



## RECRUITMENT, SELECTION AND APPOINTMENT POLICY: 2018/2019

### **DOCUMENT APPROVAL**

Responsible Person:	Name	Signature	Date

**Date of approved:** \_\_\_\_\_

## **1. PURPOSE**

- 1.1 To provide Ephraim Mogale Local Municipality with procedures and guidelines governing recruitment and selection in order to ensure consistency, fairness and equity.
- 1.2 To direct and discipline employment practices to ensure that the objectives of Ephraim Mogale Local Municipality are attained more especially objectives related to structural and operational efficiency.
- 1.3 To ensure that recruitment is attained to establish a positive image of Ephraim Mogale Local Municipality as an employer in the labour market.

## **2. REGULATORY FRAMEWORK**

- 2.1 The Constitution of South Africa (Act 108 of 1996 as amended).
- 2.2 The Basic Condition of Employment Act, 1997 (Act no.75 of 1997 as amended).
- 2.3 The South African Local Government Bargaining Council: Main Collective Agreement.
- 2.4 The Collective Agreement on Condition of Services for the Limpopo Division.
- 2.5 Local Government: Municipal Systems Act, 2000 (Act no.32 of 2000 as amended).
- 2.6 Employment Equity Act, 1998 (Act 55 of 1998) [EEA].
- 2.7 Local Government: Municipal Systems Amendment Act, 2011 (Act no. 7 of 2011).
- 2.8 Local Government: Municipal Performance Regulations for Municipal Managers and Managers Directly Accountable to Municipal Managers, 2006 (Regulation R805 dated 1 August 2006),
- 2.9 R493 National Treasury: Local Government: Municipal Finance Management Act: Municipal Regulations on Minimum Competency Levels (Government Gazette no. 29967 dated the 15 June 2007).

### **3. ORGANOGRAM**

- 3.1 Corporate Services Department through its Human Resources division shall maintain a record of all approved and budgeted posts and shall monitor all appointments against posts according to the approved **organogram**.
- 3.2 The post structure must be aligned with Ephraim Mogale Local Municipality's Integrated Development Plan, Equity Plan and approved system of job evaluation as defined by the South African Local Government Bargaining Council from time to time.

### **4. RECRUITMENT**

#### **4.1 Recruitment needs**

- 4.1.1 Each department has a responsibility to determine their human resources need in line with Ephraim Mogale Local Municipality's approved Employment Equity Plan.
- 4.1.2 Senior Managers of departments shall ensure that vacancies on the approved organogram are evaluated and budgeted for.
- 4.1.3 Employment requisition form shall be completed by the Senior Manager of the relevant Department and be submitted to the Senior Manager: Corporate Services Department together with the functions of the post and the draft job description.
- 4.1.4 In case of the post which was occupied had become vacant the Corporate Services Department through Human Resource Division shall advertise the vacant position immediately in consultation with the department concern.
- 4.1.5 Human Resources division must verify the employment requisition form, functions of the post and draft job description and salary structure and develop an advertisement.
  - 4.1.5.1 Important aspects to be considered by Human Resource division in developing an advertisement:
    - 1.3.1 The name of the Municipality.

- 1.3.2 The department and designation of the position that is advertised.
- 1.3.3 A statement that the appointment will be permanent or for a fixed term, (if applicable).
- 1.3.4 In the case of the Municipal Manager **and Senior Manager**, a statement that the continued employment of the successful candidate will be subject to the annual conclusion of a performance agreement with the Municipality.
- 1.3.5 Be specific about the nature of the job, the opportunities and challenges it offers and particular demands, for instance long hours or extensive traveling. *(This enables potential applicants to decide for themselves if they are suitable for the job).*
- 1.3.6 Advertisements shall be compiled with due consideration for the job description and salary attached to it.
- 1.3.7 Be specific about employment benefits, especially the salary package applicable to the position.
- 1.3.8** Be specific about the recruitment process and applicants submit duly completed application form accompanied by curriculum vitae and certified copies of qualifications **not more than three months**.
- 1.3.9 Be specific about abilities, skills and competencies applicants must have to qualify for consideration.
- 1.3.10 The name and contact details of the person to whom enquiries may be directed.
- 1.3.11 A statement that canvassing will disqualify any candidate from being considered for appointment.
- 1.3.12 State requirement for security clearance where they are justified by the inherent nature of the job.

- 1.3.13 The advertisement must be clear that Ephraim Mogale Local Municipality is committed to employment equity, and that it encourages applications from blacks, women and people living with disabilities.
- 1.3.14 The language and style of the advertisement must be clear and simple in order to attract targeted candidates from all sections of the society.
- 1.3.15 Advertisement must be designed to reach the widest possible number of people in all target groups in the most cost-effective manner.
- 1.3.16 The advertisement of vacant evaluated and funded positions shall be approved by the Municipal Manager.
- 1.3.17 The external approved advertisement shall circulate for a **minimum period of 14 working days** and not more than **30 working days in the national, regional or local newspapers,** Municipal website and on the Municipal notice boards.
- 1.3.18 A statement that correspondences shall be limited to successful candidates only, and that if a candidate has not been contacted within THREE (03) MONTHS after the closing date of the advertisement, **the applicant must** accept that the application was unsuccessful.
- 1.3.19 No applications shall be received by fax or email.
- 1.3.20 Municipality reserve the right to fill or not to fill the advertised position.**

## **5 RECRUITMENT SOURCES**

### **5.1 Internal**

- 6.1.1 Positions other than that of Municipal Manager and Senior Managers reporting directly to the Municipal Manager shall be advertised internally by memorandum or any communiqué placed on Municipal Notice Boards

for a minimum period of FOURTEEN (14) **days and a maximum of TWENTY ONE (21) days.**

6.1.2 The Municipal Manager in consultation with the relevant Senior Manager of the respective Department and the Senior Manager: Corporate Services may determine which positions may be filled internally.

## **6.2 External**

The Corporate Services Department shall advertise posts on a national, local, regional circulating newspapers, the Municipal website **and on the Municipal Notice Boards.**

## **6.3 Skills Search (headhunting)**

6.3.1 Head-hunting shall be applied with caution at all times with the explicit approval by the Municipal Manager in consultation with the Executive Committee of the **Council** and only after the Selection and Interview panel, expressed an opinion that the assessed candidates are not suitable and / or do not meet the requirements of the position as per the **placed** advertisement.

6.3.2 The targeted **candidates** shall be provided with the copy of the recruitment advertisement allowing them to apply on their own accord, **and would still be expected to possess the required qualifications, perform excellently during the interviews demonstrate their skills and knowledge related to the position applied for.**

## **6.4 Canvassing**

Applicants who canvass for appointments or promotion to a vacancy on the Council's **organogram** shall be disqualified once it can be proven.

## **7. NEPOTISM**

- 7.1 It is the policy of the Municipality to seek competent applicants for positions and to further the careers of those employed regardless of whether they have close relatives already employed at the Municipality. The basic criteria for appointment and retention are appropriate qualifications, experience and performance.
- 7.2 Family relationships shall constitute neither an advantage nor a deterrent to appointment and retention at the Municipality provided the individual meets and fulfills the appropriate appointment standards.
- 7.3 For the purpose of this policy "close relative" is defined as spouse, domestic partner, parent, mother-in-law, father-in-law, step-parent, child, son-in-law, daughter-in-law, step-child, brother, step-brother, brother-in-law, sister, stepsister, sister-in-law, grandchild, aunt, uncle, nephew, niece and first cousin.
- 7.4 Employment of "close relatives" is therefore limited only where necessary to provide reasonable assurance that each employee can carry out the responsibilities of his/her particular position as objectively as possible. Subject to adherence to the following provisions hereunder, there shall be no discrimination against the employment or continued employment of any person because of his/her relationship to a member of the Municipality staff:
- 7.4.1 "Close relatives" may not be employed in positions where such employment will result in the existence of a supervisor/subordinate relationship;
- 7.4.2 "Close relatives" may not be employed in positions where one will have responsibility for reviewing and approving financial/budget/purchase transactions or in recommendations and/or decision making in any matter concerning appointment, promotion, salary, retention or termination of employment of a "close relative"; and
- 7.4.3 No staff member may be appointed as the supervisor in respect of any "close relative".
- 7.5 Municipal officials affected by the received applications shall declare their interest and shall not be part of the Selection and Interview panel.
- 7.6 Failure by official to declare their interest shall constitute misconduct and disciplinary actions shall be taken against the official.

## **8. SELECTION, INTERVIEW AND APPOINTMENT PROCESS**

### **8.1 Processing of Applications**

- 8.1.1 The **Human Resources Division** shall be responsible for receiving applications for advertised posts.
- 8.1.2 Applications received after THREE (03) working days by **post** after the closing date shall be regarded as late and will be classified as such.
- 8.1.3 If a candidate withdraws his/her application at a later stage it has to be done in writing.
- 8.1.4 The Human Resource division shall capture all applications as they are received to ensure completion within a minimum period of time.
- 8.1.5 **The captured list shall not be distributed to anyone other than the Municipal Manager until they are released only to panelist during the shortlisting process to enhance credibility of the list.**
- 8.1.6 The Human Resources division shall in consultation with the relevant department develop a memo to be approved by the Municipal Manager for the appointment of selection and the interview panel including scheduling of related dates.
- 8.1.7 **Notices for the shortlisting and interviews shall be issued at least two (02) days to the unions before such a session.**

### **8.2 Selection and Interview Panel**

#### **8.2.1 Qualities**

- 8.2.1.1 Confidentiality (treat all information discussed during the selection process as confidential)
- 8.2.1.2 Impartiality (treat all candidates during selection process equally and fairly). It is desirable that a panel member declares him/herself if he/she has personal interest on the candidate/s if he/she is related to the candidate.
- 8.2.1.3 Consistency (apply the same set of criteria to each candidate).
- 8.2.1.4 Objectivity (deal with facts).



### 8.2.2 Composition of Selection and Interview Panel

- (a) **The Selection and Interview panel must consist of at least three (03) members, namely an appropriate official from the end user department, officials from the Human Resources, and another appropriate official possessing knowledge and experience related to the position, subject to approval by the Municipal Manager. Secretariat duties shall be handled by Human Resources Division.**
- (b) Members of the panel, in exception of trade unions representatives, **and the scribe from the Human Resources division** must be employees of equal or higher grading than the post to be filled and should include adequate representation in terms of race and gender where possible.
- (c) **The Council shall** invite appropriate and competent person/s from outside Ephraim Mogale Local Municipality to become part of the panel to Select and Interview candidates for vacant Sections 56 and 57 posts (Local Government: Municipal Systems Act, 32 of 2000).
- (d) The Chairperson of the panel must come from the component where the post exists. If not available he/she must appoint an acting chairperson in writing.
- (e) In the case of the managerial position, the Municipal Manager or his/her appointee must serve as a chairperson of the panel.
- (f) The unions shall have an observer status during shortlisting and interviews processes.

