

POLICIES 2022/2023

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Policy Title	ABSENTEEISM CONTROL POLICY	
Policy Version		
<u>Role & Process</u>	<u>Responsible Individual</u> <u>Name and/or Date</u>	<u>Responsibility Accepted Signature</u>
MUNICIPAL MANAGER	Mr. VC Makedama	
Policy Custodian	Director Corporate Services – Mr. TT Javu	
Policy Author	Corporate Services	
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1. POLICY PURPOSE

2. POLICY DEFINITIONS

“Absenteeism” Is where an employee is absent without leave and no report has been given to the relevant supervisor or manager regarding the employee's reasons for absence and such absence has lasted until 10h00 of the day of absence.

“Desertion” Is when an employee is absent without leave and no report has been given to the relevant supervisor or line manager and it is confirmed that the employee has no intention of returning to work and such absence has lasted for a period of three consecutive days. Furthermore, Desertion is also referred as a repudiation or breach of the contract of employment in which the employee terminates the contract of employment.

“Abscondment” It is when an employee has absented himself or herself for a period longer than ten (10) days without notification to the Employer, shall be deemed to have absconded from duty.

3. LEGISLATIVE FRAMEWORK

This document is established within the framework of the following legislation and policies:

- Municipal Systems Act 32 of 2000
- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998

4. POLICY OBJECTIVES

The objective is to have clear guidelines for the employee and employer to follow in cases of absence.

5. SCOPE OF THE POLICY

This policy covers all employees of Emalahleni Local Municipality, including interns.

6. TARGET AUDIENCE

This policy applies to all employees of Emalahleni Local Municipality.

7. GENERAL POLICY PROVISIONS

7.1 Introduction

This policy is developed to assist the municipality in managing and controlling absenteeism. Its main focus is to provide guidance to line managers to apply fair and just processes in dealing with absenteeism in the municipality.

7.1.1 What is absenteeism

As already defined above, it is where an employee is absent without leave and no report has been given to the relevant supervisor or manager regarding the employee's reasons for absence and such absence has lasted until 10h00 of the day of absence.

7.1.2 Forms of absenteeism

Controllable (manageable) absence:

- Authorized leave (paid or unpaid)
- Sick leave (with or without a medical certificate)
- Genuine ill-health or injury (due to an I.O.D. OR NOT)
- Family responsibility leave (with or without prior permission)
- Unauthorized absence and poor time keeping
- Maternity leave
- Unpaid absence enforced by the Municipality (e.g., suspension without pay, short time, etc.)

Uncontrollable absence:

- Absence because of uncontrollable events (e.g., natural disaster, etc.)
- Desertion (absence with the intention not to return)

These are the **only forms of recognized absence**, and every absence must be recorded as one of these categories.

8. THE ROLE OF THE MANAGER / SUPERVISOR

Employees stay away from work for various reasons – they either have to because they are ill or incapacitated, or they choose to stay away.

It is part of the line manager's or supervisor's responsibility to get the employees back to work as soon as possible.

Therefore, line manager's and supervisor's must-:

- Do everything in their power to avoid or at least minimize unauthorized absences or unacceptable sick absence to enable the Municipality to deliver on its mandate.
- Tackle the problem of unauthorized absence and excessive sick absenteeism as an integral part of their daily activities and responsibilities.
- Introduce preventive and remedial measures and take actions against transgressors.
- The ability of the line manager or supervisor to manage the problem of unauthorized absences or unacceptable sick absence trends is one of the measures of judging the overall performance effectiveness of the line manager or supervisor and will be an integral part of their Performance Appraisal.

9. CONSEQUENCES OF ABSENTEEISM

Excessive absences (whether due to unauthorized absence, sick absence or family responsibility leave) can seriously affect the Municipalities overall effectiveness and service delivery.

Although some absences are beyond the manager's or supervisor's control, most absences can be reduced to more acceptable levels by-:

- Managing them proactively with the aim of minimizing disruption; and
- Treating employees in a fair and compassionate manner.

Furthermore, the following consequences of absenteeism have a detrimental effect to the effective operation of the Municipality: -

- The disruption of municipal business and service delivery operations.
- Resentment and insubordination amongst employees who have to do work for the absent employee.
- Failing delivery outcomes and targets.
- Disgruntlement amongst members of the public.
- Extra overtime costs.
- Financial losses.

10. REASONS FOR TRENDS IN ABSENTEEISM

Reasons for and trends in absenteeism should constantly be assessed and studied to determine ways of countering them.

Unacceptable absence trends relate to:

- Unacceptable sick leave trends (duration, frequency, and timing)
- Excessive sick absences because of genuine ill-health or injury
- Unacceptable absence without authority
- Absenteeism will attract the harshest and most severe form of sanction where it is found to exist.

11. DESERTION

Regardless of reasons, employees are not entitled to be absent from work without valid reasons.

11.1. Difference between Desertion and AWOL:-

(a) Desertion

This occurs when an employee-

- As referred above already, employee deserts his position and does so with the intention of not returning, or
- By having left his job, shows, by his behavior, his intention not to return.

(b) Absence without leave (AWOL)

The employee is absent without permission but does not have the intention not to return to work, i.e., he/she has the intention to return to work at some time in the future.

11.2 Factors indicating desertion:-

The main factors that indicate that an employee has deserted his employment are:

- (a) A lack of communication between the employee and his line manager/ supervisor despite management attempts, and
- (b) The duration of his absence from work.

Desertion remains misconduct and a disciplinary hearing on the charge of desertion must be held. The onus is on the Company to prove that the employee has deserted. The intention of the employee to desert must be deduced from the factual circumstances.

11.3. Effective communication of rules and procedures

Guidelines for the effective communication of rules and procedures regulating absence are-

- Rules concerning absence must be clearly communicated to employees.
- Employees must be well informed about Municipalities Absenteeism Policy early on in their employment.
- Line Managers or Supervisors involved in enforcing rules must act uniformly and fairly in applying the basic controls.
- The line manager or supervisor must ensure that employees know the procedures for requesting time-off and for accounting for absences. The section manager should regularly discuss the importance of good timekeeping and attendance standards with employees and give them recognition for compliance.

11.4. Unauthorized absences and poor time keeping

In the event on unauthorized absences (deliberate and willful) and poor timekeeping (a lack of punctuality), disciplinary action must be taken against transgressors on every occasion. Disciplinary action must be progressive commencing with counseling.


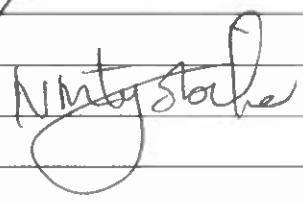
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Policy Version		
<u>Role & Process</u>	<u>Responsible Individual Name and/or Date</u>	<u>Responsibility Accepted Signature</u>
MUNICIPAL MANAGER	Mr. VC Makedama	
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7. GENERAL POLICY PROVISIONS

1. POLICY PURPOSE

The purpose of this policy is to identify from time to time an employee, due to certain circumstances (such as death, resignation, leave, etc.) may not be in a position to discharge his/her duties and responsibilities in terms of the contract of employment. The municipality further recognizes that from time to time there would be a need to appoint another employee to discharge the duties of that particular employee in his/her absence, hence the need to enter into an acting arrangement and pay an acting allowance where applicable.

2. POLICY DEFINITION

Acting refers to where an employee, by written approval of the Council or Municipal Manager, is appointed to act in a higher post.

3. LEGISLATIVE FRAMEWORK

The Municipality remains responsible to continually align this policy content with all the relevant legislation.

3.1 Appointing staff in acting positions is regulated amongst other in the following legislation and collective arrangement:

3.1.1. Local Government Municipal Systems Act no 32 of 2000.

3.2.2. Divisional Conditions of Service Collective Agreement.

3.2.3. In the event of conflict between the policy and the Systems Act and/or the Collective Agreement, then the Systems Act and/or Collective Agreement will prevail

4. POLICY OBJECTIVES

To ensure that employees are remunerated correctly and accurately for qualifying periods during which they have acted in a post of a higher level. This policy is subject to the prescripts of the collective agreement of the SALGBC.

5. SCOPE OF THE POLICY

All permanent employees of the Council including fixed term contract employees.

6. TARGET AUDIENCE

All permanent employees, fixed term contract employees, Municipal Managers and Directors.

7. GENERAL POLICY PROVISIONS

The powers of Council and the Municipal Manager in terms of this policy may be delegated as Council or the Municipal Manager may determine.

7.1 When a permanent employee is required to act in a more permanent senior post for a period of more than 10 (ten) consecutive working days, an acting allowance at an annual rate equal to the difference between an employee's salary and the commencing notch of the salary scale of the post in which he acts, shall be paid to such employee in addition to his salary in respect of the period in which he acts, provided that:

7.1.1 The employee has been duly appointed by the Municipal Manager (or his delegate/s) to act in the higher post.

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

- 7.2.1 Illness supported by a medical certificate;
- 7.2.2 Family bereavement;
- 7.2.3 Attendance at Court as a witness, if subpoenaed.

7.3 Subject to existing operational requirements, acting appointments to vacant posts shall be reviewed within 3 (three) months.

- 7.3.1 Vacant posts on a Municipality's permanent staff establishment should be filled within 6 (six) months unless there is a compelling reason not to do so.
- 7.3.2 Unless operational requirements dictate otherwise, acting appointments should be confined to employees reporting directly to the applicable acting position. In the absence of the Director in a particular directorate, the person under him should act on his/her behalf in the same department. No employee may be required to act in a post or position which is three (3) times higher than his /her own post or position.
- 7.4 The calculation of acting allowance/s paid to permanent employees performing acting duties in Section 56, 57 and 54A posts shall be based on 60% of total remuneration package of the Section 56, 57 and 54A post.
- 7.5 The calculation of acting allowance/s paid to Section 56, 57 and 54A employees performing acting duties in Section 56, 57 and 54A posts shall be based on 2.5% of total remuneration package of the Section 56, 57 and 54A post
 - 7.5.1 In the event that an employee's salary is equal to or higher than the commencing notch of the salary scale of the post in which he is due to assume an acting position, an acting allowance fixed at 2.5 % of the employee's basic salary shall be paid.

7.5.2 Acting allowances can only be paid for established positions for which provision has been made on the staff budget.

7.5.3 The Acting Allowance is fully taxable.

7.5.4 Overtime will not be applicable when acting in a position that is above the threshold amount determined by Minister of labour.

7.5.5 The acting employee must prepare and provide a Hand-Over Report, preferably in writing within three (3) days after the termination date.

Policy Title	BEREAVEMENT POLICY	
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<u>Role & Process</u>	<u>Responsible Individual Name and/or Date</u>	<u>Responsibility Accepted Signature</u>
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8. POLICY

1. POLICY PURPOSE

- To ensure a uniform, fair, and consistent approach in dealing with the:
Death of an employee member; Councillor and
Death of the immediate family member of staff/Councillor
- To create a supportive and caring environment for employees and councillors and their families
- To ensure the following principles are adhered to: Equality, Fairness, Respect and Compliance

2. POLICY DEFINITIONS

For the purpose of this policy, unless the context indicates otherwise, the following definitions shall apply:

“Bereavement” means the loss of an employee and immediate family member by death.

“Committee” means the Bereavement Committee established in terms of this policy.

“Constitution” refers to the Constitution of the Republic of South Africa, Act 108 of 1996.

“Employee” refers to a member of staff including interns, learners, and other contract workers within the municipality who pay condolences in the event of another member's death.

“Immediate family member” means the spouse(s) or life partner(s), and the biological or adoptive children.

3. LEGISLATIVE FRAMEWORK

5.1 Basic Conditions of Employment Act

5.2 Compensation of Occupational Injuries and Diseases Act

4. POLICY OBJECTIVES

- To provide a framework for management of bereavement processes for a deceased municipal employee/councillor.
- To make a provision for establishment of a sustainable mechanism for provision of support to the family of the deceased or employee/councillor of the municipality.
- To provide a framework for cost management and recovery arising out of the support to bereaved family.
- To promote good fellowship during the time of need to the bereaved family.
- To facilitate extension of condolences to the bereaved family of the deceased person.

5. SCOPE OF THE POLICY

The Policy shall apply to all municipal employees and councillors excluding experiential trainees and temporary employees employed for a period lesser than 12 months.

6 . TARGET AUDIENCE

This policy applies to all employees and councillors of the Emalahleni Municipality, including interns, learners, and other contract workers within the municipality.

7. GENERAL POLICY PROVISION

This policy does not apply to consultants or contractors.

8. POLICY.

8.1 Bereavement committee

8.1.1 The Human Resources Unit will facilitate the establishment of the Bereavement Coordinating Committee on an annual basis.

8.1.2 Representatives will be nominated annually in a staff meeting and be approved by the Municipal Manager.

8.1.3 The Chairperson of the Bereavement Coordinating Committee will be elected by committee members.

8.2. Responsibilities of the Bereavement Coordinating Committee

8.2.1 The responsibilities of the committee will include, but not limited, to the following:

8.2.2 Establish the authenticity of the notice of death and formally notify the applicable Director within 24 hours of the death;

8.2.3 Ensure timely and formal notification of death to the family and all employees if the employee dies while on duty;

8.2.4 Ensure effective communication of the notice of death in a controlled environment and arrange counseling support where necessary;

- 8.2.5 Ensure an early visit (within 48 hours) to the bereaved family to establish funeral arrangements and provide advice to the family for the effective processing of documentation for the relevant benefits claim;
- 8.2.6 Ensure constant contact and support to the family in the process of funeral arrangements during death of an employee.
- 8.2.7 Arrange a Memorial Service in consultation with the family and arrange transport for the family where necessary;
- 8.2.8 If agreed with the family, arrange for comfort prayer visit to the family, prior to the funeral service where possible;
- 8.2.9 Coordinate transport arrangements for employees attending the funeral of an employee; and

9. DEATH OF A STAFF MEMBER/COUNCILLOR

9.1 Notification of death

- 9.2 The affected unit will notify the Bereavement Coordinating Committee and the applicable Director;
- 9.3 The authenticity of the report should be verified by the BCC;
- 9.4 The notification of death to employees/councillors should be communicated with care and sensitivity to manage the possible impact on the working environment.

10. Municipal delegation to the bereaved family

- 10.1 The BCC will nominate an official delegation of a maximum of 5 members to pay a home visit to the bereaved family within 48 hours of receipt of the notification of death;
- 10.2 The delegation should include relevant people who will assist the family with the information on procedure on claiming of benefits;
- 10.3 Transport and accommodation will be provided to the municipal delegation for visit to the bereaved family and funeral, if the family leaves further than 300 km away from the deceased employee's place of work.

11. Condolences

- 11.1 The municipality will contribute an amount of R5000.00.

12. Memorial service

- 12.1 A memorial service with a total cost of not exceeding R20 000.00 will be arranged by the BCC in collaboration with the affected Directorate and the bereaved family;
- 12.2 Constant contact and communication should be maintained with the family to ensure the success of the Memorial Service;

- 12.3 All preparations and arrangements of the memorial service should be at reasonable costs to the municipality;
- 12.4 The arrangements will include venue for memorial service, timely invitations, programme, refreshments and transport for a maximum of 6 family members;
- 12.5 A representative from the Municipality will be appointed by the Municipal Manager to deliver a condolence message during the memorial message;
- 12.6 The costs for the Memorial Service will be the responsibility of the affected Directorate;
- 12.7 Transport to the Memorial Service by employees from various Directorates will be limited to one official vehicle;
- 12.8 Attendance of Memorial Services must be coordinated, controlled and authorised to minimise the disruption of service delivery.

13 Funeral

- 13.1 A Directorate delegation, limited to 1 X 15 seater taxi will be provided selected and approved by the applicable Directorate;
- 13.2 The Director or his or her designate will identify and authorise a person on speak on behalf of the Municipality at the funeral;
- 13.3 Transport and accommodation costs of the Municipal Representative should be at reasonable costs to the Municipality;

- 13.4 The attendance of employees will be coordinated and authorised by the Municipal Manager in the case of the funeral outside Emalahleni Local Municipality;
- 13.5 The BCC will ensure that transport is coordinated, limited to one vehicle per Unit.
- 13.6 Other employees that want to attend the funeral, will do so at own cost
- 13.7 Employees who enlisted their names will be compelled to compensate the Municipality where their withdrawal caused the Municipality to incur fruitless and wasteful expenditure;
- 13.8 The Municipality will only be responsible for transport costs and employees will make their own accommodation

14 DEATH OF AN IMMEDIATE FAMILY MEMBER OF AN EMPLOYEE

14.1 Notification of death

- 14.1.1 The affected Directorate will notify the Bereavement Coordination Committee and the applicable Director;
- 14.1.2 The authenticity of the report will be verified by the BCC.

