (iii). Advancement of people with disabilities (in line with numerical and non-numerical goals of the Municipality).
- (iv). Management of Gender equality issues and gender mainstreaming.
- (v). Reasonable accommodation (defined in the Chapter 1 of the Act as any modification or adjustment to a job or working environment that will enable a person from a designated group to have access to or participate or advance in employment).

22.4. LEGISLATIVE AND POLICY FRAMEWORK

22.4.1. The Employment Equity Policy is mandated by the following Acts of Law:

- (i). The Employment Equity Act (55 of 1998) as amended.
- (ii). The Constitution of South Africa (108 of 1996).
- (iii). Chapter 2 (the Bill of Rights).
- (iv). Section 23: (the Labour Relations Rights) Related to the employees and employers, Unions and employer Organisations.
- (v). Chapter 10 (Public Administration: Basic values and principles governing Public Administration) section 195(1) (l).
- (vi). The Labour Relations Act (66 of 1995) as amended.
- (vii). The Basic Conditions of Employment Act (75 of 1997) as amended.
- (viii). The Skills Development Act (97 of 1998) as amended.
- (ix). The Skills Development Levies Act (9 of 1999).
- (x). The Municipal Systems Act (32 of 2000).
- (xi). All related collective agreement and legislations, as amended.
- (xii). The Promotion of Equality and Prevention of unfair Discrimination Act (4 of 2000).
- (xiii). All related codes of good conduct related to elimination of unfair labour practices in South Africa.

22.4.2. The overall Employment Equity compliance within Ngwathe Local Municipality is

the responsibility of the Accounting Officer, who has delegated the Director: Corporate Services and the Senior Manager Employment Equity to manage day to day compliance and the implementation of the Employment Equity within the Municipality.

22.5. POLICY PROVISIONS

22.5.1. The successful implementation of the Employment Equity and attainment of the numerical and non-numerical goals entailed in the employment equity plan will be guided by the following principles and values:

22.5.1.1. Development and implementation of a “smart” Employment Equity Plan aligned with the Integrated Development Plan (IDP) of the Municipality.

22.5.1.2. Participatory management of change/transformation agenda.

22.5.1.3. Partnership and meaningful and effective consultation with all relevant stakeholders.

22.5.1.4. Efficiency and effectiveness characterised by high quality standards and Performance.

22.5.1.5. Creation of a climate conducive to transformation and change.

22.5.1.6. Embracing and celebrating diversity.

22.5.1.7. Compliance with the Laws of the Republic of South Africa on Redress of past imbalances.

22.5.1.8. Over and above, the values of the Employment Equity will take into cognisance the values of Ngwathe Local Municipality, which are: -

(i). Transparency

(ii). Commitment.

(iii). Accountability

(iv). Integrity.

(v). Democracy.

(vi). Perseverance.

22.5.2. Non-Discrimination.

22.5.2.1. The Municipality shall ensure that no employee or applicant is unfairly discriminated against on any prohibited grounds, including but not limited to race, gender, disability, religion, age, language, sexual orientation, or marital status.

22.5.3. Affirmative Action

22.5.3.1. Ngwathe Local Municipality shall implement affirmative action measures designed to ensure that suitably qualified individuals from designated groups are equitably represented across all occupational categories and levels.

22.5.4. Reasonable Accommodation

22.5.4.1. The Municipality shall reasonably accommodate employees with disabilities to ensure their full participation and integration into the workplace.

22.5.5. Merit-Based Advancement

22.5.5.1. Employment equity shall not undermine the principle of merit. All applicants must meet the inherent requirements of the job.

22.6. ROLES AND RESPONSIBILITIES

22.6.1. Employment Equity is a strategic initiative of Ngwathe Local Municipality. Section 24 of the Employment Equity Act requires an employer to assign a Manager or Managers to be responsible for employment equity.

22.6.2. The following stakeholders are identified as key in the implementation and monitoring of Employment Equity to ensure full compliance with the provisions of the Employment Equity Act: -

- (i) The Municipal Manager.
- (ii) The Director: Corporate Services.
- (iii) The Employment Equity Manager appointed in line with section 24 of the Employment Equity Act.
- (iv) The Employment Equity Forum which comprise representatives of Trade Union (SAMWU and IMATU), and other nominees who represent designated groups as prescribed in section 16 of the Employment Equity Act.

22.6.3. Roles and Responsibilities of Stakeholders

22.6.3.1. The Municipal Manager/Accounting Officer

The Accounting Officer shall ensure the following:

- (i). Full compliance with the provisions of the Employment Equity Act 55 of 1998, as amended, specifically sections: -16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27.

- (ii). That a budget is in place for Employment Equity interventions.
- (iii). That time off is allocated for the Employment Equity Forum members to attend Employment Equity Meetings.
- (iv). That Employment Equity audits are conducted and all queries from Department of Labour are addressed.

22.6.3.2. Director: Corporate Services

The Director: Corporate Services is responsible for all Human Capital Management related strategies which includes Employment Equity. His/her Department shall have primary responsibility for the implementation and monitoring of the EE Policy. In order to perform this function effectively, he/she must be afforded assistance by all line managers of the Municipality. The Director: Corporate Services must ensure the following:

- (i). Full implementation and monitoring of the Employment Equity Act 55 of 1998, specifically sections: - 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27.
- (ii). That Employment Equity Audits are conducted, and progress on the Employment Equity Plan as well as reports are tabled and discussed with Municipal Manager quarterly.
- (iii). That the Employment Equity Committee functions effectively and support is provided where necessary.
- (iv). That the Employment Equity reports (EEA2 & EEA4) are annually and timeously submitted to the Department of Labour and proof of submission is obtained and accordingly filed in the Employment Equity File; and that
- (v). Auditors from Department of Labour are assisted with all required information during audits.

22.6.3.3. The Employment Equity Forum

- (i). Attend training related to Employment Equity.
- (ii). Actively participate in the development of the Employment Equity Plan in consultation with the Employment Equity Manager and the Trade Unions.
- (iii). Provide regular feedback to Management and employees on matters discussed and agreed at the Employment Equity Forum.
- (iv). Ensure that the Employment Equity objectives outlined in the Employment Equity Plan are effectively implemented.

- (v). Drive the Employment Equity strategy and monitor compliance with the entire process.
- (vi). Ensure that the Employment Equity reports (EEA2 and EEA4) are annually and timeously submitted to Management and the Department of Labour and proof of submission is obtained and filed accordingly in the Employment Equity File.
- (vii). Ensure full compliance with the Employment Equity Act 55 of 1998 and that minutes of meetings are accordingly filed.
- (viii). Ensure that all disputes relating to Employment Equity are effectively resolved and that the principle of fairness prevails.
- (ix). Ensure that Employment Equity meetings take place, agenda for meetings are circulated prior the meeting, minutes of meetings are taken and filed accordingly.
- (x). Together with the Director: Corporate Services, ensure full implementation and monitoring of the policy as well as the plan.

22.6.3.4. Role of Heads of Departments within the Municipality

- (i). The Heads of Departments shall be directly responsible for the implementation of Employment Equity numerical and non-numerical goals as well as targets in their respective Department with the aim of promoting designated groups and equality for all.
- (ii). The Municipal Manager/Accounting Officer will ensure that the performance agreements of the Directors have Key Performance Areas (KPAs) addressing Human Capital Management including Employment Equity numerical and non-numerical goals.

22.6.3.5. Affirmative Action Measures

Affirmative action measures are measures designed to ensure that suitably qualified applicants from designated groups have equal employment opportunities and are equitably represented in all occupational levels in the workforce.