### 8.3 **Functions and Duties of the Selection and Interview Panel**

- (a) Determine criteria in accordance with requirements as set out in the advertisement.

- (b) Ensure that candidates are given an equal and fair opportunity to present their candidature.
- (c) **Ensure that candidates are assessed against set criteria as set out in the advertisement which may include;**
  - (i) **Internal applicants,**
  - (ii) **Local applicants,**
  - (iii) **Provincial applicants,**
  - (iv) **National applicants,**
- (d) The panel shall make a recommendation on the suitability of a candidate after considering only:
  - (i) Information based on valid method, pre-determined criteria or instruments for selection that are free from any bias or discrimination.
  - (ii) The training, skills, competence and knowledge necessary to meet the inherent requirements of the post.
  - (iii) The needs of Ephraim Mogale Local Municipality for developing its human resources.
  - (iv) The representativeness of the component where the post is located; and
  - (v) The approved Municipality's Employment Equity plan.
- (e) The panel shall record the reasons for its decisions with reference to criteria attached to the post.
- (f) A member of the panel who breaches the confidentiality clause shall be subjected to disciplinary measures.
- (g) The Municipal Manager in consultation with the Executive Committee has the final decision and may override the decision of the Selection and Interview panel based on fair and transparent processes.

#### **8.4 Interviews**

- 8.4.1 Human Resources division shall invite all shortlisted candidates giving them time and place of the interviews by telephone or email whichever is applicable.

- 8.4.2 **Travelling cost for attending interviews by the shortlisted candidate shall be payable in terms of the Municipality's travel and subsistence policy.**
- 8.4.3 **The Selection and Interview panel shall conduct interviews for shortlisted candidates.**
- 8.4.4 **The Human Resources Division** must provide copies of the following documents to each member of the panel:
- 8.4.4.1 Captured list of candidates,
  - 8.4.4.2 Pre-determined Selection criteria,
  - 8.4.4.3 Advertisement,
  - 8.4.4.4 Application letters and CV's of shortlisted candidates,
  - 8.4.4.5 Approved interview programme,
  - 8.4.4.6 Scoring sheet,
  - 8.4.4.7 Jointly developed questions with possible answers.
- 8.4.5 The total score should be arrived at by adding the individual score and divide by the number of panel members.
- 8.4.6 **Successful candidate should have obtained at least 50% score during interviews to be declared successful.**
- 8.4.7 **The proceedings of the panel must be electronically recorded, properly documented and treated as strictly confidential.**
- 8.4.8 A panel must be careful not to create any expectation during interview.
- 8.4.9 The panel must restrict itself to questions, which are directly related to the advertised requirements and are broadly in line with good practices in Local Government.
- 8.4.10 **The panel members must develop questions on the day of the interviews.**

## **8.5 Selection Techniques**

- (a) Ephraim Mogale Local Municipality employees and applicants for vacant positions may undergo **vetting and/or** competency test.

- (b) **The outcome of the vetting and/or competency tests are strictly confidential and may be accessed on request by members of the panel or the candidate.**

## **8.6                    Merit**

Selection on merit is fundamental to ensure that Ephraim Mogale Local Municipality recruits and promotes people of the highest caliber. It must be ensured that a person selected amongst applicants is suitable based on the following:

- 8.6.1 Knowledge
- 8.6.2 Skills
- 8.6.3 Experience (previously work done at the Municipality and **in the Public Sector**)
- 8.6.4 Abilities
- 8.6.5 Personal attributes
- 8.6.6 The need to achieve representativeness and diverse workforce.

## **8.7                    Job-Related Selection Criteria**

The criteria should relate only to the inherent requirement of the job, but should, however take account of:

- 8.7.1 Competencies acquired through past experience,
- 8.7.2 Training received,
- 8.7.3 Interpersonal skills,
- 8.7.4 Decision-making capacity, and
- 8.7.5 Learning potential.
- 8.7.6 Work and job related experience includes temporary work done **in the Municipal environment.**

## **8.8                    Fairness**

The process must not discriminate against external and/or internal applicants or against any applicants on the ground of:

- 8.8.1 Race,

- 8.8.2 Colour,
- 8.8.3 Gender,
- 8.8.4 Religion,
- 8.8.5 Disability,
- 8.8.6 Age,
- 8.8.7 Belief,
- 8.8.8 Culture,
- 8.8.9 Marital status,
- 8.8.10 Sexual orientation,
- 8.8.11 Pregnancy,
- 8.8.12 Domestic circumstances,
- 8.8.13 HIV/Aids status, or
- 8.8.14 Any arbitrary grounds.

However Ephraim Mogale Local Municipality shall apply fair discrimination where it is necessary in order to achieve the targets set in the Employment Equity Plan.

## **8.9                    Equity**

The Selection and Interview panel shall ensure **fairness** and equity in selecting and appointing candidates.

## **8.10                   Transparency**

The selection process should be done transparently through a predetermined selection criterion. However, care should be taken so that sensitive and confidential information is not divulged.

## **8.11                   Reference Checking**

Ephraim Mogale Local Municipality shall do reference checking to confirm training, skills, competencies and/or knowledge of the candidate in relation to the requirement of the job.

## **8.12                    Entry Requirement**

In addition to the inherent requirements for the job, there are other minimum requirements for employment.

### **8.12.1      Citizenship**

8.12.1.1    Employment shall normally be for South African citizens.

8.12.1.2    Non-South African citizens with a working permit may be employed on fixed term contracts for a maximum of five years.

### **8.12.2      Age**

Employment in the Ephraim Mogale Local Municipality is open to any **suitable candidate from the age of EIGHTEEN (18) up to SIXTY FIVE (65) YEARS.**

### **8.12.3      Health**

(a) **Applicants have an obligation to provide information on the state of their health in the interest of good management and for their own welfare.**

(b) Ephraim Mogale Local Municipality shall ensure that it takes particular attention not to discriminate against people living with disability and the institution shall take reasonable steps to accommodate them.

(c) **Positions that requires medical fitness check shall be specified as such in the advertisement.**

(d) **Applicants** whose previous employment were terminated due to ill-health must undergo medical examination, irrespective of the nature of the job, as a pre-condition for re-employment.

### **8.12.4      Security Clearance**

(a) The security clearance requirements, where necessary, shall be stated clearly in the advertisement.

- (b) **Applicants** shall be subjected to security clearance if need arises.

### **8.13 Appointment of Candidates**

- 8.13.1 Unsuccessful candidate invited for interviews shall be informed in writing of the outcome of the interviews immediately after a nominee has accepted the offer.
- 8.13.2 If a nominated candidate does not accept the offer he/she must be requested to confirm in writing per a registered mail or email within five days, and the second most suitable candidate nominated shall be contacted by telephone to establish if he/she is still interested in the position and then be given the offer if he/she so confirms in writing.
- 8.13.3 The applicant must return their written acceptance of the offer for employment within seven days.
- 8.13.4 **At the time of appointment, new employee must provide the following original documents to Human Resource Division for making copies, certification and inclusion in the personal files:**
- (i) Academic qualifications,
  - (ii) Identity document,
  - (iii) Driver license, (where applicable)
  - (iv) Curriculum Vitae,
  - (v) Training Certificates,
  - (vi) Unemployment Card, (where applicable)
  - (vii) Marriage Certificates, (where applicable)
  - (viii) Work Permit (non-RSA citizens), (where applicable)
  - (ix) Medical Aid, (where applicable)
  - (x) Residential Address,
  - (xi) Next of kin and their contact details.

## **9. RESETTLEMENT COST**

### **9.1 Transporting of Goods**

9.1. **The cost of transporting goods for the appointed employees** shall be subsidized to a maximum of 75% **for** employees residing outside of the Ephraim Mogale Local Municipality only upon submission of receipt of expenditure incurred.

9.1.2 The employee shall submit THREE (03) written quotations which include insurance. Ephraim Mogale Local Municipality subsidy shall be based on the lowest quotation notwithstanding which company the employee used, and the employer reserves the right to seek an alternative supplier should the submitted quoted amount be deemed unreasonable.

9.1.3 **The relocation cost incurred shall be paid back in full should the employee leave the services of the Municipality within one year of appointment, and 75% if he/she leaves within two years of employment.**

## **9.2 Accommodation for newly appointed employee**

9.2.1 The municipality shall arrange and pay for accommodation for a newly appointed employee for a period of 1 (one) month whilst such an employee is arranging for his/her own accommodation

9.2.2 The Municipality shall arrange and pay such an accommodation only for newly appointed employees who are residing 50 (Fifty) kilometers outside the jurisdiction of the Municipality.

9.2.3 The municipality will be responsible for cost related to bed and breakfast only.

9.2.4 The Human Resource Manager shall ensure that such an accommodation is arranged and paid for.

## **10. APPOINTMENT OF MUNICIPAL MANAGER AND MANAGERS REPORTING DIRECTLY TO THE MUNICIPAL MANAGER**

10.1 Application shall be treated in the same manner as indicated in clause 8.1. above.

10.2 Such appointments shall take place in compliance with the following legal framework:



- (a) Section 56 and 57 of the Local Government: Municipal Systems Act 2000 (Act 32 of 2000) as amended,
  - (b) Local Government: Municipal Systems Act Amendment Act, 2011 (Act 07 of 2011),
  - (c) Local Government: Municipal Performance Regulations for Municipal Managers and Managers Directly Accountable to Municipal Managers, 2006 (Regulation R805 dated 1 August 2006),
  - (d) R493 National Treasury: Local Government: Municipal Finance Management Act: Municipal Regulations on Minimum Competency Levels (Government Gazette no. 29967 dated the 15 June 2007) or any amendments of these from time to time.
- 10.3 The number of people constituting the Selection and Interview panel for such positions shall not be more than five (5).
- 10.4 The Selection and Interview panel for such positions shall consists of the panelists as per the Council resolution, supported by the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers dated the 17<sup>th</sup> January 2014.
- 10.5 The unions shall have an observer status during shortlisting and interviews processes.

## **11. PROBATION**

- 11.1 All employees shall be appointed on probation for a period of TWELVE (12) consecutive months.
- 11.2 Probationary appointments shall be confirmed automatically except when the probationary period is extended.
- 11.3 The probation period may not be extended for more than THREE (03) consecutive months.
- 11.4 If the employee does not perform well or become unsuitable for the job after the probation period the matter shall be dealt with as a disciplinary measure.
- 11.5 Follow up interviews, evaluation and/or assessments as per the relevant form and criterion shall be conducted by the relevant Manager and Senior Manager with the

new employees in that department every three months of their appointment until the elapse of the probationary period.