14.2 Visit to bereaved staff member

- 14.2.1 The BCC and the affected Directorate will arrange an official delegation to the home of the staff member with the approval of the Municipal Manager;

15. Funeral

- 15.1 The Municipal Manager or his or her delegate will identify and authorise a municipal delegation, limited to 15 people, to attend the funeral;
- 15.2 Other staff members/councillors will attend the funeral at their own costs.

16. LEAVE ARRANGEMENTS

- 16.1 Prior leave approval must be sought before leaving the workplace of work for any bereavement related matters;
- 16.2 Family responsibility leave will be granted in terms of the municipal leave of absence policy;
- 16.3 The undertaking of official visits to the bereaved family will be effectively controlled and will be considered to be official duty;
- 16.4 Attendance of funerals by other employees besides the delegated municipal representatives will be monitored by signing of attendance register.

17. PAYMENT OF BENEFITS

- 17.1 All compensation payments will be done in accordance with the provisions of the Basic Conditions of Employment Act and Compensation for Occupational Injuries and Diseases Act;
- 17.2 The Human Resources Unit will ensure that payments of the following benefits are dealt with within the same week as the funeral:

17.2.1 Funeral benefit; and

17.2.2 Leave gratuity to the beneficiary (wife, who shall submit a marriage certificate/lobola letter, a nominated person by the family who shall submit an affidavit certified by SAPS) of the deceased employee/councillor.

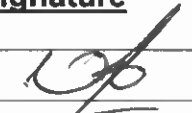

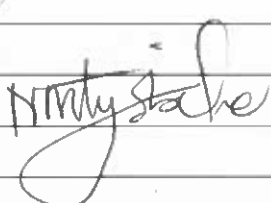
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1. POLICY PURPOSE

- 1.1 The purpose of this policy is to assist members of the community of Emalahleni Local Municipality to achieve higher levels of education in order to ensure a skilled, employable community thus achieving better standards of living within the community.
- 1.2 Through this policy Emalahleni Local Municipality seeks to make a decisive intervention in youth development whilst cognizant of the fact that the youth is at the receiving end of all forms of social ills including substance abuse, teenage pregnancy and unemployment.
- 1.3 This policy is aimed at putting in place solid administrative apparatus in order to ensure effective and smooth administration of bursary application process and disbursement of funds to approved bursary holders through a fair and equitable selection criterion.

Legislative framework.

2. POLICY DEFINITIONS

BURSARY means a financial support given to a student in terms of set criteria for pursuing studies in a given educational institution.

DEPENDENT means a child who is dependent to a parent or any other person who is responsible for his maintenance whether voluntarily or by law.

ELM means Emalahleni Local Municipality and Municipality shall have a corresponding meaning.

SELECTION means a process by which students are selected for bursary support by Emalahleni Local Municipality.

PRESCRIBED means prescribed in terms of this policy.

PUBLICATION means a process by which members of the public are informed or notified by any kind of medium.

NOTICE BOARD means a platform at the premises of the Municipality where the municipality normally posts information for public consumption.

FIELD OF STUDY means an academic program approved and accredited by South African Qualifications authority.

RESIDENT means a person who is ordinarily resident at Emalahleni Local Municipality.

TERTIARY INSTITUTION means an educational institution either private or public which is duly accredited by the National Department of Higher Education

AGE OF MAJORITY means the age by which a child become a major in terms of the Age of Majority Act.

3. LEGISLATIVE FRAMEWORK

3.1 Constitution

The South African Constitution asserts that employment equity is necessary to ensure equality. Section 9(2) of the constitution provides that: "Legislative and

other measures designed to protect or advance persons or categories of persons, disadvantaged by unfair discrimination may be taken.”

3.2 Labour Relations Act - Schedule 7 of the Labour Relations Act No 66 of 1995 (LRA) stipulates that: “An employer is not prevented from adopting or implementing employment policies and practices that are designed to achieve the adequate protection and advancement of persons or groups or categories of persons disadvantaged by unfair discrimination.”

3.3 Employment Equity Act

Sections 2 of the employment equity act no 55 of 1998 (EEA)

Promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination; and implementing affirmative action measures to redress the disadvantages in employment experienced by designated groups in all occupational categories and levels of the workforce”.

4. POLICY OBJECTIVE

It is the responsibility of the Emalahleni Local Municipality in a long term to invest in the community of Emalahleni by providing funds for training and education in various occupational directions such as the technical, professional and administrative occupations.

5. SCOPE OF POLICY

- 5.1 This policy shall apply to all residents of Emalahleni Local Municipality but this shall not be construed to mean that all residents are entitled to a bursary support from the Municipality.
- 5.2 This policy shall not apply to members of the community who are already receiving some form of a bursary from any other source private or public.

6. TARGET AUDIENCE

The study bursary shall be granted to the Emalahleni indigent family children who show exceptional academics excellence, (MFMA secular 8, 2004) and children who comes from the middle class earning families.

7. POLICY STATEMENT

- 7.1 Education is the most effective method of empowering the youth to reach greater level of social advancement. It is possible that any financial assistance given to a group of youth for further study may build a contingent of young ambassadors of Emalahleni Municipality who will go on to make a valuable contribution in Emalahleni Local Municipality, the Eastern Cape Province and the Country at large.
- 7.2 It is recognized that section 29 (1) (b) of the Constitution of the Republic of South Africa provides that the state must make the realization of the right to education including further study progressively realizable. Emalahleni Local Municipality seeks to make its own contribution to this noble constitutional injunction.

8. ESTABLISHMENT OF A BURSARY COMMITTEE

- 8.1 A Bursary Committee is hereby established for the purpose of administering funds allocated by Council from the general revenue of the Municipality (" the Bursary Committee")

9. OBJECTS OF THE BURSARY COMMITTEE

- 9.1 To advise Council on all matters relating to the administration of the bursary.
- 9.2 Advise Council about ways of sourcing alternative funding for the bursary.
- 9.3 To administer the selection criterion for the allocation of bursaries to residents and their dependents.
- 9.4 To administer all matters relating to the bursary.
- 9.5 To monitor the performance of all bursary holders.

10. COMPOSITION OF THE BURSARY COMMITTEE

- 10.1 The Bursary Committee shall be composed of the following:
- 10.1.1 The Mayor or his or her nominee
- 10.1.2 The Chief Financial Officer/delegated official.

10.1.3 Any other Municipal Official nominated by the Municipal Manager.

10.1.4 An official from the Department of Education

10.1.5 An official from the Department of Social Development

10.1.6 A community member duly appointed by Council.

11. SELECTION CRITERIA

11.1 In order to be approved for a bursary, a person must:

11.1.1 Be a resident of Emalahleni Local Municipality.

11.1.2 Qualify for fulltime undergraduate study at Institutions of higher learning in South Africa.

11.1.3 Pursue or intending to pursue fulltime study at a tertiary institution in South Africa.

11.1.4 Be academically deserving and financial needy.

11.1.5 Intending to study a field of study relevant to the needs of the Municipality and be prepared to plough back to Emalahleni Local Municipality after completing his or her studies.

12. ALLOCATION OF FUNDS FOR BURSARIES

- 12.1 Council may from the revenue of the Municipality allocate funds for the capitalization annually.
- 12.2 The bursary committee shall not be precluded from raising funds from other sources in order to capitalize the Bursary.
- 12.3 The Committee will sit at least twice annually in October and May of the following year.

13. DELEGATION OF AUTHORITY

- 13.1 The office of the Mayor shall be the secretariat of the Bursary and shall keep all documents regarding the bursary.
- 13.2 The Mayor shall ensure that reports about the activities of the bursary and the financial statements of the bursary are annually submitted to council twice per year.


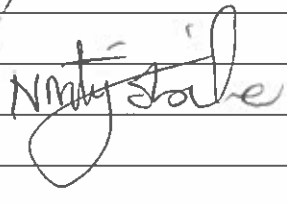
Policy Title	CAR ALLOWANCE POLICY	
Policy Version		
<u>Role & Process</u>	<u>Responsible Individual Name and/or Date</u>	<u>Responsibility Accepted Signature</u>
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7. GENERAL POLICY PROVISIONS

The purpose of this policy is to create a uniform policy throughout the municipality that is adequate for all employees who qualify for a transport allowance and car subsidy with due regard to the already prevailing positions.

2. POLICY DEFINITION

All terminology used in this policy shall bear the same meaning as in the applicable legislation

3. LEGISLATIVE FRAMEWORK

The Basic Conditions of Employment Act, 1997 (Act no. 75 of 1997 as amended)

Local Government: Municipal Systems Act 2000, (Act no. 32 of 2000 as amended)

Labour Relations Act, no. 66 of 1995

Employment Equity Act, No. 55 of 1998

Delegation of Powers

4. POLICY OBJECTIVES

To regulate payment of car allowance to Emalahleni Local Municipality employees, who have to travel in the execution of official duties.

To establish uniform directives, procedures, conditions and limitations according to which the car allowance can be paid.

To establish procedures and conditions under which employees can use their private vehicle in execution of the official duties.

5. SCOPE OF THE POLICY

Employees employed in terms of Sections 54A and 56 of the Municipal Systems Act are excluded from this policy.

Eligible employees will be paid in terms of a kilometre allocation of 650km. Any claims in excess of 650km will be remunerated according to officially approved

log sheets at running costs only on the official Automobile Association rates upon submission of officially approved log sheets.

6. TARGET AUDIENCE

All employees holding positions on Task Grades 12-17 are eligible to receive the car allowance.

Those other employees who will be designated by the Municipal Manager will be entitled to receive a motor vehicle subsidy scheme.

Motor vehicle allowance forms an integral part of the employee's remuneration package and as such is deemed to be part of an employee's remuneration package structure.

Motor vehicle allowance is only payable if an employee has registered the vehicle in accordance with the full requirements of the scheme.

7. GENERAL POLICY PROVISIONS

7.1 Fixed Motor Vehicle Allowance

The amount of the allowance, payable monthly, for each Task Grade of the qualifying employee is calculated based on 650 kilometers and is fixed at R8 059.29 per month.

The amount of the car subsidy scheme payable monthly, for each essential position approved by the Municipal Manager, in terms of this Policy, will be determined by affordability based on the budget allocation in each year. The amount of Car subsidy payable monthly is R5 199.55.

Vehicles purchased must be ideal and suitable for the work that the employee is performing

Allowances and subsidies are increased annually using SALGA salary increase percentage or consumer price index (CPI).

Motor vehicle allowances are therefore fixed for the respective Task Grades. All employees who qualify for a motor vehicle allowance will receive the allowance appropriate for their Task Grade however; the allowance may not exceed the amount for a particular Task Grade.

The Municipal Manager will have the authority to approve the car subsidy scheme for any other post than Task Grades 12 to 17, should the Municipal Manager find it necessary.

7.2 Financing

Eligible employees (Task Grades 12 to 17) and those designated by the Municipal Manager are required to finance their own motor vehicles.

7.3 Ownership

The motor vehicle will be registered in the name of the employee and beneficial ownership will rest on the employee.

The employee is responsible for all the cost associated with registering the vehicle in his/her own name and will be totally responsible for all statutory and legal requirements and conditions resulting from the ownership.

Beneficiaries will be expected to provide Human Resources Section with proof of ownership during the start of each financial year or when requested. If a

beneficiary fail to produce the required documentation the allowance will be taken away.

7.4 Choice of Vehicle

The employee has freedom of choice with regard to the purchase of a motor vehicle within the following restrictions:

Employees must purchase vehicles appropriate for the type of work they are performing and exceptions are to be approved by the Municipal Manager in consultation with the Head of Department concerned.

7.5 Logbook

All vehicles must have logbooks where private and official kilometers must be recorded and each employee should get such logbooks from SARS. Fuel and maintenance costs will also be included in the logbook.

7.6 Tax implications, Permits and Drivers' License

Any taxation of fringe benefits will be borne by an employee.

To ensure that vehicles are driven only by persons in possession of an appropriate valid driver's license, photocopies of all drivers' licenses of persons operating Council's allowance vehicle must be submitted to the Corporate Services Directorate. This includes husbands and / or wives where applicable. Information on any changes or endorsements to the drivers' licenses must be submitted to the Human Resources section for inclusion in the personal files.

The driver of an allowance vehicle is responsible for ensuring that the vehicle is always in a roadworthy condition, displaying the license as required by law.

7.7 Utilisation

Recipients of motor vehicle allowances are required to use their motor vehicles for business purposes at any time and failure to do so may lead to withdrawal of the allowance or any other disciplinary action which a duly constituted Disciplinary Tribunal may decide upon.

7.8 Insurance

Employees eligible to participate in the scheme will be responsible for the insurance of their own vehicle.

All claims from the insurance company are the responsibility of the employee.

7.9 Other

Distance travelled from the applicant's residence to place of work shall not be regarded as official trips.

Council accepts no responsibility for any vehicle when the employee terminates his services.

This scheme is subject to changes based on any legal amendments and / or local and centralized collective agreement related thereto.

Should there be employees on this level who wish to claim distances in excess of 550 km, officially approved log sheets must be submitted. Any employees on this level whose average monthly distances travelled are in excess of 550 km and who wish for a fixed coupling in this regard, may approach the Head of Directorate who will approve the maintenance of log sheets.

The Head of Directorate can at any stage terminate the transport allowance, after giving six months written notice, should he/she deem it no longer a necessity for the incumbent of the post to utilize his vehicle in the completion of his vehicle in the completion of his duties. During this period only the fixed cost component of the allowance will be paid. The Director: Corporate Services should then be informed accordingly.

Employees in receipt of permanent transport allowances shall at all times provide motor vehicles of suitable types and conditions as predefined and approved by the overall heads of department concerned for the proper discharge of their duties. Employees are to provide proof of availability of suitable vehicles on the request of management and/or Human Resources.

Alternatively, the affected employees' transport allowances must be stopped until such vehicle is available/ provided. Employees must inform their Employer immediately if they do not have a vehicle available. In the event that it can be shown that the employee has received the transport allowance without having the requisite vehicle available the overpayment of the allowance for the identified non qualifying period must be recovered from the employee's salary.

Further, they may face disciplinary action and/or incapacity proceedings relating to their noncompliance with this provision and inability to perform their duties due to them not having the requisite vehicle and where they continued

to receive the allowance without complying with the above qualifying requirements they must be charged with fraud.

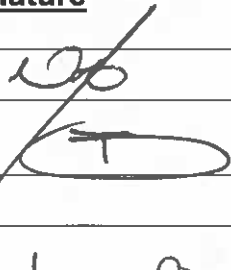
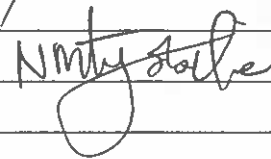
Policy Title	CIVIC FUNERAL POLICY	
Policy Version		
<u>Role & Process</u>	<u>Responsible Individual Name and/or Date</u>	<u>Responsibility Accepted Signature</u>
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5. SCOPE OF THE POLICY
6. TARGET AUDIENCE
7. GENERAL POLICY PROVISIONS

1. POLICY PURPOSE

The purpose of this Policy is to outline the procedure to be followed in relation to Civic Funerals.

2. POLICY DEFINITIONS

“Civic Funeral” means a funeral arranged and funded by the Emalahleni Local Municipality which is held to honour Political office bearers, councilors and high-profile public members that may be identified by Council.

“Civic Memorial Service” a church service held in lieu of a civic funeral within the boundaries of the Emalahleni Local Municipality.

“Reasonable Expenses” all expenses of the funeral services (including local and national transfers).

“Immediate family member” means the spouse(s) or life partner(s), children, parents and siblings of a public representative.

“Municipality” means Emalahleni Local Municipality and refers to the geographic area determined in terms of the Local Government: Municipal Demarcation Act,

Act No 27 of 1998.

“Council” means the Municipal Council of the Emalahleni Local Municipality, its legal successors in title and its delegates.

“Area” refers to the boundaries of Cacadu, Dordrecht and Indwe only.

“Office Bearer” means the Mayor, Speaker, Council Whip and Executive Committee members

“High Profile Public Member” means a member of the public who is attracting positive attention by way of doing good deeds for the betterment of the community.

“Book of Condolences” means a book with messages from mourners to pass their condolences to the family of the deceased.

3. LEGISLATIVE FRAMEWORK

All transfers of funds of this policy shall comply with the following legislations:

- 5.1 Constitution of the Republic of South Africa no 108 of 1996
- 5.2 Basic Conditions of Employment Act no 75 of 1997
- 5.3 Municipal Systems Act no 32 of 2000
- 5.4 Municipal Structures Act no 117 of 1998
- 5.5 Municipal Finance Management Act no 56 of 2003

4. POLICY OBJECTIVE

It is aimed at regulating the processes to be followed in provision of assistance in the event of death of a council employee and ex-councillors.