To ensure that Affirmative action measures are implemented in the workplace, the following will be done: -

- (i). Identification and elimination of employment barriers, including unfair discrimination, which adversely affects people from designated groups;

- (ii). Measures will be identified and interventions put in place to further encourage diversity in the workplace based on equal dignity and respect of all people.
- (iii). Reasonable accommodation will be afforded to people from designated groups in order to ensure that they enjoy equal opportunities and are equitably represented in all occupational levels in the workplace.
- (iv). This policy will be implemented by the Municipality to ensure that people from designated groupings are developed, accelerated and retained.
- (v). These measures include preferential treatment of people from designated groups as well as addressing remuneration gaps/disparities that exist. This means that positive discrimination will be applied to attract and retain people from designated groupings to ensure that numerical goals and target are attained, specifically in cases where there is scarcity of skills.
- (vi). In addressing remuneration disparities, the Municipality shall ensure that Job descriptions are reviewed, job grading is conducted using Tuned Assessment of Skills and Knowledge (TASK) grading system, and remuneration benchmark conducted in line with South African Local Government Association (SALGA) requirements. This means that the process of addressing remuneration gaps will be a scientific process aligned with the policies of South African Local Government Association (SALGA).

22.6.3.6. Consultation

22.6.3.6.1. Ngwathe Local Municipality commits itself to continuous and regular consultation with all relevant stakeholders in line with section 16 and 17 of the Employment Equity Act 55 of 1998, as amended.

22.6.3.6.2. Consultation with all relevant stakeholders shall commence at the beginning of the Employment Equity process and as and when the Employment Equity plan is reviewed in line with section 23 of the Employment Equity Act 55 of 1998. To ensure successful implementation of the plan, the Municipality shall make every effort to include employee representatives, including Trade Union representations from IMATU and SAMWU in all aspects of the plan, especially the planning,

development and implementation phases.

22.6.3.6.3. The Municipality shall, in all good faith, keep an open mind throughout the process and seriously consider proposals put forward and consult on such processes and proposals with organised labour and other stakeholders. Where a representative body or Trade Union refuses to take part in the consultation process in order to reach consensus, the Institution shall record the circumstances, in writing, including those steps that it has taken to communicate and initiate the process as well as the reasons for such refusal. Members of the Employment Equity Forum shall be permitted to consult from time to time with the relevant constituencies.

22.6.3.7. Communication

22.6.3.7.1. To raise awareness on all issues related to Employment Equity, Ngwathe Local Municipality will use both the informal and formal communication structures.

22.6.3.7.2. The Employment Equity policy as well as the Employment Equity plan shall be appropriately and comprehensively communicated to all stakeholders, employees and the public and members of the Employment Equity Forum shall be permitted to consult and communicate such policy and plan with their constituencies.

22.6.3.7.3. The communication mechanism shall indicate the parties responsible for the implementation of the Employment Equity Policy.

22.6.3.7.4. Employees shall be made aware and be informed of:

- (i) The content and application of the Employment Equity Act as preparation for their participation and consultation.
- (ii) The Employment Equity and anti-discrimination issues.
- (iii) The proposed process to be followed by the Institution after consultation with the said stakeholders.
- (iv) The benefits to employees of participating in the process; and
- (v) The need for the involvement of all stakeholders in order to promote positive outcomes.

22.6.3.8. Stakeholders Committee

Ngwathe Local Municipality shall establish an Employment Equity Forum/Committee in order to:

- (i). Oversee and monitor the implementation of the objectives, principles, strategies and procedures of employment equity.
- (ii). Make recommendations on matters affecting employment equity.
- (iii). Monitor and evaluate the effectiveness of employment equity Programmes as well as obtaining approval from the Municipal Manager as well as the Council on matters related to Employment Equity.
- (iv). The Committee shall report on a regular basis to the Management of the Institution on progress made.

22.6.3.9. Employment Equity Planning

The Employment Equity Planning process of the Municipality is intended to achieve inclusive workplace strategies rather than limiting employment equity to compliance with quotas. The achievement of an inclusive workplace requires a deliberate effort to set numerical targets and goals, as well as the implementation of measures to remove employment barriers.

22.6.3.9.1. Numerical Targets and Goals

- (i). Numerical targets and goals shall be developed for each occupational level in line with the Municipality's Staff Establishment/organisational structure and must take into account the demographic profile of the Municipality, the National and Provincial Economically Active Population (EAP).
- (ii). The rate of terminations in a year, based on the annual rate of retirements, deaths, resignations, dismissals, and skills availability among underrepresented groups. This does not make provision for quotas, that is, numerical targets must be developed for all population groups and not only for designated groups; and although numerical targets should be reasonable, they must progressively change the demographic profile of all

Departments to reasonably reflect the EAP as appropriate.

22.6.3.10. Barriers and Affirmative Action Measures/Interventions

In order for Municipality to achieve numerical targets, it will:

- (i). Conduct analysis as prescribed in the Employment Equity Act.
- (ii). Develop and implement appropriate affirmative action measures/interventions as depicted in the Employment Equity Plan to remove any such barriers and to provide fair and equitable access to employment and other opportunities presented by the Municipality.
- (iii). Affirmative action measures/interventions shall promote diversity and respect for human dignity of all employees in the Municipality, including job applicants.
- (iv). Affirmative action measures/interventions shall include, inter alia, positive efforts to recruit, develop, promote and retain suitably qualified people from designated groups.
- (v). This policy, therefore, provides for preferential treatment of member of designated groups who are suitably qualified and appointable.
- (vi). The Municipality shall take reasonable steps to transform its institutional culture to become one which is enabling, inclusive and conducive for workplace diversity.
- (v). The Municipality will roll out a climate survey every three (3) years to identify any barriers that might have an adverse impact to both employees and job applicants.
- (vi). Relevant interventions to address barriers identified shall be implemented accordingly.

22.6.3.11. Employment Practices of the Ngwathe Local Municipality

- (i). All Municipal employment practices shall take into account the spirit of the Employment Equity Act which seeks to address current employment disparities and to advance members of designated groups in all occupational levels and grades across the Organization.
- (ii). All recruitment, selections, appointments, promotions, transfers, acting appointment and staff development processes shall be made in line with the Organizational Employment Equity plan.

- (iii). Suitably qualified and appointable candidates from the designated groups shall be given preference, if found to be appointable by the selection committee. Any deviation from this rule shall be presented to the Employment Equity Committee and the Municipal Manager for approval.
- (iv). All selection, recruitment and appointments shall be made in line with the Recruitment, Selection and Appointment policy of the Municipality, read together with this policy.
- (v). All appointments and promotions which are not in line with the Municipality's employment equity targets and are not consistent with the respective EE Plan for that Department or section shall be referred to the Employment Equity Committee and the Municipal Manager for consideration.
- (vi) The Employment Equity Committee shall make a recommendation to the Municipal Manager on whether or not the envisaged appointment can be made taking into account reasons advanced by the selection committee.

22.6.3.12. Preferential Recruitment, Selection and Development Strategy

- (i). In order to achieve the employment equity targets, Departments within the Municipality with the approval of the Municipal Manager and after consulting with the Employment Equity Forum may use a "headhunting recruitment strategy," which enables them to recruit applicants from the preferred designated group in line with the employment equity targets in their job advertisements. This mainly pertains to position classified as scarce/critical skills.
- (ii). Employees from designated groups who possess the required qualifications, skills and working experience will be identified as potential candidates and subjected to the recruitment process.
- (iii). When acting positions arise, employees from designated groups with the necessary qualifications, skills and practical working experience will be given preference to act in such positions as a means of personal development provided the process was transparent to all staff in the department.

22.7. INTERNAL DISPUTE MECHANISM

- (i). Any employee or official of the Municipality as well as a representative Trade Union who is dissatisfied with any matter relating to the Municipality's obligations regarding Employment Equity, this plan and policy, the interpretation and implementation of it or any of the reports submitted to the Director-General of the Department of Labour, should direct the disputes for consideration in terms of the grievance procedure of the Ngwathe Local Municipality to the Director: Corporate Services.
- (ii). The Director: Corporate Services has an obligation to report on the number of matters arising as well as the outcome of the matter related to Employment Equity disputes quarterly to the Employment Equity Committee, the Local Labour Forum (LLF), Corporate Services Portfolio Committee, and the Mayoral Committee.
- (iii). All disputes will be resolved in line with the applicable Employee grievance procedure of the Local Municipality.

