

MATATIELE LOCAL MUNICIPALITY



MATATIELE
LOCAL MUNICIPALITY

**HRM&D POLICIES
2022/ 23**

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ACTING APPOINTMENTS POLICY

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1. DEFINITIONS

- “Acting”** - **Functioning of an employee in an acting capacity**
- “Acting position”** - **A position occupied by an acting employee**
- “Acting incumbent”** - **An employee appointed to act in a specific post**
- “Affirmative action”** - **As defined or expressed in the Employment Equity Act, 55 of 1998**
- “Employment Equity”** - **As defined or expressed in the Employment Equity Act, 55 of 1998**
- “Unfair advantage”** - **A situation whereby a fair advantage to an employee is an unfair advantage to another**

2. OBJECTIVES

- 2.1. To provide a framework for appointing employees/trainee to act in the Municipality.**
- 2.2. To provide for payment of an acting allowance to an acting incumbent as appointed in terms of 2.1 above.**
- 2.3. To create a room for development and capacitating employees and trainees.**
- 2.4. To make a provision for execution of duties in a vacant position.**
- 2.5. To advance the agenda of service delivery.**
- 2.6. To prescribe time-frames for utilisation of employees or trainees in an acting capacity.**
- 2.7. To make provision for approval and payment of acting allowances.**

3. LEGAL FRAMEWORK AND REQUIREMENTS

- 3.1. This policy is premised from the relevant provisions of the Constitution of the Republic of South Africa (1996);**
- 3.2. It also derives its legitimacy from the Municipal Structures Act (117 of 1998), the Municipal Systems Act (32 of 2000), as amended; the Employment Equity Act (55 of 1998);**
- 3.3. This policy will be implemented in terms of the objects of other relevant sister policies within the Municipality.**
- 3.4. This policy is implemented in furtherance of the spirit of the Basic Conditions of Employment Act (75 of 1997).**

4. APPLICATION OF THIS POLICY

- 4.1. This policy will apply to all the employees and trainees of the Municipality.**

- 4.2. Under exceptional circumstances, short-term contract or temporary employees will be considered for acting as well.
- 4.3. This policy will not apply to Councillors.
- 4.4. This policy will not apply to non-employees of the Municipality subject to compliance with legislative requirements.
- 4.5. Notwithstanding clause No 4.4 and the under exceptional circumstances, this policy will apply to Non-employees as the Municipality may decide subject to the unique needs of the Municipality subject approval by council.

5. PRINCIPLES OF ACTING APPOINTMENT

- 5.1. Employees shall be required to act preferably in positions where their potential will be unlocked.
- 5.2. Employees shall be appointed to act on the basis of merit and other non-discriminatory factors.
- 5.3. A staff member may only act in a post that is equivalent or one grade higher than the post that the staff member ordinarily occupies.
- 5.4. In light of the prevailing task grades not being final, an acting incumbent may be drawn from any of the employees in the following reporting line.
- 5.5. An employee will be expected to perform duties efficiently and diligently in an acting position.
- 5.6. An Acting incumbent will be given all necessary assistance to enable him / her to perform duties efficiently.
- 5.7. An employee will be remunerated accordingly for acting in a post.
- 5.8. There shall be no probation provision for acting.
- 5.9. Acting appointment will be terminated after identification of poor work performance in terms of schedule 8 Item 9 of the Labour Relations Act No. 66 of 1995, as amended.
- 5.10. No legitimate expectation shall be created to the acting employee for possible appointment in the acting position when it is filled.
- 5.11. Acting Appointment of an employee shall be made in writing.
- 5.12. General Managers shall motivate for employees or trainees to act in vacant positions in accordance with the requirements of this policy.
- 5.13. All acting arrangements shall be agreed / done prior to the person acting.
- 5.14. Authority to approve acting appointment of employees or trainees shall be vested in the Municipal Manager or Acting Municipal Manager.
- 5.15. Employees or trainees will not be appointed to act for the sake of acting, when it is possible to do without an acting employee, no acting appointment shall be made.

- 5.16. An employee or trainee shall give his or her consent in writing for the undertaking of acting in compliance with its conditions.

6. GENERAL PROVISIONS FOR ACTING

- 6.1. Acting shall be limited to a minimum period of 10 working days and a maximum period of 6 months' subject to renewal.
- 6.2. An acting employee shall not receive first preference when the position is advertised.
- 6.3. Appointment of a particular employee or trainee to act shall not be used as means to give an acting employee an unfair advantage over other employees and applicants when the vacant post is advertised.
- 6.4. Employment equity and affirmative action factors shall be considered when appointing an employee to act.
- 6.5. A suitable employee for the acting appointment shall be considered by the General Manager responsible for that particular work environment and position and recommendation be made to the Municipal Manager.
- 6.6. Where the post in question is that of the Municipal Manager then approval shall be the responsibility of the Council.
- 6.7. There shall be no advertisement for calling people to apply for acting appointments.
- 6.8. The employee considered for acting appointment shall be identified purely along the principles of merit and job requirements like educational qualifications, minimum work experience and availability.
- 6.9. Previous performance record may be considered as part of enhancing the correctness of the decision to appoint an acting employee.
- 6.10. An acting employee shall be subjected to the same performance standards and requirements of the position in respect of which he/she is acting.
- 6.11. Subject to existing operational requirements, acting appointments to vacant posts shall be reviewed within 3 (three) months
- 6.12. Vacant posts on a permanent staff establishment should be filled within 6 (six) months unless there is a compelling reason not to do so.
- 6.13. Policy provisions for payment of the 13th cheque as well the performance bonus will apply to an acting incumbent provided an acting incumbent has acted for more than six months and in so far this will not result into duplication of costs to the Municipality.

7. PROVISIONS FOR PAYMENT OF ACTING ALLOWANCE

- 7.1. Payment for acting allowance shall be applicable once an employee has acted for a consecutive period of 10 working days' subject to compliance with requirements of the collective agreement.

- 7.2. An acting allowance shall be calculated as the difference between the acting employee's basic salary and the commencing notch of the salary of the post in which he/she acts, subject to the requirements of the collective agreement.
- 7.3. An acting allowance shall not be negotiable between the Municipality and the employee.
- 7.4. An acting incumbent shall be notified of his /her acting appointment in writing, prior to resuming duties.
- 7.5. Acting Allowance shall be paid on a monthly basis together with the salary.
- 7.6. Payment of acting allowance will be subject to taxation.
- 7.7. Each Department shall budget for an acting allowance amount not exceeding 2.5% of its total annual salaries and benefits budget vote.
- 7.8. The acting allowance to be paid to an employee performing acting duties in Section 54/56 or any other fixed term contractual post shall be the difference between the 60% of the total remuneration package of the Section 54/56 or other contractual post and 60% of the total remuneration package or the basic salary of the acting employee.
- 7.9. Notwithstanding clause 7.2, in the event that an employee's salary is equal or higher than the commencing notch of the salary scale of the post in which he /she is due to assume an acting position, an acting allowance paid in terms of the requirements of the collective agreement.
- 7.10. The acting referred in 7.9 will only apply in exceptional circumstances where such acting is required for the efficient and effective management of a particular state of absence especially in management positions.

8. COMMENCEMENT OF THIS POLICY

This policy will come into effect on the date of adoption by the Council.

9. INTERPRETATION OF THIS POLICY

- 9.1. All words contained in this policy shall have an ordinary meaning attached thereto, unless the definition or context indicates otherwise.
- 9.2. Any dispute on interpretation of this policy shall be declared in writing by any party concerned.
- 9.3. The Municipal Manager shall give a final interpretation of this policy in case of written dispute.
- 9.4. If the party concerned is not satisfied with the interpretation, a dispute may then be pursued with the South African Local Government Bargaining Council/ Arbitration.

10. PERMANENT/TEMPORARY WAIVER OR SUSPENSION OF THIS POLICY

- 10.1. This policy may be partly or wholly waived or suspended by the Municipal Council on a temporary or permanent basis, after consultation with Management and Trade Unions.

- 10.2. Notwithstanding clause No. 10.1 the Municipal Manager may under circumstances of emergency temporarily waive or suspend this policy subject to reporting of such waiver or suspension to Council and Trade Unions.

11. AMENDMENT AND/OR ABOLITION OF THIS POLICY

This policy may be partly amended or repealed by the Council after consultation and interaction with Management and Trade Unions.

12. COMPLIANCE AND ENFORCEMENT

- 12.1. Violation of or non-compliance with this policy will give a just cause for disciplinary steps to be taken.
- 12.2. It will be the responsibility of all Managers, Supervisors, Executive Committee and Council to enforce compliance with this policy.

CPS/P270
CR 140/26/05/2022

Ad hoc


MR. L. MATIWANE
MUNICIPAL
MANAGER


CLLR S. MNGENELA
HON. MAYOR


CLLR N. NGWANYA
HON. SPEAKER

LEAVE ENCASHMENT POLICY

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- 1. PURPOSE OF THIS POLICY**
 - 1.1** To regulate the encashment of leave by employees of the Municipality, in compliance with the Basic Conditions of Employment Act, No. 75 of 1997 and to the Collective Agreement on Condition of Service insofar as it relates to leave.
 - 1.2** To provide grounds for encashment of annual leave.
 - 1.3** To regulate encashment of annual leave within the municipality.
- 2. APPLICATION OF POLICY**
 - 2.1** This policy applies to all employees of the Municipality
 - 2.2** This policy also applies to non-permanent employees of the municipality
 - 2.3** This policy may also apply to experiential trainees.
- 3. LEGAL FRAMEWORK AND REQUIREMENTS FOR ENCASHMENT OF ANNUAL LEAVE AND TIME-OFF**
 - 3.1** Annual Leave pay shall be transacted in terms of Section 20 (11) of the Basic Conditions of Employment Act, No 75 of 1997.
 - 3.2** Annual Leave pay shall also be transacted in terms of Section 21.
 - 3.3** Annual Leave pay shall also be transacted in terms of Section 35 and Section 40 of the Basic Conditions of employment Act, No 75 of 1997
 - 3.4** Time-off shall be transacted in terms Section 16 and 40 of the Basic Conditions of Employment Act No 75 of 1995
 - 3.5** The Annual leave encashment shall also be conducted in terms of the Collective Agreement on Conditions of Service concluded by the South African Local Government Bargaining Council.
 - 3.6** If there is any conflict between the provisions of this policy and the provisions of the Collective Agreement and Basic Conditions of Employment Act, No. 75 of 1997 in so far as they relate to the encashment of annual leave, then the provisions of the Collective Agreement and Basic Conditions of Employment Act, No 75 of 1997 shall prevail.
 - 3.7** If the Collective Agreement is superseded by another Collective Agreement dealing with annual leave which is binding upon the Municipality, or if any provision of the Collective Agreement relating to annual leave is amended, then this policy shall be amended to give effect to the relevant provisions of such other Collective Agreement or such amendment.
- 4. GENERAL PROVISIONS FOR ENCASHMENT OF ANNUAL LEAVE TIME OFF**
 - 4.1.** Encashment of annual leave shall be done on the following grounds:
 - 4.1.1** On termination of Service/employment

- 4.1.2 Unused Long Service Award leave on termination of employment or services in terms of the Collective agreement
- 4.1.3. When annual leave application is disapproved on grounds of operational Requirements.
- 4.1.4. When conditions of employment change from permanent employment to contractual employment.
- 4.1.4. When a contract of employment has reached an end provided it is not extended.
- 4.1.5. When a contract of employment has reached an end, with renewal or not.
- 4.2 There shall be a provision for encashment for any accumulated time off on termination of service in so far as this is permissible in terms of Section 40 of the BCEA.
- 4.3 It shall be incumbent upon each employee to take time-off accumulated prior to the expiry of the 12 month-period.
- 4.4 The employee's time-off that is not taken in terms of clause No. 4.3 of this policy shall be automatically forfeited by the employee concerned if this is not due to operational requirements.
- 4.5 The Manager concerned and responsible for approval of the annual leave application shall reserve the right to change the dates of contemplated annual leave in consultation with the employee concerned in order to avoid unnecessary annual leave encashment.

5. ADMINISTRATION OF POLICY

- 5.1 Annual Leave encashment application shall be completed by the employee in a prescribed form in respect of the following grounds: namely:
 - 5.1.1 Long Service Awards in terms of the Collective Agreement.
 - 5.1.2 When annual leave application is disapproved on grounds of operational requirements.
- 5.2 Notwithstanding sub clause no. 5.1.2, only a half of the number of annual leave days disapproved shall be permitted for encashment subject to such number of days not exceeding a minimum number of annual leave days that the employee is supposed to take in each year.
- 5.3 The annual leave encashment shall be approved by the Municipal Manager or a designee.