- 11.6 The Municipal Manager and Senior Managers reporting directly to the Municipal Manager in terms of Section 54 and 56 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000 as amended)'s probation shall be dealt with in terms of the Regulations on Appointment of Municipal Managers and Managers directly Accountable to Municipal Managers and any applicable legislation or prescript.

## **12. INDUCTION**

- 12.1 All newly appointed employees shall be exposed to a **five (05) days induction session before they start with their work;**
- 12.2 The induction programme is intended to assist the new employee to settle on the job and make him/her a productive member of the team as soon as possible.

## **13. PAYMENTS OF SALARIES/THIRTEENTH CHEQUE**

- 13.1. **Salaries to employees of Ephraim Mogale Local Municipality shall be payable in arrears on or before the 25<sup>th</sup> of every months;**
- 13.2. **Notwithstanding Clause 13.1 above, payment of salaries during the month of December each year shall be paid not later than the 20<sup>th</sup> day of the month.**
- 13.3. If the 25<sup>th</sup> of the month falls on the weekend or on a holiday payment of salaries shall be made on the preceding working day,
- 13.4. Payment of the THIRTEENTH (13<sup>th</sup>) CHEQUE shall be made on a pro-rata basis in case of the employee retiring, going on pension, resigning, been dismissed, death, ill-health retirement or declared medically unfit.

## **14. POLICY AMENDMENT**

This policy may be amended when a need basis. Proposals for amendments may be submitted to the Senior Manager Corporate Services.

## **15. EFFECTIVE DATE**

This Policy shall come into effect on the date of the approval thereof by the Ephraim Mogale Local Municipality Council.

### **CERTIFICATE OF ENDORSEMENT**

Agreement between the Municipality and Employee Organisations/Labour Forum. We, the signatories to this agreement, duly authorized thereto, hereby commit ourselves to the application of the content of this Policy.

The Agreement to this Policy shall come into effect on the date of endorsement by all parties and shall cease only in the event where such changes/variations has been reduced to writing and been signed by all parties concerned. Unless in the event where any changes in any applicable Act, Legislation or Bargaining Council's Main Collective Agreement has jurisdiction to supersede.

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**For and on behalf of Municipality**

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**Date**

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**For and on behalf of Samwu**

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**Date**

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**For and on behalf of Imatu**

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**Date**

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# EPHRAIM MOGALE LOCAL MUNICIPALITY



## STANDBY, OVERTIME AND EMERGENCY WORK POLICY 2018/2019

### DOCUMENT APPROVAL

Responsible Person:	Name	Signature	Date

Date of approval: \_\_\_\_\_



## **OVERTIME, STANDBY & EMERGENCY WORK POLICY**

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### **1. PURPOSE**

To manage and control the overtime, standby and emergency work and related payments.

### **2. SCOPE OF APPLICATION.**

The terms of this Policy shall apply to all employees of the municipality who fall within the registered scope of the Limpopo Division of the SALGBC and municipal entities excluding the municipal manager and those employees reporting directly to the municipal manager as contemplated in terms of section 56 & 57 of the Municipal Systems Act 32 of 2000 as amended and expanded Public Works Programme (EPWP).

### **3. Definition:**

*“Acting Allowance” - means the monetary payment to an employee for carrying out the duties of a higher graded post on a temporary basis and in terms of the relevant policy or clause of the Conditions of Service for Limpopo Division.*

*Deductions” - means income tax, pension, medical fund etc.*

*“Earnings” - means gross pay before deductions*

*“Emergency work” - means any work to be done without delay in respect of the interruption of essential services, arising from fire, an accident, a mishap, a storm, an epidemic, an act of violence, theft, failure of equipment or machinery or any other unforeseen event, or work in connection with repairs to equipment and machinery which cannot be done during working hours.*

*“Employer” means Ephraim Mogale Local Municipality,*

- “Night Work”* - means work performed after 18:00 and 06:00 the next day.
- “Overtime”* - means the time that a qualifying employee works during a day of (or) a week in excess of the ordinary hours of work.
- “Remuneration”* - means remuneration as defined in the Schedule issued in terms of Section 35(5) of the Basic Conditions of Employment Act, 1997 (Act 75 of 1997) as amended.
- “Wage”* - means the amount of money paid or payable to an employee in respect of ordinary hours of work.
- “Standby allowances”*- Standby allowance is a compensatory allowance which is paid to an employee when he/she is instructed to keep himself/herself readily available to work after normal working hours for standby duty.
- “Stand-by duties”* - means the period determine by the employer during which an employee shall be available and in a state of mind that will enable him/her to perform emergency work related to the provision of service he/she normally perform albeit outside normal working hours.

#### **4. Purpose:**

- 3.1. To provide framework and guidelines for the implementation and maintenance of standby, overtime and emergency work and the remuneration attached thereto.
- 3.2.To ensure proper administration of and standby, overtime and emergency work costs for the Municipality.
- 3.3.To enable immediate action by employees who are on pre-approved overtime and on scheduled standby for work that need to be performed.

#### **4. Regulatory framework:**

- 4.1 The Constitution of South Africa (Act 108 of 1996 as amended).
- 4.2 The Basic Conditions of Employment Act, 1997 (Act 75 of 1997 as amended).
- 4.3 The South African Local Government Bargaining Council: Main Collective Agreement and other related agreements.
- 4.4. The Collective Agreement on Condition of Services for the Limpopo Division.
- 4.5. Local Government: Municipal Systems Act, 2000 (Act 32 of 2000 as amended).
- 4.6. *Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003 as amended).*

#### **5. Overtime.**

- 5.1.1. The provision governing overtime, as regulated by the Basic Conditions of Employment Act (Act 45 of 1997), will apply.

#### **6. Standby Allowance**

- 5.1 Standby Allowance is a compensatory allowance which is paid to an employee when he/she is instructed to keep himself/herself readily available to work after normal working hours for standby duty.
- 5.2. No employee shall be remunerated for and standby, overtime and emergency work done without prior approval granted by the relevant Manager / Director and is required in terms of a work related schedule.
- 5.2 ~~No employee shall be remunerated for overtime worked, emergency work and standby served unless there is sufficient budget allocation.~~
- 6.3. The following formula will be used for the calculations of standby allowance:-

Standby to be paid amounts to R 891,09 per full week of standby duties or

Monday to Friday	:	R 104.94 per day
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Saturday	:	R 157.25 per day
Sunday and Public Holiday	:	R 209.66 per day.

- 6.4. Stand By Allowance will be increased annually by the amount agreed to at the National Level in respect of salary and wage increases.
- 6.5. If the Employer requires an employee to be on standby, then the means of communication will be provided by the Employer. If not provided, a cell phone or phone allowance will be paid.
- 6.6. The normal overtime tariffs are paid to standby duty employees for services rendered outside normal working hours.
- 6.7. In terms of Municipal Transport Allowance Scheme, normal tariffs shall be paid to employees for actual kilometers to and from home travelling for standby/overtime duty.
- 6.8. Standby allowance shall be paid to operational staff and in exceptional cases the Municipal Manager may designate other posts for ad hoc standby allowance.
- 6.9. Employees who are currently receiving payments for standby allowance which is more favourable than the above, can retain these allowances on a contractual to holder basis.
- 6.10. An employee is entitled to a stand by allowance when he/she is requested in a written instruction by the Municipal Manager or his / her delegate to be available for the active service outside normal working hours.
- 6.11. An employee shall not be on standby for more than two (2) weeks per month, unless operational requirements dictate otherwise.
- 6.9. An employee on standby shall reside within a road distance of 10km from the Municipal head office at 13 Ficus Street or shall be able to reach the Municipal Workshop within 10 minutes with own methods.

## **7. EMERGENCY WORK.**

- 7.1 The Employer may require an employee to perform emergency work outside his/her normal working hours.
- 7.2. Emergency work shall be regarded as overtime and shall not require prior consent. In the case of emergencies owing to circumstances for which an Employer could not normally have made provision, a Municipality may require an employee to perform emergency work outside his normal working hours and remuneration for such overtime worked shall be paid to the employee.
- 7.3. Irrespective of any limitation with regard to overtime work or the threshold determined by the Minister in terms of section 6(3) of the BCEA, applicable at the time, an employee performing such emergency work shall be remunerated as follows:-



- |                                   |                                  |
|-----------------------------------|----------------------------------|
| 7.3.1. Monday to Saturday:        | 1.5 times the normal rate of pay |
| 7.1.2 Sunday and Public Holidays: | Double the normal rate of pay.   |

- 7.4. Prior approval and/or authorization by the Municipal Manager or his delegate shall be required before an employee can perform emergency work.

## **8. SHIFT ALLOWANCE.**

- 8.1. An allowance paid to employees where their working hours are determined by a roster.
- 8.2. Payment of shift allowance:-
- (a) A shift allowance will be paid to employees who work both (a) shifts and (b) a six day work week. ( A shift allowance is not applicable to employees who work only a five day work week)
  - (b) A shift allowance is also payable to continuous process work where operations are running on a 24 hours 7 days a week system.
  - (c) Employees who currently receive operational allowance or allowance to compensate for “inconvenience due to rosters” will not receive an additional shift allowance, unless the employee chooses to conform from operational or other allowances over a shift allowance.
- 8.3 The allowance is equal to ten (10) % of the employee’s monthly basic salary.
- 8.4. The allowance shall be increased annually in conjunction with the salary increases.
- 8.2. Employees who received shift allowances are not entitled to night shift allowance.

## **9. NIGHT WORK ALLOWANCE.**

- 9.1. Night work allowance is paid in terms of Section 17 of the BCEA for work performed after 18:00 and before 06:00 the next day.
- 9.2. A night work allowance of ten rands (R 10-00) per hour will be paid for night work performed. This amount will be increased annually by the amount agreed to at the National Level in respect of salary/wage increases.
- 9.3. Employees who are currently receiving payments for traffic/security/shift allowance will receive these allowances on a contractual to holder basis.
- 9.4. Night work allowance shall be paid to operational staff and in exceptional cases the Municipal Manager may designate other posts for as ad hoc night work allowance.
- 9.5. Employees who exercise a choice to receive night work allowance are not entitled to shift allowance.

- 9.6. An employee shall perform night work if required to do so by the employer, for which the employee shall be remunerated as provided for in section 17 (2) (a) of the BCEA; and on condition there is transportation available as provided for in section 17 (2) (b) of the BCEA.
- 9.7. The employee shall only perform night work in terms of clause 9, if the performance thereof has been approved by the municipal manager or his delegate.