22.8. IMPLEMENTATION AND COMPLIANCE

- (i). Ngwathe Local Municipality commits itself to comply with the provisions of the Employment Equity Act 55 of 1998, as amended as well as all the laws and prescripts related to employees.
- (ii). All heads of Departments shall have key employment equity targets/deliverables incorporated into their performance contracts. Compliance to equity with regard to the achievement of numerical and non-numerical goals shall be evaluated in terms of the Institutions' performance evaluation system.
- (iii). Points shall be allocated where designated groups are appointed, disaggregated according to race, gender and disability. The Municipality shall review with the intention to increase the weighting attached to performance related implementation of Employment Equity, to strengthen and support meaningful implementation.

22.9. CONSEQUENCES OF NON-IMPLEMENTATION / NON-COMPLIANCE

Consequences of non-implementation as well as non-compliance with the EE policy:

- (i). The Employment Equity amendments Act stipulates that contravention to the Employment Equity Act by the employer, may result in fines up to R1,500 000.00 or 10% of the turnover of the Municipality by the Labour Court.

22.10. BREACH OF POLICY MANUAL

Breach of this policy will lead to consequence management in line with the Employee Relations policy of Ngwathe Local Municipality.



The home of harmony, prosperity and growth

BEREAVEMENT POLICY

(NLMHRE-1023)

CHAPTER 23

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23. BEREAVEMENT POLICY

23.1. PREAMBLE

Ngwathe Local Municipality recognizes the fact that death is unavoidable and, as a caring Employer, seeks to create a supportive environment for its employees and their immediate family members during times of bereavement.

23.2. PURPOSE OF POLICY

To ensure a uniform, fair and consistent approach in dealing with the death of an employee.

23.3. SCOPE OF APPLICATION

This policy applies to all employees, interns, Learners of Ngwathe Local Municipality.

23.4. LEGISLATIVE FRAMEWORKS

The Legal Framework that Govern the Policy:

- 23.4.1. Pension/Provident Fund rules.
- 23.4.2. The Occupational Health and Safety Act 85 of 1993.
- 23.4.3. Employment Equity 55 of 1995; as amended.
- 23.4.4. Municipal Finance Management Act 56 of 2003.
- 23.4.5. Municipal Systems Act 32 of 2000.

23.5. POLICY PROVISIONS

- 23.5.1. Ngwathe Local Municipality shall appoint a bereavement Committee to manage bereavements of all employees, Interns and Learners.
- 23.5.2. **The role of the bereavement committee**
 - (i) Liaise with the bereaved family within 48 hours of the death of the employee.
 - (ii) Inform Management and employees on funeral details.
 - (iii). Collect contribution amounts agreed from time to time from all employees and ensure that such are registered on the bereavement list and signed for by employees. Contributions are to be handed to the appointed family member of the deceased employee before the funeral. The amounts specified as contribution shall be from employees and not the budget of the Municipality.

- (iv). Provide emotional support to the family in consultation with the Health and Wellness Unit within the Organization.
- (v). In Consultation with the Municipal Manager and the family of the deceased, arrange the Memorial Service and coordinate funeral arrangement for the employee.
- (vi). In consultation with the Municipal Manager and Director Corporate Services, arrange transportation for employees who will be attending the funeral at the cost of the Employer.

23.6. BREACH OF POLICY MANUAL

- 23.6.1. Non-compliance with the policy will be dealt with in line with the Employee relations policy of Ngwathe Local Municipality.



EMPLOYEE RELATIONS POLICY

(NLMHRE-1024)

CHAPTER 24

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24. EMPLOYEE RELATIONS POLICY

24.1. PREAMBLE

- 24.1.1. The Ngwathe Local Municipality realises that sound Employee Relations can only result from mutual respect between an employer and its employees and that such respect is formed where the employer and its employees treat each other fairly and consistently. This policy is designed to achieve the aim of sound labour relations in an open and fair work environment.
- 24.1.2. As a general principle and founding value of its Human Resources Management practices, the Ngwathe Local Municipality acknowledges that its employees are entitled to fair labour practices as set out in section 23 of the Constitution of the Republic of South Africa 1996. Moreover, Ngwathe Local Municipality recognises and holds that the focus of section 23(1) of the Constitution is, broadly speaking, the relationship between employer and the employee and the continuation of that relationship on terms that are fair to both parties. In giving content to this right, Ngwathe Local Municipality realises and gives effect to continued efforts to ameliorate and balance the inherent tension that always exists between the interests of employees and the interests of the employer.
- 24.1.3. This policy aims to facilitate collective bargaining, establishing and using effective dispute resolution mechanisms, and promoting employment equity to create a harmonious and productive work environment for all.

24.2. PURPOSE OF POLICY

- 24.2.1. The purpose of this policy is to give effect to the Labour Relations Act 66 of 1995 and all other employee related laws including the Constitution of South Africa.
 - 24.2.1.1 To promote sound Labour relations in Ngwathe Local Municipality.
 - 24.2.1.2 To advance economic development, social justice, and labour peace in the workplace by providing a framework through which employees and the employer can collectively bargain on matters of mutual interest.
 - 24.2.1.3 To ensure the right to fair Labour Relations.
 - 24.2.1.4 To achieve equality in the workplace by promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination and implementing Affirmative Action measures to redress the disadvantages in employment experienced by designated groups, in order to ensure their equitable representation.

24.2.1.5 To promote the sharing of ideas and views in an atmosphere of openness and trust between parties. Meaning, the Municipality believes in fair and open dialogue, should there be a dispute between an employee and the Ngwathe Local Municipality.

24.3. SCOPE OF APPLICATION

24.3.1. This policy is applicable to all employees of Ngwathe Local Municipality. The Municipal Manager and Managers reporting to the Municipal Manager will be governed by the Labour Relations Act 66 of 1995 as well as the conditions of employment as outlined in Section 56 of the Municipal Systems Act, 2000 (Act 32 of 2000 as amended), and the applicable laws governing Senior Managers in Local Government.

24.4. THE LEGISLATIVE FRAMEWORK

The Legal Framework that Govern the Policy:

- 24.4.1. The Constitution of the Republic of South Africa.
- 24.4.2. Labour Relations Act 66 of 1995; as amended.
- 24.4.3. Basic Conditions of Employment Act 75 of 1997; as amended.
- 24.4.4. Occupational Health and Safety Act 85 of 1993.
- 24.4.5. Employment Equity Act, Act 55 of 1995; as amended.
- 24.4.6. Protected Disclosures Act, Act No 26 of 2000.
- 24.4.7. Municipal Finance Management Act 56 of 2003.
- 24.4.8. Municipal Systems Act 32 of 2000.
- 24.4.9. SALGBC Main Collective Agreement as concluded in 2015.
- 24.4.10. Free State SALGBC Collective Agreement on Conditions of Service, as concluded on 1st August 2023.
- 24.4.11. SALGBC Collective Agreement on Disciplinary Procedure as concluded on 21 April 2010.

24.5. WORKPLACE COMMUNICATION

- 24.5.1. Ngwathe Local Municipality believes that channels of communication must exist between management and employees in every workplace.
- 24.5.2. The Municipality must design appropriate communication channels between

Management and Employees in the workplace.

24.5.3. The below section outlines how communication will be handled between parties:

24.5.3.1. Consultative Structure

The Council of the Ngwathe Local Municipality recognises that the relationship between Management and Employees will be enhanced and supported by formal consultative structures. For this purpose, the Council subscribes to the establishment of the Local Labour Forum as prescribed in the Collective Agreement.

24.5.3.2. Consultation Procedure between Employees, Management and Councillors

24.5.3.2.1. An employee, except a Departmental Head and a person working in his/her office, must make an appointment to consult the Municipal Manager. The employee making an appointment must indicate the subject matter that he/she wishes to raise.

24.5.3.2.2. An employee, except an employee working directly under the supervision of a Departmental Head, must make an appointment to consult his/her Departmental Head. The employee making an appointment must indicate the subject matter that he/she wishes to raise.

24.5.3.2.3. No employee, except a Departmental Head, may make an appointment with the Municipal Manager without the prior permission of his/her Departmental Head. The employee who wishes to make such an appointment must indicate the subject matter that he/she wishes to raise with the Municipal Manager, to his/her Departmental Head.