6. COMMENCEMENT

- 6.1. This policy will come into effect on the date of adoption by the Council.

7. INTERPRETATION OF THIS POLICY

- 7.1 All words contained in this policy shall have an ordinary meaning attached thereto, unless the definition or context indicates otherwise.

- 7.2 Any dispute on interpretation of this policy shall be declared in writing by any party concerned.
- 7.3 The Office of the Municipal Manager shall give a final interpretation of this policy in case of a written dispute.
- 7.4 If the party concerned is not satisfied with the interpretation, a dispute may then be pursued with the South African Local Government Bargaining Council or Arbitration.

8. PERMANENT/TEMPORARY WAIVER OR SUSPENSION OF THIS POLICY

- 8.1 This policy may be partly or wholly waived or suspended by the Municipal Council on a temporary or permanent basis after consultation with Management and Local Labour Forum.
- 8.2 Notwithstanding clause No. 8.1 the Municipal Manager may under circumstances of emergency temporarily waive or suspend this policy subject to reporting of such waiver or suspension to Council and Trade Unions.

9. AMENDMENT AND/OR ABOLITION OF THIS POLICY

- 9.1 This policy may be amended or repealed by the Council after consultation between Management and Trade Unions.

10. COMPLIANCE AND ENFORCEMENT

- 10.1 Violation of or non-compliance with this policy will give a just cause for disciplinary steps to be taken.
- 10.2 It will be the responsibility of all Managers, Supervisors, Executive Committee and Council to enforce compliance with this policy.

CPS/P271 CR 140/26/05/2022



MR. L. MATIWANE
MUNICIPAL
MANAGER



CLLR S. MNGENELA
HON. MAYOR



CLLR N NGWANYA
HON. SPEAKER

CAPACITY BUILDING AND TRAINING FOR MUNICIPAL COUNCILLORS POLICY

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1. DEFINITIONS OF TERMS

Benchmarks	Targets that should be achieved if a municipality is to be considered to be sustainable; in terms of functionality, performance and adequate service delivery at an individual, institutional and environmental level.
Capacity	In relation to a municipality, as including the administrative and financial management capacity and infrastructure that enables a municipality to collect revenue and to govern the local government affairs of its community on its own initiative.
Capacity building	A process through which required abilities are obtained, strengthened, adapted and maintained over time". In relation to the three inter-related core elements, i.e. individual capacity, institutional capacity and environmental capacity
Education, Training and Development	The term used to describe the practices which directly or indirectly promote or support learning.
Environmental capacity	the potential or competence, or lack thereof, found outside of municipalities' formal structures. The components that constitute a conducive environment for a municipality to operate in must be deliberated on continuously and challenges made known to other spheres. These are elements that a municipality has little to no influence or direct impact on but that it may require for it to be considered operational. It also encompasses the social-economic (e.g. tax base), demographic, geography, non-municipal infrastructure, natural, mineral and environmental and non-municipal resources.
HRD Division	Human Resources Development Division
IDP	Integrated Development Plan
Individual capacity	the potential of staff to occupy a job or the relevance of the combination of their qualifications, experience and competence (knowledge, skills and attitude) in relation to the job they occupy

Institutional capacity	The potential or competence (or lack thereof) found within municipalities. The aim in structuring a business unit and municipality should be to ensure that it is functional, performs and adequately delivers its services, that is, it has the required operational capacity. This capacity is normally reflected through human resources (adequacy of competent individuals in the municipality); physical resources (facilities, equipment, materials, etc) and budget; intellectual resources (organisational vision, strategy, planning, performance management, business know-how and technology, inter-institutional linkages, etc.); organisational structure and systems that enable efficient utilisation of resources to realise developmental goals; leadership of the change; policy instruments, including policies, laws, regulations, administrative rules, standards, etc. and the enforcement of the policy instruments.
Learning Programmes	Skills programmes, Learnerships and Apprenticeships are structured learning programmes that combine learning at a Training Institution with practical work- based learning in an integrated programme. They may lead to a formal qualification.
Continuous Professional Development	Professional, credit-bearing short training courses, including conferences and seminars where specific learning outcomes are assessed for the purposes of eligibility for professional registration with a professional body.
National Qualifications Framework (NQF)	A framework which consists of 10 hierarchical levels, including AET, for the registration of national standards and qualifications in the education and training system.
NCBF-LG	National Capacity Building Framework for Local Government
SALGA	South African Local Government Association.
SALGA - EC	South African Local Government Association – Eastern Cape
South African Qualification Authority (SAQA)	Responsible for overseeing the development and implementation of the National Qualifications Framework. The South African Qualifications Authority (SAQA) came into being through the promulgation of the SAQA Act.
Sector Education and Training Authority (SETA)	A body established under the Skills Development Act in terms of section 9(1). Its main purpose is to contribute to the improvement of skills in South Africa through achieving a more favourable balance between demand and supply. In addition, SETA's will monitor education and training in the sector, and therefore will fulfill all the functions of ETQA's.

Workplace Skills Plan (WSP)	A Workplace Skills Plan is a formal documented plan of individual and organizational training interventions within an annual training cycle. The requirement to develop such a plan arises from the Skills Development Act. The process of developing this plan is contained within the act and includes consultation with staff and trade unions. The plan is submitted to the relevant SETA on an annual basis.
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2. PREAMBLE

The Municipality is fully committed to the structured, systematic and fully effective training, developing and capacitating its Councillors on an ongoing basis to enable them to perform their duties and mandate effectively and efficiently. This will also be provided to enable Councillors to acquire the skills, knowledge, related qualifications and to unlock their potential to meet the vision and mission of the municipality.

3. OBJECTIVES

- 3.1. To enable local government elected representatives to upgrade their knowledge and skills to better perform their responsibilities, such as implementing programmes equitably, enabling them to think in terms of concrete actions which they can take or facilitate and equipping them with the skills required for day-to-day performance of executive duties.**
- 3.2. To provide an approach that will enable sustainable municipal capacity;**
- 3.3. To improve the coordination and monitoring of the provision and resourcing of support, capacity building and training to municipalities;**
- 3.4. To determine where municipal capacity is at and introduce relevant initiatives that achieve the pre-determined impact**
- 3.5. To provide a framework for aligning training needs with the strategic objectives of the Municipality.**
- 3.6. To equip Municipal Councillors with the necessary skills for outstanding service delivery.**
- 3.7. To manage skills development processes within the Municipality.**
- 3.8. To promotes the achievement of organisational goals and objectives as expressed in the Integrated Development Plan (IDP)**
- 3.9. To ensure Councillors have access to quality Training and Development Opportunities**
- 3.10. To ensure that Matatiele Local Municipality complies with national guidelines and criteria for skills Development.**

4. APPLICATION OF THE POLICY

This policy shall apply only to Councillors of Matatiele Local Municipality

5. LEGISLATIVE FRAMEWORK

- 5.1. The South African Qualifications Authority Act, 58 of 1995;
- 5.2. The Labour Relations Act, 65 of 1995;
- 5.3. Employment Equity Act, 55 of 1998;
- 5.4. Municipal Systems Act, 32 of 2000 (as amended);
- 5.5. Municipal Finance Management Act;
- 5.6. The Skills Development Act, 97 of 1998;
- 5.7. The Skills Development Levies Act, 9 of 1999;
- 5.8. Basic Conditions of Employment Act 75 of 1997;
- 5.9. Occupational Health & Safety Act 85 of 1993;
- 5.10. ABET Act 52 of 2000
- 5.11. Determination of upper limits for public office bearers, 2013/14
- 5.12. National Capacity Building Framework for Local Government -2012 to 2016

6. TRAINING AND DEVELOPMENT STRATEGY

- 6.1 This Policy is a strategic framework designed to serve as a guide and shall be executed and administered for Councillors at Matatiele Local Municipality
- 6.2 Training and Capacity development plans and programmes shall support the Municipality's strategies, action plans, human resources planning process as well as any other present and future training and development needs.
- 6.3 All training and development initiatives shall be properly planned, programmed and recorded, and the results reviewed to determine how training methods can be improved and how maximum benefit can be obtained from resources devoted to training and development.
- 6.4 This will inter alia include a systematic and cost-effective training development approach, consisting of externally developed and presented, as well as in-house training and development Programmes.
- 6.5 In respect of all training and development activities, the following shall apply.
 - 6.5.1 A structured approach to identify training and capacity development needs; cost-effective procurement and/or development of training courses or programmes based on needs and evaluated in terms of criteria laid down from time to time;
 - 6.5.2 Training needs will be prioritized as per the Council skills gaps provided that it is in the opinion of the Speaker and will be presented through an annual training programme.
 - 6.5.3 The evaluation of training in terms of trainee reaction, learning practical application, and results achieved;
 - 6.5.4 Annual reporting on training interventions.
- 6.6 The Corporate Services Department shall provide advice and assistance on capacity building and training activities, and it will be responsible for administrative and operative co-ordination of the training process and programmes.

- 6.7 Capacity Building and Training budget for the whole Municipality will be centralized and be under the control of Corporate Services Department.
- 6.8 Use of training funds will be strictly authorized by Corporate Services Department.
- 6.9 These funds will be used strictly according to the approved annual training plan, Workplace Skills Plan, and the training standards & principles set out by the South African Qualifications Authority (SAQA) and Sector for Education and Training (SETA's)
- 6.10 The Municipality shall be liable for the expenses incurred for travelling and accommodation for Councillors undergoing Capacity Building training process and programmes, and for formal qualifications, individual Councillor shall be responsible for his or her travelling and accommodation costs where applicable. The Capacity Building and Training funds will be used solely for training costs.
- 6.11 Council training schedule based on the assessment of individual training needs will be drawn up annually to take full account of the human resources needs and shall include budgetary provisions.
- 6.12 All capacity building and training interventions must be work-related and the results measurable against pre-determined objectives.
- 6.13 These results, where possible, are to be expressed in cost benefits.
- 6.14 Annual Workplace Skills Plan will be submitted to the Local Government Sector Education and Training Authority (LGSETA) in terms of the Skills Development Act of 1998 and will be based on the training programme that is designed for the respective financial year.
- 6.15 Councillors who wish to be or are members of professional bodies or institute in respect of Local Government or Municipal Initiatives shall be authorised by the Office of the Speaker or Mayor to attend workshops, conferences, seminars and any other relevant meetings.
- 6.16 The Municipality shall pay the full amount of annual membership fee upon receipt of a request and remittance advice from the Councillor

7

RIGHT AND OBLIGATIONS OF COUNCILLORS

- 7.1 Matatiele Local Municipality shall ensure that each Councillor has a Skills Audit Form (SAF) filled which is consistent with his/her current position, mandate and responsibilities
- 7.2 Councillors shall be required to complete the SAF annually during the month of March
- 7.3 The SAF shall be confirmed through agreement between the Speaker and Councillor
- 7.4 SAF shall cover a minimum period of 1 year; and reviewed annually
- 7.5 Councillors shall have access to appropriate developmental interventions, based on their completed SAF and within available budget prioritisation.
- 7.6 Councillors shall be required to enter into appropriate training contracts with Matatiele Local Municipality when undergoing funded interventions which lead to formal qualifications.
- 7.7 Councillors shall be supported through appropriate mechanisms, where

required provided that such support is not contradicted elsewhere in this or any other municipal policy framework.