## **10. GENERAL PRINCIPLES FOR ALLOWANCES.**

- 10.1. Employees who were entitled to traffic/security/shift allowances prior to this policy will continue to receive these allowances on a contractual to holder basis.

### **10.2Responsibilities:**

- 10.2.1 It is every Department's Director and/or Manager's responsibility to ensure proper implementation and management of the overtime, standby, and emergency policy.
- 10.2.2The Finance Department shall be responsible for the calculation and paying out of overtime worked as well as standby allowances with the salaries of affected employees.
- 10.2.3 Employees may choose between the payment for overtime or time off for overtime worked.

## **11. Implementation:**

This Policy shall be implemented once it has been approved by the Council.

## **12. Amendment of the Policy:**

The Policy shall be amended once per annum and inputs may be submitted to Director Corporate Services.



## Ephraim Mogale Local Municipality

### CELL PHONE POLICY 2018/2019

#### DOCUMENT APPROVAL

Responsible Person:	Name	Signature	Date

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



## **CELLULAR PHONE POLICY**

### **1. OBJECTIVE**

1.1 The objective of the policy is to:

- 1.1.1 regulate payment of cell phones allowances to designated employees of Ephraim Mogale Local Municipality, who have to use means of communication in the execution of official duties.
- 1.1.2 improve means of communication in the workplace and the public, in order to give a better services.
- 1.1.3 establish procedures, conditions and limitations according to which the cell phones allowance can be made.
- 1.1.4 establish procedures and conditions under which employees can use their private cell phones and receive cell phone allowance from the Municipality.

### **2. THE GUIDING PRINCIPLES FOR THE POLICY**

- 2.1 User friendliness.
- 2.2 Easy administration.

### **3. REGULATORY FRAMEWORK**

- 3.1 The Constitution of **the Republic of** South Africa (Act 108 of 1996 as amended).
- 3.2 Remuneration of Public Office Bearers Act, 1998 (act no. 20 of 1998) as amended.
- 3.3 The South African Local Government Bargaining Council: Main Collective Agreement
- 3.4 The Collective Agreement on Conditions of Service for the Limpopo Division.
- 3.5 Local Government: Municipal Systems Act, 2000 (Act no.32 of 2000 as amended).
- 3.6 Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003 as amended).

#### **4 POLICY PROVISIONS FOR MUNICIPAL OFFICIALS:**

##### **4.1. Criteria for eligibility:**

- 4.1.1 The granting of cell phone allowance to designated employees is mainly informed by the functions and duties that they perform.
- 4.1.2 The Cell Phone Policy is applicable to all employees designated in 4.2.
- 4.1.3 The administration of Cell Phone Allowance shall be done by respective departments.
- 4.1.4 An employee occupying a post other than those mentioned in 4.2 below may be considered for allocation provided that the Director of that department shall, based on the functions and duties of that employee and the availability of budget, make an application to the Municipal Manager motivating for the allocation of the allowance to the concerned employee.
- 4.1.5 Allocation of cell phone allowance to employees may be reviewed if the duties of that position changes.
- 4.1.6 All positions which are deemed not requiring cell phone allowance as a working tool which are currently benefiting from the scheme will be faced out in a period of three months after the employee has been appropriately informed.
- 4.1.7 All Directors must ensure that adequate budgetary provisions are made for all posts that qualify for an allowance during the budgetary process.

##### **4.2. Category of personnel eligible for cell phone allowance:**

- 4.2.1 Municipal Manager.
- 4.2.2 Directors.
- 4.2.3 Managers.
- 4.2.4 PRO.
- 4.2.5 Communication Officer.
- 4.2.6 Artisans.
- 4.2.7 Officials who are required to be on standby.
- 4.2.8 Supervisors: depending on the nature of their operational duties, approval for which shall be granted based on responsibilities.
- 4.2.9 Administrators of Satellite offices.
- 4.2.10 Drivers: Attached to Fleet Management Section.
- 4.2.11 Secretaries.
- 4.2.12 Building inspector.
- 4.2.13 HIV/AIDS Coordinator.
- 4.2.14 Fleet Supervisor.
- 4.2.15 Ward Liaison Officers.
- 4.2.16 OHS Officer.
- 4.2.17 Skills development Officer.
- 4.2.18 Human Resource Officer.
- 4.2.19 Legal Advisor.
- 4.2.20 IT Supervisor.

- 4.2.21 Labour Relations Officer.
- 4.2.22 Land use Officer.
- 4.2.23 LED Officer.
- 4.2.24 Town Planner.
- 4.2.25 Sports Officer.
- 4.2.26 PMS Officer.
- 4.2.27 EAP Officer.
- 4.2.28 Accountant Asset
- 4.2.29 Accountant Revenue
- 4.2.30 Disaster Management Officer
- 4.2.31 LED Officer
- 4.2.32 IDP Officer
- 4.2.33 Business Liaison Officer
- 4.2.34 Special Programme Clerk
- 4.2.35 Youth Officer
- 4.2.36 Security Management Officer
- 4.2.37 Risk Management Officer

#### **OTHER OFFICIALS:**

Other qualifying officials shall be considered as per the merit of their functional needs and approval shall be granted *following all policy review process.*

#### **4.3. Monthly cell phone allowances**

- 4.3.1 Cell phone allowance payable shall be an all-inclusive amount covering all cost related to owning a cell phone.
- 4.3.2 Annual increases shall be based on the MFMA Budget Circular issued annually by National Treasury.

<b>Capping</b>	<b>Current: all-inclusive Amount (in Rand)</b>	<b>Increase 2015/16</b>	<b>Increase 2016/ 2017</b>	<b>Increase 2017/18</b>
Municipal Manager	R1 631.00	R1729.00	1729.00	1856.25
Directors	R1 248.00	R1323.00	1323.00	1420.37
Managers	R865.00	R917.00	972.02	1043.56
PRO	R875.00	R928.00	983.68	1056.08
Communication Officer	R689.00	R730.00	773.80	830.75
Supervisors	R641.00	R679.00	728.97	772.71
Administrators of Satellite offices	R641.00	R679.00	719.74	772.71

Sport officers	R420.00	R445.00	471.70	506.42
OHS Officer	R420.00	R445.00		
Skills Development Officer	R420.00	R445.00		
Human resource Officer	R420.00	R445.00		
Land Use Officer	R420.00	R445.00		
Labour Relations Officer	R420.00	R445.00		
PMS Officer	R420.00	R445.00		
EAP Officer	R420.00	R445.00		
Legal Advisor	R420.00	R445.00		
IT Supervisor	R420.00	R445.00		
Town Planner	R420.00	R445.00		
HIV/AIDS Coordinator	R420.00			
Fleet Supervisor	R420.00			
Building Inspector				
Accountant Asset				
Accountant Revenue				
Disaster Management officer				
Risk Management Officer				
Security Management Officer				
Business Liaison Officer				
Special Programme Clerk				
Youth Officer				
IDP Officer				
LED Officer				
Artisans: Attached to Roads & Stormwater Section and Electrotechnical department.	R320.00	R339.00	359.34	385.79
Ward Liaison Officers	R420.00	R445.00	471.70	506.42
Officials on Standby	R200.00	R212.00	224.72	241.26
Drivers: Attached to Fleet Management Section	R200.00			
Secretaries	R150.00	R159.00	168.54	180.94

#### 4.4 Terms and conditions.

- 4.4.1 Each designated employee shall ensure that he/she owns a cell phone that is in good working order at all times.
- 4.4.2 The Municipality shall not be responsible for cell phone insurance cover, including the repairs of the cell phone.
- 4.4.3 An employee who receives a monthly cell phone allowance shall make his/her cell phone number available to relevant stakeholders and other Municipal Officials (including listing cell phone number on business cards and organizational telephone directory, where applicable).
- 4.4.4 An employee who receives a monthly cell phone allowance must answer his/her cell phone at all times, where it is not possible to do so, voice mail must be made accessible at all times and effort must be made to return missed calls including response to left messages.

#### **5. POLICY PROVISIONS FOR COUNCILLORS:**

- 5.1 Cell phone allowances for Councillors shall be determined in terms of the Remuneration of Public Office Bearers Act, 1998 (Act no. 20 of 1998) as amended.
- 5.2 Each Municipal Councillor shall ensure that he/she owns a cell phone that is in good working order at all times.
- 5.3 The Municipality shall on monthly basis include the cell phone allowance in the total remuneration of Councillors earned on monthly basis which shall reflect on the salary advice.
- 5.4 Each Municipal Councillor shall be responsible for the full insurance cover of his/her cell phone.
- 5.5 Each Municipal Councillor receiving monthly cell phone allowance must make their cell phone numbers available to relevant stakeholders and Municipal officials including listing cell phone number on business cards and Municipal telephone directory, where applicable.
- 5.6 Each Municipal Councillor must answer his/her cell phone at all times, where it is not possible to do so, voice mail must be made accessible at all times and effort must be made to return missed calls including response to left messages.

#### **6. SUSPENSION OR WITHDRAWAL OF CELLPHONE ALLOWANCES**

- 6.1 The cellphone allowance may be suspended or withdrawn based on the following situation:



- (a) incumbent occupying a cellphone allowance bearing position, who requests to be permanently transferred to a non-cellphone allowance bearing position, shall forfeit the cellphone allowance from the date of transfer,
- (b) incumbent occupying a cellphone allowance bearing position, who, as a result of having been found guilty of a misconduct, has subsequently been demoted to a non-cellphone allowance bearing position,

**7. AMENDMENT AND OR ABOLITION OF THIS POLICY**

This policy shall be amended whenever a need arise or in compliance with a legislation, in which case the legislation shall supersede. Proposals for its amendments shall be forwarded *via the policy review process*.

**8. EFFECTIVE DATE**

**This Policy shall come into effect on the date of its approval by the Council.**



## TRANSPORT ALLOWANCE POLICY: 2018/2019

### **DOCUMENT APPROVAL**

<b>Responsible Person:</b>	<b>Name</b>	<b>Signature</b>	<b>Date</b>

**Date approved:** \_\_\_\_\_

## **2. PURPOSE:**

- 1.1 To provide Ephraim Mogale Local Municipality with uniform procedures, conditions and limitations for transport allowances in a consistent, fair and equitable manner.
- 1.2 To formulate the basis for compensation and allowance benefits in respect of designated employees who utilise private vehicle in the execution of official duties, irrespective of the availability of official transport.