24.5.3.2.4. No employee may make an appointment with his/her or another Departmental Head without the prior permission of his/her immediate supervisor. The employee wishing to make such an appointment must indicate the subject matter that he/she wishes to raise with such departmental head to his/her supervisor.

24.5.3.2.5. No employee other than the Municipal Manager or a Departmental Head may make an appointment with the Mayor, Speaker or any other Councillor members of the Ngwathe Local Municipality.

24.5.3.2.6. Should employees wish to meet the Mayor, the Speaker,

Councillor Member of the Ngwathe Local Municipality, they must accordingly inform the Municipal Manager, and the subject matter that he/she wishes to raise with them.

24.5.3.2.7. Notwithstanding the provisions of paragraph above, an employee may make an appointment with the Mayor, Speaker or any other Councillor members of the Ngwathe Local Municipality, in order to make a protected disclosure to those officials in terms of the Protected Disclosures Act.

24.5.3.2.8. Whenever an employee approaches the Mayor, Speaker or any other Councillor members of the Ngwathe Local Municipality, except in the circumstances contemplated in above, that Official (Mayor, Speaker or any other Councillor members of the Ngwathe Local Municipality), must advise the employee concerned to follow the correct procedure to bring the matter he/she raised with them to the attention of the Municipal Manager or another employee.

24.5.3.2.9. A trade Union has the right to make an appointment with the Municipal Manager or a Departmental Head to discuss a matter of mutual concern relating to the Ngwathe Local Municipality or a specific Department or a workplace within a department. The trade Union making an appointment must indicate the subject matter that it wishes to raise in writing.

24.5.3.3. Relationship with Employer Organizations/ Trade Unions

24.5.3.3.1. The Ngwathe Local Municipality affiliates to the South African Local Government Association of South Africa (SALGA).

24.5.3.3.2. The purpose of the Ngwathe Local Municipality's affiliation with SALGA is to promote sound labour relations within the Local Municipality.

24.5.3.3.3. The Ngwathe Local Municipality shall subject to its constitutional right to govern, adhere to the policies and directives of SALGA.

24.5.3.3.4. The Ngwathe Local Municipality recognises and subscribes to the right of employees to form, join and participate in the activities of a Trade Union. The participation of an employee in the activities of a Trade

Union of which he/she is a member, shall take place in accordance with the provisions of the Collective Agreement.

24.6. PHILOSOPHY OF DISCIPLINE

- 24.6.1. It is the policy of the Ngwathe Local Municipality to maintain order in its workplace by means of the fair and consistent application of disciplinary procedures, so as to render quality services to communities. Through the consistent and fair application of disciplinary measures, the Ngwathe Local Municipality wishes its employees to distinguish between acceptable and unacceptable conduct.
- 24.6.2. The Ngwathe Local Municipality promotes a positive approach to discipline.
- 24.6.3. The Ngwathe Local Municipality wishes to motivate every employee who is capable of acceptable behaviour to behave correctly.
- 24.6.4. The key object of discipline in the Organization is to ensure that the Ngwathe Local Municipality and its employees treat one another with mutual respect and fairness. A premium is placed on both employment justice and the efficient operation of the Institution. While employees should be protected from arbitrary action, the Ngwathe Local Municipality is entitled to satisfactory conduct and acceptable work performance from its employees.

24.7. THE PRESCIBED DISCIPLINARY MEASURES

- 24.7.1. Serve as a guideline to Management to ensure fair and equal treatment of all employees.
- 24.7.2. Encourage timely corrective action in the event of an employee's conduct proving to be unsatisfactory or unacceptable.
- 24.7.3. Ensures that the principles of natural justice are applied before judgment is passed on an employee's conduct; and
- 24.7.4. Is equally applicable to all the employees of the Ngwathe Local Municipality.
- 24.7.5. A written acknowledgement of guilt by an employee, who has been accused of misconduct, whether he/she has been formally charged in terms of the relevant labour relation policy and whether such acknowledgement is accompanied by a written apology, shall not be adequate reason to postpone, delay or refuse to take disciplinary action.

24.8. PLEA AGREEMENTS

- 24.8.1. If the employee wishes to plead guilty to the charge or charges, such employee or his representative may enter into a plea agreement on a sanction to be imposed.
- 24.8.2. The plea agreement shall be in writing, signed by the employer representative and the employee or his representative, and is subject to approval by the presiding officer.
- 24.8.3. The presiding officer shall consider and approve a plea agreement having considered all the relevant circumstances. If the plea agreement is approved by the presiding officer, a sanction shall be imposed on the employee in accordance with the plea agreement. In the absence of such approval the disciplinary hearing shall proceed as if the employee has pleaded not guilty.

24.9. RESPONSIBILITY FOR EMPLOYEE DISCIPLINE

- 24.9.1. The Municipal Manager is responsible and accountable for the maintenance of discipline in the workplace, provided that he/she may delegate his/her powers, functions and duties in this regard to a Manager directly accountable to him/her. Discipline in the workplace will be implemented in terms of the South African Local Government Bargaining Council Disciplinary Procedure and the Collective Agreement signed on 21 April 2010, as amended.

24.10. MISCONDUCT CASES

- 24.10.1. Misconduct refers to any inappropriate behaviour or actions that violate the Local Municipality's policies, professional standards, or ethical norms. For example, employees under the influence of intoxicating substances while being on duty.
- 24.10.2. If any form of alleged misconduct is identified, matter must immediately be reported to the immediate Supervisor.
- 24.10.3. Any incidence of alleged misconduct must be dealt with in terms of this policy manual.

24.11. PRIVATE AND PERSONAL AFFAIRS

- 24.11.1. An employee must take care of his/her private and personal affairs outside of official working hours, except where the employee's immediate supervisor gives

permission otherwise, within the limits of what is fair and reasonable.

24.11.2. No employee is allowed to do private work without disclosing to the Municipal Manager in writing. Moreover, employees may not engage the services of another employee to carry out their private work during office hours.

24.12. MUNICIPALITY'S PROPERTY ASSETS

24.12.1. An employee must take all reasonable steps within his/her power and sphere of influence to care for and protect the property (tools of trade) of the Ngwathe Local Municipality.

24.12.2. An employee who is issued with property, utensils, equipment, implements, machinery, vehicles or other items belonging to the Ngwathe Local Municipality is responsible for their safe-keeping, purposeful use and supervision.

24.12.3. An employee may not:

24.12.3.1. allow or permit that any assets (property, utensils, equipment, implements, machinery, vehicles or other items) belonging to Ngwathe Local Municipality be used without authorisation.

24.12.3.2. make unauthorised use of any property, utensils, equipment, implements, machinery, vehicles or any other items.

24.12.3.3. permit or allow that any assets (property, utensils, equipment, implements, machinery, vehicle or other items) belonging to Ngwathe Local Municipality, be removed from any Municipality premises without authorisation and neither may he/she remove them; and repair or restore such property unless authorised to do so.

24.12.4. An employee must immediately after it has come to his/her attention report to his/her immediate supervisor any defect in or damage to any property, utensils, equipment, implements, machinery, vehicles or any other item belonging to Ngwathe Local Municipality.

24.12.5. An employee who is found to have misappropriated or misused the property of Ngwathe Local Municipality will be dealt with in line with the disciplinary policy of the institution.

24.13. DISPUTE RESOLUTION

24.13.1. Ngwathe Local Municipality subscribes to the principles of and procedures for dispute resolution as prescribed by the Labour Relations Act.

24.13.2. The Local Municipality will participate in a bona fide manner in any dispute

resolution procedures that impact the functionality and sustainability of the entire Institution where a dispute could not be concluded between the employee/Trade Union. For example, strikes that may impact service delivery. The main objective of mediating in such cases will be an endeavour to resolve disputes as quickly and as fairly as possible.

24.13.3. Ngwathe Local Municipality believes: -

24.13.3.1. Should an individual or collective dispute arise out of the employment relationship, it will best be resolved by dialogue in a climate that is free from excessive pressures and stress.

24.13.3.2. If a deadlock is reached with regards to any matter in dispute, the parties to the dispute must meet at least twice within a period of ten (10) days to try to resolve the dispute.