8. INDUCTION

- 8.1. Every new Councillor, regardless of function or responsibility, shall receive systematic induction training, which will enable him / her to become fully oriented in their respective responsibilities in the shortest possible time.**
- 8.2. Every new Councillor will receive induction about the Municipality within the first three months, starting from the day he or she has been inaugurated.**

9. STUDY REGULATIONS

- 9.1. This is a regulatory framework designed to afford the Councillors of Matatiele Local Municipality the opportunity to develop themselves in a formally structured way on a basis of identified requirements in the interests of the Municipality, in order to be able to cope satisfactorily with present and future allocated duties.**
- 9.2. The Municipality supports the continuous development of its Councillors and however the operational requirements of the Municipality and relevance of the studies concerned to the Department shall always be the primary concern.**
- 9.3. Councillors who wish to undertake training towards obtaining a formal qualification, a degree or equivalent qualification must first be recommended by the Executive Committee and approved by the Office of the Speaker.**
- 9.4. The Executive Committee and the Office of the Speaker shall consider each individual case upon application to ensure that the studies to be pursued by the Councillor are in the interests of the Municipality.**
- 9.5. The Speaker shall approve the attendance of Training Sessions and writing of Examinations for Councillors.**

10. TRAINING TOWARDS ACHIEVING FORMAL QUALIFICATION

- 10.1. The Municipality shall approve applications for trainings towards achieving formal qualifications subject to an agreement entered into between the Municipality and the Councillor in respect of which the following conditions will be specified:**
- 10.2. The Municipality shall pay up to 100% of the cost of books, registration and tuition fees directly to the institution where possible in each academic year.**
- 10.3. The total cost referred to in clause 9.1.1 shall not be recoverable from the Councillor unless conditions of the study grant are not met**
- 10.4. The offer for trainings towards achieving formal qualifications by the municipality shall be renewed on an annual basis through a signed agreement, subject to performance of the Councillor.**

- 10.5. If the Councillor has failed or not written exams, the Councillor must provide a written report to the Office of the Municipal Manager and the Office of the Speaker stating causes and reasons for such failure and motivating for the continuation of the training programme by the institution of which the municipality shall not unreasonably withhold.
- 10.6. The Employee Councillor who is undergoing capacity building or training towards achieving formal qualifications irrespective of whether he/ she has written or not written final exams or have passed or failed the exams, must undertake to serve the municipality for a period equal to the period of study.
- 10.7. The performance of the Councillor during the training shall be monitored on an annual basis (twelve months)
- 10.8. The Councillor shall be required to submit an original copy of the annual final examination results to the HR Section (HRD Sub – Section) of the Corporate Services Department not later than two weeks after received.
- 10.9. The municipality shall recover the registration fee, tuition fee (per module failed) once the Councillor fails to produce results indicating pass or progress to the next level.
- 10.10. The amount owed by the Councillor shall be recovered by Budget and Treasury department before the beginning of the next financial year.
- 10.11. If the Councillor fails to serve the full portion of the period referred to in Clause 9.1.5, a full or pro rata portion of the amount spent on the training towards achieving formal qualifications shall be recoverable from the Councillor without interest.
- 10.12. The Councillor must further undertake to pursue his/her studies diligently and complete the studies within a specified period.
- 10.13. Should the Councillor fail to complete the study programme owing to any reason or leave the Municipality before completing the training programme in an academic year or fail to serve the Municipality for a required period, the amount of money paid by the Municipality shall be recoverable from any pension payment or any emoluments due to the Councillor
- 10.14. Councillors shall be held financially accountable for non-attendance or failure of progress in Municipal funded interventions as required by the Municipal Finance Management Act, 56 of 2003
- 10.15. Councillors who are repeating subjects shall be required to take responsibility for class attendance, examination preparation and writing. Such Councillors shall also be required to pay for their repeated modules/ subjects.
- 10.16. First priority for trainings towards achieving formal qualifications will always be given to Councillors who wish to register for tertiary education for junior degrees/diplomas/ certificates than to Councillors who want to further other studies,

however, the nature of the job and operational requirements will take preference, taking into account the NCBF and the municipal IDP.

- 10.17. Trainings towards achieving formal qualifications will be provided for in the annual training budget by the Corporate Services Department.
- 10.18. Applications by Councillors for trainings towards achieving formal qualifications shall be made at least 6 months before commencement of the following financial year of the Municipality to the Corporate Services Department subject to whatever workable time frame for the Municipality.
- 10.19. Only trainings towards achieving formal qualifications applications processed in terms of this policy will be considered for allocation of funds and approval. There will be no retrospective payments for Councillors as reimbursement
- 10.20. If services of a Councillor are terminated before serving or completing the required period of service, the refund for trainings towards achieving formal qualifications shall be based on the following formula:

$$\frac{A \times C}{B \times 1}$$

Where A = amount paid by the municipality

Where B = study period

Where C = required or balance of required service period

- 10.21. Trainings towards achieving formal qualifications will be for part-time studies or distance learning only.

11. ADMINISTRATIVE REGULATIONS

- 11.1 The Workplace Skills Plan is a statutory requirement, arising out of the Skills Development Act, with the purpose is to formally plan and allocate budget for appropriate training interventions which will address the needs arising out of Local Government's Skills Sector Plan, the Municipality's strategic requirements as contained in the IDP and personnel recruitment strategies.
- 11.2 The training and development programme shall be managed and Administered by the Corporate Services Department.
- 11.3 An annual training programme with full financial implications shall be drawn up and administered by the Corporate Services Department
- 11.4 All course candidates or would-be course participants will sign an undertaking to attend a planned and organised course in terms of the annual training programme or any other arrangement prior to arrangement of the course attendance.
- 11.5 All capacity building and training courses to be attended shall be communicated to the Office of the Speaker / Mayor and Municipal Manager's Office at least 2 weeks

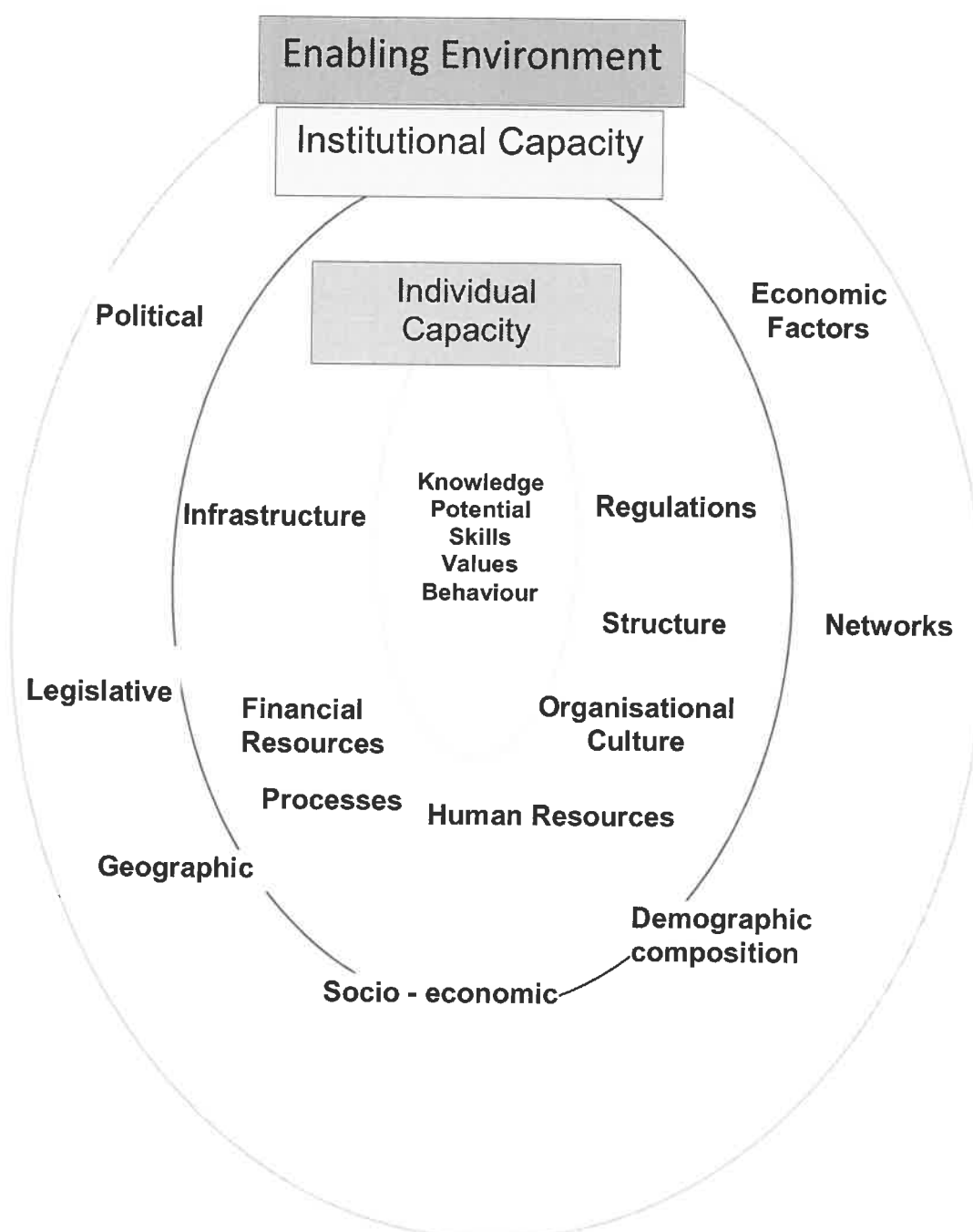
before training is conducted in order for the Offices to prepare travelling arrangements for councillors.

- 11.6 Transport arrangements shall be done for councillors who do not receive any travelling allowance by Corporate Services.
- 11.7 All Councillors receiving travelling allowance shall use their own transport when attending trainings, workshops, seminars or symposiums.
- 11.8 In instances where there will be 3 – 4 Councillors attending the same capacity building or training and receiving travelling allowance then one car has to be used or shared except when prohibited by any other policy or legislation.
- 11.9 Cancellation of training course attendance with valid reasons must be done at least 5 days before the commencement date of training.
- 11.10 Reasons for cancellation of the training course attendance must be objectively convincing and acceptable, failing which 100% of the irrecoverable costs will be recovered from the candidate concerned.
- 11.11 Late cancellations will not be acceptable, and applicable training costs will be recouped from the candidates when causes of cancellation are beyond the control of the candidate.
- 11.12 The candidate shall be liable for additional training costs incurred by him/her outside the scope of training course financial arrangements which include, travelling, accommodation, meals, course fee and incidental costs which are not directly or indirectly related to the training in question.
- 11.13 A database of accredited training service providers shall be established and maintained by the Skills Development and Employment Equity Unit of the Municipality.
- 11.14 Quality and expertise of training providers shall be considered as first priority in order to maintain high standard and quality of training.
- 11.15 An Outcome Based Assessment may be conducted by the Skills Development and Office of the Speaker at least once a month after training to test cognitive abilities and skills gained by the Councillor who attended a training course.

12. CAPACITY BUILDING REGULATIONS

- 12.1 The Capacity building and training programmes shall be facilitated by the Skills Development Unit and administered by the Human Resources Division within Corporate Services Department.
- 12.2 An annual training programme with full financial implications shall be drawn up by the Skills Development and Employment Equity Unit.
- 12.3 A skills audit will be done on all Councillors in order to develop a five year skills development Plan which shall be reviewed every financial year.

- 12.4. The Office of the Speaker shall consider the NCBF in prioritising and approving capacity building and training programmes for Councillors in terms of the three inter- related core elements, i.e. individual capacity, institutional capacity and environmental capacity
- 12.5. The Office of the Speaker will also have to consider from the capacity factors mentioned in Clause 10.4 that have been identified as affecting the achievement of developmental goals which are: (a) Competence of individuals; (b) effectiveness of organisational arrangements; (c) efficiency of policy instruments; and (d) conduciveness of socio-political environment.
- 12.6. The Multi – dimensional approach to capacity building as illustrated in the diagram below will also have to be considered in prioritising and approving capacity building and training interventions.



12.7. Capacity building and Training needs analysis shall be conducted by the

12.8. Skills Development with the Speaker, using the following types of needs analysis:

Context analysis -	analysis of the Municipal needs versus training as a solution.
User analysis-	analysis of identifying the key participants and decision-makers in implementing business needs.
Work analysis-	analysis of the job and the requirements for performing the work.
Content analysis-	analysis of documents, equipment and standard operating procedures (SOP) used on the job
Training suitability-	analysis of whether training is the best And most Analysis appropriate solution to the Municipal needs.
Cost-benefit analysis-	analysis of the return of investment (ROI) of training.

13. FORMS OF CAPACITY BUILDING AND TRAINING INTERVENTIONS SUPPORTED BY THE MUNICIPALITY

13.1 The Municipality shall provide various forms of Capacity buildings and Training Developments including, but not limited to:

13.1.1 Formal qualifications provided by a recognised tertiary institution in Southern Africa, and distance learning options;

13.1.1.1. for formal qualifications at Further Education Training Colleges;

13.1.1.2. Modules offered by a recognised tertiary institution or recognised service provider leading to an accredited outcome.

13.1.2 Adult Education, including literacy and numeracy programmes;

13.1.3 Short training courses, including both accredited and non-accredited training Programmes;

13.1.4 Continued Professional Development

13.1.5 SALGA initiated training interventions

14. RETURN OF INVESTMENT (ROI)

14.1 The Speaker is responsible for ensuring that the Capacity Building and Training and Development interventions undertaken are likely to result in a tangible Return of Investment.