5. SCOPE OF THE POLICY

The Policy applies to current serving Office Bearers, Councillors and High -Profile Public members that may be identified by Council.

6. TARGET AUDIENCE

The Policy applies to current serving Office Bearers, Councillors and High-Profile Public members that may be identified by Council

7. BACKGROUND

A Civic Funeral is a public ceremony held to honour important people of significance. Civic Funeral usually includes much display and ceremony as well as religious implications. Civic Funerals are held in order to involve the general public in a day of mourning after the family of the deceased gives consent. A Civic Funeral will often generate mass publicity from both local and national media outlets.

8. GUIDELINES

8.1 Eligibility

Civic Funerals are held to honour serving Councillors, ex councillors and High-Profile Public members of the community. The decision to honour other prominent people within the Emalahleni Local Municipality with a Civic Funeral upon their deaths is the prerogative of the Municipal Council. Whether a Civic Funeral is held, it is subjected to acceptance of the offer by the deceased family or next of kin.

Public Representative	Eligibility
All Councillors	A
Ex Councillors	B
High Profile Public Member	C

8.2 Eligibility Codes

- A) Eligible for a Civic Funeral and which must not exceed an amount of R50 000.00(fifty thousand rands), Provision of Municipal services, inter alia the provision of facilities (venues), grave site, Traffic escort, the National flag, advertisements in local newspapers and decorations in the venue. The municipality will contribute an amount of R1 500.00 as a token of condolences in the death of the councillor's spouse, life partner and child.
- B) Eligible for a Civic Funeral which must not exceed R25 000.00, Provision of Municipal services, inter alia the provision of facilities (venues), grave site, Traffic escort, the National flag, advertisements in local newspapers and decorations in the venue.
- C) Eligible for advertisement in local newspaper and Road repairs and maintenance provision municipal services, inter alia provision of venue, grave site, traffic escort and National Flag towards the support of the funeral of the High-Profile Public member.

9. PROCEDURES

At the official notice of death of an Office Bearer, Councillor or High-Profile Public member, the following will occur:

- a) The Municipal Manager will contact the family to officially offer condolences. This will be followed by a written condolence on behalf of the Municipality.

- b) The services of the Municipal official and a representative of the Office of the Mayor will be offered to assist the family with seating arrangements at the memorial service.
- c) A formal contingent led by the Mayor will be formed to attend the funeral.
- d) The Mayor or his/her delegate will offer tribute at the funeral on behalf of the Municipality.
- e) All other arrangements will be left to the family.
- f) An official Book of Condolences will be prepared and offered to the family after the conclusion of the service.

10. COUNCIL'S PREROGATIVE

10.1 A decision to offer a Civic Funeral to prominent High Profile Public members, other than the Office Bearers or Councillors listed under paragraph 8.1, is the prerogative of the Emalahleni Local Municipality.

10.2 Amongst issues to be considered by the Emalahleni Municipal Council in determining whether to exercise this prerogative and offer a Civic Funeral, are the following conditions, namely;

10.2.1 The deceased's public profile and standing within the community.

10.2.2 The extent and length of the deceased's service to the community.

10.2.3 The deceased's personal achievements.

11. DISQUALIFICATIONS

- a) If any Office Bearer or Councillor is subsequently convicted of an indictable criminal offence, all entitlement previously available to them under this Policy cease. Similarly, any Office Bearer or Councillor who

was removed from Office would no longer automatically qualify for the entitlements outlined above.

- b) An Office Bearer or Councillor is only eligible for a civic funeral for the term of Office.
- c) Funeral held outside the Municipal Area – a Municipal Civic Funeral will not be held in circumstances where the funeral is to take place outside Emalahleni Local Municipality.
- d) In the event a death occur as a result of misdemeanor

12. RESPONSIBILITIES DURING THE FUNERAL

- a) The following officials are responsible for co-ordination and management during and for all matters associated with the preparations of the Civic Funerals, namely:

12.1.1 Director: Corporate Services

12.1.2 Official from office of the Mayor

12.1.3 Official from office of the Speaker

- b) During the Civic Funeral the Office of the Mayor's primary role is one of protocol arrangements. This includes ensuring an adequate level of official representation, particularly by key Municipal figures, as well as observance of ceremonial aspects.
- c) All reasonable costs associated with a Civic Funeral are borne by the Emalahleni Local Municipality as mentioned under Item 8.1.

Policy Title	EMPLOYMENT EQUITY POLICY	
Policy Version		
<u>Role & Process</u>	<u>Responsible Individual Name and/or Date</u>	<u>Responsibility Accepted Signature</u>
MUNICIPAL MANAGER	Mr. VC Makedama	
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12. DISPUTE PROCEDURE
13. FINANCING
14. COMMUNICATION
15. SUPPORT STRUCTURE
16. MONITORING MECHANISM
17. AFFIRMATIVE ACTION PRINCIPLES
18. DELEGATION OF AUTHORITY

1. POLICY PURPOSE

This policy aims to broaden the diversity of its workforce whilst maintaining and improving its efficiency and competitiveness in the delivery of service to its people.

Promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination; and

Implementing affirmative action measures to redress the disadvantages in employment experienced by designated groups, to ensure their equitable representation in all occupational categories and levels in the workforce.

The policy shall be utilized as a framework document that ensures that no person may unfairly discriminate, directly or indirectly, against an employee in any employment policy or practice, on one or more grounds including race, gender, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language, and birth.

It is not unfair discrimination to promote affirmative action consistent with the Employment Equity Act or to prefer or exclude any person on the basis of an inherent job requirement.

2. DEFINITIONS OF POLICY

All terminology used in this policy shall bear the same meaning as in the applicable legislation.

3. LEGISLATIVE FRAMEWORK

3.1 Constitution

The South African Constitution asserts that employment equity is necessary to ensure equality. Section 9(2) of the constitution provides that: "Legislative and other measures designed to protect or advance persons or categories of persons, disadvantaged by unfair discrimination may be taken."

3.2. Labour Relations Act

- Schedule 7 of the Labour Relations Act No 66 of 1995 (LRA) stipulates that: "An employer is not prevented from adopting or implementing employment policies and practices that are designed to achieve the adequate protection and advancement of persons or groups or categories of persons disadvantaged by unfair discrimination."

3.3. Employment Equity Act

Sections 2 of the employment equity act no 55 of 1998 (EEA) sets out the purpose of the act are to achieve equity in workplace by: "promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination; and implementing affirmative action measures to redress the disadvantages in employment experienced by designated groups in all occupational categories and levels of the workforce."

4. POLICY OBJECTIVES

- 4.1 To remove all forms of discriminatory practices based on race, gender, disability, age, language; and to establish equity within the Municipality.
- 4.2 To identify and rectify the effects of previous discriminatory practices and modify principles of employment so as to accommodate the disadvantage groups and promote/create representatively.
- 4.3 To promote transparency in the implementation of decisions related to the promotion of representatively, and in so doing foster trust and cooperation amongst management and employees.
- 4.4 To improve intercultural communication at all levels by creating a favourable climate which is sensitive to the diversity within the workplace.
- 4.5 To design human resource development programs that will empower all levels of staff, in particular the previously disadvantaged groups.
- 4.6 Executive management commitment is required to bring about organisational change and transformation and the development of a more facilitative and supportive Executive Management Committee.
- 4.7 To accelerate the intake and empowerment of disadvantaged groups at all levels, *inter alia*, through developing training and supportive strategies for new and existing staff.

4.8 To design employment and development strategies that will ensure the maintenance and improvement of standards and efficiency on service delivery.

4.9 To give particular attention to gender representatively especially in middle,

Senior and top management echelons.

4.10 To make provision for the speedy resolution of grievances and disputes related to the implementation of this agreement in terms of the applicable labour legislations.

4.11 To create a friendly and accessible work environment for people with disabilities.

4.12 To encourage those who feel threatened by the transformation process.

4.13 To enhance the morale of staff by: developing and building commitment to a code of conduct which lays the basis for professional conduct, mutual respect and personal integrity, to establish sound labour relations by educating members at all levels on fair labour practices; and establishing effective mechanisms to manage labour relations at all levels; to undertake measures to enhance the operational safety and security of all members of the company; to establish measures and mechanisms to articulate and address problems which have a negative influence on morale at all levels; to improve service and working conditions; to facilitate improved leadership through participative management; to establish and implement new promotion and discipline systems.

5. SCOPE OF POLICY

The policy applies to all employees from the designated groups in terms of the Employment Equity Act.

6. TARGET AUDIENCE

Applicable to all employees in the service of "Emalahleni Local Municipality

7. GENERAL POLICY PROVISIONS

7.1. RECRUITMENT, SELECTION AND APPOINTMENTS

7.1.1 The express aim should be to attract applications from the previously disadvantaged groups in line with the Recruitment, Selection and Retention Policy

7.1.2 The media that targets the disadvantaged groups should be utilised at all times. The criteria for advertising any identified vacant post should be consistent whether advertised internally or externally.

7.1.3 Special efforts should be made to attract suitable applicants from the disadvantaged groups.

8. PROCEDURES

8.1 It is imperative that the process should be owned by all levels of staff, and that executive management should be committed to the process.

8.2 Managers, including line managers, will be held responsible/accountable for promoting and facilitating representatively; through the establishment of clear performance criteria and objectives.

8.3 Reduce prejudice by promoting inter-cultural sensitivity in the work place.

8.4 Supervisors and managers should undergo diversity management training.

8.5 Identified mentors should be fully equipped to perform their task so as to derive the optimum in a cost effective manner.

8.6 Written material should be in languages commonly used, simple and understandable.

8.7 Regular staff component audits (twice yearly) and reporting thereof.

8.8 To develop, institute and promote inter-cultural programs.

8.9 Potential, skills and capabilities amongst others must be considered when affirmative action appointments are undertaken relating to the previously disadvantaged.

9. EMPLOYMENT EQUITY ASSIGNED PERSONS

9.1 Employment Equity assigned person shall oversee; promote; monitor; evaluate and report on the implementation of corrective action and make recommendation to the Employment Equity Consultative Committee or Management

9.2 Receive periodic reports and audits of the composition in respect of progress made with correcting the imbalances.

- 9.3 Assist in the resolution of complaints, grievances and disputes related to the implementation of this document.
- 9.4 Attend to any other issues related to the implementations of these documents.
- 9.5 The Employment Equity Assigned Person will be responsible for advising and assisting all levels of management in the implementation of this policy document and will also monitor the implementation strategies and practices on behalf of Management of Emalahleni Municipality.
- 9.6 Employment Equity assigned person will be responsible for all native action processes and programs.

10. ROLES/ACCOUNTABILITY OF MANAGERS

- 10.1 The Council and Executive Management bear the final responsibility and accountability for the successful implementation of the affirmative action programs.
- 10.2 Executive management will be responsible for overseeing the implementation in their respective Directorates.
- 10.3 Supervisors will be responsible for the actual implementation of the policy document and their commitment to implementing this will form part of their performance appraisal areas.

10.4 Development is a joint responsibility of the individual and management

11.DISPUTE PROCEDURE

11.1 *Complaints*

An employee having a complaint related to the implementation of the affirmative action or promotion of respectively programs or allegedly being discriminated against, may submit the complaint to the Human Resources or the person responsible for prompting representatively who will, in turn, bring the matter before the Directorate: This does not prevent an employee from lodging directly to the Labour Relations divisions formal grievance. A time limit for reaction to the grieved official should be set to respond. A period of three weeks is set.

11.2 *Grievances*

Should the grievance remain unresolved, it shall be taken through the existing dispute procedures. An affirmative action officer (Employment Equity officer) should be present at all grievance hearings.

12.FINANCING

The financial responsibility for implementing this document rests with the company. The Employment Equity assigned person shall make recommendations to Executive Management on the identified needs which

must be financed out of the Skills Development or HR budget. In general, additional expenditure which will result from the transformation process shall be met from allocations provided by each programs manager.

The financial and resource implication/s related to the implementation of this policy should be qualified and quantified. The Emalahleni Local Municipality commits to have a separate budget for the implementation of EE Policy and EE Plan by 2015/2016 Financial Year.

13. COMMUNICATION

Communication with all the relevant stakeholders will take place on a continuous basis. Quarterly system advised.

14.SUPPORT STRUCTURES

Emalahleni Municipality also seeks to establish support structures for black staff; women and disabled staff through Specials Programmes Unit. The establishment of these structures will incorporate all the relevant stakeholders. The setting up of these structures will be contained in the action plans and programs.

15. MONITORING MECHANISM

Emalahleni Municipality can establish a Company Steering Committee on Affirmative Action which would be chaired at the highest level, which will meet twice a year to monitor progress, make recommendations about

what needs to be done, identify those areas within Emalahleni Municipality that are slow in implementing representatively and set clear targets which need to be achieved. This Committee will have broad representation including all key stakeholders so as to build ownership across the Company and to meet the criteria for consultation.

In addition to this, Emalahleni Municipality established provincial committees with broad representation to advise in the development of action plans for their area and would also be involved in the monitoring of the action plans, programs and measures. The provincial committee will report twice a year to the Company Committee. The Employment Equity assigned person may be present at Committee meetings.

16. AFFIRMATIVE ACTION PRINCIPLES

- 16.1 Transparency with regard to the implementation of policy decision planning strategies and programs.
- 16.2 Inclusivity - by enabling all stakeholders and employees to be part of process.
- 16.3 Flexibility and dynamism - to accommodate new forces from within outside Emalahleni Municipality as new variables are brought into play provide for amendments from time to time.
- 16.4 Quality of service, efficiency and productivity - its aim will be to improve and maintain **high** level

16.5 Development of Emalahleni Municipality orientated culture focused on the needs of the public.

17.DELEGATION OF AUTHORITY

17.1 The Corporate Services Directorate shall be the secretariat of the Employment Equity Policy and shall keep all documents regarding the Employment Equity.

17.2 The Director: Corporate Services shall ensure that reports about the implementation of Employment Equity Plan are submitted to council on a quarterly basis in a Financial Year.

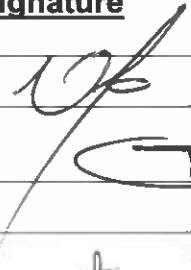
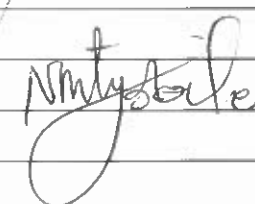
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8. POLICY

1. POLICY PURPOSE

To maximise the productivity of the municipality by optimising the effectiveness of its employees through provision of proper compensation and benefits.

2. POLICY DEFINITION

“Council” means the council of the Municipality of Emalahleni or any duly authorized Committee or official of the said Council.

“Director” means a person appointed by the municipality in terms of section 54A and 56 of the Municipal Systems Act and who is the Head of directorate within the Municipality.

“Municipal Manager” means the Accounting Officer of the Municipality.

“Other relevant municipal Officials” means any other personnel appointed by the Municipality on any post that is lower than HOD post.

3. LEGISLATIVE FRAMEWORK

3.1 Basic Conditions of Employment Act, 1997

4. POLICY OBJECTIVE

To provide clear communication between the municipality and its employees regarding their condition of employment.

5. SCOPE OF THE POLICY

- Consistency which will build trust between employer and employees.
- Work environment that is reliable

6. TARGET AUDIENCE

6.1 This Policy applies to the following categories of the person.

6.1.1 All Councillors in certain instances

6.1.2 All permanent employees

6.1.3 All fixed term contract employees

7. GENERAL PROVISION OF POLICY

Service providers and contractors are not covered by this policy.

8. POLICY

8.1 CONDITIONS OF EMPLOYMENT

All employees of ELM shall, in addition to their letters of employment, be required to sign written contracts of employment which such employees shall sign in order to signify their employment with ELM.

8.2 CONTRACT OF EMPLOYMENT

All contracts of employment shall contain a provision to the effect that the contract of employment shall be read in conjunction with the Human Resource Policy directives and procedures as they come into effect from time to time.

8.3 WORKING HOURS

ELM Employees are expected to work forty hours per week from the first day of the week to the last day, starting from the date of commencement of their employment to the date of retirement or termination of employment whichever occurs first.

Employees are expected to report for work at 8h00, break for lunch from 13h00 to 13h30 and leave their work stations at 16h30 unless duly directed otherwise by the relevant supervisor subject to basic conditions of employment legislation.

8.4 REMUNERATION

All permanent and fixed-term-contract employees of Emalahleni Local Municipality are subject to the provisions of this policy and shall be remunerated in line with the SALGBC Collective Agreements. Section 54A and 56 managers are excluded from this policy.