24.13.3.3. If the dispute is still unresolved after having complied with this paragraph, the parties must meet within five days of the last meeting to consider alternative ways of resolving the dispute; and

24.13.3.4. The alternative ways of resolving the dispute may include Conciliation, Mediation, Arbitration and Labour Court proceedings.

24.14. MANAGEMENT OF INDUSTRIAL ACTION

24.14.1. Ngwathe Local Municipality endorses the right of employees to strike, picket and to embark on other forms of industrial action as determined by the Labour Relations Act 66 of 1995.

24.14.2. Whenever employees of Ngwathe Local Municipality embark on a strike, or other industrial action that causes two or more employees to be absent from work, the principle of “no-work-no-pay” applies in respect of such absent employees. The full amount of pay forfeited by an employee for his/her absence from work as contemplated in this paragraph shall be applied.

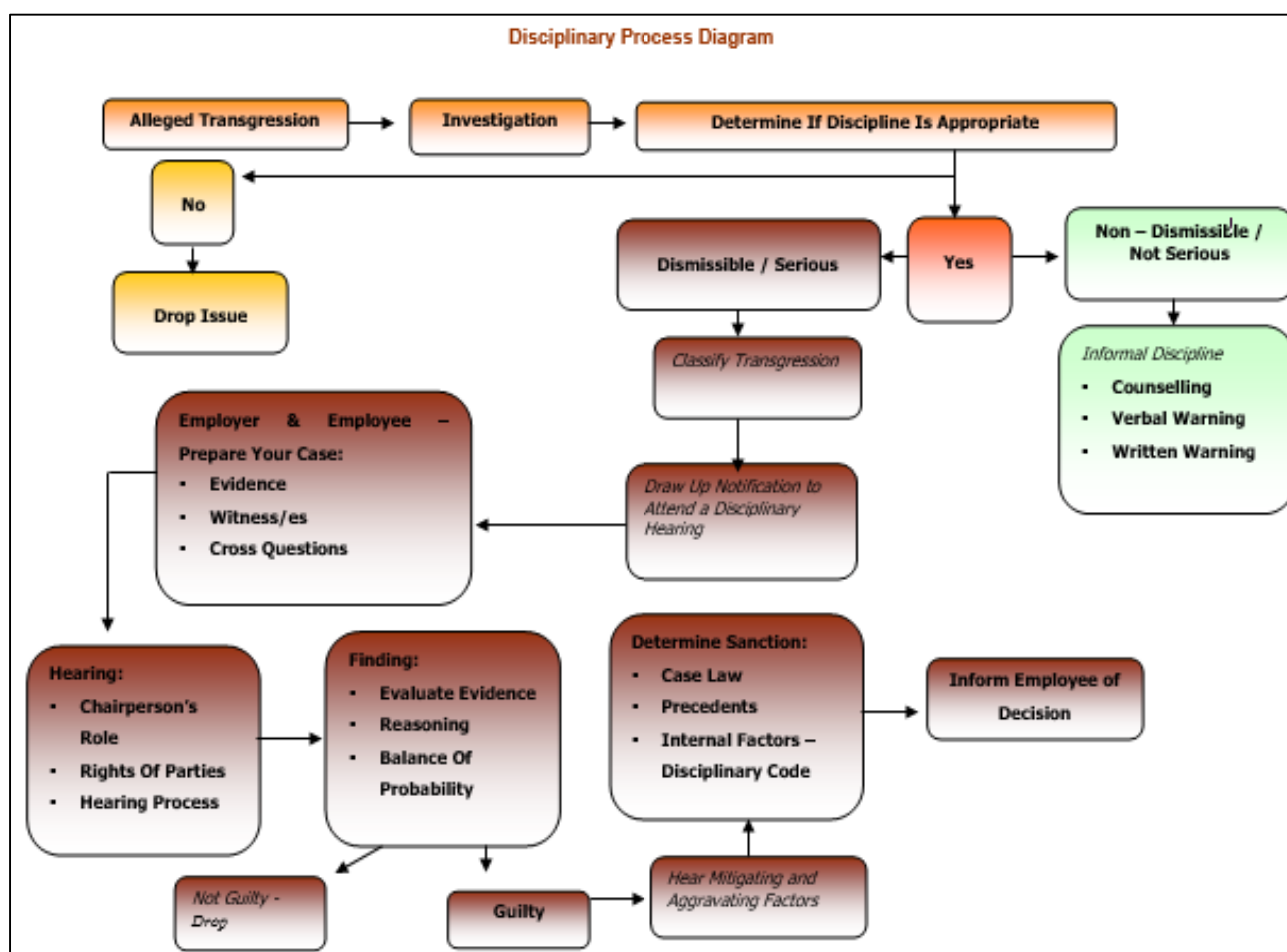
24.14.3. Ngwathe Local Municipality shall not grant any application for Leave of absence to an employee for the purpose of participating in a strike or other industrial action.

24.14.4. Ngwathe Local Municipality commits itself to protect its property against destruction and damage and the safety and security of its employees, Councillors, and residents within the Municipality during any strike or other industrial action by employees and shall for this purpose:

24.14.4.1. make appropriate and reasonable security arrangements.

- 24.14.4.2. not allow any industrial action to take place on or in any premises of Ngwathe Local Municipality; and
- 24.14.4.3. Take appropriate action, including disciplinary action and litigation, against any employee or Trade Union concerned who, whilst participating in a strike or other industrial action, causes damage to or destructs property of Ngwathe Local Municipality or who harasses, intimidates, assaults or coerce any person during the course of such action or in preparation thereof.
- 24.14.5. Any employee claiming or alleging that he/she was harassed, intimidated, assaulted or coerced into or for not participating in a strike or other industrial action or who claims that he/she feared for his/her life or property during a strike, must submit a sworn written affidavit to that effect to the Manager Human Resources in order for Ngwathe Local Municipality to take appropriate action.
- 24.14.6. The Municipal Manager must, in consultation with such other Managers as he/she may determine, develop and maintain a written strike management plan for the management of strikes and other industrial action by employees of the Municipality.

24.15. DISCIPLINARY PROCESS DIAGRAM



TIME FRAMES

The following times frames shall serve as a guideline for handling Discipline:

ACTIVITY	RESPONSIBILITY	TIME
Conduct an investigation into allegation of misconduct	Municipal Manager or his authorized representative	As soon as reasonably possible
Institute Disciplinary proceedings	Municipal Manager or his authorized representative	As soon as reasonably possible
Establish a Departmental Enquiry or Disciplinary Tribunal	Municipal Manager or his authorised representative	Dependent on seriousness of misconduct. Departmental Enquiry shall be reserved for matters where the competent sanction is a verbal or final written warning. A Disciplinary Tribunal shall be established where misconduct

		is serious and may result in a sanction of suspension, demotion or dismissal.
Appoint a Presiding Officer and a Prosecutor	Municipal Manager or his authorised representative	When decision is taken to set up a Disciplinary Tribunal these appointments shall be made.
Formulate and present charges to the employee	Prosecutor	Within five days of appointment as Prosecutor
Enquiry to commence	Presiding Officer/All parties involved	On a date not less than 5 days or more than 15 days calculated from the date of service of the Notice of Misconduct on the employee
Confirm in writing the findings of fact, sanction imposed and the reasons in support of this	Presiding Officer	Within 10 days of the last day of the hearing

24.16. DISCIPLINARY MATRIX (GUIDELINE) ON NATURE OF OFFENSES AND ACTIONS TO BE TAKEN

Ngwathe Local Municipality (NLM) realises that it is sometimes not desirable to classify offences in a matrix format, as it may impose limitations on the natural discretion of a presiding officer.

It is therefore emphasised strongly that the matrix be used as a guideline.