14.2 ROI can be measured in many different ways. Some examples are:

14.2.1 Improved productivity

14.2.2 Improved efficiency

- 14.2.3 Reduced grievances
- 14.2.4 Reduced absenteeism
- 14.2.5 Improved community feedback/satisfaction

14.3. In order to ensure this:

- 14.3.1. The annual WSP should be accompanied by the anticipated ROI on each type of training intervention.
- 14.3.2. At the conclusion of implementation of the annual WSP, the Speaker should submit a report on the level of ROI achieved.
- 14.3.3. Corporate Services shall advise the Speaker with tools to measure ROI and Training where appropriate.

15. COMMENCEMENT OF THIS POLICY

- 15.1 This policy will come into effect on the date of adoption by Municipality.

16. INTERPRETATION OF THIS POLICY

- 16.1 All words contained in this policy shall have an ordinary meaning attached thereto, unless the definition or context indicates otherwise.
- 16.2 Any dispute on interpretation of this policy shall be declared in writing by any party concerned.
- 16.3 The Municipal Manager shall give a final interpretation of this policy in case of a written dispute.
- 16.4 If the party concerned is not satisfied with the interpretation, a dispute may then be pursued with the South African Local Government Bargaining Municipality/ or Arbitration

17. PERMANENT/TEMPORARY WAIVER OR SUSPENSION OF THIS POLICY

- 17.1 This policy may be partly or wholly waived or suspended by the Municipal Municipality on a temporary or permanent basis after consultation with Management and Trade Unions.
- 17.2 Notwithstanding clause No. 16.1 the Municipal Manager may under circumstances of emergency temporarily waive or suspend this policy subject to reporting of such waiver or suspension to Municipality and Trade Unions.

18. AMENDMENT AND/OR ABOLITION OF THIS POLICY

18.1 This policy may be amended or repealed by the Municipality after consultation with Management and Local Labour Forum.

19. COMPLIANCE AND ENFORCEMENT

19.1 Violation of or non-compliance with this policy will give a just cause for disciplinary steps to be taken.

19.2 It will be the responsibility of all Managers, Supervisors, Executive Committee and Municipality to enforce compliance with this policy.

CPS/P272 CR 140/26/05/2022



MR. L. MATIWANE
MUNICIPAL
MANAGER



CLLR S. MNGENELA
HON. MAYOR



CLLR N NGWANYA
HON. SPEAKER

EMPLOYEE RELOCATION POLICY

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1. PURPOSE OF POLICY

- 1.1. To render assistance to newly recruited employees from within and outside the Municipality as well as permanent employees who are being transferred by the Municipality from their current place of employment to another work station within the Municipality with wider geographical implications.**
- 1.2. To provide grounds for relocation of employees.**
- 1.3. To regulate relocation of employees from outside and within the municipality.**

2. APPLICATION OF POLICY

- 2.1. This policy shall be applicable to all posts of the Municipality with the exception of the following categories of posts and employees:**
 - 2.1.1. Task Grades 3 to 9 or equivalent grades**
 - 2.1.2. Casual/Part time posts**
 - 2.1.3. Any non-permanent/full-time employee whose term of employment is less than 6 consecutive months.**
 - 2.1.4. Experiential training personnel/interns of the municipality**
- 2.2. This policy shall become operative with effect from the date of approval by the Municipal Council.**

3. LEGAL FRAMEWORK AND REQUIREMENTS

- 3.1. This policy is premised on the provisions and requirements of the Labour Relations Act ("LRA") 66 of 1995 and the codes of good practice published in terms of the LRA.**
- 3.2. This policy is also premised on the provisions and requirements of the BCEA – Basic Conditions of employment Act, No of 75 Of 1997.**
- 3.3. This is further premised on the provisions and requirements of the Individual Contract of employment in so far as those terms and conditions of employment are not in contravention of the applicable labour laws.**
- 3.4. This is further premised on the provisions and requirements of any other applicable law.**

4. GENERAL GROUNDS FOR STAFF RELOCATION

- 4.1. The Municipality shall meet the actual relocation costs upon approval of a due request within the borders of South Africa as maybe incurred in respect of any employee upon appointment or transfer.**
- 4.2. Where expenditure has to be paid in terms of this policy written application shall be made for authorisation of expenditure by the General Manager.**
- 4.3. The employee shall agree in writing to repay the Municipality's expenditure if he/she leaves the employ of the Municipality within a period of 24 months or less reckoned from the date of assumption of duty in the post concerned.**
- 4.4. If the services of an employee are terminated for any reasons other than death and incapacity on grounds of ill health, the refund for the relocation costs comprising of transportation of personal belongings; insurance for the belongings, storage and accommodation shall be calculated as follows:**

$$\frac{A}{B} \times \frac{C}{1}$$

Where A = Total costs, B = 24 months and C = number of months in service

- 4.5. The travel time of an employee being transferred which shall be regarded as being on official duty shall be limited to three months.
- 4.6. Where the Municipality is not providing accommodation; the provisions of interim accommodation will be applicable for a maximum period of three months.
- 4.7. The accommodation for a transferred or newly appointed person shall be within a reasonable radius which will enable the employee concerned to travel to and from work with ease.
- 4.8. The travelling costs to and from the workstation, for a transferred or newly appointed person shall be borne by a newly appointed person concerned, irrespective of the accommodation facility he/she has chosen to stay at.
- 4.9. There shall be a provision for insurance for goods whilst in transit and storage.

5. GENERAL PROVISIONS FOR STAFF RELOCATION

5.1. Relocation of Employees already within the Municipality:

5.1.1. The Municipality may meet the actual costs which an employee incurs for travel and subsistence during:

- 5.1.1.1. The move of the employee to the new place of work where the most reasonable mode of transport must be used.
- 5.1.1.2. Accommodation for a maximum period of three months in an accredited accommodation facility in the event the employee moving for assumption of duty for employees from TASK GRADE 14 to 26 or equivalent.
- 5.1.1.3. If an employee must interrupt his/her journey as a result of his/her health, reasonable costs on accommodation can be reimbursed.
- 5.1.1.4. A maximum of three days' expenses at the most can be paid for.
- 5.1.1.5. The mode of transport and maximum expenditure shall be determined and agreed by the Municipality.

5.1.2. Interim accommodation costs

- 5.1.2.1. Costs for interim accommodation shall be limited to three (3) months.
- 5.1.2.2. Interim accommodation costs are limited to any accredited accommodation facility.
- 5.1.2.3. A daily allowance of R 98.00 shall be paid at the end of each month within a period of three months to a person who chooses to stay at the residence of a friend or family member or relative.

5.1.3. Transportation and storage of household goods during relocation

- 5.1.3.1. Storage of household goods at the old/new place of work is only meant as an aid when an employee experiences real problems to obtain suitable and reasonable accommodation.

- 5.1.3.2. Storage will be paid for a maximum period of one (1) month. Assistance with transport; insurance and one's month's storage costs of personal and household goods.
- 5.1.3.3. The normal supply chain procedure for acquiring transportation services and storage of household goods shall apply.
- 5.1.3.4. The contract for the transport and insurance costs of household goods of the employee must be entered into between the employee and the relevant service provider and not the Municipality.

5.2. Relocation of New Appointee from outside the Municipality

5.2.1.Provision

- 5.2.1.1. The Municipality may pay the reasonable actual costs of relocation of a newly appointed employee after determining that there was indeed a need.
- 5.2.1.2. The circumstances must be such that the new employee is not a resident within the same area where the posts is stationed and that accommodation is not already available.

5.2.2.Travel and Subsistence during a visit to a new place

- 5.2.2.1. The Municipality may meet the reasonable actual costs which an employee may incur for travel and subsistence during:
- 5.2.2.2. One visit by an employee to the new place of work before the date of appointment and a maximum of three (3) days expenses at the most can be paid.
- 5.2.2.3. The mode of transport and maximum expenditure shall be determined by the Municipality.

5.2.3.Accommodation during relocation

- 5.2.3.1. Accommodation for one (1) month in an accredited accommodation facility in the event the employee moves for assumption of duty.
- 5.2.3.2. The normal supply chain management policy requirements must apply.
- 5.2.3.3. A daily allowance of R 98.00 shall be paid at the end of each month within a period of three months to a person who chooses to stay at the residence of a friend or family member or relative.

5.2.4.Travel during the actual relocation

- 5.2.4.1. Assistance or reimbursement of reasonable travel costs by the employee.
- 5.2.4.2. The mode of transport and maximum expenditure shall be determined by and agreed upon with the Municipality.

5.2.5.Transportation and storage of household goods during relocation

- 5.2.5.1. Storage of household goods at the old/new place of work is only meant as an aid when an employee experiences real problems to obtain suitable and reasonable accommodation.
- 5.2.5.2. Assistance with transport; insurance and one's month's storage costs of personal and household goods will be provided.

- 5.2.5.3. The normal supply chain procedure for acquiring transportations services and storage of household goods should apply.
- 5.2.5.4. The contract for the transport and insurance costs of household goods of the employee must be entered into between the employee and the relevant service provider and not with the Matatiele Local Municipality.

6. PRIVILEGES ON TERMINATION OF SERVICE

- 6.1. The Municipality may meet, at the request of the employee's family, the reasonable actual costs of relocation of the employee's personal belongings if an employee dies whilst on duty or an employee has died due to natural causes related to a work condition as may be declared by a Medical Practitioner.
- 6.2. In the case of an employee recruited in South Africa, the Municipality shall pay for resettlement within South Africa.
- 6.3. In the case of an employee recruited from abroad, the Municipality shall pay for resettlement at the employee's place of origin.
- 6.4. The Municipality shall meet the costs of transporting home the remains of an employee who died on official duty away from her/his normal place of work.
- 6.5. This provision is applicable to an employee whose service is terminated due to death while an employee is performing his/her duties in terms of the Occupational Health and Safety Act.

7. COMMENCEMENT

- 7.1. This policy will come into effect on the date of adoption by the Council.

8. INTERPRETATION OF THIS POLICY

- 8.1. All words contained in this policy shall have an ordinary meaning attached thereto, unless the definition or context indicates otherwise.
- 8.2. Any dispute on interpretation of this policy shall be declared in writing by any party concerned.
- 8.3. The Office of the Municipal Manager shall give a final interpretation of this policy in case of a written dispute.
- 8.4. If the party concerned is not satisfied with the interpretation, a dispute may then be pursued with the South African Local Government Bargaining Council or Arbitration.

9. PERMANENT/TEMPORARY WAIVER OR SUSPENSION OF THIS POLICY

- 9.1. This policy may be partly or wholly waived or suspended by the Municipal Council on a temporary or permanent basis after consultation between Management and Trade Unions.
- 9.2. Notwithstanding clause No. 9.1 the Municipal Manager may under circumstances of emergency temporarily waive or suspend this policy subject to reporting of such waiver or suspension to Council and Local Labour Forum.

10. AMENDMENT AND/OR ABOLITION OF THIS POLICY

- 10.1. This policy may be amended or repealed by the Council after consultation between Management and Trade Unions.