8.5 PAYMENT DATE

Remuneration is transferred electronically to an employee's bank account to be available to employees on the 25th day of each month or to be available on the preceding Friday should the twenty fifth (25th) fall on a Saturday, Sunday or Public Holiday, Monday or Tuesday.

Remuneration for December and January months and, where applicable, annual bonus, shall be paid on the 15th of the month. If the 15th falls on a Saturday or Sunday, salaries will be paid on a preceding Friday.

8.6 THIRTEENTH CHEQUE (BONUS)

Employee on Total Cost may elect to be paid in either twelve or thirteen equal payments, of which the 13th Cheque will be paid on the employee's appointment anniversary. Permanent employees shall be paid their 13th cheque on the month of their birth. Should an employee not have completed a twelve months cycle on his/her birth month a pro rata payment shall be effected. Interns, Trainees and temporary employees shall not be entitled to a 13th cheque.

8.7 PERMANENT EMPLOYEE APPOINTED IN NEW POSITION

In cases where a permanent employee gets appointed in a new position, irrespective of the new Task Grade, the following shall apply in respect of the administration of such new employment:

All Annual Leave credits due up to a maximum of forty-eight (48) days shall be paid to the employee on termination of the old employment contract and he/she will start a new cycle in the new position.

8.8 PAYROLL AMENDMENTS

All changes to payroll, including new employees, terminations, salary changes, bonuses, overtime, allowances and deductions will be issued from the Human Resources Section.

All payroll changes must be prepared by Human Resources section and submitted to Payroll section by the 15th day of the month to allow for

processing. For the months of December and January, payroll amendments should be submitted by the 5th day of the month.

Any changes to payroll should also be reflected in the salary slips of the employee.

The Payroll Section will be responsible for the administration of salaries and benefits. They will, in conjunction with the Human Resources section, ensure that copies of all pay-slips and corresponding salary reports are maintained, schedules and other required supporting documentation in respect to payments for PAYE, UIF, medical aid, pension etc. should be prepared.

8.9 GENERAL ANNUAL SALARY INCREASES

8.9.1 PERMANENT EMPLOYEES

Remuneration of employees within the Bargaining Unit shall be governed by Collective Agreements negotiated centrally with the South African Local Government additional allowances as employer contributions to retirement funds, employer contributions to medical aid schemes, overtime, acting, night work, standby, etc

8.9.2 FIXED-TERM-CONTRACT EMPLOYEES

In reviewing their remuneration, Council shall consider among others:

The Consumer Price Index (CPIX);

Any general salary agreement reached in the SALGBC

8.9.3 TEMPORARY CONTRACT EMPLOYEES

In reviewing the rates of this category of employees, Council shall consider, among others, the official inflation rate for the year immediately preceding the year which the adjustment becomes effective.

8.10 DEDUCTIONS

Emalahleni Local Municipality will make deductions from an employee's monthly remuneration in accordance with legal requirements relating to such a deduction and/or the stipulation of the agreed benefit funds. However, the municipality reserves the right to refuse to deduct any amount unless mutually agreed upon.

Emalahleni Local Municipality reserves the right to recover from the employee's remuneration any overpayment owed by the employee.

8.11 SHIFT WORK

The shift work allowance will be paid to qualifying employees in terms of the Collective Agreement on Conditions of Service for the Eastern Cape division.

8.12 NIGHT WORK

Night work allowance will be paid to qualifying employees in terms of the Collective Agreement on Conditions of Service.

8.13 TERMINATION OF EMPLOYMENT

8.13.1 RETIREMENT

- An employee shall have the right to retire when he/she reaches the age of 60 years.
- An employee has the right to retire at age 55 for early retirement. Employees should be aware of penalties imposed by the Pension Funds.
- It remains the responsibility of an employee to consult the applicable rules of the pension/retirement fund to which such an employee is contributing, in as far as the provisions governing retirement is concerned.

- The Municipality will not take any responsibility for any penalties imposed upon employees for early retirements and/or any form of deduction imposed by a fund as a result of an employee's retirement from the Municipality.

8.13.2 RESIGNATION

- An employee must submit his/her resignation in writing.
- A permanently appointed employee who is paid on a monthly basis is required to give one (1) calendar month written notice; from 1st until end of month.
- A temporary employee who has been employed for less than 4 weeks must give one week's notice;
- A temporary employee who has been employed for more than 4 weeks must give at least 2 weeks' notice.
- A shorter notice period may be given with the approval of the Municipal Manager.
- If the Municipal Manager does not approve the shorter notice and the employee leaves, this will be regarded as abscondment.

8.13.3 The payment of pro-rata bonus and termination of annual leave days shall be made a month after termination from payroll. The purpose is to ensure that all monies and tolls due to employee have been agreed upon and returned to the employer.

- An employee giving 24-hour notice will be required to pay the Municipality an amount equal to one month's salary.

8.14 CONDITIONS OF DISCHARGE OF EMPLOYEES DUE TO CONTINUED ILL HEALTH

- An application for discharge on the grounds of ill health can be initiated by either the employer or the employee.
- The employee should, in all instances, have the right to provide a written response on the above action.
- A decision regarding termination of service on account of ill health should be made with regard to the findings of the medical practitioner or physician of the employee concerned.
- In instances where medical records do not provide clarity regarding the merits of an application, a report from a specialist physician may be requested. The municipality will bear the cost of such report at its discretion.
- In cases where applications were submitted on the employee's own initiative, the costs pertaining to the completion of the medical report, as well as the medical examinations, should be borne by the relevant employee. The municipality may assist the employee if it is just and fair to do so and has the available resources to do so.

- If the application is initiated by the municipality all costs for the report should be borne by the municipality.

Requirements for applications for discharge on ill health:

- Applications must include at least one medical report from medical physicians.
- The Human Resources Section may refer an employee to a specialist physician in doubtful cases.
- The line manager or supervisor must provide a comprehensive report, indicating that the employee cannot be utilized alternatively.
- A duty sheet report in respect of the employee must be provided.

- The duty to approve applications for discharge on ill-health rests with the Municipal Manager.

8.15 DISCHARGE ON ACCOUNT OF INCAPACITY (POOR PERFORMANCE)

- An employee's services may be terminated on the ground of unfitness or incapacity to carry out his/her duties.
- An employee's services may also be terminated on the ground of poor work performance.
- An employee dismissed on account of poor work performance should meet the following:
 - Failed to meet a performance standard.
 - The performance standard set was not unreasonable.
 - The employee was given reasonable management support to meet the performance standard.

8.16 TERMINATION OF A FIXED TERM EMPLOYMENT CONTRACT

- In case of the termination of a fixed term employment contract, due to the expiry as a result of a fixed-term attached to such a contract, the Employer must notify the Employee at least three months in advance of such termination.
- It must be noted that this contract may only be terminated by the employer before the expiry date should there be an operational need therefore, or on grounds of misconduct or incapacity in terms of relevant legislation/jurisprudence.
- In the case of the termination of a fixed term employment contract, due to the expiry as a result of a fixed-term attached to such a contract and where such a fixed term contract is duly renewed by Council the following shall apply in respect of the administration of such a contract:

8.16.1 All Annual Leave credits due up to a maximum of forty-eight (48) days shall be paid to an employee on termination of the contract. This payment shall be made a month after termination from payroll. The purpose is to ensure that all monies and tolls due to employee have been agreed upon and returned to the employer

8.16.2 An employee shall be paid a pro rata 13th Cheque in cases where such a fixed term contract employee has structured his/her remuneration package to include a 13th Cheque.

8.16.3 A new employee record shall be created for the employee in respect of the renewed contract.

8.16.4 The new employment contract shall not be subjected to a probationary period.

8.16.5 The Municipal Manager may alter the above-mentioned provisions as may be necessary from time to time.

8.16.6 A report relating to the termination and renewal of all contracts should be submitted to Council by the Municipal Manager.



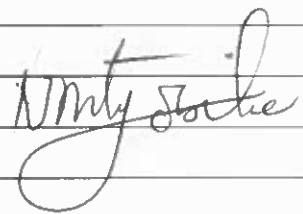
Policy Title	JOB EVALUATION POLICY	
Policy Version		
<u>Role & Process</u>	<u>Responsible Individual Name and/or Date</u>	<u>Responsibility Accepted Signature</u>
MUNICIPAL MANAGER	Mr. VC Makedama	 
Policy Custodian	Director Corporate Services – Mr. TT Javu	
Policy Author	Corporate Services	
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HONOURABLE SPEAKER	Cllr. N Mtyobile	
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1. PREAMBLE

- 1.1 TASK is the recognized Job Evaluation System within the Local Government Sector as approved by the National Executive Committee (NEC) of SALGA. Uniformity is essential for a variety of sector processes such as wage bargaining, comparative understanding of workforce establishment levels and organisational development, sector skills planning, employment equity and the organization of education and training.
- 1.2 This policy must be read in the context of the TASK Job Evaluation System, for the local government sector

2. DEFINITIONS

- 2.1 All expressions used in this Policy, which are defined in the Labour Relations Act, 1995 (Act No 66 of 1995), shall bear the same meanings as in the Act and unless the contrary intention appears, words importing the masculine gender shall include the feminine;
- 2.1.1 "*Auditing*" shall mean a technical exercise in verifying that the TASK System is being consistently applied in terms of its own rules and any other rules on implementation.
- 2.1.2 "*Audit Trial*" shall mean the report generated by the TASK System detailing the skill level and corresponding factor statements, weighting points.
- 2.1.3 "*Designated Job Evaluation Manager*" shall mean the Manager appointed and or delegated by the Municipal Manager to manage the implementation process.
- 2.1.4 "*Effective Date*" shall mean the date of the implementation should a job be upgraded, and shall be the beginning of the calendar month following thirty (30) days after receipt of the grading request by the JE Unit.

- 2.1.5 "*Factors*" shall mean the four TASK factors of Complexity, Knowledge, Influence and Pressure.
- 2.1.6 "*Job description*" shall mean a description of the content and duties of a post in terms of criteria and guidelines determined
- 2.1.7 "*Review*" shall mean an application by an employee or group of employees who are aggrieved with their Final Job Grade Outcome
- 2.1.8 "*Review Procedure*" shall mean the process which the Appeal Committee shall follow to review grading results arrived at.
- 2.1.9 "*Skill Level*" shall mean the Basic, Discretionary, Specialized, tactical and Strategic Levels as per the TASK System.
- 2.1.10 "*Sub – factors*" shall mean the fine- tuning of sub- factors in the TASK system.
- 2.1.11 "*TASK*" shall mean Tuned Assessment of Skills and Knowledge.
- 2.1.12 "*Task System*" shall mean the TASK Job Evaluation System in terms of its rules, application, definition, and terminology.

3. SCOPE OF APPLICATION

3.1 The terms of this policy are applicable to all categories of employees within the employment of Emalahleni Local Municipality.

3.2 Municipal Managers and managers directly accountable to Municipal Managers in terms of Section 56 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000 as amended) are exempted from this Policy.

4. PURPOSE

4.1 To implement the TASK Job Evaluation System within ELM to achieve uniform norms and standards in the description of similar jobs and their grading across the municipality.

4.2 To provide for the necessary structures, institutional arrangements, and procedures for the evaluation of jobs in the municipality.

5. KEY PRINCIPLES

5.1 The wage curves for the ELM shall be determined by the relevant SALGBC negotiated Collective Agreements and circulated annually by SALGBC structures.

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

5.3 No post in the Emalahleni Local Municipality shall be filled without having been subjected to the TASK Job Evaluation process.

5.4 The job descriptions for all posts shall be the responsibility of the Municipal Manager and his/her delegated representative.

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

5.6 Job description are to be signed off by the incumbent {unless vacant}, immediate supervisor, manager, head of department and unions.

6. ROLE AND RESPONSIBILITIES OF THE MUNICIPAL MANAGER

The Municipal Manager or his/her designated Manager is responsible:

6.1 To ensure the implementation of the TASK Job Evaluation System in the municipality.

6.2 To ensure that the designated JE Manager takes full responsibility for supporting and directing the job evaluation implementation and maintenance process through the Corporate Services Department.

6.3 To ensure that sufficient staff and resources are allocated to support the process.

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

6.5 To ensure that all staff are informed of the objectives of the TASK JE System as required in terms of Section 67 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000 as amended)

7. JOB EVALUATIONS UNITS

7.1 Establishment and Composition

- 7.1.1 The Job Evaluation Unit shall be established at a 'District' level as agreed with local municipalities within the district and due to capacity challenges.
- 7.1.2 The Job Evaluation Unit established at a District level shall compromise of members from the relevant local municipalities.
- 7.1.3 The composition of the JE Unit shall at least consist of the following:
 - 7.1.4.1 Head of JE Unit (or his/her nominee)
 - 7.1.4.2 Administrative / secretarial support
 - 7.1.4.3 A grading Committee to undertake the grading of jobs
 - 7.1.4.4 Representatives from Local municipalities within the district
- 7.1.5 The composition of the district grading committee shall consist of at least one representative from each municipality.
- 7.1.6. The members of the grading committee shall continue for a term of two years after which time new members shall be trained and serve on the Grading Committee.

7.2 TRADE UNION REPRESENTATIVE

- 7.2.4 One Trade Union Representative from each of the recognized trade unions may participate as observers in the Job evaluation unit.

7.3 TRAINING OF THE JOB EVALUATION UNIT MEMBERS

7.3.1 All nominee for membership of the Grading Committee shall undergo TASK Job evaluation system training.

7.4 ROLES AND RESPONSIBILITIES

7.4.1 The JE Unit shall conduct the evaluation of all jobs within the municipality and present the outcomes for auditing.

7.4.2 The Responsibility of a JE Unit is both administrative (planning, prioritizing grading programs, quality control, receiving checking and filing job descriptions etc.) and the grading of jobs prior to submission of auditing.

7.4.3 For purpose of grading, a quorum shall consist of at least two members of the JE Unit and at least two representatives from the Grading Committee.

7.4.4 The JE Unit may invite both the incumbent of the job, as well as his/her manager and the Head of Department to confirm aspects of the job description.

8 AUDITING PROCESS

8.1 The results from the Grading Committee will be subjected to an external auditing process to ensure consistency of the grading results.

9 TASK IMPLEMENTATION REQUIREMENTS

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

9.1.4 an approved staff establishment recording the position of all jobs and their designation;

9.1.5 job descriptions written in the prescribed TASK Format;

9.1.6 that (a) and (b) at minimum have been used to evaluate the job using the TASK Software to determine a TASK grade.

9.2 The TASK evaluation policy shall be strictly adhered to by all concerned to ensure both consistency and adequate implementation.

10 JOB EVALUATION PROCESS

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

10.2 Employees may request the re –evaluation of their positions only if:

10.3 The content of the job description utilized is not the same as the job the employee performs or there has been a change.

10.4 The employee has added responsibilities which are not covered in the job description.

10.5 Re- evaluation applications shall be referred to the JE Unit for an evaluation to be undertaken and submitted to the external auditing process.

10.6 The TASK Job Evaluation Process shall be done on a continuous basis by the JE Unit as long as there are new posts being added to the establishment of the Municipality as per Section 66 of the Local Government: Municipal Systems Act, 2000 (Act no 32 of 2000 as amended)

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

10.8 A compilation of a job description should be preceded by a proper job analysis.

10.9 The incumbent of the post as well as the relevant manager and the Head of Department shall be required to sign of the job requisition prior to the JE unit grading the job on the TASK Job Evaluation system.

10.10 In the event of no consensus reached, the Municipal manager or his/her nominee will determine the content of the job description.

10.11 The evaluation takes place by:

10.11.4 determination of the *skill level* of the post.

10.11.5 the scoring of the *factors* relating to Complexity, knowledge, influence, and Pressure.

10.11.6 the scoring of the *sub factors* relating to Complexity, knowledge, influence, and Pressure.

10.12 The JE unit shall the compile a JE Outcome Report for the appropriate auditing process.

10.13 The external auditing process shall be furnished with all relevant documentation on.

10.14 A representative of the JE Unit shall present the results to the external auditing process.

10.15 The auditing results from the external auditing process shall be communicated to the JEU who will in turn inform the relevant Head of Department and Municipal Manager about the grading results.

11 MEETING RULES OF THE JE UNITS AND GRADING COMMITTEE

11.1 The JE Units and the Grading Committee shall appoint a chairperson

11.2 The grading committee shall function in terms of normally understood rules of meeting procedures.

11.3 An agenda must be prepared for every meeting.

- 11.4 The proceedings of all meetings must be recorded with particular reference to all prescribed administrative requirements.