## **3. DEFINITIONS**

For the purpose of this policy, the following words shall have the meanings as indicated:

*“An allowance bearing position”* means a position on the permanent service register to which a fixed or running monthly transport allowance is attached,

*“Council”* means the Council of Ephraim Mogale Local Municipality,

*“Ephraim Mogale Local Municipal area”* means the area determined by the National Demarcation Board for the municipal area of jurisdiction as it exist after the 2000 Local Government Elections,

*“Engine capacity”* for purposes of this *policy* will be calculated at maximum of 3000cc,

*“Fixed cost”* means the tariff in cents per kilometre as determined on the salary notch plus thirteenth (13<sup>th</sup>) cheque of the official concerned,

*“HR division”* means Human Resources section within the Corporate Services Department,

*“None qualifying period”* means any period subsequent to the 60 days period for reporting none availability of the vehicle used for payment of transport allowance.

*“SARS rates”* means South African Revenue Services fixed cost table.

*“Official distances”* means the distance in kilometres travelled for official duties by an employee in Council’s employment; excluding distances between place of work and place of residence,

*“official visit”* means the attendance of meetings, seminars, congresses, workshops, training courses or any other event that a delegate attends in his/her official capacity for which prior approval has been obtained and includes the attendance of meetings of institutes by officials that have been selected to serve on the management structures of such institutes,

*“Running cost”* means the tariff in cents per kilometre which is composed of the following:

- \* Cost of fuel as well as maintenance costs as in relation to the value of the vehicle, which must be equal to the salary notch plus thirteenth (13<sup>th</sup>) cheque or whichever is lesser when comparing the value of the vehicle and the salary notch plus thirteenth (13<sup>th</sup>) cheque.

*“Salary notch”* is regarded as the salary notch applicable in a particular financial year,

*“Vehicle”* A privately owned vehicle, (excluding a motorcycle and a motor scooter), which is utilized and suitable for the execution of official duties of the employee.

#### **4. LEGISLATIVE FRAMEWORK**

**The implementation of this policy shall always be guided by the provisions of the following legislations:**

- 3.1 Local Government: Municipal Finance Management Act 2003 (Act 56 of 2003).**
- 3.2 South African Revenue Services tariffs.**
- 3.3 and other relevant pieces of legislation to ensure adequate accountability and responsibility.**

#### **5. CONDITIONS FOR PARTICIPATION**

- 4.1 Transport allowance shall be determined primarily by the duties and responsibilities of the position.**

- 4.2 Transport allowance shall be determined and limited to the cost advantages and economic considerations by the Municipal Manager which shall become responsible for determining the extent to which private transport shall be utilized for official purposes in certain positions on the approved staff establishment other than Task Grade 15.
- 4.3 Positions in Task Grade 15 evaluated by the Job Evaluation Committee and ratified by the Provincial Job Evaluation Audit Committee are deemed allowance bearing positions on the approved permanent staff establishment of Ephraim Mogale Local Municipality to which a fixed or running monthly transport allowance shall be attached. Provided that:
- 4.3.1 such positions are catered for on the approved organogram.
  - 4.3.2 the incumbent has a valid driver's license and owns a vehicle;
  - 4.3.3 a privately owned vehicle must be available on a daily basis;
  - 4.3.4 no official vehicle of Ephraim Mogale Local Municipality shall be utilized by the incumbent either as a driver or a passenger.
- 4.4 Employees receiving a transport allowance for operational reasons, excluding those positions referred to in paragraph 4.2 above, must comply with the following criteria:
- 4.4.1 the use of a private vehicle is required for the execution of functions and duties;
  - 4.4.2 the incumbent has a valid driver's license and owns a vehicle;
  - 4.4.3 the incumbent have a responsibility to inform in writing the respective Manager, the Director and Human Resources division of the respective department immediately if they do not have a vehicle available; for approval which shall be in writing for using a different vehicle than the one approved.
  - 4.4.4 in the event the incumbent fails to report within a period of sixty (60) days payment of transport allowances shall be stopped until such time the vehicle is available.
  - 4.4.5 In the event that it can be established that the employee has received the transport allowance without having the requisite vehicle available, the

overpayment of the allowance for the identified non-qualifying period must be recovered from the employee's salary.

- 4.5 Incumbent of positions performing any functions which require one or more of the following shall be automatically excluded from participating in the policy, except if the Council approved that such positions participate in the policy.
- 4.5.1 The functions and duties requiring specialized vehicles and/or equipment;
  - 4.5.2 the functions and duties necessitate the transportation of co-worker(s) and/or equipment,
  - 4.5.3 the primary functions and duties of the position are to transport goods and/or people.

## 6. CLASSIFICATION OF TRANSPORT ALLOWANCES

### 5.1 POSITIONS RECEIVING A TRANSPORT ALLOWANCE AS A BENEFIT

- 5.1.1 A fixed kilometre allocation for Task Grade 15 shall be 850 per month, calculated based on the fixed and running costs of the SARS fixed travel allowance table. The average distance to be travelled per annum would be between 0 – 10 000 km. The fixed cost shall be based on 10 000 km per annum.
- 5.1.2 The kilometre allocations to these positions are for trips within the area of jurisdiction of Ephraim Mogale Local Municipality.

### 5.2 POSITIONS RECEIVING TRANSPORT ALLOWANCES FOR OPERATIONAL REASONS

- 5.2.1 The following positions are considered for transport allowance:
- (a) **Municipal Spokes Person**
  - (b) Satellite Administrators
  - (c) Ward Liaison Officer
  - (d) **LED Officer**
  - (e) Sport Officer
  - (f) HIV/AIDS Program Coordinator:

- (g) Communication Officer
- (h) OHS Officer
- (j) Town Planner
- (k) Land Use Officer
- (l) EAP Officer
- (n) **Youth Officer**
- (p) **Business Liaison Officer**
- (s) **Security Management Officer**

**5.2.2 The following positions which currently receive Transport Allowance shall be regarded as personal to holder:**

- (a) Labour Relations Officer.**
- (b) Legal Advisor.**
- (c) HR Officer.**
- (d) PMS Officer.**
- (e) Skills Development facilitator.**
- (f) Disaster Management officer.**
- (g) Building Inspector.**

5.2.3. All the identified posts qualifies for 750 km per month.

5.2.4. The kilometers allocated to these positions are for trips within the area of jurisdiction of Ephraim Mogale Local Municipality.

## **7. DOCUMENTS REQUIRED FOR APPROVAL**

6.1 Transport allowance shall be limited to vehicle personally owned by the designated employees who hold an obligation to meet the following requirements and submit such to the Human Resource division:

6.1.1 Proof of purchase price excluding finance cost.

6.1.2 Certificate of vehicle registration (obtainable from Registration Authority).

6.1.3 Form 161 (obtainable from Registration Authority).

6.2 A position other than those mentioned in 5.2.1 may be considered for transport allowance provided **such request shall be submitted to a policy review process.**

## **7. CALCULATION OF TRANSPORT ALLOWANCES**

### **7.1 CALCULATION OF THE TOTAL TRANSPORT ALLOWANCE FOR ALL TRANSPORT ALLOWANCE BEARING POSITIONS**

7.1.1 The total fixed travel allowance shall be calculated based on the following:

- (i) **The annual salary notch plus the thirteenth (13<sup>th</sup>) cheque, or the purchase price of the vehicle inclusive of VAT, whichever is lowest, and**
- (ii) The average distance to be travelled per annum would be between 0 – 10 000 km. The fixed cost shall be based on 10 000 km per annum.
- (iii) The fixed cost, fuel cost, and the maintenance cost are calculated as per South African Revenue Services (SARS) fixed cost table (rates per kilometer).

7.1.2 Transport allowance shall be calculated using the applicable policy, whenever the incumbent changes his/her car.

7.1.3 **All calculations for travel allowance bearing positions that are in consistence with this policy, which calculations were made in terms of any previous policy shall remain in force until such time that the current holder of the said position changes his/her vehicle.**

## **8. SUSPENSION OR WITHDRAWAL OF TRANSPORT ALLOWANCES**

8.1 The transport allowance may be suspended or withdrawn based on the following scenario:

- (a) incumbent occupying a transport allowance bearing position, who requests to be permanently transferred to a non-transport allowance bearing position, shall forfeit the transport allowance from the date of transfer,
- (b) Incumbent occupying a transport allowance bearing position, who, as a result of having been found guilty of a misconduct, and subsequently having been demoted to a non-transport allowance bearing position



- (c) When the job content or functions of a transport allowance bearing position have evolved such that the need for using transport for official purposes is no longer necessary, and when a new incumbent is appointed to that position.

## **9. AMENDMENT AND OR ABOLITION OF THIS POLICY**

This policy shall be amended whenever a need arise, and proposals for its amendments shall be **subjected to a policy review process for** further attention.

## **10. EFFECTIVE DATE**

This Policy shall come into effect on the date of its approval by the Council.

## **CERTIFICATE OF ENDORSEMENT**

Agreement between the Municipality and Employee Organisations/Labour Forum. We, the signatories to this agreement, duly authorized thereto, hereby commit ourselves to the application of the content of this Policy.

The Agreement to this Policy shall come into effect on the date of endorsement by all parties and shall cease only in the event where such changes/variations has been reduced to writing and been signed by all parties concerned. Unless in the event where any changes in any applicable Act, Legislation or Bargaining Council's Main Collective Agreement has jurisdiction to supersede.

\_\_\_\_\_  
**For and on behalf of Municipality**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**For and on behalf of Samwu**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**For and on behalf of Imatu**

\_\_\_\_\_  
**Date**



# **Ephraim Mogale Local Municipality**

## **TRAVEL AND SUBSISTENCE POLICY**

### **DOCUMENT APPROVAL**

<b>Responsible Person:</b>	<b>Name</b>	<b>Signature</b>	<b>Date</b>

**Date approved:** \_\_\_\_\_

The policy applies to all Councillors and Officials of Ephraim Mogale Local Municipality who are travelling on official business and as such becomes formal representatives of the Municipality.

## **1. PURPOSE**

**The purpose of this policy is to regulate the travel and subsistence allowances expenses and the activities attached thereto.**

## **2. DEFINITIONS**

For the purpose of this policy, the following words will have the meanings as indicated:

*“ad hoc transport allowance”* means the allowance payable to any official not receiving either a fixed, or negotiated travelling allowance, but who are requested to use private transport in the execution of his/her duties if an official vehicle is not made available.

*“Applicable rate”* means the rate paid as determined by the Council from time to time and published by the Department of Transport on monthly basis for vehicle operating cost whichever is the approved rate.

*“Council”* means the Council of Ephraim Mogale Local Municipality.

*“Councillor”* means a Councillor elected to serve in the Council.

*“Delegate”* means any Councillor or any Official that received permission to attend an official visit as contemplated in section 3 of the policy.