11. COMPLIANCE AND ENFORCEMENT

- 11.1. Violation of or non-compliance with this policy will give a just cause for disciplinary steps to be taken.**
- 11.2. It will be the responsibility of all Managers, Supervisors, Executive Committee and Council to enforce compliance with this policy.**

CPS/P273 CR 140/26/05/2022



**MR. L. MATIWANE
MUNICIPAL
MANAGER**



**CLLR S. MNGENELA
MAYOR**



**CLLR N NGWANYA
MADAM SPEAKER**

EMPLOYMENT POLICY

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DEFINITIONS

“APPLICANT” –	is any person who enquires about, applies for or has applied for employment in the Municipality.
“ASSIGNEE” –	is a Municipal functionary or any person designated to act in a particular capacity.
“BOARDING”–	is termination of services of an employee on grounds of ill health or disability.
“BASELINE” –	is a basic framework of an exercise which serves as a point of departure.
“BURSARY HOLDERS”–	a student offered a bursary by the Municipality or its associate.
“CANDIDATE” –	is an applicant who has been shortlisted for interviews.
“CHIEF SHOP STEWARD”–	is a senior shop steward by virtue of being a Chairperson of the Shop Steward Council or holding any top position within the Shop Steward Council.
“DESIGNATED MUNICIPAL FUNCTIONARY/DESIGNEE”–	is a person or employee of the Municipality authorised to act in a particular capacity.
“DISMISSAL” –	termination of employment on grounds of misconduct.
“EMPLOYMENT EQUITY PLAN”–	is a policy framework designed for advancing and managing representatives in terms of the Employment Equity Act, 1998.
“ESTABLISHED POST” –	is a position established as part of the establishment plan of the Municipality.
“HEAD-HUNTING”–	is an act of searching for an appropriately qualified person for a vacant post.
“HUMAN RESOURCES PRACTITIONER”–	is an employee in the Corporate Services Department assigned to perform recruitment-related activities.
“IMMEDIATE FAMILY MEMBERS” –	are considered to be mother, father, husband, wife, child, brother, sister or any of the preceding as a family member by marriage (in-laws).
“JOB SPECIFICATION” –	is a list of job requirements for the post.
“LEARNER” –	is a person who is attached to the Municipality for job learnership purposes.
“LABOUR BROKER” –	is a service provider providing labour

“MIDDLE MANAGER” –	is a management employee falling within the range of Post Task Grade 14-16 or equivalent
“NATURE OF PAY” –	refers to either basic pay or inclusive pay.
“NATURE OF THE POST” –	refers to whether a post is a permanent, contract or temporary post.
“NON-ESTABLISHED POST”–	is a post which does not form part of the establishment plan of the Municipality.
“OUTSOURCING REQUEST”–	refers to an act of instructing a labour broker/Recruitment Agency or any other person to supply the Municipality with labour.
“POST ESTABLISHMENT”–	is the procedure and process followed in the creation of a post.
“QUALITATIVE JOB – REQUIREMENTS”	refers to relatively immeasurable portraits of the candidate or job requirements e.g. interpersonal skills and leadership skills.
“QUANTITATIVE JOB – REQUIREMENTS”	refers to the measurable requirements of the post contained in the advert or a similar document e.g. matric and three years of experience.
“RECRUITMENT AGENCY”–	is a service provided providing or recruiting personnel for its clients
“RETRENCHMENT” –	is the termination of employment on grounds of operational requirements.
“TRAINEE” –	is any person attached to the Municipality for training purposes.
“ZERO-BASED APPROACH”–	is an analysis of a problem from scratch, as if there was nothing before.
“NORMAL RETIREMENT AGE”–	This shall mean age of 65, regardless of type of employment.

1. PREAMBLE

Driven by empirical and conceptual challenges of recruitment for an establishment of the Municipality’s profile and size, this recruitment policy seeks to create a balanced and transcendent culture of fine and sound employment patterns and practices in the Municipality. It is designed to foster and promote sound and fair recruitment procedures and practices which underpin the principles of equal employment opportunity and affirmative action.

2. LEGAL FRAMEWORK AND REQUIREMENTS

- 2.1. This policy is premised from the relevant provisions of the Labour Relations Act (66 of 1995;**
- 2.2. It also derives its legitimacy from the Municipal Structures Act (117 of 1998), Municipal Systems Act (32 of 2000), Employment Equity Act (55 of 1998);**
- 2.3. This policy will be implemented in terms of the objects of other relevant sister policies within the Municipality.**
- 2.4. This policy is implemented in furtherance of the spirit of the Basic Conditions of Employment Act (75 of 1997).**

3. OBJECTIVES

- 3.1. To give effect to the principles of equal employment opportunity and affirmative action.**
- 3.2. To inject uniform, transparent, fair and sound recruitment procedures and practices.**
- 3.3. To give effect to the objects of relevant labour laws.**
- 3.4. To provide a mechanism for application of a zero-based approach in the filling of a vacant post.**
- 3.5. To usher in a regulatory mechanism for filling an approved vacant post in the Municipality.**
- 3.6. To attract competent and suitably qualified applicants for a vacant post.**
- 3.7. To provide measures for a fair and just selection process for candidates to be interviewed.**
- 3.8. To provide a procedure for actioning appointment of a successful candidate.**
- 3.9. To set out procedures for handling unsuccessful applications.**
- 3.10. To provide a framework for managing probation of a newly appointed employee.**
- 3.11. To provide a framework for employment of staff for the political office bearers.**
- 3.12. To provide a framework for employment of Ward Support Assistants.**
- 3.13. To recognize and incentivize training and development initiatives by municipal employees taking part in the training and development by providing their inclusion for consideration in the vacant positions.**

4. SCOPE OF APPLICATION

This policy shall apply:

- 4.1 To individuals who are defined by Chapter One of Basic Conditions of Employment Act 75 of 1997 as employees of the Municipality;**
- 4.2 To any member of the public who, by virtue of his or her application for employment in the Municipality, who happens to be classified as an applicant or candidate;**
- 4.3 To all formally established and non-established posts of the Municipality;**

- 4.4 To all formal posts of non-Municipal programmes, functions or Municipality's associates in respect of which the Municipality is defined by law as the employer.**

This policy shall not apply to:

- 4.5 Employment of casual labourers and skilled employees who are required to work for not longer than six (6) consecutive months;**
- 4.6 The employment of a job learner or experiential trainee; unless the learnership programme stipulates otherwise.**
- 4.7 The employment of the Municipality's bursary holders who are required to work for the Municipality as per their respective contracts with the Municipality;**
- 4.8 The experiential trainees/ interns who receive a training stipend.**
- 4.9 Notwithstanding the above, an employment contract for employee mentioned in 4.5 may be extended or renewed beyond the six month -period depending on the prevailing circumstances.**

5. UNDERPINNING PRINCIPLES OF EMPLOYMENT

- 5.1. The Municipality's Integrated Development Plan (IDP) shall inform Human Resource plan or strategy.**
- 5.2. Human Resource needs analysis shall precede creation of any post within the Municipality.**
- 5.3. Existence of each post shall be underpinned by the service delivery requirements embodied in the IDP and establishment plan of the Municipality.**
- 5.4. An approved organogram or structure of posts shall form a basis for employment in respect of all established posts.**
- 5.5. The zero-based approach shall apply in the filling of all vacant posts.**
- 5.6. Descriptions of a job content and job specification shall constitute fundamental components of a job description for any post.**
- 5.7. The job description and specification shall be used for determining the content of any advertisement of a vacancy, outsourcing request or any document for a similar purpose.**
- 5.8. The nature/method of recruitment shall be decided in accordance with the recruitment procedure set out in this policy.**
- 5.9. Canvassing by a candidate for support in respect of a particular recruitment exercise will lead to the disqualification of the candidate.**
- 5.10 The Corporate Services Department shall, in implementing this policy, uphold the norms and standards enshrined in this policy.**
- 5.11 Corporate Services Department shall make a budgetary provision for recruitment costs for each department.**

6. PREFERENTIAL EMPLOYMENT FRAMEWORK FOR LOCAL PEOPLE

- 6.1. Notwithstanding the equal employment opportunity principles entrenched in this policy; there shall be an effort to use the municipality's employment programme to fight the highest levels of unemployment within the area of jurisdiction.**
- 6.2. In order to give effect to the above principles, advertisements for positions ranging from Task Grade 1-9 or equivalent based on any applicable job grading system will target employment of local people through a special recruitment mechanism.**
- 6.3. Notwithstanding the job requirements and specifications of the posts mentioned above, minimum requirements in terms of qualifications and work experience will be referred from Annexure "A "of Municipal Staff Regulations: Competency Framework for Occupational Streams**
- 6.4 The Municipal Manager and the relevant General Manager (Head of Department in which the vacancy exists) will be assigned in terms of this policy an ultimate responsibility to see to it that the targeted employment of local people is given effect to.**
- 6.5 Managers or immediate Superiors for employees appointed in terms of the above criteria will be required to provide the necessary on the job training.**
- 6.6. When shortlisting of applicants is conducted, the following order of preference will be adhered to: local, district and provincial.**
- 6.7. Notwithstanding the table above on the minimum years of experience and educational qualifications, a special waiver will be put into place to allow for the consideration of internal candidates on the strength of their current enrolment and qualifications in allowing them necessary exposure in the areas they are undertaking studies in.**

7. OCCURRENCE OF A VACANCY

- 7.1 A vacancy shall occur as a result of the following:**
 - 7.1.1 Dismissal /boarding;**
 - 7.1.2 Voluntary resignation;**
 - 7.1.3 Death;**
 - 7.1.4 Approval of a creation of a new post**
 - 7.1.5 Retirement**
- 7.2 A short term vacancy shall occur as a result of the following:**
 - 7.2.1 Sickness/injury;**
 - 7.2.2 Leave of absence;**
 - 7.2.3 Suspension;**
 - 7.2.4 Secondment;**
 - 7.2.5 Arising from special temporary work.**
 - 7.2.6 Any other causes**

8. REQUISITION AND AUTHORISATION FOR FILLING OF A VACANT POST

- 8.1** The General Manager/Designee in respect of which a vacant post exists shall assess the situation of the vacancy in accordance with clauses 3.4 and 5.5 of this policy and sign the requisition for filling a vacant post.
- 8.2** The General Manager shall, inter alia, evaluate a continued need of the vacant post.
- 8.3** The General Manager shall also apply his/her mind to whether the vacant post cannot be merged with another post or abolished.
- 8.4** Upon establishing the facts about a need for filling a vacant post as is, the General Manager shall solicit authorisation for filling a vacant post from the Municipal Manager or Designee.
- 8.5** An approval for filling a vacant post shall be forwarded to the Corporate Services Department for processing.
- 8.6** Prior to proceeding with the filling of a vacant post, the Corporate Services Department shall verify the following about a vacant post:
 - 8.6.1** Post establishment;
 - 8.6.2** Funding for the post;
 - 8.6.3** Nature of the post;
 - 8.6.4** Applicable terms of employment;
 - 8.6.5** Nature of pay.
 - 8.6.6** Job Description (signed by the Supervisor and Head of the Department)

9. FILLING OF A VACANT POST

- 9.1** The following shall constitute modes of filling a vacant post:
 - 9.1.1** Recruitment;
 - 9.1.2** Secondment from another employer;
 - 9.1.3** Use of employment agencies;
 - 9.1.4** Head-hunting.
- 9.2** The Corporate Services Department shall exercise its due diligence and caution in checking whether modes other than recruitment may be used for filling a vacant post.
- 9.3** If a vacant post will be filled through any mode other than recruitment, the Corporate Services Department will facilitate filling of a vacant post through invoking the appropriate mode.
- 9.4** If a vacant post will be filled through recruitment, the following sub-procedures shall apply:
 - 9.4.1** Advertisement of a Vacant Post
 - 9.4.1.1.** The Corporate Services Department shall draw up an advert for a vacant post which will, inter alia, manifest the following vital components of the advert:
 - (i)** Name of the Municipality;
 - (ii)** Job Title;
 - (iii)** Post level/grade;
 - (iv)** Nature and amount of remuneration
 - (v)** Negotiated remuneration

- (vi) Term of employment, if the post will be filled on a fixed term basis.
 - (vii) And the requirements in terms of the MLM EE Plan.
- 9.4.1.2. The finalized copy of an advert endorsement prior to advertising;
 - 9.4.1.3. TASK Grade 14 and above vacant posts will be advertised both internally and externally at the same time for at least 5 consecutive working days;
 - 9.4.1.4. TASK Grade 1- 12 will be advertised internally first for at least 5 working days, unless there are other compelling reasons not to do so, approved by the Accounting Officer;
 - 9.4.1.5. Notwithstanding the above, posts with critical and scarce skills will be advertised both externally and internally on a simultaneous basis without advertising internally first.
 - 9.4.1.6. If there is no applicant or candidate for the internally advertised post, the post will be advertised externally for at least 5 consecutive working days;
 - 9.4.1.7. TASK Grade 10-13 vacant posts will be advertised on Local media.
 - 9.4.1.8. TASK Grade 14 to 16 vacant posts will be advertised on the local (District) media in exclusion of posts deemed to be of scarce and critical skills.
 - 9.4.1.9. If there is no suitably qualified candidate found after a vacant post has been advertised externally, the post will either be re-advertised for not less than 12 consecutive working days or headhunting proceedings will be instituted whichever is found to be suitable.
 - 9.4.1.10. TASK Grade 1- 9 vacant posts will be advertised on the local media only.
 - 9.4.1.11. TASK grade 10 -13 vacant posts will be advertised on the Provincial media, when advertised for the second time.
 - 9.4.1.12. Task Grade 14 and up will be advertised on both local and Provincial and on National Media when advertised for the second time or in case where laws and regulations are determining that advertisement should be on a National Media.
 - 9.4.1.13. Advertisement of Task Grade 1-13 will be confined to the local media;
 - 9.4.1.14. Notwithstanding the above, posts with critical and scarce skills will be advertised in Provincial and National newspapers instantly.
 - 9.4.1.15. Notice boards of various work stations will be used for placement of internal job adverts.
 - 9.4.1.16. Ward-based recruitment exercise will be implemented with regard to employment of unskilled casual workers.
 - 9.4.1.17. Advertisement of a post on the National Newspapers may be done before head hunting.
 - 9.4.1.18. Advertisement shall specify employment equity target as required in Municipal Employment Equity Plan