12 COSTS

- 12.1 Municipalities shall bear the proportional costs associated with the Job Evaluation and auditing results.
- 12.2 The district Municipality shall bear the cost of the training of JE unit Members. **(There should be budget allocated for admin costs and applicable back pays)**

13 TASK APPEAL PROCESS

- 13.1 All employees shall be furnished with the JE outcomes for the positions they occupy- Task Grades.
- 13.2 An employee may lodge a review application no later than 30 working days from date of notification of the JE results.
- 13.3 The onus shall be on the employee to prove that the Task System was inconsistently applied when the post was graded.
- 13.4 Any appeals lodged by an employee will be heard by the external appeal committee and the results communicated to the employee. The appeal will be final and binding.

14 CONFIDENTIALITY

- 14.1 Members of the JE Unit and the Grading Committee, as well as observers shall maintain confidentiality on all scores and grading outcomes prior to

formal notification and shall otherwise avoid disclosing information obtained in the process of job evaluation that may prejudice implementation.

15 ADMINISITRATIVE ARRANGEMENTS

The following conditions apply when placing staff on a new TASK grade and salary scale.

- 15.1 employees will be placed on the salary notch on the new pay scale for the applicable TASK grade which is the closest higher salary notch to their existing salary notch.
- 15.2 employees whose current salary notch is lower than the minimum of the applicable TASK grade scale will be placed on the minimum of the applicable new TASK salary scale.
- 15.3 employees whose existing basic salary is higher than the new TASK grade maximum will retain their existing basic salary on a personal to holder basis.
- 15.4 The implementation date for a new TASK JE outcome shall be the beginning of calendar month following {60} days after receipt of the job description and the final authority has been approved for the new grade.

Policy Title	LEAVE MANAGEMENT POLICY	
Policy Version		
<u>Role & Process</u>	<u>Responsible Individual Name and/or Date</u>	<u>Responsibility Accepted Signature</u>
MUNICIPAL MANAGER	Mr. VC Makedama	
Policy Custodian	Director Corporate Services – Mr. TT Javu	
Policy Author	Corporate Services	
LLF Consultation Date	27 th June 2022	
HONOURABLE SPEAKER	Cllr. N Mtyobile	
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13. LEAVE GRANTED IN ERROR OF POLICY
14. ADMINISTRATION OF POLICY

1. POLICY PURPOSE

The purpose of this Policy is to regulate the taking of leave by employees of the Emalahleni Municipality, having regard to the relevant statutory provisions regard leave and the relevant Collective Agreement insofar as it relates to leave.

2. POLICY DEFINITION

For the purpose of this policy, unless the context indicates otherwise, the following definitions shall apply:

“Council” means the Council of the Emalahleni Municipality.

“Employee” means any person employed and work for the Municipality and who is entitled to receive remuneration for services rendered to the Municipality.

“Main Collective Agreement” means an agreement entered into between the South African Local Government Association (SALGA), The Independent Municipal and Allied Trade Union (IMATU), and the South African Municipal Worker's Union (SAMWU).. Thereafter the period shall be determined by the Minister.

“Municipality” means the Emalahleni Local Municipality and includes any official or committee authorised to make decisions with regard to the disposal or acquisition of immovable capital assets.

3. LEGISLATIVE FRAMEWORK

Labour Relations Act, 1995 (Act 66 of 1995) as amended from time to time.

Basic Conditions of Employment Act, 1997 (Act 75 of 1997) as amended from time to time.

Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as amended from time to time.

All collective agreements, as amended from time to time, concluded in the South African Local Government Bargaining Council [SALGBC].

4. POLICY OBJECTIVES

To establish common and uniform conditions of service for employees regarding sick leave within the registered scope of the Council.

5. SCOPE OF THE POLICY

Councillors are not covered by the policy. Senior management is covered by the conditions on appointment of Municipal Manager and Directors all the employees of the Emalahleni Municipality registered under Bargaining Council.

The following types of leave:-

- a) Annual Leave.
- b) Sick Leave.
- c) Maternity Leave.
- d) Family responsibility Leave.
- e) Study Leave.
- f) Special Leave, and
- g) Leave without pay.

6. TARGET AUDIENCE

This policy shall apply to all employees employed by The Emalahleni Local Municipality who fall within the registered scope of the South African Local Government Bargaining Council.

7. GENERAL POLICY PROVISIONS

This policy is applicable to all staff of the Emalahleni Local Municipality, excluding Councillors.

8. INCORPORATION OF COLLECTIVE AGREEMENT

8.1 A "Main Collective Agreement" relating to conditions of service was entered into between SALGA, IMATU and SAMWU.

8.2. The Collective Agreement regulates, inter alia, the granting types of leave.

8.3. If there is any conflict with the provisions of this Policy and the provisions of the Main Collective Agreement insofar as they relate to leave, then the provisions of the Collective Agreement shall prevail.

8.4. If the Main Collective Agreement is superseded by another Collective Agreement dealing with leave that is binding on the Municipality, or if any provisions of the Main Collective Agreement dealing with leave is amended, then this Policy shall be amended to give effect to the relevant provisions of such other Collective Agreement or such amendment.

9. TYPES OF LEAVE

9.1 Annual Leave

9.1.1 For the purposes of this section, "leave cycle" shall mean a period of 12 months immediately following an employee's commencement of employment with the Municipality and each successive period of 12 months thereafter.

9.1.2 In accordance with clause 8 (8.1) of section B of the SALGBC Main Collective Agreement, the Municipality shall grant leave in each leave cycle to its employees as follows:

- a) Twenty-four (24) working days for a five (5) day worker, provided that the leave for an employee that works less than a 5-day week shall be calculated on a pro rata basis; and
- b) Twenty-seven (27) working days for a six (6) day worker.
- c) An employer must grant annual leave not later than six months after the end of the annual leave cycle.

9.1.3. In accordance with clause 8.1.3. of the Main Collective Agreement, an employee is required to take leave as follows:

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

9.1.4. In accordance with clause 8.1.4 of the Main Collective Agreement, an employee MUST take annual leave not later than six months after the end of the annual leave circle. Any leave shall only be accumulated to a maximum of forty-eight working days.

9.1.5. In accordance with clause 8.1.6 of the Main Collective Agreement, any leave in excess of forty-eight (48) working days may be encashed should the employee be unable to take such leave, despite applying and because the employer refused to grant him such leave, as a result of the employer's operational requirements. If, despite, being afforded an opportunity to take leave, and employee fails, refuses, or neglects to take the remaining leave due to him during this period, such remaining leave shall fall away

9.1.6. In accordance with clause 8.1.7 of the Main Collective Agreement, within six months of the end of a leave cycle, an employee may not have more than 48 days annual leave to his credit.

9.1.7. In accordance with clause 8.1.8 of the Main Collective Agreement, in the event of the termination of service, an employee shall be paid his or her leave entitlement in terms of the relevant provisions of the Basic Conditions of Employment Act of 2007, as amended.

9.2. Sick Leave

9.2.1. In accordance with clause of the Collective Agreement, the Municipality shall grant an employee eighty (80) days sick leave in a three (3) year leave cycle,

provided that in respect of new appointments an employee may not take more than thirty (300 days sick leave in the first year of employment.

9.2.2. In accordance with clause 8.2.2. of the Main Collective Agreement, the employee shall be required to submit medical certificate from a registered medical practitioner or any other person who is certified to diagnose and treat patients and who is registered with a professions council established by an Act of Parliament, if more than two (2) consecutive days are taken as a sick leave, provided that the employer may request a sick leave certificate for every day of sick leave where there is evidence of abuse of sick leave.

9.2.3. Sick leave control and guidelines is dealt with under the policy on sick leave.

9.3. Maternity and Adoptive Leave

In accordance with clause 3.3.1, 3.3.2 and 3.3.3 of Part B of the Collective Agreement:

9.3.1 An employee, including an employee adopting a child under three (3) months shall be entitled to receive 3 months paid maternity leave per confinement, with no limits to the number of confinements, these provisions shall be applicable even if the child is stillborn.

9.3.2 In addition the employee will be required to work back the period of paid maternity leave actually taken (i.e., 3 consecutive months) without taking any annual/vacation leave or leaving the Municipality for other employment. This must exclude the taking of sick, family responsibility or study leave.

9.3.3 In order to qualify for paid maternity leave, however, an employee must have one (1) years' service with the Municipality.

9.4. Family Responsibility Leave

In accordance with clause 3.4 of Part B of the Collective Agreement:

9.4.1. The Municipality shall grant an employee during each annual cycle (as defined above) at the request of an employee a total of five (5) days family responsibility leave which the employee is entitled to take, either when:

- a) The employee's child is born.
- b) The employee's child is sick.
- c) The employee's spouse or life partner is sick, and
- d) In the event of the death of the employee's spouse or life partner and the employee's parent, adoptive parent, grandparent, child, adopted child, grandchild, or sibling.

9.4.2. Family responsibility leave applies to an employee who has been employed by the Municipality for longer than four (4) months.

9.5. Study Leave

9.5.1. An employee may be granted leave for studying and examination purposes, if the opinion of the Municipal Manager the course of study better equips the employee to fulfil his or her functions as an employee or is likely to be of good benefit to the Municipality, and shall be granted leave for studying and examination purposes as follows:

- a) In order to allow the employee to prepare for examinations, one (1) day leave per examination may be granted, and
- b) In order to allow the employee to sit for examinations, one (1) day leave per examination may be granted.

9.5.2. Proof of examination in the form of the examination timetable from the institution where the employee is studying must be submitted before special leave may be considered.

9.5.3. The timetable must be submitted to the Human Resources Manager at least three (3) weeks prior to writing of the first paper, or one (1) month if the period of absence will be more than two (2) weeks, unless there are factors beyond

the employee's control, for example, late issue of timetable by the institution. Failure to make the submission within the time frames above will (may), result in the application not being approved.

9.5.4. Additional leave for Post Graduate Studies or higher degrees (master's Degree, PhD): This covers a dissertation/thesis and will be granted with full pay to a maximum of five (05) working days leave per session but not exceeding twenty (20) working days per annum.

9.5.5. Attending of classes during office hours/Block sessions: An employee who studies part-time or by means of correspondence in a field applicable to the employer and who, as a result of his/her studies, is required to be absent from his/her place of work, will be granted special leave on a 50:50 basis for the time he/she is released from duty but not exceeding a maximum of thirty (30) working days per annum. If he/she does not have leave to his/her credit, unpaid leave will be granted.

9.5.6 Rewriting examinations:

a) No study leave shall be granted for the rewriting of examinations.

9.6. Special Leave

9.6.1. For a total period of ten (10) days or less in a calendar year, and the Municipal Manager is of the opinion that the circumstances of the case justify the granting of leave, the Municipal Manager may grant such leave.

9.6.2. For a period of more than ten (10) days in any calendar year, and the Municipal Manager is of the opinion that the circumstances of the case justify the granting of leave, the Municipal Manager may grant such leave

9.6.3. Special leave as contemplated above may be granted only in exceptional cases and then only if the applicant supports the application with all such information and documentation as may be required by the Municipality.

9.6.4. Two (2) day special leave with full pay may be granted to an employee if he/she is transferred at Municipal expense.

- 9.6.5. Special leave may be granted to an employee for the purpose of rehabilitation from alcohol and/or drug abuse. All applications must be supported by applicable documentations. Applications for leave must be in advance as approval is required prior the employee going on leave and would be approved by the Municipal Manager.
- 9.6.6. Special leave may be granted to employees with disabilities for the attendance of orientation courses or training courses designed to assist them in handling specific aspects of their disability, to equip them and enable them to be more efficient and effective at the workplace, for example, a blind person training in guide dog handling, an injured person attending occupation therapy.

9.7. Leave Without Pay

- 9.7.1. If an employee applies for leave without pay for a total period of ten (10) days or less in any calendar year, and the Municipal Manager is of the opinion that the circumstances of the case justify the granting of leave, the Municipal Manager may grant such leave.
- 9.7.2. If an employee applies for leave without pay for a period of more than 10 days in any calendar, and the Municipal Manager is of the opinion that the circumstances of the case justify the granting of leave, the Municipal Manager may grant such leave.
- 9.7.3. If an employee is absent from work due to arrest, imprisonment, or appearance on a criminal charge, then if such person remains in the employ of the Municipality, he or she shall then be required to take annual or unpaid leave during such absence.

10. LEAVE ENCASHMENT

In those instances where an employee of the Municipality is employed by the Municipality in terms of the individual contract which contains provisions relating

to the encashment of leave, the provisions of the contract will apply. In all other instances, all leave accrued to the employees shall be dealt as follows:

- 10.1. In accordance with the Collective Agreement, all employees must take a minimum of sixteen (16) days accrued leave per leave cycle.
- 10.2. In accordance with the SALGBC Main Collective Agreement, accrued leave not taken in a leave cycle may be accumulated to a maximum of forty-eight (48) days.
- 10.3. In accordance with the SALGBC Main Collective Agreement and subject to sections 8.1.6, accumulated leave in excess of forty-eight (48) days may be encashed should the employee be unable to take such leave, despite applying and because the employer refused to grant him such leave, as a result of the employers' operational requirements. If despite, being afforded an opportunity to take leave, an employee fails, refuses or neglect to take the remaining leave due to him, during this period; such remaining leave shall fall away.
- 10.4. In accordance with the provisions of the SALGBC Main Collective Agreement, in the event of the termination of service, and employee shall be paid his or her entitlement in terms of the relevant provisions of the Basic Conditions of Employment Act.

11. LEAVE APPLICATION AND RECORDS

- 11.1. All applications for leave must be in writing on the form prescribed by the Municipal Manager and must be submitted at least ten (10) days before commencement date of leave. An employee shall not proceed to go leave unless such leave has been approved.
- 11.2. All application for leave must be lodged with the relevant Line Managers and co-signed by the Head of Departments.
- 11.3. Sectional Heads must ensure that all leave forms are submitted to the Human Resources Unit.

- 11.4. The Line Manager must check that the employee has sufficient annual leave accrued prior to granting the leave, by speaking to the payroll or HR Manager. Leave in excess of statutory and Municipalities requirements should not be granted except in exceptional circumstances. If excess leave is granted, and the employee resigns, the excess leave will be recovered from the employee's termination pay. The Line Manager must authorize such excess leave.
- 11.5. Director for Corporate Services must ensure that a leave file is maintained, and accurate records kept of all leave taken for each employee.

12. LEAVE CONDITIONS AND REQUIREMENTS

It is the responsibility of the respective Line Manager, according to appropriateness, to schedule annual leave for staff. Both the employer and worker should agree to the timing of leave. If they cannot agree, the employer makes the final decision.

Leave granted may be cancelled or postponed at any time by the Municipal Manager or Head of Department which granted it, or an employee who is on leave may be recalled if this is deemed to be in the interest of the Municipality. An employee who is recalled while on leave, shall be entitled to take the non-expired portion of his leave at a later date, as may be arranged with the Line Manager and Head of Department.

Notwithstanding anything to the contrary in the conditions of service, the Municipal Manager or his delegated authority may in times of emergency postpone to an indefinite period any leave due to any employee. Any leave of portion of leave granted to an employee may be cancelled at his request at any time before he proceeds on leave, by the authority which granted it and he shall be credited in the leave register with any leave not taken.

No leave will be granted to any employees prior or during a strike called by the unions. Vacation leave may be converted to sick leave by the Municipal Manager or his authorized representative in the event of an employee being hospitalized during his/her annual leave due to an illness, operation or accident and the submission of proof to this effect. The employee has to notify the Municipality on the first day of admission to hospital.

13. LEAVE GRANTED IN ERROR OF THE POLICY

If more leave than that which is due to the employee has been granted to him/her in error, but in good faith, and taken by him/her, such leave granted in excess shall be deducted from any leave due to him/her at a later date, and if such employee for any reason whatsoever, leaves the service of the Municipality, and does not have the necessary leave to his/her credit to make such deduction possible, the value of such leave taken in excess shall be deducted from any salary or moneys due to him/her.

14. ADMINISTRATION OF POLICY

The Municipal Manager shall be responsible for the administration of this Policy, including consideration of all leave applications, or that the Municipal Manager may delegate all or any of his responsibilities and functions hereunder to such Director as he or she deems appropriate.

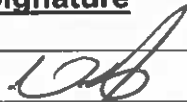

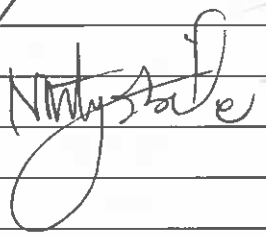

Policy Title	OCCUPATIONAL HEALTH AND SAFETY POLICY	
Policy Version		
<u>Role & Process</u>	<u>Responsible Individual Name and/or Date</u>	<u>Responsibility Accepted Signature</u>
MUNICIPAL MANAGER	Mr. VC Makedama	
Policy Custodian	Director Corporate Services – Mr. TT Javu	
Policy Author	Corporate Services	
LLF Consultation Date	27 th June 2022	
HONOURABLE SPEAKER	Cllr. N Mtyobile	
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1. POLICY PURPOSE

The purpose of this policy is to provide a framework according to which the occupational health and safety of employees will be managed at the Emalahleni Local Municipality.