SERIOUSNESS OF THE OFFENCE	PHASE DISCIPLINARY ACTION
Minor Offense	Corrective counselling/ Verbal warning
Serious Offense	Written warning/ Final warning
Very serious Offense	Final warning/ Dismissal
" X" denotes action that may be taken	

OFFENCE	DEFINITION	SERIOUSNESS OF THE OFFENCE		
		MINOR	SERIOUS	VERY SERIOUS
		Corrective counselling/ Verbal warning	Written warning/ Final warning	Final warning/ Dismissal
(1) Absence from duty	Absence of the employee from duty at NLM without approved leave or an acceptable excuse.	X	X	X
(2) Absconding	Absence of the employee from duty at NLM without approved leave or an acceptable excuse for ten (10) consecutive days or more.			X
(3) Poor timekeeping	Arriving at work late after the start of official working hours and without an acceptable excuse or approved leave. This also includes returning late after meals and other periods of rest.	X	X	X (Depending on the frequency and duration of incidents.) (Usually coupled with counselling.)

OFFENCE	DEFINITION	SERIOUSNESS OF THE OFFENCE		
		MINOR	SERIOUS	VERY SERIOUS
		Corrective counselling/ Verbal warning	Written warning/ Final warning	Final warning/ Dismissal
(4) Leaving the workplace without permission during working hours	Leaving the workplace for reasons that are not work related and without the permission of his/her supervisor.	X	X	X (Depending on the frequency and duration of incidents.)
(5) Drunkenness or under the influence of an intoxicating substance while on duty	Being under the influence of liquor or any other intoxicating substance while on duty and to such an extent that the work performance of the employee concerned is influenced negatively.		X (If few or an isolated incident of abuse.)	X (If the person is an alcoholic, consider counselling/treatment.)
(6) Revealing of confidential information of NLM	Deliberate or unauthorised release by an employee of information regarded as confidential by NLM to an unauthorised third party.		X	X (Depending on the nature and sensitivity of the information.)
(7) Fraud, dishonesty, forgery, providing of false personal information	Conscious and deliberate actions or omissions with a view to gaining an unauthorised and/or unwarranted advantage in a dishonest way.			X (Depending on the seriousness and extent of the advantage gained from the action.)
(8) Refusal to carry out legitimate instructions/ Insubordination	Refusal by an employee to carry out any legitimate instructions given by his/her supervisor.		X	X (If it occurs repeatedly.)
(9) Sleeping on duty	Sleeping on duty during working hours while on duty in the workplace.	X First offences will usually be handled by means of counselling.)	X	X

OFFENCE	DEFINITION	SERIOUSNESS OF THE OFFENCE		
		MINOR	SERIOUS	VERY SERIOUS
		Corrective counselling/ Verbal warning	Written warning/ Final warning	Final warning/ Dismissal
(10) Impertinence	Insolent, impertinent or disrespectful behaviour towards a supervisor/Manager, which is of such a nature that it undermines the authority of the supervisor/Manager.	X	X (If behaviour requires more serious action than a mere warning.)	X (If the frequency and seriousness of the behaviour justifies it.)
(11) Insulting behaviour	Disrespectful behaviour towards a senior, fellow or junior employee, member of the public, etc.	X	X (If behaviour requires more serious action than a mere warning.)	X (If the frequency and seriousness of the behaviour justifies it.)
(12) Rape and/or sexual molestation	Forces sexual intercourse or physical sexual contact or molestation.			X
(13) Sexual harassment	See the policy on harassment		X	X (The circumstances and nature of harassment can cause the appropriate action to range from corrective counselling to dismissal.)
(14) Assault	The use of physical violence or a threat of physical violence against a fellow employee or other person on the premises of NLM.			X

OFFENCE	DEFINITION	SERIOUSNESS OF THE OFFENCE		
		MINOR	SERIOUS	VERY SERIOUS
		Corrective counselling/ Verbal warning	Written warning/ Final warning	Final warning/ Dismissal
(15) Intimidation	Threats of violence or other harmful behaviour towards any employee or member of the public on the premises of NLM.			X (Unless extenuating circumstances can be argued.)
(16) Victimisation	Threat(s) to harm a person or any other prejudicial action against an employee in respect of the exercising or intended exercising of any rights by a fellow employee/subordinate.			X (Unless extenuating circumstances can be argued.)
(17) Loafing	Loafing during working hours, without a valid excuse.	X (Counselling is the appropriate first step, together with an exposition of the employee's duties.)	X	X (Only if counselling has taken place, duties have been spelt out and training and guidance have been provided where relevant.)
(18) Refusal to work overtime/do emergency work	Unreasonable refusal to work overtime (do emergency work within the framework of the Basic Conditions of Employment Act (No. 3 of 1983).		X	X
(19) Illegal strikes	Participation in an illegal strike not covered by the Labour Relations Act (No 66 of 1995).		X	X
(20) Being found guilty of a crime with a jail sentence	Where the employee is found guilty of a crime in terms of criminal law and sentenced to imprisonment and therefore can no longer honour his/her service contract.			X

OFFENCE	DEFINITION	SERIOUSNESS OF THE OFFENCE		
		MINOR	SERIOUS	VERY SERIOUS
		Corrective counselling/ Verbal warning	Written warning/ Final warning	Final warning/ Dismissal
(21) Unauthorised possession or use of equipment or property of the NLM	Possession or use of equipment/property of NLM for purposes not related to work without proper authorisation and/or taking or use of equipment outside the premises of NLM without proper authorisation.		X	X Depending on circumstances, including the intention to steal.)
(22) Causing of damage to property through negligence	Causing of damage to the property of the NLM through negligence.		X	X (Depending on the degree of negligence and the seriousness of the damage.)
(23) Deliberate destruction of NLM property	Causing of deliberate damage to the property of the NLM.		X (Only if strong extenuating circumstances are present.)	X
(24) Wastage of material	Deliberate or neglectful wastage of material or products of the NLM.	X	X	X
(25) Unauthorised possession or use of a dangerous weapon in the workplace	Unauthorised possession or use of any dangerous weapon which can cause an injury by an employee of NLM.		X	X (If the weapon was carried with the intention to injure, damage or threaten.)

OFFENCE	DEFINITION	SERIOUSNESS OF THE OFFENCE		
		MINOR	SERIOUS	VERY SERIOUS
		Corrective counselling/ Verbal warning	Written warning/ Final warning	Final warning/ Dismissal
(26) Swearing and use of crude language	Swearing and use of crude language in the presence of fellow employees or aimed at a person, member of the public, etc.	X	X	X (Depending on the nature and frequency of the incidents.)
(27) Loss or damaging of work or protective clothing	Deliberate or neglectful loss or damaging of clothing provided to the employee by NLM.	X	X	X
(28) Smoking	Smoking by any employee of the NLM in a forbidden area or any other transgression of the NLM's Policy on a Smoke-Free Workplace.	X	X	X (If the frequency and seriousness of the behaviour justifies it.)
(29) Unfair discrimination	Any unfair discrimination on the grounds of race, sex, language, religion, etc.	X	X	X

24.17. BREACH OF THIS POLICY

24.17.1. Non-compliance with the policy will be dealt with in line with the Employee relations policy of Ngwathe Local Municipality, the Labour Relations Act 66 of 1995 as well as the applicable Collective Agreement.



TERMINATION AND EXIT MANAGEMENT POLICY

(NLMHRE-1025)

CHAPTER 25

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25. TERMINATION AND EXIT MANAGEMENT POLICY

25.1. PREAMBLE

25.1.1 The Local Government Municipal Systems Act, Act 32 of 2000 requires an efficient, effective and transparent Local Public Administration that conforms to constitutional principles. The Labour Relations Act 66 of 1995 on the other hand, mandates that employment termination must be conducted fairly, requiring employers to provide valid reasons for the termination of employment and adhere to a fair termination process.

25.1.2 This policy provides a guideline on the procedure to be followed in cases of termination of employment.

25.2. PURPOSE OF THE POLICY

25.2.1 The purpose of this policy is to provide compliant and fair procedural guidelines on the management of employee terminations and exits which may be as a result of ill-health, normal retirement, resignation, labour related misconducts, or operational requirements of the Municipality.

25.2.2 To ensure consistency on the administration of terminations and exits for employees who leave the Municipality, and to ensure that employees who volunteer to leave early undergo an exit interview.

25.2.3 To collect exit management data that may be used to weight job satisfaction and trends in voluntary terminations. The data will enable the Human Capital management department to improve on practices such as recruitment, retention, orientation, training, working conditions, benefits, etc.