9.4.2 Procedure for Applying for an Advertised Vacant Post

- 9.4.2.1. All Employees of the Municipality and members of the public who meet both quantitative and qualitative requirements of an advertised post will be encouraged to apply for the post;**
- 9.4.2.2. All prospective applicants will apply strictly according to the procedures set out in the advert;**
- 9.4.2.3. Enquiries about any advertised post will be directed to the Corporate Services Department;**
- 9.4.2.4. No late applications will be considered;**
- 9.4.2.5. No applicant shall canvass for a post;**
- 9.4.2.6. Employment application forms shall be issued to applicants upon request and will be available in the Municipal website.**
- 9.4.2.7. All applications shall be received by the Corporate Services Department;**
- 9.4.2.8. No original copies of documents like Identity Document, Driver's Licence and certificates will be accepted from applicants;**
- 9.4.2.9. All received applications will be stamped with a date stamp and captured in the master list of applicants by the Corporate Services Department;**
- 9.4.2.10. The Municipality will not be held liable for the custody of application documents submitted by an applicant except as official Municipal records;**
- 9.4.2.11. The master list of applicants will be used as a baseline information for screening and selection of the suitable candidates by the shortlisting committee.**
- 9.4.2.12. Persons cited as references by any of the applicants will be allowed from participating in the shortlisting and interview processes unless the cited reference(s) indicates a possible conflict of interest in which case, they will be recused.**

9.4.3 Shortlisting of Candidates

- a. Shortlisting of candidates shall be drawn up by a shortlisting panel, supported by the General Manager concerned for recommendation by the General Manager: Corporate Services and for approval by the Municipal Manager.**
- b. The shortlisting panel shall be established on a basis of a post and on an ad hoc basis;**
- c. The General Managers or the Municipal Manager shall be consulted with regard to the line departmental representatives in the shortlisting panel**
- d. The shortlisting panel for Task Grade 15 and above for positions excluding HOD's and the Municipal Manager shall be established at least as follows:
3 x Senior Managers;**

- 1 x representative per Union (Observer);
 - 1 x Corporate Services Department representative;
 - 1 x Scribe from the Human Resources Management Unit;
 - 1 or 2 outsiders with relevant expertise subject to approval by the Municipal Manager.
- e. The shortlisting panel for Task Grades 1 - 14 shall be established at least as follows:
- 2 x Line Departmental Representatives;
 - 1x Corporate Services Representative;
 - 1 x Scribe from the Human Resources Management Unit;
 - 1 x representative per Union (Observer);
 - 1 or 2 outsiders with relevant expertise subject to approval by the Municipal Manager.
- f. An outsider with relevant expertise may be invited to the interviews with the approval of the Municipal Manager.
- g. The shortlisting panel for section 54 & 56 post will be set up by Council in a form of a council resolution guided by the applicable Regulations on Appointment and Conditions of Employment of Senior Managers.
- h. Trade Unions shall be invited to the shortlisting meeting via the issue of the agenda to the Chairperson of the Shop Steward Committee.
- i. The master list of applicants and the copy of the advert shall be presented to the shortlisting panel by the Corporate Services Department; and will be returned to the Corporate Services Department after use.
- j. The shortlisting panel shall select not less than three (3) and not more than six (6) applicants for shortlisting per post;
- k. The shortlisting panel shall select primarily from those applicants who meet the qualitative and quantitative requirements of the post;
- l. In the event of recruiting for more than one position for the same post, clause (i) shall be waived by the shortlisting panel;
- m. Notwithstanding clause (i) when there is only less than three (3) applicants meeting the quantitative requirements of the post, such applicant will be shortlisted and interviewed accordingly;
- n. Due regard shall be given to the requirements of the employment equity plan when shortlisting is conducted;
- o. The shortlisting panel shall decide on which of the types of employment tests and checks to be conducted on the shortlisted applicants.
- p. Notwithstanding clause (n) above PPA test and intelligence test will be confined to relatively strategic positions as determined by the shortlisting panel.
- q. An HIV test can only be conducted on the applicant with the permission of the Labour Court;

- r. Notwithstanding clause (n) above typing speed, computer literacy and driving tests shall be conducted only if they are the main and inherent requirements of the job.
- s. The shortlisting panel shall decide on whether the job requirement is inherent or main in accordance within the definitions of a main or inherent requirement of a job.
- t. In spite of clause (n) compulsory reference checks will be conducted on all candidates with not less than two referees from the candidate's previous/current employment or former teachers, if his /her work referees are not available.
- u. Corporate Services shall be responsible for conducting vetting on all the recommended candidates' qualifications and related employment details,
- v. In the event wherein an employee/ candidate is found to have forged any of the necessary minimum requirements, disciplinary action will be commenced against the concerned employee/ candidate by opening a criminal case. The municipality may also institute civil claim against the employee/ candidate with the latter standing to be made liable to resultant costs of the civil action initiated as a result of the employee's misconduct.
- w. The Corporate Services Department shall facilitate conducting of the agreed-upon employment tests and checks in a given situation.
- x. The results of the tests or checks conducted will be presented to the interviewing panel for consideration prior to making a recommendation.
- y. No employee shall participate in a shortlisting process for a post that is above or equivalent to his/her Task Grade except in giving logistical support to the process.
- z. A written recommendation with all the profiles of the shortlisted candidates collated to the job specifications shall be submitted to General Manager: Corporate Services for approval, prior to arrangement of interviews.
- aa. Scores or points may be awarded to candidates for other assessment methods like reference check, test, etc. in addition to the interview, at the discretion of the interviewing panel in respect of a particular post.
- bb. Municipal Councillors/Officials who are references in the employment applications received from both internal and external applicants will be allowed in the shortlisting and interviewing panels the cited municipal reference(s) indicates a possible conflict of interest in which case, they will be recused.

9.4.4 Arranging of Interviews

- a. The interviewing panel shall be appointed by the Municipal Manager, preferably the interviewing panel shall be comprised of the same people who constituted the shortlisting panel of the same position.

- b. The Corporate Services Department shall facilitate the makeup of a panel for interviews on an ad hoc basis; the interviewing panel and preferably be made up of the same people who constituted the shortlisting panel for the same post, and shall be approved by the Municipal Manager.
- c. The Interview panel for Task Grade 15 and above for positions excluding HOD's and the Municipal Manager shall be established at least as follows:
 - 3 x Senior Managers;
 - 1 x representative per Union (Observer);
 - 1 x Corporate Services Department representative;
 - 1 x Scribe from the Human Resources Management Unit;
 - 1 or 2 outsiders with relevant expertise subject to approval by the Municipal Manager.
- d. The Interview panel for Task Grades 1 - 14 shall be established at least as follows:
 - 2 x Line Departmental Representatives;
 - 1x Corporate Services Representative;
 - 1 x Scribe from the Human Resources Management Unit;
 - 1 x representative per Union (Observer);
 - 1 or 2 outsiders with relevant expertise subject to approval by the Municipal Manager.
- d. The establishment of the interviewing panel for section 54 and 56 posts will remain a responsibility of council as guided by Local Government Regulations on Appointment and Conditions of Employment of Senior Managers
- e. The Corporate Services Department shall, in consultation with the interviewing panel members, decide the date of interviews;
- f. After deciding the date of interviews, the Corporate Services Department shall proceed to advise candidates about the date and venue of interviews;
- g. A minimum of two candidates must confirm their attendance of the scheduled interviews in order for interviews to take place, unless there is only one candidate invited; Shortlisted candidates may be given another chance (re – schedule), subject to receipt of and considered valid proof for his inability to attend the interviews on the first instance, 24 hours prior to the date of the interviews, unless it's an emergency such as sickness, which period may be lesser hours.
- h. The Corporate Services Department shall prepare profiles of candidates and documentation, material presented to the interviews shall be returned to the Corporate Services.
- i. The Corporate Services Department shall arrange venues for interviews.
- j. Trade Union representatives shall be invited in writing for interviews via the interviewing agenda of the Chief Shop Steward or Chairperson of the Shop Steward Committee.

- k. All members of the interviewing panel shall confirm their availability for interviews in advance;
- l. Candidates shall be informed about the date, respective scheduled time and venue for interviews prior to attending interviews;
- m. The Corporate Services Department shall prepare all pertinent interview documentation and compile an interview agenda to be distributed to each member of the panel;
- n. Interviewing panel members shall be as impartial as possible and conduct interviews with dignity and absolute professionalism;
- o. The interviewing panel shall recommend three (3) names for employment in the order of their performance, if there is no suitable candidate found; a recommendation for not employing shall be made.
- p. In the case of positions below s54 (Municipal Manager) and s56 (General Managers), interviewing panel shall also decide on candidates No.1, No 2 and No. 3 in the order of merit and preference, so that candidate's Nos 2 and 3 may be offered the job in case the first candidate declines an offer respectively or fails to remain in the post for a period of six months after appointment.
- q. In the case of s54 (Municipal Manager) and s56 (General Managers), the interviewing panel shall reserve a right to recommend top three (3) candidates in terms of their performance in the interviews and other means of assessment for consideration for appointment of one (1) of them by the Municipal Council.
- r. In the case of s54 (Municipal Manager) and s56 (General Managers), the Municipal Council shall reserve a right to offer employment to either first or second or third best candidate including determining the order of preference for appointment for the purpose of giving effect to the requirements of clause (p) of this policy. Council may decide to re-advertise the post even if panel has recommended three (3) names, panel recommendations do not determine or guarantee employment offer for any candidate. Council reserve the right to either employ or determine otherwise.
- s. No employee shall participate in the interviewing process for a post that is above or equivalent to her/his post grade except giving logistical support to the process

9.4.5 Implementation of the Results of Interviews

- a. Candidates coming outside the radius of 10kms shall be reimbursed for their travelling costs in accordance with the Municipality's applicable rates.
- b. The General Manager concerned shall support the recommendation of the Interviewing panel in writing subject to all minimum requirements of the vacant post being met in terms of the advertisement.
- c. The General Manager: Corporate Services shall support the recommendation of the interviewing panel and the recommendation of the General Manager

concerned in writing subject to all minimum requirements of the vacant post being met in terms of the advertisement.

- d. The successful candidate will be contacted by the Corporate Services Department to find out about acceptance of the offer and pertinent conditions thereafter.
- e. A letter or contract of employment shall then be drawn up by the Corporate Services Department for signing by the Municipal Manager or the Mayor, depending on the grade of the post.
- f. Upon signing of the letter or contract of employment by either the Municipal Manager or Mayor and acceptance of employment by the successful candidate, the notification of welcome shall be written to staff by the Corporate Services Department.
- g. Unsuccessful shortlisted and interviewed candidates shall be advised in writing about the fate of their applications.
- h. General Manager shall have a right to make a representation to the Municipal Manager if he/she is not happy with the outcome of interviews.

9.4.6 Use of Employment Agencies

9.4.6.1 When the Matatiele Local Municipality has not been able to fill a vacant post through the recruitment and secondment process, the recruitment process shall progress to the use of Employment Agencies through the following:

- a. A minimum of three or less Employment Agencies will be approached to assist with finding a suitable candidate.
- b. Once candidates have been received from the agencies the Shortlisting and Interviewing process shall be employed.
- c. If there is no suitable candidate found, the recruitment process shall progress to the Headhunting process.

9.4.7 Headhunting

- a. If the position cannot be filled through the recruitment and or secondment process, headhunting process will take place
- b. The Panel that was responsible for other processes shall be responsible for the headhunting process.

9.4.8 Induction of a New Employee

- a. A newly appointed employee shall be formally introduced to the staff members within his/her immediate work environment and adjacent work stations, preferably on the first day of assumption of duty, by the Corporate Services Department;
- b. A new employee shall be taken through the main conditions of service upon commencement of duty, preferably on the first day, by the Corporate Services Department;

- c. It shall be incumbent upon the employing department to make all necessary logistical preparations for the professional and decent welcome of a new employee;
- d. Fully fledged orientation and induction shall be conducted with the employee at a later stage by the Human Resources Division.