2. POLICY DEFINITIONS

Municipality - means the Emalahleni Local Municipality

“Appointee 16.2” – means any person appointed in terms of section 16.2 of the Act, by the Municipal Manager in order to manage and ensure the implementation of the Act in the Emalahleni Local Municipality environment.

“Contingency Plan” – means any action that has been planned to be actioned during any emergency situation in order to prevent and/ or combat or counteract the effects and results of any emergency situation where life or property is threatened.

“Danger” – means anything, which may cause injury or damage to persons or property.

“Hazard” – means any source of or exposure to danger.

“Health and Safety” – means any condition irrespective of whether or not, it has the force of law, which if applied for the purposes of this Policy will, in the opinion of the Municipal Manager, promote the attainment of objectives of this Policy.

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

“Injury on duty” – means an unplanned, uncontrolled event in the line of duty.

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

“Premises” – a physical structure including building, vehicle, or vessel.

“Committee” – means the Occupational Health and Safety Committee of Emalahleni Local Municipality.

“Proper use” – means use of any item with reasonable care, and with due regard to any information, instruction or advice supplied by designer, manufacturer, importer, seller or supplier.

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

“Safe” – means free from any hazard.

“Workplace” – means any premises or place where a person performs work in the course of his employment.

3. LEGISLATIVE FRAMEWORK

This document is established within the framework of the following legislation and policies:

- Occupational Health and Safety Act NO 85 of 1993
- Disaster Management Act NO 57 of 2020 as Reviewed

4. POLICY OBJECTIVES

The objectives of this policy are:

- The objective of this policy is to provide a framework according to which the occupational health and safety of employees will be managed at the Emalahleni Local Municipality.

5. SCOPE OF THE POLICY

This policy covers all employees of Emalahleni Local Municipality, including interns.

6. TARGET AUDIENCE

- All Councilors of Emalahleni Local Municipality
- All Management of Emalahleni local Municipality
- All Employees of Emalahleni Local Municipality
- All Temporally Workers of Emalahleni Local Municipality

7. GENERAL POLICY PROVISIONS

7.1 FUNDAMENTAL RESPONSIBILITIES

Generally, it is everyone's responsibility to keep every environment, especially one's own working environment, as safe and healthy as possible. This could be one of the reasons why the Occupational Health and Safety Act of 1993 (Act 85 of 1993) places an obligation on the employer as well as the employees directly or otherwise, for the execution of specific responsibilities regarding creation and maintenance of safe and healthy working conditions.

However, to ensure proper control and administration, the statutory responsibility and accountability has been passed through the Act in the following manner.

7.2 STATUTORY RESPONSIBILITY

7.2.1 Through the legislation, the Department of Labour has been appointed as the custodian of the Occupational Health and Safety Act and other related issues. This department carries the responsibility of overseeing that the Act is implemented in all working environments including the private sector and especially, the Government Departments, Local Government and Organs of State.

7.2.2 The Department of Labour appoints officials to work as Health and Safety Inspectors with the responsibility, *inter alia*, of conducting inspection on the premises and plants of all organisations to determine compliance with the Act (by those areas).

The accountability of every institution with regard to and in terms of the Act rests with the head of the institution. This implies that the Municipal Manager (in this instance) carries the overall responsibility of health and safety issues for Emalahleni Local Municipality, in spite of the delegations as tabled out in point 2.2, hereunder.

8. DELEGATIONS AND APPOINTEE AS PER Section 16(2) of the Occupational Health and Safety Act

8.1 As a Chief Executive Officer in terms of the Act, the Municipal Manager shall appoint a Section 16.2 Appointee to oversee that all activities relating to health and safety are conducted accordingly and all responsibilities, in their categories, are carried out as required by the Act.

8.2 The Section 16.2 Appointee shall, on behalf of the Municipal Manager, have the authority and powers of ensuring that all necessary activities are executed in terms of the Act and report to the Municipal Manager.

8.3 According to Covid-19 Regulation The Municipality must Appointed Compliance office only for Covid-19 period, to be responsible for all Covid-19 relevant matters.

9. OTHER PROVISIONS

9.1 The daily operation of all functions related to health and safety shall be accommodated under the Corporate Services Directorate and the Occupational Health & Safety Practitioner shall serve as the Co-ordinator for all relevant matters.

9.2 The Occupational Health and Safety Committee (OHS Committee) shall be established to handle all relevant matters and make recommendations to the section 16.2 Appointee who will then advise the Municipal Manager accordingly.

9.3 The OHS Committee will be composed of the OHS Representatives and function according to the terms of reference as contained in the Occupational Health and Safety Act (Act 85 of 1993) and/or in paragraph 2.3.4.1/6 of this policy.

9.4 The terms of reference shall guide and give powers and authority to the OHS Committee members, while not deviating from their performance agreements:

9.5 Since the OHS Committee consists of the Safety Representatives, such members shall, in their workplace or section thereof, perform the following functions:

- (a) Review the effectiveness of health and safety measures;
- (b) identify potential hazards and potential major incidents at workplace;
- (c) in collaboration with their employer, examine the cause of incidents at the workplace;
- (d) investigate complaints by any employee relating to that employee's health or safety at work;
- (e) make presentations to the employer on matters arising from the paragraphs (a), (b), (c), or (d), or where such representations are unsuccessful, to an inspector;
- (f) make representation to the employer on general issues affecting the health and safety of the employees at the workplace;
- (g) inspect the workplace, including any article, substance or health and safety equipment at that work place with a view to the health and safety

of the employees, at such interval as may be agreed upon by the committee members;

- (h) attend meetings of the OHS Committee in connection with all the above-mentioned functions;
- (i) attend any investigation of formal inquiry held in terms of the Act;
- (j) in so far as reasonably necessary for performing his functions, inspect any document which the employer is required to keep in terms of the Act;
- (k) accompany any inspector on any inspection;
- (l) participate in any internal health or safety audit;

9.6 Where more than one health and safety committee has been established in respect of a workplace, each health and safety representative for that workplace shall be members of the committee;

9.7 The Occupational Health and Safety Committee shall hold meetings as often as may be deemed necessary, but at least once every three months, at a time and place determined by the committee;

9.7.1 The Committee shall determine the procedure at the meetings of a Health and Safety Committee.

9.7.2 (a) A Health and Safety Committee may co-opt one or more person/s by reasons of his or their particular knowledge of health or safety matters as an advisory member or advisory members of the Committee.

- 9.7.3 (b) An advisory member shall not be entitled to vote on any matter before the Committee.
- 9.7.4 The OHS Committee shall perform such other functions as may be agreed upon with the employer, but not contrary to the Act.
- 9.7.5 Notwithstanding all the prevention systems applicable, the Emalahleni Local Municipality shall have a Contingency Plan, which will be practised periodically to ensure that all employees are conversant with all emergency procedures.

10. RESPONSIBILITIES AND OBLIGATIONS

10.1 RESPONSIBILITY OF THE EMPLOYER

10.1.1 The Emalahleni Local Municipality as an employer shall ensure that no employee is exposed to any hazardous or unhealthy condition while at the place of official duty. (e.g complying with social distance, compulsory wearing and provision of facial masks, sanitiser etc)

10.1.2 Where any employee must work in unsafe or unhealthy conditions, the Emalahleni Municipality Council shall inform the employee accordingly and as far as reasonably practical, provide measures to protect such employee from the existing risks.

10.1.3 Where any employee has been affected by the unsafe or unhealthy conditions in his/her work place, the Emalahleni Local Municipality shall, as much as reasonably practical assist such employee for his/her recuperation.

10.14 The Emalahleni Local Municipality shall keep all employees informed about existing hazards. Available measures or facilities shall be provided for protection against those hazards.

10.15 The Municipality shall provide protective clothing to all employees deemed to be working in hazardous sections.

10.16 The Municipality shall ensure that it becomes the requisite specification that all protective clothing to be procured passes the standards specified by the South African Bureau of Standards (SABS)

10.2 RESPONSIBILITY OF THE EMPLOYEE

10.2.1 Every employee shall take reasonable care for the health and safety of himself/herself and of other persons who may be affected by his/her acts/omissions.

10.2.2 Every employee shall follow all procedures set by the employer in terms of the requirements imposed by the Act and give his/her full co-operation to practices prescribed by the employer for the purpose of implementing the Act.

10.2.3 Every employee shall be held responsible and liable for the incidents resulting from his/her own negligent or ignorant act which amounts to contradiction or defiance of this Policy.

10.2.4 Where any employee's act is deemed to be contradictory to the Policy, he/she shall be charged with misconduct and disciplinary action shall be initiated against him.

11 SAFETY REPRESENTATIVES

11.1 Occupational Health and Safety Representatives (referred to as

OHS Representatives mentioned hereunder) shall be appointed to represent officials in all matters regarding health and safety issues on each floor of the building.

11.1.1 OHS Representatives shall be appointed, in writing, by the Section

11.1.2 Appointee.

11.2 Officials appointed as OHS Representatives shall serve for the period determined by their letter of appointment and the relevant terms of reference.

11.3 OHS Representatives shall work in collaboration with the Emalahleni Local Municipality in promoting a safe, healthy and hazard-free environment.

11.4 Any official appointed as OHS Representative shall serve as a member of the OHS Committee without abdicating from his/her responsibility as an OHS Representative.

11.5 The detailed functions and duties of OHS Representatives shall be tabled out in the OHS Committee terms of reference.

11.6 The Emalahleni Local Municipality shall be responsible to train all OHS Representatives accordingly and keep them informed of all developments on this subject.

12 HEALTH AND SAFETY SYSTEMS AND PROCEDURES

12.4 PREVENTION SYSTEMS AND PROCEDURES

- 12.4.1 All officials irrespective of rank or position shall be responsible for the prevention of accidents and/or health threatening conditions in the work environment.
- 12.4.2 Identified dangerous or health hazardous condition shall be reported to the OHS Representative responsible for that specific area of the workplace.
- 12.4.3 The names and related details of OHS Representatives shall be displayed on notice boards in the corridors of every floor.
- 12.4.4 Hazardous conditions or acts or omission of responsibility, which are constructed as hazardous or could result in hazardous conditions, are prohibited in the building.
- 12.4.5 All officials shall be responsible for keeping the environment in and around their working stations in a manner that promotes a hazard-free environment.
- 12.4.6 All officials shall abide with and conduct themselves in accordance with the emergency procedures of the Emalahleni Local Municipality to prevent any further damage or injury during an emergency.
- 12.4.7 Only trained or authorised officials shall control and manage the situation during any emergency.

13 REACTION PROCEDURES TO AN ACCIDENT

- 13.1** All identified accidents must be reported accordingly without creating panic and tension to affected and/or unaffected people.
- 13.2** Proper records of all departmental accidents must be recorded and such records must be maintained by the Corporate Service Director as the Co-ordinating Unit in the Emalahleni Local Municipality.
- 13.3** Records shall be submitted on annual basis and when required, to the Department of Labour.
- 13.4** The Corporate Service Director with the assistance of OHS Committee members shall conduct a thorough investigation on the cause of any accident immediately after such accident is under control.
- 13.5** The result of investigations and recommendations, where applicable, shall be submitted to the Section 16.2 Appointee who will advise the Municipal Manager accordingly.
- 13.6** All information with regard to the accident/emergency shall be communicated in terms of the Emalahleni Local Municipality Communication Policy and no individual official has any right whatsoever, to communicate such information to the media without proper (written or verbal) authority from the Municipal Manager.

14. OCCUPATIONAL HEALTH AND SAFETY COMMITTEE

- 14.1** An Occupation Health and Safety Committee is hereby established to render advice to the Municipal Manager and the Emalahleni Local Municipality with regard to the implementation and maintenance of Health and Safety in the

Emalahleni Local Municipality. The OHS Committee shall comprise the following:

- Councillors designated by Council
- All Directors
- OHS Coordinator
- Unions
- Safety Representatives

14.1.1 The Committee shall meet once per quarter.

15. ADMINISTRATION

- 15.1 The Corporate Services Directorate shall provide the secretarial services to the OHS Committee and co-ordinate all OHS related matters in the Emalahleni Local Municipality.
- 15.2 The arrangement of workshops; training courses and information sessions will be the responsibility of the Corporate Services Directorate in consultation with the OHS Committee.
- 15.3 The OHS Co-ordinator, shall report to and be accountable to the Departmental Section 16.2 Appointee for all OHS related matters.
- 15.4 All activities regarding the OHS matters must first be mandated and approved by the Municipal Manager.
- 15.5 On appointment of temporary employees, relevant directorates should make provision of contribution towards COIDA.

- 15.6 On placement of In-service trainees, institutions of higher learning should confirm if they have covered the trainees for Occupational Injuries and Diseases.

16. PROTECTIVE CLOTHING

- 16.1 The municipality must provide employees with relevant protective clothing as required by their functional areas.
- 16.2 The municipality must provide at least two (2) sets of protective clothing to each employee in a year;
- 16.3 Employees are expected to wear the protective clothing on a regular basis at work
- 16.4 Employer must provide all Covid-19 Personal Protective Equipment e.g. (Masks, Sanitizer, Face-shields)
- 16.5 Any employee who fails to make use of the provided protective clothing will be prosecuted in terms of the Disciplinary Code



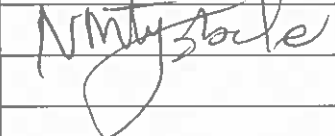
Policy Title	PLACEMENT POLICY	
Policy Version		
<u>Role & Process</u>	<u>Responsible Individual Name and/or Date</u>	<u>Responsibility Accepted Signature</u>
MUNICIPAL MANAGER	Mr. VC Makedama	
Policy Custodian	Director Corporate Services – Mr. TT Javu	
Policy Author	Corporate Services	
LLF Consultation Date	27 th June 2022	
HONOURABLE SPEAKER	Cllr. N Mtyobile	
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16. CONDITIONS OF SERVICE
17. GEOGRAPHICAL RELOCATION
18. REDUNDANCY/RETRENCHMENT
19. WHOLE AGREEMENT

1. POLICY PURPOSE

The policy on the placement of staff is intended to provide guidelines.

It is noteworthy that Section 57 of the Municipal Systems Act makes provision for those persons to be appointed and not placed in those designated posts. Those persons therefore fall outside the ambit of the placement policy.

The placement of staff must be consistent with applicable labour legislation.

The placement of staff must not-

- i. Disrupt the effective and efficient delivery of service;
- ii. Be used as a punitive measure against employees;
- iii. Be used to promote or demote employees.

2. POLICY DEFINITIONS

"employer" means the Emalahleni Local Municipality established in terms of section 12 of the Local Government Municipal Structures Act, 1998, (No 17 of 1998); "employee" means a person that has been appointed on a fulltime basis by the Municipal Manager of the Emalahleni Local Municipality in terms of the powers vested in him in terms of section 55 (e) of the Local Government Municipal Systems Act , 2000 (No 32 of 2000); "parties" means the employer and employee as defined; "organisational structure/organogram" means the approved structure of Emalahleni Local Municipality reflecting all the departments and positions; Words indicating the masculine gender shall include the feminine gender.

3. LEGISLATIVE FRAMEWORK

- Basic Conditions of Employment Act 75 of 1997 updated 2005 (BCEA)
- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Skills Development Act 66 of 1998
- Municipal Finance Management Act 56 of 2003 (MFMA)
- SALGBC Main Collective Agreement

- SALGBC Collective Agreement on Conditions of Service for the Eastern Cape division

4. POLICY OBJECTIVE

The basic objective is a welfare and adjustment of the individuals in the context of a job for which he is best fitted and from which he gets satisfaction.

5. SCOPE OF THE POLICY

This policy applies to all existing and new positions within Emalahleni Local Municipality.

The following are proposed to be used for Placement of staff:

- 5.1 The placement of staff must be consistent with applicable labour legislation
- 5.2 The placement of staff must not –
 - 5.2.1 Disrupt the effective and efficient delivery of services
 - 5.2.2 Be used as a punitive measure against employees
 - 5.2.3 Be used to promote or demote employees
- 5.3 During the placement process no additional remuneration must be paid in any form to any employee. Job evaluation of all changed and new posts will determine the new T-Grades.

6. TARGET AUDIENCE

The policy applies to all permanent employees of the Emalahleni Local Municipality.