25.3. LEGISLATIVE FRAMEWORKS

The Legal Framework that Govern the Policy:

25.3.1 The Basic Conditions of Employment Act 75 of 1997; as amended.

25.3.2 The Constitution of the Republic of South Africa.

25.3.3 The Labour Relations Act 66 of 1995; as amended.

25.3.4 The Occupational Health and Safety Act 85 of 1993.

25.3.5 Employment Equity 55 of 1995; as amended.

- 25.3.6 Protected Disclosure Act 26 of 2000.
- 25.3.7 Municipal Finance Management Act 56 of 2003.
- 25.3.8 Municipal Systems Act 32 of 2000.
- 25.3.9 SALGBC Main Collective Agreement as concluded on 1 May 2007.
- 25.3.10 Free State SALGBC Collective Agreement on Conditions of Service, as concluded on 1st August 2023.

25.4. SCOPE AND APPLICATION

- 25.4.1 This policy applies to all employees of Ngwathe Local Municipality, including permanent, fixed term, and temporary employees, unless specifically excluded by a written agreement.

25.5. POLICY PROVISION

Notice of Termination

Subject to the Basic Conditions of employment Act 75 of 1997, a contract of employment may be terminated based on notice of not less than:

- (i). One week, if the employee has been employed for six months or less.
- (ii). Two weeks, if the employee has been employed for more than six months but not more than one year.
- (iii). Four weeks, if the employee has been employed for one year or more.
- (iv). Despite the notice period depicted above, a collective agreement may permit the notice period of four weeks required to be reduced to not less than two weeks on exceptional circumstances.

- 25.5.1. Notice of termination of a contract of employment shall be submitted by the employee in writing on the first (1st) of the month. Ngwathe Local Municipality shall not process any termination submitted before the first (1st) of the month.
- 25.5.2. Notice of termination of a contract of employment shall not be given during any period of annual Leave to which the employee is entitled. Meaning the employee shall not resign in lieu of Leave.
- 25.5.3. Notice of termination of a contract of employment must not run concurrently with any period of sick Leave or any other special Leave.
- 25.5.4. The employee must ensure that the notice is given in writing, except when it is given by an illiterate employee. In such cases, the employee must approach the Human Resources department to ensure that he/she is accordingly assisted with

the termination.

- 25.5.5. Should the employee who receives notice of termination not be able to understand its contents, the notice must be explained orally by, or on behalf of the employer to the employee in an official language the employee reasonably understands.
- 25.5.6. Should the employee opt not to serve the notice period, the employer reserves the right to deduct an amount equivalent to the days due for notice from the employee's salary.
- 25.5.7. The notice periods do not apply to an employee who works less than 24 hours in a month for Ngwathe Local Municipality.
- 25.5.8. Termination of fixed term contract employee will be in accordance with his/her terms of contract. If a contract does not specify the termination notice period, then the contractor will be informed by this policy.

25.6. EXIT MANAGEMENT PROCEDURE

- 25.6.1. The Human Capital Management department shall schedule a formal meeting with the employee to conduct an exit Interview within one (1) week of receiving the notification of resignation from the employee. This is conducted in order to determine reasons for the employee's resignation and any opportunity for retention as a strategy to avoid voluntary exit.
- 25.6.2. Should the employee withdraw the resignation after consultation with the Human Resources Manager and the Line Manager of such an employee, the following procedure shall be undertaken: -

25.6.2.1. Procedure for withdrawal of Resignation: -

- (i). The Line Manager with the assistance of Human Resources Manager will compile a motivation for retention of the employee in line with the scarce/critical skills policy or related Human Resources policy guideline (e.g. relocation to another position at the same post level grade) and submit it to the Municipal Manager for approval.
- (ii). The employee retention submission/proposal will be tabled in the presence of the employee /
`s Trade Union representative for discussion and acceptance.
- (iii). Should the employee accept the reasonable accommodation proposal, such an employee will be presented with a contract of

employment depicting new terms of contract. The contract must be signed by the employer and the employee.

- (iv). Should the employee proceed to opt for resignation even after consultation with the Human Capital Management department, the Human Capital management office shall register on the exit document reasons, for exit, notice period, future Organization the employee will be joining (if disclosed), consultation that transpired with the employee, etc.
- (v). The exit Report shall be submitted to the employee`s Line Manager and filed in the Human Resources personnel file.
- (vi). Ngwathe Local Municipality shall table the Exit Reports to Management as well as the Employment Equity Committee/LLF monthly.
- (vii). Payroll department shall process the employee termination in line with Payroll management policies, less statutory deductions including all deductions of monies owed to the Municipality by the employee.
- (viii). All Municipal property or tools of Trade shall be returned to the responsible Line Manager on the last working day of the employee`s employment, failing which monies due to the employee shall not be paid.
- (ix). Terminate employee on Municipal ICT systems on last working day of the month.

The employee occupying Municipal Property shall ensure that notice is accordingly given to responsible Line Managers/property management division in line with appropriate lease agreement and vacate the property on date of termination of employment or as per agreed terms and conditions.

- (x). The Human Resources Department shall ensure that employees are given Certificate of Service on the last day of their employment.
- (xi). Ngwathe Local Municipality shall provide employment references to prospective employers only with the express written consent of the employee.

25.6.3. Exit Management Procedure due to Incapacity: Poor Work Performance

25.6.3.1. The Municipal Manager, after consultation with the Director:

Corporate Services must investigate the reasons for an employee's poor performance in every case where it is alleged before termination of employment.

25.6.3.2. The investigator must be appointed by the Municipal Manager or his/her delegate and on a date agreed with the employee, consult with the employee and the employee's immediate Supervisor and Departmental Head to establish the following:

- (i). Whether the employee is aware of the performance standard; or whether it could be reasonably expected that he/she knows the rule/performance standard.
- (ii). Whether the employee complied with the set performance standards. In the event the employee did not comply with the set performance standard, whether he/she was aware of the standards.
- (iii). Whether appropriate assessment, instruction, counselling, guidance and training were provided to the employee.
- (iv). Whether the employee was afforded time to improve his/her performance and after such a reasonable time for improvement the employee has still not met the required standards.
- (v). Whether the employee was afforded the right to present his/her case through a formal disciplinary process.
- (vi). If the employer establishes that the exit management process was conducted in line with the disciplinary procedure, such an exit shall be approved by the Municipal Manager or his/her delegate.
- (vii). Terminate employee on Municipal ICT systems on last working day of the month.

25.6.4. Exit Management Procedure due to a Misconduct

25.6.4.1. All employees must be afforded an opportunity to present their case.

25.6.4.2. The disciplinary or misconduct related matters will be held in line with the disciplinary procedure of Ngwathe Local Municipality.

25.6.4.3. Should the recommendation of the disciplinary be Exit due to Misconduct, the Human Capital Management department, shall register on the exit document reasons for exit, notice period based on the outcome of the presiding officer, etc. The exit Report shall be submitted to the employee's Line Manager and filed in the Human

Resources personnel file.

- 25.6.4.4. Ngwathe Local Municipality shall table the Exit Reports to Management as well as the Employment Equity Committee/LLF monthly.
- 25.6.4.5. Payroll department shall process the employee termination in line with Payroll management policies, less statutory deductions including all deductions of monies owed to the Municipality by the employee.
- 25.6.4.6. All Municipal property or tools of Trade shall be returned to the responsible Line Manager on the last working day of the employee`s employment, failing which monies due to the employee shall not be paid.
- 25.6.4.7. The employee occupying Municipal Property shall ensure that notice is accordingly given to responsible Line Managers/property management division in line with appropriate lease agreement and vacate the property on date of termination of employment or as per agreed terms and conditions.
- 25.6.4.8. Terminate employee on Municipal ICT systems on last working day of the month.
- 25.6.4.9. The Human Resources department shall ensure that employees are given Certificate of Service on the last day of their employment.
- 25.6.4.10. Ngwathe Local Municipality shall provide employment references to prospective employers only with the express written consent of the employee.