*“Designated Driver”* means an official of the Municipality driving a municipal vehicle to an authorised destination performing authorised duties.

*“Ephraim Mogale Local Municipal area”* means the area determined by the National Demarcation Board for the municipal area of jurisdiction as it exist after the 2000 Local Government Elections.

*“Official visit”* means the attendance of meetings, seminars, congresses, workshops, training courses or any other event that a delegate attends in his/her official capacity for which prior approval has been obtained and includes the attendance of meetings of institutes by Councillors and/or Officials that have been selected to serve on the management structures of such institutes.

### **3. APPROVAL**

- 3.1 Visits by official not receiving transport allowance within the Ephraim Mogale Local Municipality’s area of jurisdiction shall be subject to the approval by the Manager prior to the visit, provided that the expenses to be incurred are on the approved budget of the relevant department.
- 2.2 Visits by official to areas outside Ephraim Mogale Local Municipality boundaries shall be subject to approval by the relevant Manager, provided that the expenses to be incurred are on the approved budget of the relevant department. Reports on the activities of the attended meetings must accompany the claims.
- 2.3 The Mayor shall approve official visit of the Municipal Manager, provided that expenses to be incurred are on the approved budget of the relevant vote.
- 2.4 The Municipal Manager shall approve official visits of the Directors, provided that expenses to be incurred are on the approved budget of the relevant vote.
- 2.5 Official visits by the Speaker, Members of the Executive Committee shall be subject to approval by the Mayor provided that the expenses to be incurred are on the approved budget of the relevant vote.
- 2.6 The Speaker shall approve the official visit by the Mayor and other Councilors provided the expenses to be incurred are on the approved budget.
- 2.7 Official visits outside of South Africa shall be subjected to prior approval by the Council provided that the expenses to be incurred are provided for on the relevant vote of the approved budget.

### **4. TRAVELLING EXPENSES**

- 3.1 Officials receiving transport allowance:
  - 4.1.1 Officials receiving a transport allowance shall not be reimbursed for trips within the boundaries of Ephraim Mogale Local Municipality.

- 4.1.2 Only kilometers travelled to the destination outside the boundaries of the municipality shall be reimbursed according to the department of transport rates.
- 4.1.3 Kilometers travelled to any destination within the boundaries of the municipality shall not be reimbursable to officials receiving transport allowance.
- 4.1.4 Documentary proof must be attached to all anticipated trip.
- 4.1.5 The point of departure for trips undertaken by official shall acceptably be from the municipality's main offices and not from individual's homes.
- 4.1.6 With reference to 3.1.5, in instances where the point of departure for the anticipated trip is shorter than that of the Municipality's main office and the venue, the point of departure shall be from the home of the official.
- 4.1.7 The Municipality shall reimburse travelling expenses based on the shorter distance travelled.
- 4.2 Officials not receiving transport allowance:
  - 4.2.1 Vehicle used must be in the name of the official or his spouse.
  - 4.2.2 All claims submitted must be based on the actual vehicle used for the trip.
  - 4.2.3 Payment for travelling expenses shall be based on department of transport rates.
  - 4.2.4 Trips must be limited as far as possible to absolute essential ones and official transport should be used where possible.
  - 4.2.5 The point of departure for trips undertaken by official shall acceptably be from the municipality's main offices and not from individual's homes.
  - 4.2.6 With reference to 3.2.5, in instances where the point of departure for the anticipated trip is shorter than that of the Municipality's main office and the venue, the point of departure shall be from the home of the official.

4.2.7 The Municipality shall reimburse travelling expenses based on the shorter distance travelled.

3.3 Transport costs payable to Councillors:

3.3.1 Any allowance or transport costs payable to Councillors shall be subject to the regulations pertaining to the remuneration of public office bearers as promulgated by the National or /and Provincial Department of Local Government in terms of the Public Office Bearers Act, Act 20 of 1998.

3.3.2 Only kilometers travelled to the destination outside the boundaries of the municipality shall be reimbursed according to the South African Revenue Services (SARS) rates as reviewed annually.

3.3.3 Kilometers travelled to any destination within the boundaries of the municipality shall not be reimbursable.

3.3.4 Documentary proof must be attached to all anticipated trip.

3.3.5 The point of departure for all trips undertaken by all Councillors shall be as follows:

3.3.5.1 Full time Councillors : Municipality main offices and not from individual's homes.

3.3.5.2 Part time Councillors : Councillor's individual home and not Municipality main office.

3.4 Domestic and International Flights:

3.4.1 The Mayor, Councillors, Municipal Manager, Directors, Managers and officials as delegated may travel by means of economy class at the best available fare.

3.4.2 In the case of group bookings, scheduled and sponsored tours or travelling with delegations from National/Provincial Government, the South African Local Government Association (SALGA) or from any other government institution or private sector on official approved trips, such Councillors and officials may travel by means of the same class as the members of the delegations which they accompany.

3.4.3 All requests for air travel must be made at the most appropriate rate applicable at the time of travel, officials are to finalise the relevant bookings where possible well in advance of the intended trip.

3.5 Hiring of vehicles:

3.5.1 Where deemed necessary, the hiring of vehicles for travel within the boundaries of the Republic of South Africa outside Ephraim Mogale

Local Municipality boundaries may be authorised by the Speaker for Councillors, Mayor for Executive Committee Members and the Municipal Manager for Directors and by Directors for Managers as may be delegated.

- 3.5.2 An official travelling must have a valid South African drivers' license to be able to hire a vehicle from the approved vehicle agency.
- 3.5.3 The Mayor and the Speaker shall hire a vehicle with an engine capacity not exceeding 3000 cc.
- 3.5.4 Councillors, Municipal Manager, Directors and Managers may hire any vehicle with an engine capacity not exceeding 2000cc.
- 3.5.5 All other officials any vehicle with an engine capacity not exceeding 1600cc.
- 3.5.6 For groups of five (5) officials and more, any vehicle with an appropriate capacity limited to a microbus.

#### **4. SUBSISTENCE**

##### **4.1 Overnight stays:**

- 4.1.1 Accommodation expenses shall be payable when travelling to a destination outside the boundaries of Ephraim Mogale Local Municipality when it can reasonably be expected of a Councillor or an official to stay overnight during an official visit.
- 4.1.2 No accommodation shall be payable for official visits within Ephraim Mogale Local Municipality boundaries.
- 4.1.3 If the distance related to an official journey exceeds 150km or the starting time on the day of the event/meeting is scheduled earlier than 9:00 in the morning of the subsequent day, a delegate may stay overnight, subject to the approval of the journey by the Speaker for Councilors and the Municipal Manager, or Director for officials subject to the availability of sufficient funds in the relevant vote.
- 4.1.4 Accommodation must, as far as possible, be arranged to be within a 20 km radius from venue of the event. In instances where it is impractical pre-approval must be obtained from the Municipal Manager or relevant Director, failing which no additional cost shall be reimbursed for travelling expenses.

##### **4.2 Accommodation expenses:**

- 4.2.1 If a delegate is required to stay overnight at a Hotel, Guesthouse or at a Lodge all cost shall be paid directly to the account of the host for lunch/dinner and soft drinks which shall exclude alcohol.

Arrangements with the Hotel, a Guesthouse or a Lodge with regard to accommodation (bed and breakfast) must be made prior to the delegate's departure and payment shall only be made to the specific hotel based on the quotation or a pro forma invoice received.

4.2.2 Delegates must ensure that where possible accommodation is sought at a minimum THREE (03) STAR and a maximum FOUR (04) STAR accommodation.

4.2.3 No any "extras" related to accommodation shall be paid other than what is listed on the quotation or pro forma invoice received, therefore such "extras" shall be settled by the delegate prior to departure.

4.2.4 An amount determined annually by the South African Revenue Services shall be payable to officials who stay at an overnight accommodation not arranged by the Municipality.

#### 4.3 Day and Overnight Allowance:

4.3.1 A maximum of R109,00 per day for official journeys shall be payable for refreshments, meals and soft drinks, if an official is away from his/her normal workplace longer than six (6) hours, but who does not stay overnight.

4.3.2 An overnight allowance of R130.00 shall be payable for spending a night away from home on an official business trip.

#### 4.4 Miscellaneous expenses

4.4.1 The maximum that may be claimed where miscellaneous expenditure is incurred for official visits by Councillors and officials outside Ephraim Mogale Local Municipality boundaries shall be subject to the submission of documentary proof of expenditure such as:

5.4.1.1 Parking fees;

5.4.1.2 Toll fees; (normal and e-Toll)

5.4.1.3 Bus fares/taxi fares subject to prior approval by the Municipal Manager or relevant Director.

### 5. **SUBSISTENCE PAYABLE WITH RESPECT TO OVERSEAS VISITS**

5.1 When travelling to a countries outside of the Republic of South Africa, the daily maximum amount allocated per country which is deemed to be expended as issued by department of transport in a Government notice on an annual basis determining daily amounts, calculated from the first day of departure, shall be paid to any official or Councillor on condition that documentary proof of expenditure is provided within thirty (30) days after returning from a trip. Should proof of expenditure not be submitted in the prescribed time or the full advance given not be utilised, the advance or



balance thereof shall be deducted from the next salary of the relevant Councillor or official.

- 5.2 The daily allowance is meant to cover for all meals, transport costs, official telephone, fax, internet calls and other incidental costs which may be incurred.
- 5.3 The amount payable may be revised by Council depending on the exchange rate and the country that is visited.
- 5.4 Accommodation for international travel must be equivalent to hotel accommodation used by business travelers, in the case of attendance of a conference the conference hotel may be used or the most convenient hotel nearest to the conference venue.

## **6. INTERVIEWS**

The following shall be payable to invited applicants travelling to Ephraim Mogale Local Municipality for interviews:

- 6.1 Travelling cost shall be paid according to South African Revenue Services rates.
- 6.2 The actual accommodation cost for bed and breakfast to a maximum amount of R600,00 per night for one night only.
- 6.3 No other meal expenses or drinks shall be paid for.
- 6.4 The Manager Human Resource must at all times inform invited applicants of the reimbursement cost payable for attending interviews, and provide claim forms on the day of interviews.
- 6.5 All accommodation and travelling reimbursement for interviewee shall be financed from the Human resource division vote.

## **7. TRAVELLING EXPENSES FOR AUDIT COMMITTEE MEMBERS**

- 7.1 Travelling expenses for members of the Audit Committee shall be paid in terms of the South African Revenue Services rates.

## **8. GENERAL**

- 8.1 Any deviation from and ratification of minor breaches of the travelling and subsistence policy must be approved by the Municipal Manager but only;
  - (i) in an emergency;
  - (ii) if such arrangements are not included in the policy;
  - (iii) in the case of special circumstances and other exceptional cases where it is impractical to follow the travelling and subsistence policy.