9.4.9 Management of Employee Probation

- a. A newly employed person shall be put on a three (3) month -probation;
- b. The Corporate Services Department shall issue probation management tools to the department concerned for kick-starting and managing a newly appointed staff member's probation within 7 working days after commencement of duty;
- c. Probation shall be monitored by the General Manager/Manager or immediate superior of an employee through doing the following:
 - (i) On-the-job training;
 - (ii) Performance monitoring;
 - (iii) Mentoring;
 - (iv) Coaching;
 - (v) Guidance;
 - (vi) Corrective action.
- d. The probation based performance reviews shall be conducted by the General Manager or Assignee at the end of each month of the three (3) month – period.
- e. The General Manager may invoke intervention of the Corporate Services Department for assistance during the period of probation.
- f. The Corporate Services Department shall issue performance review forms to the General Manager or Assignee towards the end of each month of the probation period.
- g. The end results of probation shall be either recommendation for continued employment, extension of the probation by no longer than 3 months or recommendation for institution of incapacity proceedings on grounds of poor performance.
- h. The Corporate Services Department shall implement the negative results of probation with due regard to the requirements of fairness and reasonableness.
- i. Recommendations for continued employment for section 54 and 56 posts shall be submitted to the Council for approval.
- j. Approval of continued employment shall be made by the Municipal Manager for other posts other than section 54 and 56 posts.
- k. An employee will be informed by the Human Resources Department about the results of his/her probation once it has been finalized.

10. PROVISIONS FOR EMPLOYMENT OF SECTION 54/56 MANAGERS AND MIDDLE MANAGERS

- 10.1** Employment of Section 54/56 Managers shall be transacted on a fixed term contract basis for a period determined by the Council
- 10.2** Employment of middle managers shall be transacted on a fixed term basis for a minimum period of five years unless the Council has resolved otherwise.
- 10.3** Both Section 54/56 Managers and Middle Managers will be required to enter into an annual performance agreement irrespective of the nature of employment.
- 10.4** These two categories of Managers shall be put on an enhanced remuneration package and conditions of service for better performance and higher degree of job satisfaction for attractions retention purposes.
- 10.5** The conditions of service for the middle Managers will be improved in comparative terms with what is generally applicable to the general employees as determined by the South African Local Government Bargaining Council for better attraction, retention and maintenance purposes.
- 10.6.** Fixed term employment may be extended to the coordinators as well subject to the needs of each Department.

11. PROVISIONS FOR EMPLOYMENT OF POLITICAL OFFICE BEARERS' SUPPORT STAFF

- 11.1** The political office bearers shall be provided with special human resources to operate in their respective offices for personal support and assistance, in addition to the general support and assistance from the general municipal human resources in order to enable them to efficiently and effectively execute their duties.
- 11.2** Notwithstanding the provisions of this policy, the recruitment of support staff for the political office bearers will not be subjected to the provisions of this policy.
- 11.3** All appointments shall however be executed with the approval of the Municipal Manager or designee.
- 11.4** The appointment of the political office bearers' support staff shall however be governed by the acceptable standards of personnel provisioning or staffing as contained and enshrined in this policy in so far as the entire profile of the human resources needs of the political office bearers are concerned.
- 11.5** The term of employment for the staff of the political office bearers will be directly linked to the term of office of the political office bearer concerned.
- 11.6** First preference shall be given to the prospective individuals identified by the political office bearer concerned subject to those individuals meeting the requirements of the posts.

12. PROVISION FOR EMPLOYMENT OF WARD SUPPORT ASSISTANTS

- 12.1.** Ward Support Assistants shall be employed from each ward for a period not exceeding the term of office of the Ward Councillor concerned.
- 12.2.** A vacant post of a ward support assistants shall be advertised accordingly.
- 12.3.** A post of a ward support assistants shall be filled on a part time/semi-permanent basis.

- 12.4. A person employed as a ward support assistant will be based at the Ward as his/her work station.

13. EMPLOYMENT OF FAMILY MEMBERS OF EMPLOYEES AND COUNCILLORS

13.1 AIMS

- 13.1.1 To establish a consistent set of guidelines by which recruitment decisions can be made in terms of employment of immediate family members of employees or Councillors
- 13.1.2 Where a family member or relative of a panel member is one of the applicants, the panel member shall recuse himself/ herself from the process.
- 13.1.3 To ensure that there is no nepotism and/or favouritism practiced in selection decisions.

13.2 PRINCIPLES

- 13.2.1 With reference to 13.1.2 above, employment of immediate family members is not encouraged.
- 13.2.2 Only the interviewing panel can recommend the appointment of family members in positions where they cannot be directly influenced by the decision of a family member.
- 13.2.3 Any Municipal employee shall excuse himself/herself from a recruitment exercise where his/her family member / Councillors is involved.

13.3 PROCEDURE

- 13.3.1 The Corporate Services Department must ensure that the correct recruitment and selection procedure is followed.
- 13.3.2 In the situation where a family member applies for a vacant position, the Human Resources practitioner must point out the content of this policy to the parties involved.
- 13.3.3 In exceptional situations, for example where there is no other suitable candidate available to fill the vacancy, the matter should be referred in writing to the interviewing panel with a motivation.
- 13.3.4 The interviewing panel must recommend the appointment of family members.
- 13.3.5 The Corporate Services Department must be informed of all engagements of immediate family members indicating relationships, position appointed to, names and the position of already employed family members.
- 13.3.6 Line managers should be aware of family relationships when transferring employees and should bear the requirements of this policy in mind.

14. BUDGETARY PROVISION

- 14.1. There shall be an annual budget provision for recruitment expenses.

- 14.2. The recruitment budget will be used for funding reservation costs for candidates, interview attendance costs and other incidental costs pertaining to recruitment process.
- 14.3. The recruitment budget shall be controlled by the General Manager: Corporate Services.
15. **NORMAL RETIREMENT AGE**
- 15.1 The normal retirement age for the municipality shall be the age 65, regardless of type of employment.
- 15.2 This clause shall supersede any contractual obligations.
16. **COMMENCEMENT OF THIS POLICY**
- 16.1 This policy will come into effect on the date of adoption by Council.
17. **INTERPRETATION OF THIS POLICY**
- 17.1 All words contained in this policy shall have an ordinary meaning attached thereto, unless the definition or context indicates otherwise.
- 17.2 Any dispute on interpretation of this policy shall be declared in writing by any party concerned.
- 17.3 The Office of the Municipal Manager shall give a final interpretation of this policy in case of a written dispute.
- 17.4 If the party concerned is not satisfied with the interpretation, a dispute may then be pursued with the South African Local Government Bargaining Council/ or Arbitration
18. **PERMANENT/TEMPORARY WAIVER OR SUSPENSION OF THIS POLICY**
- 18.1 This policy may be partly or wholly waived or suspended by the Municipal Council on a temporary or permanent basis.
- 18.2 Notwithstanding clause No. 18.1 the Municipal Manager may under circumstances of emergency or any particular need, temporarily waive or suspend this policy or any of its requirements subject to reporting of such waiver or suspension to the Council and affected parties.
19. **AMENDMENT AND/OR ABOLITION OF THIS POLICY**
- 19.1 This policy may be amended or repealed by the Council after consultation with Management and Local Labour Forum.
20. **COMPLIANCE AND ENFORCEMENT**
- 20.1 Violation of or non-compliance with this policy will give a just cause for disciplinary steps to be taken.
- 20.2 It will be the responsibility of all Managers, Supervisors, General Committee and Council to enforce compliance with this policy.

CPS/P274 CR 140/26/05/2022



MR. L. MATIWANE
MUNICIPAL
MANAGER



CLLR S. MNGXELA
HON. MAYOR



CLLR N NGWANYA
HON. SPEAKER

HUMAN CAPITAL PLACEMENT POLICY

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1. **PREAMBLE**
 - 1.1 Driven by empirical and conceptual challenges of the displacement of employees after the review or changing of the Municipality's profile, this placement policy seeks to create a balanced and transcendent culture of fine and sound placement patterns and practices in the Municipality.
 - 1.2 It is designed to foster and promote sound and fair placement procedures and practices which underpin the principles of equal employment opportunity and affirmative action.
2. **OBJECTIVES**
 - 2.1 To provide a mechanism for application of a zero-based approach in the placement of employees in the adopted staff establishment.
 - 2.2 To provide measures for a fair and just placement process for displaced employees.
 - 2.3 To provide a procedure for conducting placement of displaced employees.
3. **SCOPE OF APPLICATION**
 - 3.1 This policy shall apply:
 - 3.1.1 to individuals who are defined by Chapter One of Basic Conditions of Employment Act 75 of 1997 as employees of the Municipality;
 - 3.1.2 to all formally established posts of the Municipality;
 - 3.1.3 to all functions or Municipality's associates in respect of which the Municipality is defined by law as the employer.
 - 3.2 This policy shall not apply to:
 - 3.2.1. Casual labourers and skilled employees who are required to work for not longer than three (3) consecutive months;
 - 3.2.2 Job learners or experiential trainees; unless the learnership stipulates otherwise.
 - 3.2.3 Municipality's bursary holders who are required to work for the Municipality as per their respective contracts with the Municipality;
 - 3.2.4. The experiential trainees/ interns who receive a training stipend.
4. **LEGAL FRAMEWORK AND REQUIREMENTS**
 - 4.1 This policy is premised on the relevant provisions of the Labour Relations Act (66 of 1995)
 - 4.2 It also derives its legitimacy from the Municipal Structures Act (117 of 1998), Municipal Systems Act, 32 of 2000 as amended.
 - 4.3 This policy is implemented in terms of the objects of other relevant sister policies within the Municipality.
 - 4.4 This policy is implemented in furtherance of the spirit of the Basic Conditions of Employment Act 75 of 1997 as amended.

5. UNDERPINNING PRINCIPLES OF PLACEMENT

5.1 The parties accept that:

- 5.1.1. The need to restructure the existing adopted staff establishment may be necessary to meet operational objectives of service delivery.**
- 5.1.2 All placements shall take place in accordance with the principles contained in this agreement.**
- 5.1.3 The principle of staff follow functions be consistently adhered to.**
- 5.1.4. Placement is not a promotion nor is it meant to replace but supplement the Employment Policy.**
- 5.1.5 Every employee is placed in the staff establishment to avoid non - displacement of employees to maximize service delivery.**
- 5.1.6 The contracts of employment of staff affected by the powers and functions or relinquishing functions shall be transferred, as part of a going concern, in terms of section 197 of the Labour Relations Act as from 06 December 2000.**
- 5.1.7 The placement of staff should be done in a manner that is consistent with any existing Employment Equity and Skills Development Plan and or the objectives of the Employment Equity Act and the Skills Development Act.**
- 5.1.8 Placement will be done on merit and in the best interests of the Municipality.**
- 5.1.9 Placement will be done such that all persons are appointed to posts provided for in the staff establishment as approved by Council**
- 5.1.10 Placement of employees will be transacted and apply to all qualifying employees who became displaced as a result of staff establishment renew.**

6. STAFF ESTABLISHMENT

- 6.1 Placement is about implementing the Council approved staff establishment.**
- 6.2 The Human Resources Management Unit shall prepare the envisaged final organograms/staff establishment of all departments and submit those to the Placement Committee.**
- 6.3 Such placement committee shall consist of members equal to number of Municipal Departments and each department shall be represented by one member.**
- 6.4 Where it is not possible at a particular stage to prepare final organograms, the temporary deployment of staff shall take place on a secondment basis.**
- 6.5 Such secondment will give effect to the principle that the staff member must not be financially worse off due to such secondment.**
- 6.6 The Integrated Development Plan for the municipality shall inform the organogram/staff establishment and the principle of “structures follow strategy” shall apply.**

6.7 New organograms shall be finalized as soon as practically possible and referred to council adoption before placement process.

6.8 Secondment does not mean entitlement to the post and shall be limited to not more than twelve (12) months.

7. PLACEMENTS

7.1 PLACEMENTS CRITERIA

7.1.1 The parties agree to the following criteria:

7.1.1.1 The Municipality shall use its best endeavours to place existing Employees that shall be transferred in terms of section 197 of the Labour Relations Act into posts created in the new adopted organogram.

7.1.1.2 The parties are committed to ensure continuity of employment and every attempt will therefore be made to ensure that no retrenchment or redundancy will occur, provided, that the affected employees are willing to accept alternative positions that are offered.

7.1.1.3 In this regard every effort will be made to ensure that such alternative offers are reasonable.

7.1.1.4 In placing employees in new structures; employees shall be placed on a close-match basis.

7.1.1.5 In close matching a post, the following factors area taken in account:

7.1.1.5.1 The job content of the “new” post must be compared with the existing job content of employee.

7.1.1.5.2 The qualifications required for the new post must be compared with qualifications of the employee.

7.1.1.5.3 The salary of the employee must be compared with the salary of the vacant post.

7.1.1.5.4 The employee having the closest match in respect of the job content/qualifications is then the successful employee to be placed e.g. a typist will be a close matched to a typist, a labourer to a labourer.