25.6.5. Exit Management Procedure due to Incapacity / Ill Health or Injury

- 25.6.5.1. The Municipal Manager or his/her delegate must investigate whether the employee is able to continue working, if the employee concerned was absent from work due to illness or injury for more than two consecutive days at a time on three occasions during any period of three months: or for a continuous period of twenty-one (21) days or more.
- 25.6.5.2. The Municipal Manager or his/her delegate must appoint at least two Medical Practitioners, one of them being the fund (Pension/Provident fund) medical Practitioner to examine the employee and to provide him/her with their reports and the cost of such reports must be borne by the Ngwathe Local Municipality. The

investigation must comply with the rules of the funds related to incapacity-ill-health.

25.6.5.3. If the employee exercises his/her right not to submit to medical examination, the investigation must continue. In such event the investigator must investigate all other available evidence.

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

- (i). The nature of the employee's job.
- (ii). The period or periods of absence of the employee due to illness or injury.
- (iii). The cause of any disability or illness arising during the employee's employment with Ngwathe Local Municipality.
- (iv). The nature, seriousness and extent of the employee's illness or injury.
- (v). Whether the employee is able to perform the job with or without reasonable accommodation and, if so, the extent to which the employee is able to perform the job in order to avoid termination/exit.
- (vi). The possibility to place the employee in an alternative position if he/she is able to perform the functions allocated to that job, whether on the same or a lower level.
- (vii). Adjusting the working hours or place of work, to provide for more convenient circumstances for the employee.
- (viii). The degree to which the employee's working conditions or duties can be adapted or the temporary replacement of the employee during his/her absence in order to avoid dismissal.
- (ix). The Municipal Manager, after consultation with the Director: Corporate Services, must investigate whether a fair procedure was followed in determining the incapacity ill-health of the employee in line with the Employee Relations Policy as well as the Pension/Provident Fund rules of the Municipality.

25.6.5.5. Should the recommendation of the presiding officer of the hearing be Exit due to Incapacity-ill-health, the Human Capital Management department, shall register on the exit document reasons for exit, notice period based on the outcome of the presiding officer, etc.

25.6.5.6. The exit Report shall be submitted to the employee's Line Manager and filed in the Human Resources personnel file.

- 25.6.5.7. Ngwathe Local Municipality shall table the Exit Reports to Management as well as the Employment Equity Committee/LLF monthly.
- 25.6.5.8. Payroll department shall process the employee termination in line with Payroll management policies, less statutory deductions including all deductions of monies owed to the Municipality by the employee.
- 25.6.5.9. All Municipal property or tools of Trade shall be returned to the responsible Line Manager on the last working day of the employee's employment, failing which monies due to the employee shall not be paid.
- 25.6.5.10. The employee occupying Municipal Property shall ensure that notice is accordingly given to responsible Line Managers/property management division in line with appropriate lease agreement and vacate the property on date of termination of employment or as per agreed terms and conditions.
- 25.6.5.11. Terminate employee on Municipal ICT systems on last working day of the month. Terminate employee on Municipal ICT systems on last working day of the month.
- 25.6.5.12. The Corporate Services department must ensure that employees are given Certificate of Service on the last day of their employment.
- 25.6.5.13. Ngwathe Local Municipality shall provide employment references to prospective employers only with the express written consent of the employee.

25.6.6. Exit Procedure due to Retirement

- 25.6.6.1. Ngwathe Local Municipality shall provide written notification to employees approaching retirement age, as well as their Line Managers, at least six (6) months prior to the retirement date.
- 25.6.6.2. An employee who is a member of a retirement fund must retire on the first day of the month following the month during which he/she reaches retirement age as determined by the rules of the fund concerned.
- 25.6.6.3. An employee who is not a member of a retirement fund must retire on the first day of the month following the month during which he/she turns sixty-five (65) years of age.
- 25.6.6.4. Subject to the rules of the retirement fund concerned, an employee may terminate his/her services and retire on early pension. The

employment of an employee who contemplates retiring on early pension must be terminated on the first day of the month following the month during which the retirement fund concerned approved his/her application for retirement.

- 25.6.6.5. The employee must complete the retirement form.
- 25.6.6.6. The Human Resources department within forty-eight (48) hours of receiving the retirement form from the employee, must check the form for completeness and inform the relevant retirement fund or the National or Provincial Government department concerned, as the case may be, in writing of the retirement of an employee in terms of this policy and transmit a copy of such notice to the employee concerned.
- 25.6.6.7. In the case of an employee who is due for retirement who does not belong to a retirement fund, assist the employee to apply for the relevant pension.
- 25.6.6.8. Payroll department shall process the employee termination in line with Payroll management policies, less statutory deductions including all deductions of monies owed to the Municipality by the employee.
- 25.6.6.9. All Municipal property or tools of Trade shall be returned to the responsible Line Manager on the last working day of the employee's employment, failing which monies due to the employee shall not be paid.
- 25.6.6.10. The employee occupying Municipal Property shall ensure that notice is accordingly given to responsible Line Managers/property management division in line with appropriate lease agreement and vacate the property on date of termination of employment or as per agreed terms and conditions.
- 25.6.6.11. Terminate employee on Municipal ICT systems on last working day of the month.
- 25.6.6.12. The Human Resources department must ensure that employees are given Certificate of Service on the last day of their employment.
- 25.6.6.13. An employee who has reached retirement age shall not be permitted to work as a full-time employee. Ngwathe Local Municipality based on Operational Requirements as well as scarcity of skills in the Province, may consider appointing retired employees in critical/scarce skills positions on a fixed term contract basis until placement is done for the position.

25.6.7. Exit Management due to Operational Requirement/Redundancy

25.6.7.1. The exist/redundancy procedure related to Operational Requirements in Ngwathe Local Municipality shall be dealt with in line with the provisions of section 189 of the Labour Relations Act 66 of 1995.

25.6.8. Exit Management Procedure due to Employee`s Death

25.6.8.1. Ngwathe Local Municipality recognizes the fact that death is unavoidable and, as a caring employer, seeks to create a supportive environment for its employees and their immediate family members during times of bereavement.

25.6.8.2. Bereavements Exits will be dealt with as follows: -

- (i) The Bereavement Committee shall inform the Municipal Manager as well as the Line Manager of the employee concerned after receiving formal notification from the deceased employee`s family.
- (ii) The Human Resources Department shall notify the retirement fund of the death of the employee and ensure that related fund exit documentations are completed by the family of the deceased employee (appointed family representative authorized by the Court as an executor of the Estate of the employee).
- (iii) The Human Resources department within forty-eight (48) hours of receiving the retirement form from the employee`s family, must check the form for completeness and inform the relevant retirement fund or the National or Provincial Government department concerned, as the case may be, in writing of the death of an employee in terms of this policy and transmit a copy of such notice to the employee concerned.
- (iv) Payroll department shall process the employee termination in line with Payroll management policies, less statutory deductions including all deductions of monies owed to the Municipality by the employee on date of death.
- (v) All Municipal property or tools of Trade shall be returned to the responsible Line Manager by the family of the deceased employee prior payment of monies due to the employee.
- (vi) Upon death of the employee, the Municipal Manager or his/her delegate shall give three (3) months` notice to the deceased

employee`s family informing them to vacate the property and or agree new terms and conditions of lease of property.

- (vii) The Municipal Manager or his/her delegate shall ensure that the exit procedure is implemented in line with the bereavement policy of Ngwathe Local Municipality.
- (viii) Terminate employee on Municipal ICT systems on last working day of the month.

25.6.7. PAYMENT IN LIEU OF NOTICE

- 25.6.7.1. Instead of giving an employee notice in terms of this policy, Ngwathe Local Municipality reserves the right to pay the employee the remuneration the employee would have received, if the employee had worked during the notice period in lieu of notice.
- 25.6.7.2. If an employee gives Notice of Termination of Employment, and the employer waives any part of the notice, the employer shall pay the full remuneration of the employee in line with his/her contract of employment less statutory deductions.

25.7. BREACH OF POLICY MANUAL

Non-compliance with the policy will be dealt with in line with the Employee relations policy of Ngwathe Local Municipality.