7. GENERAL POLICY PROVISIONS

POLICY

8 STATEMENT OF INTENT

The parties accept that:

- 1.1 Arising from the need to restructure the municipality and functions within the applicable demarcated areas, the re-organization of existing staff structures (including geographic re-deployment) may be necessary to meet operational objectives to service delivery. All restructuring shall take place in accordance with the principles contained in the policy.
- 1.2 The contracts of employment of all staff are not affected by the placement process.
- 1.3 The placement of staff shall be done in a manner that is consistent with any existing
- 1.4 Employment Equity and Skills Development Plan and/or the objectives of the Employment Equity Act and the Skills Development Act.

9. ORGANOGRAMS

- 9.1 Emalahleni Local Municipality shall prepare the envisaged final organograms of all departments and submit this proposal to the Local Labour Forum for consultation.
- 9.2 The IDP for the municipality shall inform the organogram and the principle of "structure follow strategy" shall apply.
- 9.3 All organograms, whether final or on a "cut and paste" basis are to be referred to the Local Labour Forum for consultation prior finalization by the Council.

10 PLACEMENTS

10.1 People follow function

10.1.1 The application of this principle entails that employees are not moved from one location to another location without the function which the employee is performing necessitating such movement.

10.2 Empty the pool first

10.2.1 Every attempt shall be made to place all existing employees first into the posts that will be Created in the new structures. If no placement in terms of the agreed criteria can be made, the employer will advertise the post and fill the post with a suitable internal/external candidate.

10.2.2 New major changed posts and identified strategic important posts will be advertised both internally and externally and an appointment will be made in terms of the appointment criteria as contained in the approved Recruitment and Selection Policy.

10.2.3 Employees are to be placed in the structure on a permanent basis.

10.2.4 The parties are committed to ensure continuity of employment and every attempt will therefore be made to ensure that no retrenchment/redundancy will occur, provided that the affected employees are willing to accept alternative positions that are offered, in this regard every effort will be made to ensure that such alternative offers are reasonable.

10.3 Close match placement

10.3.1 Employees are to be placed in the new structure on a close match basis.

10.3.2 In close matching a post, the job content of the "new" post is compared to the existing job content of the employees.

10.3.3 The employees having the closest match in respect of the job content is then the successful

10.3.4 Where a close match cannot be done one hundred percent, the match must be done on the Content will be matched against a post that contains the most stipulations reflecting accounting duties.

10.3.5 The close match is done on job content and not job design. Post designation may however be used as an indicator.

10.3.6 Please note that the salary of an employee plays no role in the placement. Salary determination and the equalization therefore are addressed further on.

10.4 Additional factors

- i. Where more than one employee can be close matched to a post and there are more employees than there are posts, the following factors will be used to facilitate the placement decision.

10.4.2 The provision of the Employment Equity Act and Affirmative Action must be the overriding factor that will decide placement and preference to the placement of designated person must strictly be adhered to, subject to suitable qualification and experience.

11 PLACEMENT COMMITTEE

11.1 Emalahleni municipality will create a Placement Committee consisting of equal

Numbers e.g Trade Union and Employer representatives.

11.2 The Committee shall comprise of eight (8) members consisting of four (4) members from each side.

11.3 The Placement Committee will have the following terms of reference:

11.3.1 *To consider and reach consensus regarding the placement of existing employees into Posts in the new structures.*

11.3.2 The Placement Committee shall strive to reach consensus on the staff placement.

Where consensus cannot be reached the Council's proposal will be published.

12 PUBLICATION OF DECISIONS

12.2 All decisions, whether by consensus or in the case of consensus, the Council's decision shall be communicated to employees by means of publication in a circular specifically for this purpose.

12.3 The individual employees to be placed will be notified in writing by way of a Personalized letter.

13 PLACEMENT PROCEDURES

The placement will take the place as follows:

13.1 Classification of posts

The Placement Committee will classify the posts in the structure in the following four

Categories:

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

13.2 Unchanged posts

13.2.1.1 These are posts that have had no change to their scheduled duties or location.

13.2.1.2 The municipality will be required to merely list these posts with the names and other forms of identification used of the present incumbents and submit it to the Placement Committee for confirmation.

13.3 Minor changed posts

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

13.3.1.2 The **directorates** need to submit the names and other form of identification used of the present incumbents to the Placement Committee for confirmation.

13.4 Major changed posts

13.4.1.1 These are posts which have undergone a major change to their duties and responsibilities. This will necessitate that the post be evaluated.

13.4.1.2 These post will be advertised internally and externally.

13.5 New posts

13.5.1.1 These are posts which carry duties and responsibilities that do not exist in any form in the present structures.

13.5.1.2 These post with the detailed duty schedules must be submitted for evaluating and pricing.

13.5.1.3 These posts will then be advertised both internally and appointment will be made

In terms of the approved Recruitment and Selection Policy.

14 DISPUTE/OBJECTION PROCESS

This objection must be lodged within ten (10) working days of the Placement Committee's

publication/notification or date of receipt of the decision by the individual employee.

14.1 Objection Committee

14.1.1 The Objection Committee shall consist of an equal number of Employers and Trade

Union representatives appointed in the Local Labour Forum.

14.1.2 The Objection Committee shall consider the objection, taking into account the points

raised by the objector but shall apply the same criteria process and procedures as the Placement Committee.

14.1.3 The Objection Committee shall pronounce on the objection within fifteen (15) Working days from receipt of the objection.

14.2 Arbitration Process

14.2.1 Any affected party, has the right to refer the placement to arbitration within between

One (21) days of the decision of the Objection Committee. The arbitrator's terms

Of reference will be guided by this Place Policy.

14.2.2 The Employer's proposal will stand up until the finalisation of the arbitration except

where the employer decides to implement the decision of the objection committee.

The arbitration must be finalized within 62 (sixty) days of the date of the referral for Arbitration.

15 JOB EVALUATION

15.1 Within one (1) year of the completion of the Placement, the Job Evaluation Committee shall evaluate all the posts in accordance with the agreed national job evaluation system.

16 CONDITIONS OF SERVICE

16.1 All employees placed in terms of the new Organisational structure shall from the effective placement date be subject to the following:

16.1.1 No interruption in Conditions of Employment or service shall occur. All employees shall

Retain their benefits as if their service were not interrupted.

16.1.2 All staff shall retain all their current conditions of employment following placement in

the new structures and subject to conclusion of the process in terms of 8.2 above.

16.1.3 Notwithstanding the provision of 10.1.2, the salaries and benefits of staff shall be

adjusted in accordance with any collective agreements concluded in the bargaining council.

17 GEOGRAPHICAL RELOCATION

17.1 All recommendations on placements are to indicate whether geographical relocation of staff will be required.

17.2 Geographical re-deployment of staff will only take place for the following sound operation and/or economic reason:

17.2.1 The functions of the post/s are to be delivered in another geographical area.

17.2.2 The functions of the post/s may be reduced and/or combined resulting in a necessity to rationalize resources.

17.2.3 The functions of the post may be abolished in that particular geographical area.

17.2.4 Where it is necessary to geographically re-deploy only part of a section / department, the selection of employees for re-deployment in each of the effected job categories will be done in terms of the following criteria:

17.2.4.1 *Call for volunteers from employees within each job category.*

17.2.4.2 *Should too many affected employees volunteer to be re-deployed, then selection will be done on the basis of "first in, first opportunity" (FIFO)*

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

17.4 In the event of equivalent vacancies subsequently being advertised at the previous geographic location within a period of twelve (12) months from re-deployment, any re-deployment employee will receive preference should he transfer thereof.

17.5 In the case of an employee accepting geographical relocation, and such employee, moves his place of or residence in order to reside closer to his new place of work, the council concerned will pay the cost of removal of his household goods to his place of residence.

17.6 In the case of an employee does not move his place of residence, additional traveling

Arrangements of costs may be negotiated with the municipality, based on sound economic reasons.

18 **REDUNDANCY/RETRENCHMENT**

The following will not constitute ground for retrenchments/redundancy.

18.1 Reasonable geographical re-deployment

18.2 The transfer from one section/**directorate** to another section/**directorate** without any changes to functions and /or conditions of employment.

19 **WHOLE AGREEMENT**

This constitutes the whole agreement between the parties. Any additions will only be

Valid if in writing and signed by all parties.

Policy Title	PROMOTION, DEMOTION AND TRANSFER POLICY	
Policy Version		
<u>Role & Process</u>	<u>Responsible Individual Name and/or Date</u>	<u>Responsibility Accepted Signature</u>
MUNICIPAL MANAGER	Mr. VC Makedama	
Policy Custodian	Director Corporate Services – Mr. TT Javu	
Policy Author	Corporate Services	
LLF Consultation Date	27 th June 2022	
HONOURABLE SPEAKER	Cllr. N Mtyobile	
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1. POLICY PURPOSE

The purpose of this policy is to:

- 1.1 Achieve optimum utilisation of employee skills by employing suitable persons in more advantageous positions through post promotions;
- 1.2 Minimise the effects of job poaching and job hopping by creating a conducive workplace environment in which employees are aware that there are prospects for upward mobility and good incentives for excellent performance;
- 1.3 Ensure that employees are utilised for the purpose of meeting the human resources needs of the municipality;
- 1.4 Enhance career development of employees

2. POLICY DEFINITIONS

In this policy, unless the context indicates otherwise: -

- 3.1 **"Municipal Manager"** – Accounting Officer (Head of Administration) in a Municipality;
- 3.2 **"Section 54A Position"** – Refers to the Municipal Manager's Position;
- 3.3 **"Section 56 Positions"** – Refers to all Directors/Managers reporting to the Municipal Manager;
- 3.4 **"Post/Position"** – Means an approved position on the Emalahleni Organisational Structure to which specific duties are coupled;
- 3.5 **"Employee"** – Shall include a permanent employee or a contractual employee as defined but excludes an independent contractor or its employees;
- 3.6 **"SALGBC"** – Refers to South African Local Government Bargaining Council.

Any word or expression contained herein shall have the meaning ascribed thereto in Government Notice R905 of 13 May 1994.

3. LEGISLATIVE FRAMEWORK

Basic Conditions of Employment Act, 1997

Labour Relations Act, 66, 1995

Employment Equity Act

Constitution of Republic of South Africa

Collective Agreement

4. POLICY OBJECTIVE

- To achieve optimum utilization of employee's skills and talents by employing the suitable persons in a more advantageous work situation.
- To gain and sustain employee motivation for high quality and productivity.

5. SCOPE OF THE POLICY

To ensure that the municipality continuously with the correct number of employees of the required quality that has its objectives effectively and efficiently achieved.

6. TARGET AUDIENCE

This policy will be applicable to all employees of the municipality except the Municipal Manager, Departmental Heads, those employed by the Council in terms of Sections 54A and 56 of the Municipal Systems Act No. 32 of 2000 and all employees employed by the Municipality on a fixed term employment contract.

7. GENERAL POLICY PROVISIONS

An employee who canvasses support with a view to get promotion in the service of the Council shall be disqualified for such promotion.

8. POLICY

8.1 Procedures In Respect Of Promotion

A promotion means the placement of an employee, after an internal recruitment and selection process, in another position in the Council's service in respect of which the maximum of the salary scale applicable to such other post is higher than that applicable to the post he/she occupied before such recruitment and selection took place.

- (a) The promotion of an employee shall be undertaken after the vacant post has been advertised and all recruitment processes are completed in terms of Council's Recruitment and Selection Policy
- (b) An employee shall only be promoted to a higher position in the event of a vacant post existing **provided that the employee meets the minimum requirements of the position;**
- (c) An employee who canvasses support with a view to get promotion in the service of the Council shall be disqualified for such promotion;
- (d) A vacant post which must be filled, shall be brought to the notice of employees by way of a notice on the notice boards of the Council and by way of Departmental Circular issued by the Director: Corporate Services;

- (e) In the event that no suitable internal candidate can be found, applications may be invited from persons outside the Council's service;
- (f) All applicants for promotion shall apply for the vacant post by submitting a letter of application together with the CV and required documents;
- (g) An applicant who, in terms of the post requirements is the most suitable for the vacant post and not necessarily the applicant with the longest service, shall be appointed;
- (h) The Corporate Services Director shall, in writing, advise an employee promoted in terms of this policy of his/her new post, date of promotion and a copy of such notification shall be sent to the Chief Financial Officer for record purposes. The employee who has been promoted shall be notified by the Corporate Services Directorate by way of a letter.

8.2 DEMOTION

8.2.1 Purpose of Demotion

To provide directions on the circumstances under which an employee may be demoted and the procedure to be followed in connection therewith.

8.2.2 Definition of Demotion

Demotion means the placement of an employee in another post in the Council's service in respect of which the maximum of the salary scale applicable to such other post is lower than that applicable to the post he/she occupies before such placement took place.

8.2.3 Grounds for Demotion

An employee may be demoted on the following grounds:

- (a) Misconduct;
- (b) Re-organisation;

(c) Physical or mental disability

(d) Poor Performance

8.2.4 Procedures prior to Demotion

An employee shall only be demoted after a full enquiry into the circumstances leading to the need to demote him/her has been held and such employee, assisted by his/her trade union representative, where necessary, has been afforded an opportunity to make representations and be heard in connection with his/her proposed demotion, provided that for the purposes of this clause, an "enquiry" including a disciplinary enquiry is held by the Council in terms of the Conditions of Service.

8.2.4.1 Rules Applying to Demotion

8.2.4.1.1 Misconduct

In the event of the employee being demoted on the grounds of misconduct, his/her salary/wage shall be adjusted from the first day of the working month/working week, as the case may be, in which the Council decides to demote him/her or, in the event of the Council so deciding, on the first working day of the succeeding working month/working week to such notch of the salary scale of the post to which he/she is demoted as the Council may decide.

8.2.4.1.2 Reorganisation

In the event of an employee's post being declared redundant and the position being abolished as a result of reorganisation of the Council's service, and such employee being demoted by the Council, he/she shall retain his grouping as applicable before such demotion as "personal-to-incumbent" or "contractual-to-incumbent", as the case may be.

4.2.4.1.3 Physical or Mental Disability

In the event of an employee being demoted by the Council as a result of physical or mental disability as determined by medical professionals, the Council may adjust such employee's salary either to the comparative notch, or in the event of there being no comparative notch, to the nearest lower notch of the post to which he/she is demoted, or allow such employee to retain the salary scale applicable to him/her before the date of demotion as "personal-to-holder" or "contractual-to-holder" as the case may be.

A demotion in terms of the above paragraph shall take effect from the first day of the working month/working week of the relevant employee that follows on the working month/working week in which it is decided to demote an employee.

Where a demotion has the effect on the salary of an employee being adjusted to a notch lower than the maximum of the salary scale of the relevant post, such employee shall retain the incremental date applicable to him/her before such demotion.

4.2.4.1.4 Poor Performance

In the event of an employee being demoted as a result of poor, sub-standard or non-performance, an enquiry should be conducted in terms of the provisions of the Labour Relations Act, 66 of 1995.

4.3 TRANSFER

4.3.1 Purpose of Transfer

To provide for the transfer of an employee, with relevant qualifications and experience from one to another department.

4.3.2 Definition of Department

For the purpose of this policy, "Department" shall mean a Directorate, Department, Division, Section or Operational Unit of the Municipality.

4.3.3 Application of Policy

This policy will be applicable to all employees of the municipality **except** the Municipal Manager, Departmental Heads, those employed in terms of Sections 54A and 56 of the Municipal Systems Act No. 32 of 2000 as amended and all employees employed by the Municipality on a fixed term employment contract.

4.3.4 Transfer of an Employee

- (a) The Municipal Manager may, after consultation with an employee and his/her union representative, and subject to his/her consent, transfer an employee from one department to another within the Council's establishment if the Municipal Manager and/or Departmental Head is of the opinion that such transfer will be to the advantage of the Council's service, provided that there is a vacancy in the receiving department on the same task grade as the one the employee is being transferred from.
- (b) An employee requesting a transfer from one department to the other department, should apply and provide valid reasons for the request to his/her Director who will recommend to the Municipal Manager for approval
- (c) An employee transferred in terms of this policy shall retain his/her existing salary, fringe benefits, and conditions of service and incremental date.
- (d) The Municipal Manager may, with the consent of the employee, amend the designation of the employee transferred in terms of this policy.