7.1.1.6 When more than one employee is close matched in terms of job content/qualifications salary shall be considered.

7.1.1.7 Where the post cannot be matched perfectly, the match must be made the closest matched job content and the focus shall be on the main function of the job e.g. account’s job content will be matched against a post that contains the most tasks reflecting accounting duties.

7.1.1.8 The close match is made on a job content and not job designation and Post designation may only be used as an indicator.

7.1.1.9 This close match principle shall apply to all existing posts whether unchanged, minor or major changed.

- 7.1.1.10 If the employee to be placed fails to meet minimum requirements of the identified post then appropriate training shall be considered to appropriately up skill such an employee.
- 7.1.1.11 An employee shall be moved from geographical location to another location only if the function necessitates such movement.
- 7.1.1.12 When placed in a post such placement shall be final and constitute a permanent appointment.
- 7.1.1.13 Employees who cannot be placed in any of the categories of posts or are not offered an alternative post that is reasonable will remain in the pool of the displaced employees for a period of not more than nine (9) months from the expiry of the period to in paragraph 6.7.
- 7.1.1.14 Unless agreed otherwise the employee shall be dealt with in terms of Section 189 of the Labour Relations Act.
- 7.1.1.15 If A major changed post cannot be filled on a close match basis, it shall be advertised internally first suspect to meeting the requirements of the municipal employment policy and shall be filled giving preference to.
- 7.1.1.16 Internal candidates from designated group
- 7.1.1.17 Internal candidates from non-designated group.
- 7.1.1.18 Thereafter such post shall be advertised externally, should a suitable Internal candidate not be found.

8. PLACEMENT COMMITTEE

- 8.1 The placement committee shall be established in consultation with Local Labour Forum and report to back to Local Labour Forum.
- 8.2 Placement of employees shall be approved by the Municipal Manager.
- 8.3 The municipal departments shall be represented as when required and affected in the placement committee by not more than one person per affected department.
- 8.4 Each Union shall be allowed to send not more than one (1) observer to the meeting of the placement committee by imitation.
- 8.6 The Committee shall seek to reach consensus regarding the placement of existing employees into posts in the new adopted structure.
- 8.7 Where consensus cannot be reached the decision of the Municipal Manager shall be final and binding to all parties, report must be prepared for consumption of council.

9. NOTIFICATION AND PUBLICATION OF DECISIONS

- 9.1 The individual employee to be placed shall be notified in writing of the proposed placement.
- 9.2 The notification shall state that the placement is by consensus of the placement committee or not.

- 9.3 The same decision shall be communicated to all employees in the form of a circular by the Municipal Manager.

10. DISPUTES PROCESS

- 10.1 Every individual employee and or trade union on behalf of their members shall have the right to refer a dispute about a placement or non-placement to mediation or arbitration.
- 10.2 Such dispute shall be referred to mediation or arbitration within 5 working days of the date of receipt of a decision by an individual employee.
- 10.3 An independent mediator or arbitrator agreed upon by the parties will appointed to resolve the case
- 10.4 the cost of the mediation or arbitration shall be borne by the bargaining council.
- 10.5 The mediation or arbitration must commence within 10 working days after the appeal has been received unless the parties agree to a longer period.
- 10.6 The certificate of non – resolution or arbitration award must be made within 5 working days after conclusion of the mediation or arbitration process.
- 10.7 Section 138 of the Labour Relations Act shall apply to the arbitration proceedings.

11. PLACEMENT PROCEDURE

The placement will take place as follows:

11.1 Classification of posts

- A. The Placement Committee will classify the posts in the structure into the following three categories.

Placement in terms of these categories takes place in the following manner:

11.1.1 Unchanged posts

- A. These are posts that have had no change to their scheduled duties or geographical location.
- B. The Municipalities will be required to merely list these posts with the names and other
- C. Forms of identification used, of the present incumbents and submit list to the Placement Committee for confirmation.

11.1.2 Minor Changed posts

- A. These are posts involving minor changes to the duty schedule, which have no material effect on the level of responsibility.
- B. It might also involve a mere change in title without a change in duties.

- C. The Municipality need to submit the names and other form of identification used of the present incumbents to the Placement Committee for confirmation.

11.1.3 Major changed posts

- A. These are posts which have undergone a major change to their duties and responsibilities.
- B. This will necessitate that the post be evaluated.
- C. Wherever possible, the placement shall be on the “close match” basis.
- D. These posts with the existing and proposed duties should be submitted to the Placement Committee together with the names and other form of identification, used of the employees to be placed in the posts on a “close match” basis.

12. JOB EVALUATION

- 12.1 All posts will be subjected to job evaluation.
- 12.2 The results of job evaluation will prevail over the benchmarking results pertaining to any post.

13. CONDITIONS OF SERVICE

- 13.1 All staff on the newly formed staff establishment shall retain all their current conditions of employment following placement in the new structure.
- 13.2 Equalization of benefits, salaries and condition of service will be dealt with at bargaining council level.
- 13.3 Notwithstanding the provisions of, paragraph 13.1; the salaries and benefits of staff shall be adjusted in accordance with any collective agreements concluded in the Bargaining Council.

14. GEOGRAPHICAL RELOCATION

- 14.1 All recommendations on placements are to indicate whether geographical relocation of staff will be required.
- 14.2 Geographical re-deployment of staff will only take place for the following sound operating and/or economic reasons:
 - 14.2.1 The functions of the post/s are to be delivered in another geographical area
 - 14.2.2 The function of the post/s may be reduced and/or combined resulting in a necessity to rationalize resources.
 - 14.2.3 The functions of the post may be abolished in that particular geographic area.
- 14.3 Where it is necessary to geographically re-deploy only part of the section/ department, the selection of employees for re-deployment in each of the affected job categories will be done in terms of the following criteria:
 - 14.3.1 Call for volunteers from employees within each job category.

14.3.2 Should there be too many affected employees volunteer to be re-deployed, then selection will be done on basis of “first in, first opportunity” (FIFO) i.e. priority given to longest serving employee.

14.3.3 Should there be too few affected employees volunteer to be re-deployed, then selection will be done on the basis of “last in, first out” (LIFO), i.e. the employees with shortest service in the job category concerned will be selected for re-deployment.

14.4 In the event of equivalent vacancies subsequently being advertised at the previous geographic location within a period of 12 months from re-deployment, any re-deployed employee will receive preference should he/she apply for transfer thereto.

14.4.1 In the case of an employee accepting geographical relocation, and such employee, moving his/her place of residence in order to reside closer to his/her new place of work, the council concerned will pay the cost of removal of his/her household goods to his/her new place of residence as per relevant conditions of service.

15. COMMENCEMENT OF THIS POLICY

15.1 This policy will come into effect on the date of adoption by the Council.

15.2 This policy will constitute a basis for placing employees whenever a need arises within the municipality.

16. INTERPRETATION OF THIS POLICY

16.1 All words contained in this policy shall have an ordinary meaning attached thereto, unless the definition or context indicates otherwise.

16.2 Any dispute on interpretation of this policy shall be declared in writing by any party concerned.

16.3 The Office of the Municipal Manager shall give a final interpretation of this policy in case of a written dispute.

16.4 If the party concerned is not satisfied with the interpretation, a dispute may then be pursued with the South African Local Government Bargaining Council/ or Arbitration.

17. PERMANENT/TEMPORARY WAIVER OR SUSPENSION OF THIS POLICY

17.1 This policy may be partly or wholly waived or suspended by the Municipal Council on a temporary or permanent basis after consultation with Management and Trade Unions.

17.2 Notwithstanding clause No. 17.1 the Municipal Manager may under circumstances of emergency temporarily waive or suspend this policy subject to reporting of such waiver or suspension to Council and Trade Unions.

18. AMENDMENT AND/OR ABOLITION OF THIS POLICY

- 18.1. This policy may be amended or repealed by the Council after consultation with Management and Trade Unions.**

19. COMPLIANCE AND ENFORCEMENT

- 19.1. Violation of or non-compliance with this policy will give a just cause for disciplinary steps to be taken.**
- 19.2. It will be the responsibility of all Supervisors, Managers, Executive Managers; Executive Committee and Council to enforce compliance with this policy.**
- 19.3. Failure to implement or comply with this policy will constitute a just cause for institution of disciplinary proceedings.**

CPS/P275 CR 140/26/05/2022

MR. L. MATIWANE
MUNICIPAL
MANAGER

CLLR S. MNGENELA
HON. MAYOR

CLLR N NGWANYA
HON. SPEAKER

**INCLEMENT WEATHER POLICY
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1. PURPOSE OF THE POLICY

- a To establish and maintain a safe and healthy work environment for Municipal employees on rainy days.
- b To provide directives for the management of the work environment on rainy days.

2. APPLICATION OF THE POLICY

- a This policy will apply to all “off-site” employees and may apply to some employees of the Municipality.
- b This policy shall become operative with effect from the date of approval by the Municipality.

3. DEFINITIONS

In this policy, unless the context indicates otherwise:

- a. “Department” means a Department, Division, Section or any operational Unit of the Municipality;
- b. “Head of Department” means the employee appointed by the Council to be in charge of a department and includes an employee occupying such position in an acting capacity.
- c. “Off-Site-employee” means any employee who is expected to work or perform work in an open space where there is no shelter or structure protecting such employee from exposure to inclement weather conditions.
- d. “Supervisor” means the immediate supervisor of an “off-site” employee.
- e. “Rainy, Storms/Snowy Day” means a day on which as a direct consequence of evaporation, condensed moisture of the atmosphere fall visibly in separate drops on the earth in a form of whether water or snow drops.

4. REGULATIONS

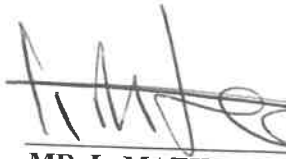
- a. Every “off-site” employee shall be required to wear his or her protective clothing on a rainy/snowy day.
- b. The Municipality must ensure that an ‘off-site” employee has been supplied with the statutory and necessary items of protective clothing aimed at protecting him or her from all workplace related hazards including hazards resulting from inclement weather.
- c. Depending on the level/rate of concentration of the rainfall/snowfall, a supervisor may require an “off-site” employee wearing the required protective clothing to continue with his/her “off-site” duties.
- d. The supervisor will be responsible for evaluating the rainfall/snowfall level, extent, concentration and the effect it has on safety, health and the qualitative production of the ‘off-site” employee.

- e Should the supervisor be of the view that the level/rate of the rainfall affects or will affect the safety, health, effectiveness and qualitative production of the "off-site" employee, he/she must instruct that "off-site" employee to cease work and move to a suitable place identified by the supervisor where there is shelter.
- f Should the supervisor upon his/her assessment of the weather conditions, be of the view that there is a slim or no prospect of a stoppage in rainfall, he/she must instruct the "off-site" employee to cease work and return the municipal depot from which such employee operates,
- g The "off-site" employee may be required to perform other duties at the depot pending cessation of the rainfall and provided such other duties does not expose the employee is question to the hazards of inclement weather.
- h Where no other duties may be assigned to the "off-site" employee who has returned to the depot, the supervisor must, with the prior approval of the Head of Department, permit the "off-site" employee to cease work for the remaining period of the relevant work day.
- i The "off-site" employee who has been released from duty in terms of clause (h), above, shall be deemed to have worked his/her normal working hours for the day and will not forfeit any wages due to his/her early release from work.
- j. Should it be impossible for any employee to come to work because heavy rains/snow, such employee may report such to his/her supervisor/Manager/Head of Department within the first two hours of the normal starting time of work, for prior consent and/or approval. For one day, after such occurrence, an employee may not be required to sign leave, but from the second day, the employee concerned shall be required to apply for leave, which shall be subjected to consideration and/or approval by his/her respective superior/s.

5. WAIVING OF THE POLICY AND IMPLEMENTATION PROVISIONS

- a The Municipal Manager may waive compliance with this policy wholly or partly in the interests of the Municipality and its Employees.
- b The respective Head of Department or his designee may, with the approval of the Municipal Manager, sanction any deviation from the contents of the policy.
- c The respective Head of Department or his designee may, with the approval of the Municipal Manager, extend the application of the policy to other types of severe weather conditions which present hazards to the health and safety of the employees of the Municipality.

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