- 8.2 If proof of expenditure cannot be provided as required in terms of this policy the expenditure incurred shall be for the account of the relevant delegate.
- 8.3 Delegates who stay overnight must within five (5) working days from return submit the original invoices received from the hotel/guesthouse/ or lodge to the expenditure section in Budget & Treasury Office to confirm the attendance and enable reconciliation of cost incurred. Failure to submit will result in the claim not being paid.
- 8.4 Delegates may only submit one (1) travel and subsistence claim on the prescribed form per event (excluding toll gate fees) which should include all costs incurred allowed to be claimed in terms of this policy.
- 8.5 Claims must be submitted not later than 60 days from the date of the trip as claims received after this period shall be rejected.
- 8.6 Payments of travel and subsistence shall be as follows:
- 8.6.1 All claims received by the Budget & Treasury Office between the 04<sup>th</sup> of a month and / including the 16<sup>th</sup> of the month shall be paid with the monthly salaries.
- 8.6.2 All claims received by the Budget & Treasury Office between the 17<sup>th</sup> of a month and/ including the 3<sup>rd</sup> of the succeeding month will be paid by the 6<sup>th</sup> of the subsequent month where possible.
- 8.7 In the event that an individual was granted permission to attend a function/event/workshop/meeting/training at the cost of the Municipality but could not attend and no written valid reason could be provided, costs incurred by Municipality shall be claimed from the individual's salary.
- 8.8 Claims for travel are limited to vehicle owned by the delegate or their spouse in the service of Ephraim Mogale Local Municipality. It is therefore compulsory for all claimants to submit copies of the following documents to Budget & Treasury Office as proof of ownership:
- 8.8.1 Certificate of registration (obtainable from Registration Authority).
- 8.8.2 Form 161 (obtainable from Registration Authority).
- 8.9 Where a Council owned vehicle is used, the designated driver shall be responsible for the payment of all traffic fines related to reckless and negligent driving, speeding and none usage of safety belt. The fine shall be paid by Council and the paid amount shall be deducted from the individual's salary.

**CERTIFICATE OF ENDORSEMENT:**

The Agreement to this Policy shall come into effect on the date of endorsement and shall cease only in the event where such changes/variations has been reduced to writing and been signed by the Accounting Officer. Unless in the event where any changes in any applicable Act, Legislation or Bargaining Council Main Agreement has jurisdiction to supersede.

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# EPHRAIM MOGALE MUNICIPALITY



## TRAVEL AND ACCOMODATION APPROVAL FORM

(Invitation to be attached as proof)

Name		
Date of trip		
Destination		
Purpose of trip		
Number of official(s)		
Name of attendee(s)	(1) _____	
	(2) _____	
	(3) _____	
	(4) _____	
Number of days to be spent		
Number of nights to be spent		
Tick whether using own Vehicle or Council	<input type="checkbox"/> Own	<input type="checkbox"/> Council
Particulars of vehicle: (Provide full particulars for own vehicle and <b>only</b> the Make and Registration number for Council vehicle)	(1) Vehicle Make: _____	_____
	(2) Year Model: _____	_____
	(3) Engine Capacity: _____	_____
	(4) 4x4, 4x2, S/Cab, D/Cab _____	_____
	(5) Fuel (diesel/petrol): _____	_____
	(6) Registration number: _____	_____
	(7) Purchase Price: _____	_____

### **NB:**

Receipt of invitation/identification of duties or functions to be performed elsewhere is not an automatic authorization to attend such a workshop / event. The required authorization or permission must still be obtained.

\_\_\_\_\_  
Signature Applicant

\_\_\_\_\_  
Manager /Supervisor

\_\_\_\_\_  
Director

\_\_\_\_\_

Date

\_\_\_\_\_

Date

\_\_\_\_\_

Date

**EPHRAIM MOGALE MUNICIPALITY**



**CLAIM FOR TRAVEL & SUBSISTANCE FOR OFFICIALS AND COUNCILLORS**

NAME OF CLAIMANT:	
SALARY NUMBER:	
POSITION OF CLAIMANT:	
VEHICLE MAKE	
YEAR MODEL:	
REG NO:	
ENGINE CAPACITY:	
FUEL	
PURCHASE PRICE:	
OWN <input type="checkbox"/>	OFFICIAL <input type="checkbox"/> (MARK WITH X)

**CLAIM FOR TRAVEL COSTS**

DATE	FROM	TO	ROUTE USED	KM

**OVERNIGHT ALLOWANCE**

DATE BOOKED IN:	DATE BOOKED OUT:	TOTAL NIGHTS:

**DAY ALLOWANCE (6 HOURS AND/OR MORE)**

DEPART		RETURN		PURPOSE
Date	Time	Date	Time	

I, the undersigned, hereby certify that this claim submitted, is in respect of actual distances travelled for official purposes and/or actual period taken into effect.

\_\_\_\_\_  
**Signature Applicant**

\_\_\_\_\_  
**Manager**

\_\_\_\_\_  
**APPROVED. Director**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**DATE**

**NB: Claims must be submitted for payment within 60 days in terms of Clause 7.5 of this Policy.**

**FOR HUMAN RESOURCES AND BTO DEPARTMENT USE**

**NB: Claims must be submitted for payment within 60 days in terms of Clause 7.5 of the Policy.**

CALCULATIONS:

AIR TICKET \_\_\_\_\_ @ R \_\_\_\_\_ R \_\_\_\_\_

TRAVEL COST (per AA tariffs or \_\_\_\_\_ km @ R \_\_\_\_\_ km R \_\_\_\_\_  
SARS)

OVERNIGHT ALLOWANCE \_\_\_\_\_ @R 130.00 per night R \_\_\_\_\_

DAY ALLOWANCE AS PER SARS RATES \_\_\_\_\_ per day R \_\_\_\_\_

OTHER COSTS (Toll gates \_\_\_\_\_ @ R \_\_\_\_\_ R \_\_\_\_\_  
and e – Toll etc)

CHEQUE AMOUNT: R \_\_\_\_\_

DEBIT VOTE NO: \_\_\_\_\_

Checked by : \_\_\_\_\_  
HR Official Date

Checked by: \_\_\_\_\_  
BTO Official Date

**APPROVED:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
**CHIEF FINANCIAL OFFICER**



## LEAVE ADMINISTRATION POLICY

### **DOCUMENT APPROVAL**

<b>Responsible</b>	<b>Name</b>	<b>Signature</b>	<b>Date</b>
<b>Person:</b>			

**Date approved:** \_\_\_\_\_

## **1. PURPOSE**

- 1.1 To provide Ephraim Mogale Local Municipality with procedures and guidelines for the granting of various form of leaves and their administration thereof.
- 1.2 To provide a guide to all employees on the requirements for application for various types of leave available to them, and the management thereof.

## **2. DEFINITIONS**

All expressions used in this Policy which are defined in the Labour Relations Act, 1995 (Act 66 of 1995), the Basic Conditions of Employment Act, 1997 (Act 75 of 1997) as amended, the Collective Agreement for the Limpopo Division shall bear the same meaning as in the applicable Acts and Agreements, unless contrary intention appears.

### **3. LEGAL FRAMEWORK**

- 3.1 Municipal Systems Act, 2000 (Act No. 32 of 2000).
- 3.2 Municipal Structures Act, 1998 (Act No. 117 of 1998).
- 3.3 Municipal Finance Management Act, 2003 (Act No. 56 of 2003).
- 3.4 Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997).
- 3.5 Labour Relations Act, 1995 (Act No. 66 of 1995).
- 3.5 Ephraim Mogale Local Municipality - Delegations of Authority.
- 3.6 South African Local Government Bargaining Council (SALGBC) Collective Agreements for the Limpopo Division.
- 3.7 Compensation for Occupational Injuries and Diseases Act, 1993 (Act No.130 of 1993).

### **4. POLICY CONTENT**

#### **4.1. Granting Sick Leave**

- 4.1.1. Sick leave shall be granted only in connection with an employee's absence from duty owing to illness, indisposition or injury.
- 4.1.2. In the case of nervous disorders, insomnia, disability, or similar less well-defined illnesses or indisposition, sick leave shall be granted only if the medical practitioner **confirms that** the employee's state of health;
  - (a) renders him/her unfit to work
  - (b) does not arise from his/her failure to make use of vacation leave.
- 4.1.3. An employer may at any time require an employee to submit himself/herself for an examination by a registered medical practitioner with councils created by legislation or dentist appointed by the employer and the cost of such examination shall be borne by the employer.



- 4.1.4. 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 the professional council established by an act of parliament, if more than two (02) consecutive days are taken as sick leave, provided that the employer may request a sick leave certificate for every day of sick leave where there is evidence of abuse of sick leave.
- 4.1.5. Sick leave on full pay and/or half-pay in respect of which the aforementioned certificate has not been submitted, may be granted for a maximum of twelve (12) working days during any calendar year of service and in respect of any further absence, vacation leave and/or leave without pay shall be granted.
- 4.1.6. The employer may, on the recommendation of a registered medical practitioner or a traditional healer registered with a recognised professional council in terms of legislation, compel the employee, who in the employer's opinion, is so indisposed that she/he cannot perform his/her duties properly, to take sick leave.

#### **4.2. Special Sick Leave for Injury on Duty Cases and Occupational Diseases.**

- 4.2.1. An employee who is absent from duty due to injury arising out of his/her duties and occurring in the course thereof or owing to an illness contracted in the course of and as a result of his/her duties, shall be considered to be on duty on full pay for the period during which he/she is unfit to perform his/her duties.
- 4.2.2. If the case falls within the ambit of Compensation for Occupational Injuries and Diseases Act, 1993 ( Act 130 of 1993), the amount payable to him/her in terms of the Act by means of periodical payments of his/her monthly earnings shall be paid over to the municipality, provided that the employer has already advanced amount to the employee.
- 4.2.3. Special sick leave may only be granted, if the employer was notified of an accident or disease as required in terms of Sections 38 & 68 of Compensation for Occupational Injuries and Diseases Act, (Act 130 of 1993), and that a

satisfactory medical certificate from a registered medical practitioner is submitted to the employer.

- 4.2.4. Remuneration as applicable in this policy includes all forms of remuneration as envisaged in the Compensation for Occupational Injuries and Diseases Act, and subject to all provisions of the Act.
- 4.2.5. Special sick leave may only be granted if the injury on duty has been approved by the Compensation for Occupational Injuries and Diseases Act, (Act 130 of 1993)
- 4.2.6. If the period of special sick leave taken exceeds three hundred and sixty five days (365) calendar days, the Employer may take any decision it deems appropriate in line with ill health and/or incapacity in terms of the Labour Relations Act.

#### **4.3 Sick Leave without Pay**

- 4.3.1 An employee to whom the maximum period of full and half pay sick leave has been granted, maybe granted sick leave without pay for not more than two hundred and fifty (250) working days in any cycle if the employer is satisfied that such an employee is not permanently incapacitated to resume his/her duties: provided where sick leave without pay exceeds eighty (80) consecutive days, the employee must be examined by a registered medical practitioner appointed by the employer. The cost of such examination shall be borne by the employer.

#### **4.4 Special Leave for ad hoc instances**

Special leave with full pay may be granted to an employee on the following conditions:

- 4.4.1 After the council has given permission that the employee may become a member of the reserve police, performs police duties in terms of Sec 48 of the South African Police Act ,1995 (Act,68 of 1995)
- 4.4.2 Partake in a bona fide sport activity at provincial and higher level in which case the special leave with full pay will not exceed three (3) working days per event and these three (3) days may include travelling time.

4.4.3 When an employee who has been arrested or has to appear in court on criminal charges and is later acquitted or has the charges withdrawn.

4.4.4 When an employee gives evidence in a court case after a subpoena and /or summons has been served on him/her.

#### **4.5 Leave without Pay**

4.5.1 Leave without pay as approved by the Municipal Manager or his /her delegate, which approval shall not be unreasonably withheld, shall be subject to the following conditions:

4.5.1.1 Leave without pay shall be granted when all available vacation and /or sick leave has been exhausted; Leave without pay shall also be granted if an employee took leave without his/her Manager's approval even if the employee has accumulated leave days available.

4.5.1.2 For the period of leave without pay the employer 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 shall remain liable for his own contributions to the said funds, as well as any payment in terms of a Collective Agreement.

#### **4.6 Special Leave**

##### **4.6.1 Study Leave**

4.6.1.1 Study leave shall be granted in accordance with this Collective Agreement.

4.6.1.2 Study leave shall be granted on the basis of one day paid study leave for each day that an employee writes an examination plus two (2) days per paper for preparation for the examination.

4.6.1.3 The said leave for examination in terms of clause 6.7.1.2 must be approved in advance by the Municipal Manager or his delegate as per the Delegation policy.

4.6.1.4 Employees shall be required to submit proof in the form of examination time table for requiring study leave (examination

leave) as provided by the relevant educational institution before such leave can be granted.

#### **4.7 Leave of Absence for Obligatory Training Course**

4.7.1 The fields of study must be relevant to the Local Government undertaking in accordance with the Municipality's policy.

4.7.2 An employee attending a work-related training or training course shall be deemed to be on duty.

#### **4.8 Additional leave for Post Graduate Studies**

4.8.1 Special leave for a dissertation or thesis will be granted with full pay to a maximum of five (5) working days leave per qualification or for research.

#### **4.9 Attending of classes during office hours**

4.9.1 An employee who study part-time or by means of correspondence in a field applicable to the Employer and who, as the result of his/her studies, is required to be absent from his/her place of work, will be granted vacation leave and special leave on a 50:50 basis for the time he/she is released from duty, subject to the exigencies of the service.

4.9.2 If he/she does not have leave to his/her credit, unpaid vacation leave will be granted.

#### **4.10. To attend a court or tribunals**

4.10.1 On receipt of a written subpoena, notice of set down or any similar notice, an employee who is subpoenaed/called to attend a Court of Law or a tribunal or any other similar forum as a witness shall be granted paid special leave for that day.

4.10.2 In executing the provisions of clause 6.10.1 above subpoenaed employees shall inform their line Managers a day before they leave their work stations.

4.10.3 Any employee who is arrested and appears in court as a result of charges laid by his employer and who is later acquitted shall be granted paid leave for the period of incarceration.

4.10.4 An employee who is incarcerated but not convicted for a period of twelve (12) months shall be granted unpaid leave in his /her position for the said period.

**4.11 Sport, arts and culture events**

4.11.1 An employee who is selected by recognised amateur or professional sports, arts and culture association, which association may qualify for special leave provided that such association be recognized by NOCSA or the Council of Sports of South Africa and the Council for Arts and Culture.

**4.12 Quarantine and isolation under medical instructions**

4.12.1 Where a registered Medical Practitioner has placed an employee under quarantine/ in isolation in terms of the Public Health Act,1977(Act 63 of 1977) or any Regulations in force there under, such an employee shall be granted paid special leave, provided that the medical certificate has been submitted.

**4.13 Application for Special Leave**

4.13.1 Operational requirements must be taken into consideration.

4.13.2 Supporting documents must be provided with the application.

4.13.3 Application for special leave, must be approved by the Municipal Manager or his delegate and shall be considered in a bona fide manner, and shall not be unreasonably refused.

**4.14 Adoption and Surrogacy Leave**

4.14.1 When a child from zero (0) to four (4) years is adopted, adoption leave will be granted to an adopting employee. An employee is entitled to receive three (3) months paid adoption leave after the legal adoption procedure.

4.14.2 When a child older than four (4) years is adopted, adoption leave will be granted to an adopting employee. An employee is entitled to receive three (3) weeks paid adoption leave after the legal adoption procedure.

4.14.3 In a case of surrogacy a partner who, as per the surrogacy agreement, has been assigned to perform the role of the birthmother (receiving parent) shall be entitled to paid maternity leave of three (3) months.

4.14.4 The child's birth certificate and adoption order or surrogacy agreement must be submitted to the employer as an attachment for the leave application.

## **5. Additional Paid Sick Leave**

5.1. An employee is entitled to a further eighty (80) working days on half pay per sick leave cycle of thirty six (36) months commencing on appointment date.

5.2. If during the cycle not more than twenty (20) working sick leave are granted to an employee, there shall be at the end of a cycle be added 33/3 per cent of the sick leave up to a maximum of thirty (30) working days on full pay and thirty (30) working days on half pay to the sick leave to which the employee is entitled during the ensuing cycle, provided that in respect of any sick leave no employee shall become entitled to more than hundred and six (106) working days sick leave on full pay and hundred and six (106) working days on half pay.

5.3. If the maximum period of sick leave to which an employee shall become entitled has been granted to him, and owing to reasons of health. He is not able to resume duty, the Employer may:-

5.3.1. On submission of a satisfactory certificate from a registered medical practitioner or dental practitioner or a traditional healer registered with a recognised council in terms of legislations, and

5.3.2. If it is satisfied that the employee is at that moment not permanently incapacitated to resume his/her normal duties, and

5.3.3. If the employee has no vacation leave to his credit, grant to such employee further sick leave on half pay for not more than sixty six (66) working days in any cycle. Such grant may be in respect of separate periods of absence and in respect of indispositions of different kinds.

5.3.4. If an employee to whom a vacation leave has been granted is certified hospital or bed bound by a registered medical practitioner or dentist, or a traditional healer registered with a recognized professional council in terms of

legislation due to illness after his or her vacation leave has commenced, that part of his or her vacation leave during which he or she was thus certified hospital or bed bound shall be converted into sick leave on submission of the prescribed certificate by such registered medical practitioner or traditional healer registered with a recognised professional council in terms of legislation.

- 5.3.5. If due to illness, an employee is unable to take annual leave already deducted, he shall be credited with an equal number of annual leave days.
- 5.3.6. An employee may not during any period of sick leave approved in terms of these conditions, resume service without the approval of a registered medical practitioner.
- 5.3.7. An employee who is absent from service because of illness must take all reasonable steps to notify his immediate supervisor or his assignee as soon as possible.

## **6. Annual Leave**

- 6.1 An employer shall grant an employee the following annual leave:
  - 6.1.1 Twenty four (24) working days for a five (5) day worker, provided that the leave for an employee that works less than a five (5) day week shall be calculated on a pro rata basis and
  - 6.1.2 Twenty seven (27) working days for a six (6) day worker.
  - 6.1.3 An employer must grant annual leave not later than six months after the end of the annual leave cycle.
- 6.2 An employee is required to take annual leave as follows:
  - 6.2.1 A five (5) day worker shall take a minimum of sixteen (16) working days leave and
  - 6.2.2 A six (6) day worker shall take a minimum of nineteen (19) working days leave.
- 6.3 An employee must take annual leave not later than six months after the end of the annual leave cycle.
- 6.4 Annual leave shall only be accumulated to a maximum of forty eight (48) working days.

6.5 Within six months of the end of a leave cycle, an employee may not have more than 48 days annual leave to his/her credit.

6.6 In the event of termination of service, an employee shall be paid his/her leave entitlement days in terms of this policy, calculated in terms of the relevant provisions of the Basic Conditions of Employment act 75 of 1997, as amended.

## **7. Encashment of leave days**

7.1 Employees shall be entitled to encash a maximum of ten (10) leave days per financial year.

7.2 The open window for such leave days encashment shall be twice within a financial year during the month of September and April.

## **8. IMPLEMENTATION AND MONITORING**

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

## **9. COMMUNICATION**

This policy will be communicated to all employees using the full range of communication methods available to the Municipality.

## **10. POLICY REVIEW**

This policy will be reviewed annually and revised as necessary.

## **11. BUDGET AND RESOURCES**

The financial and resource implications related to the implementation of this policy should be qualified and quantified by Human Resource Management.

## **12. ROLES AND RESPONSIBILITIES**

The Municipal Manager or his / her delegated assignee accepts overall responsibility for the implementation and monitoring of the policy.

## **13. PENALTIES**



Non-compliance to any of the stipulations contained in this policy will be regarded as misconduct, which will be dealt with in terms of the Disciplinary Code.

#### **14. DISPUTE RESOLUTION**

Any dispute arising from this policy due to ambiguous wording or phrasing must be referred to the Local Labour Forum for adjudication. Resolutions from the Local Labour Forum shall be incorporated into the policy.

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#### **15. SCOPE AND APPLICATION**

The policy is applicable to all employees of the Municipality.

#### **CERTIFICATE OF ENDORSEMENT**

Agreement between the Municipality and Employee Organisations/Labour Forum. We, the signatories to this agreement, duly authorized thereto, hereby commit ourselves to the application of the content of this Policy.

The Agreement to this Policy shall come into effect on the date of endorsement by all parties and shall cease only in the event where such changes/variations has been reduced to writing and been signed by all parties concerned. Unless in the event where any changes in any applicable Act, Legislation or Bargaining Council's Main Collective Agreement has jurisdiction to supersede.

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**For and on behalf of Municipality**

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**Date**

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**For and on behalf of Samwu**

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**Date**

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**For and on behalf of Imatu**

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**Date**