Policy Title	RECRUITMENT AND SELECTION POLICY	
Policy Version		
<u>Role & Process</u>	<u>Responsible Individual Name and/or Date</u>	<u>Responsibility Accepted Signature</u>
MUNICIPAL MANAGER	Mr. VC Makedama	
Policy Custodian	Director Corporate Services – Mr. TT Javu	
Policy Author	Corporate Services	
LLF Consultation Date	27th June 2022	
HONOURABLE SPEAKER	Cllr. N Mtyobile	
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16. ROLES AND RESPONSILITIES TO MANAGE STAFF RETENTION
17. OPERATION REMUNERATION COMMITTEE

1. POLICY PURPOSE

The purpose of this policy is to provide guidance on the recruitment, selection and retention of staff as envisaged in the Constitution, the Local Government: Municipal Systems Act 32 of 2000 and Regulations. The legal framework provides and stipulates that a municipality must develop and adopt appropriate systems, and procedures to ensure fair, efficient, effective and transparent personnel administration.

2. POLICY DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation.

3. LEGISLATIVE FRAMEWORK

3.1 The Emalahleni Local Municipal Recruitment and Selection policy is influenced by the following pieces of legislations:

3.1.1 The South African Constitution Act 108 of 1998

3.1.2 Basic Conditions of Employment Act

3.1.3 South African Qualifications Authority Act

3.1.4 Employment Equity Act

3.1.5 Labour Relations Act

3.1.6 Municipal Systems Act

3.1.7 National Qualifications Framework

3.1.8 Basic Conditions of Employment Act

4. POLICY OBJECTIVES

The objective is to provide for a comprehensive policy which accommodates the need for staff provisioning in the most efficient, professional and cost-effective way as to the effect that:

4.1 No unfair discrimination practices exist in the provisioning discipline of Council.

4.2 Such policy contributes and enhances a diverse culture and environment whereby all staff can contribute to the goals of Council and where such staff make-up is representative of the demographic environment of the area it serves.

5 SCOPE OF THE POLICY

This policy applies to permanent, fixed term and temporary employment positions which are available at Emalahleni Municipality.

6. TARGET AUDIENCE

This policy targets all permanent employees, fixed term contract employees and temporary employees of the Municipality.

7. GENERAL POLICY PROVISION

Councillors are not covered by the policy.

8. POLICY

8.1 The policy deals with the objectives and principles to be met in the implementation and is aimed at attracting competent persons or individuals for every job to be filled by an average best qualified person or applicant.

8.1 Emalahleni Municipality considers itself as an Equal Opportunity Employer with the aim to eliminate all forms of unfair discrimination (past and present) in the Recruitment and Selection of staff.

9. RECRUITMENT

9.1 When a new post is created and/or becomes vacant by virtue of a need in a particular directorate, the Human Resources Department within Corporate Services Directorate, must advertise all those positions which fall within its budget limits, both internally (from Task Grade 3 to Task Grade 11) internally for a period of one week and externally for a period of two weeks (from Task Grade 12 to Task Grade 17 and all fixed term contracts) for recruitment of employees within the following framework:

9.2 Name of the vacant position;

9.2.1 Directorate in which the post exists;

9.2.2 Describe whether salary is fixed or negotiable with, and/or, benefits where necessary;

9.2.3 Whether the vacant position is a fixed contract for a particular term or permanent;

9.2.4 The Task Grade and level;

9.2.5 The required qualifications or educational levels with relevant skills and expertise which are related to the position or in terms of a legislative provision;

9.2.6 Stipulating a clear job description defining the key performance areas and key performance indicators;

9.2.7 Clear reporting duties and confidentiality;

9.2.8 Signing of a performance contract, where necessary;

9.2.9 Employment Equity targets

9.2.10 In the case of section 54A, and 56 appointments and other managers, it must be stipulated that appointments will be subject to security clearance and vetting by an accredited state authorized agency.

9.2.11 In the event that the candidates will be subjected to competency assessment, it should also be stipulated in the advert.

9.2.12 Information regarding vacancies is to be displayed on notice boards and intranet so that all employees are provided an opportunity to apply.

9.2.13 External recruitment of candidates may be done in the following manner:

9.2.14 In the case of senior manager positions, through advertising in the national, local and regional newspapers, where applicable, by utilizing recruitment agencies which are contracted to Emalahleni Local Municipality for such services.

9.2.15 All other positions will be advertised in the local and regional newspapers as well as the website of the municipality.

10. SHORTLISTING AND INTERVIEWING PROCESS

10.1 The recruitment and selection of Senior Managers shall be in terms of the Regulations governing the appointment and selection of senior managers promulgated in terms of the Local Government: Municipal Systems Act 32 of 2000 as they come into effect from time to time.

10.2 The Municipal Manager appoints the Shortlisting and Interviewing Committees, with members of not less than three (3).

10.3 The Municipal Manager may change Committee members, as and when it is necessary. Shortlisting Committee members may not necessarily be the same as the Interviewing Committee members.

10.4 Panel members should be in positions higher than those they are recruiting for.

- 10.5 The Committees may not shortlist less than three and more than five (5) applicants for interviews.
- 10.6 The Committees make recommendations to the Municipal Manager to make the appointment.
- 10.7 Recognized trade unions shall have an observer status in the recruitment process.

11. HEADHUNTING

- 11.1 Headhunting can be considered, for critical and urgent positions, in the following instances:
- 11.2 In the event that all the applicants are not meeting the minimum requirements;
- 11.3 In the event that no suitable candidate could be found after conducting interviews;
- 11.4 In cases where the position is advertised more than once and no suitable candidate can be found.
- 11.5 The Municipal Manager has the prerogative to approve or not approve headhunting based on the motivation submitted by the Shortlisting or Interviewing Panel.
- 11.6 No individual Director may request outright headhunting without exhausting the recruitment processes

12. SELECTION

- 12.1 Preliminary screening of candidate for selection is to be done by the Human Resources section.
- 12.2 Once the interview has been concluded and the prospective candidate selected, the candidate will receive a written offer of employment and Letter of Appointment for the candidate's perusal and an acceptance to be signed within seven days upon receipt thereof.

12.3 The candidate will be briefed in full about the procedure with regard to the probationary period as stipulated in the contract of employment, and setting key result areas together with the agreement of performance standards.

12.4 Recruited employees shall be entitled to all the benefits as stipulated in the advertisement.

12.5 Once the recruited employee is appointed in terms of this policy, ELM Municipality will ensure that the new employees attend the induction programme.

13.RELOCATION ALLOWANCE

13.1 ELM aims to ensure minimum disruption to the employee when relocating from another geographical area outside the jurisdiction of ELM where it may be necessary as a result of a new appointment subsequent to selection in terms of this policy.

13.2 On such new appointment for employment, ELM deems relocation allowance to be necessary from the level of municipal manager, senior managers and any manager.

13.3 ELM shall provide a relocation allowance of R7200.00 for accommodation while the employee finds a permanent residence for a period of up to thirty days from the date of appointment and assumption of duty for a period not exceeding three months or 90 days.

13.4 Relocation costs and allowance cannot be claimed retrospectively.

14.TEMPORARY EMPLOYMENT

14.1 Emalahleni Local Municipality may subject to its needs engage the services of a temporary staff for a defined period of time not exceeding three months for own (by the municipality) funded position and twelve months for grant funded positions.

14.2 ELM shall develop a data base of unemployed people within Emalahleni Municipality to be considered for appointment as and when temporary positions become available. There shall be a new database each financial year (01 July until 30 June) Appointment of the temporary employees shall be facilitated by the Human Resources Section with the following process to be followed:

An advertisement should be issued by the municipality annually and should be opened from 15 April and close on 14 May each year. The following documents should accompany the applications

- Certified copy of ID document.
- A fully detailed Curriculum Vitae (CV) with all the educational certified certificates.
- A proof of residence **ORIGINALLY** signed by Ward Councillors must be attached.
- CVs must be submitted in person to the Municipality
- All received applications should be stamped

All applications with the above attachments should be hand delivered to: The Emalahleni Local Municipality, Corporate Services Department, (Human Resources) CACADU

14.3 Whilst temporal employment shall last as long as the need, ELM shall always make sure that no temporary employee is employed in the Municipality for period longer than a year and a fixed term contract shall be concluded subsequent thereof.

14.4 Towards the end of the temporary employment, an employee shall be timeously informed in writing that his or her employment shall end and shall not be renewed.

- 14.5 All renewals should be communicated in writing timeously to the employee and temporary employees should be informed that such renewals are no intended to create expectation for permanent employment.
- 14.6 All written letters of appointment for temporary employment shall contain a standard provision that the temporary employment is subject to the condition that the position is temporal, and the appointment does not create any expectation on the person temporarily appointed for the renewal of the position.
- 14.7 Should a temporary position be converted into a permanent one, the position shall be advertised within the policy framework of the Municipality with the incumbent having an unrestricted right to apply for such position.

15 LEARNERSHIPS

15.1 The primary objectives of Learnerships are to lead eventually to recognized qualifications providing a workplace where theory and practice could be realized.

15.2 The purpose of learnerships is:

- 15.2.1 To teach learner employees how to do things through experiential training and making learners to understand why things are done in a certain way within ELM.
- 15.2.2 Producing learners who are well trained and qualified to contribute towards economic growth and development of the municipality.
- 15.2.3 Improving employees and immediate communities' quality of life by giving them opportunities of exploring business opportunities.
- 15.2.4 To overcome skills shortages which currently exist within the municipality.
- 15.2.5 Enhancement of employee development with recognized and measurable qualification.
- 15.2.6 Improve employee and community's self-esteem and self-image.

15.2.7 Establish learning programmes and place learners for employment with established educational institutions.

15.2.8 Provide learning environment for experiential training.

15.2.9 The period of learnership shall not exceed a period of twelve months.

15.2.10 The policy will, inter alia, target scarce professions like technical, procurement and finance.

15.2.11 A budget will be set aside for such learning programmes.

15.2.12 Such learnerships should provide a plan for the provision of training for learners according to their respective needs.

16 ROLES AND RESPONSIBILITIES TO MANAGE STAFF RETENTION

Staff retention is best achieved through the linkage between line managers and the human resources section.

a. Human Resources Practitioner

The following are roles and responsibility of the Human Resources Practitioner

- To establish appropriate policies, procedures and systems for human resource management;
- To identify or categories of employees who might leave;
- To analyse staff movement trends and identify high risk employees;
- To constantly analyse skills demand and supply trends in the labourmarket;
- To perform constant skills audit within the organization;
- To develop interventions to address critical skills shortages.

b. Line Managers

Line managers are the main link between the employer and the employees. It is therefore, important for them to be competent technical managers and people managers. Line managers need the following competencies in order to be able to play their role:

- The ability to lead effectively, coach and mentor staff;
- The ability to give proper feedback;
- The ability to align work processes and jobs with organizational goals;
- The ability to create a culture of continuous learning and development, in which employees can grow and improve their own competencies.

17 OPERATIONAL REMUNERATION COMMITTEE

This committee should be established and shall consist of Director Corporate Services, Chief Financial Officer, Manager Human Resources, Manager AFS and two members from organised labour. This committee will among other duties discuss salary increase requests, counter offers , merging of positions and Notch increases and recommend to the Municipal Manager.

As per Government Gazette No 45181 on appointment of support staff to office of public bearers,

- Should be seconded from a post on the municipality's approved staff establishment or from another municipality's staff establishment.
- Appointed on a fixed-term contract of employment linked to the term of office of the public office bearer.

- The duration of secondment or fixed term employment contract may not be longer than 30 days after the public office bearer vacates office.

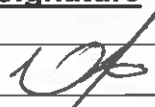
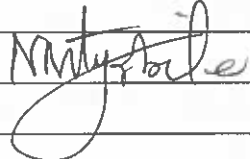
Policy Title	SEXUAL HARRASSMENT POLICY	
Policy Version		
<u>Role & Process</u>	<u>Responsible Individual Name and/or Date</u>	<u>Responsibility Accepted Signature</u>
MUNICIPAL MANAGER	Mr. VC Makedama	
Policy Custodian	Director Corporate Services – Mr. TT Javu	
Policy Author	Corporate Services	
LLF Consultation Date	27 th June 2022	
HONOURABLE SPEAKER	Cllr. N Mtyobile	
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 - 7.7 SEXUAL HARASSMENT AS MISCONDUCT

1. POLICY PURPOSE

The purpose of this policy is to eliminate sexual harassment. It provides appropriate procedures to deal with the problem and prevent its recurrence.

2. POLICY DEFINITIONS

SEXUAL HARASSMENT means any unwanted act upon a person which has the effect of making the person feel harassed.

INVESTIGATION means the gathering of information for the determination of factual state of affairs.

REPORT means written information submitted to the relevant manager including a report submitted confidentially.

CODE OF CONDUCT means the code of conduct for municipal employees referred to in schedule three of the Municipal systems Act 32 of 2000.

ELM means Emalahleni Local Municipality.

POLICY means this sexual harassment policy.

3. LEGISLATIVE FRAMEWORK

Labour Relations Act no 66 of 1995 as amended.

Code of Good Practice on Sexual Harassment

4. POLICY OBJECTIVES

Emalahleni Local Municipality recognizes the need to protect all vulnerable persons and groups against any unlawful conduct, not limited to but including sexual harassment in the work place.

5. SCOPE OF THE POLICY

5.1.1 The policy is applicable to all Councillors and employees including contract workers, interns and service providers irrespective of the position they hold and does not discriminate at any level.

5.1.2 All employees, job applicants and any other persons who have dealings with the Municipality have the right to be treated with respect and dignity.

5.1.3 Employees or any other person who have been subjected to sexual harassment have the right to lodge a grievance or lay a formal complaint with the Municipality

5.1.4 It should be noted that this policy also protects prospective employees as well as clients of the Municipality.

6. TARGET AUDIENCE

To all the emalahleni Local Municipal employees and councillors.

7. GENERAL POLICY PROVISIONS

7.1 ENFORCEMENT

It shall be the duty of the Corporate Services Director to enforce this policy but where he or she is implicated the Municipal Manager shall have the duty to take all required steps in terms of this policy, if he is implicated Council shall take all relevant steps in terms of the disciplinary measures against the implicated individuals after following all requisite disciplinary regulations.

7.2 REPORTS REGARDING SEXUAL HARASSMENT

- 7.2.1 All reports of sexual harassment shall be treated confidentially.
- 7.2.2 Shall be in writing.
- 7.2.3 Shall be made to the relevant Director unless he or she is the accused in which case the report shall be made to the office of the Municipal Manager.

7.3 HANDLING REPORTS OF SEXUAL HARASSMENT

- 7.3.1 It shall be the duty of the relevant manager to ensure that all reports of sexual harassment are investigated.
- 7.3.2 The investigation referred to above shall commence on the same the sexual harassment report is made to the relevant manager.
- 7.3.3 The preliminary investigation shall be done to determine whether there is a prima facie case of sexual harassment and should the preliminary investigation prove existence of such a case, the suspected perpetrator shall be put on precautionary suspension for an period two weeks whilst further investigation is taking place.

- 7.3.4 The suspected perpetrator shall be warned to make any further contact with victim until investigation is finalized.
- 7.3.5 The victim shall be advised in writing of her right to lay criminal charges against the perpetrator.
- 7.3.6 Should a need arise counselling shall be provided to the victim.

7.4 INVESTIGATION REGARDING SEXUAL HARASSMENT

- 7.4.1 Investigation regarding sexual harassment should be treated with due sensitivity and all endeavors should be made ensure that the protection of the victim.
- 7.4.2 As much as possible a senior official should be tasked with the investigation where none is available internally, an external investigator should be appointed to conduct such an investigation.
- 7.4.3 The investigator must be given access to all employees and all equipment necessary for the investigation.
- 7.4.4 Investigation in matters of sexual harassment must be concluded not later two weeks from the date of the report.

7.5 DISCIPLINARY PROCEEDINGS

- 7.5.1 All disciplinary procedures must be in terms of the collective disciplinary code of the ELM in place from time to time.
- 7.5.2 The proceedings should be finalized within a period of three months from the date of the issue of the notice of the disciplinary notice to the accused employee.
- 7.5.3 The victim should be regularly informed of any delays in the proceedings be assured of the commitment of ELM to see to finalization of the proceedings.

7.6 PUBLICATION OF THIS POLICY

- 7.6.1 In addition to the normal publication of all policies, awareness of the policy by all employees shall be enhanced through public campaigns with one compulsory public campaign in a financial year.

7.8 SEXUAL HARASSMENT AS MISCONDUCT

- 7.8.1 Sexual Harassment shall constitute dismissible misconduct against the perpetrator as a first act of misconduct.


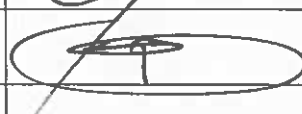
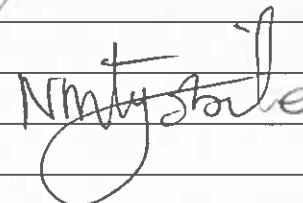
Policy Title	SUBSISTENCE AND TRAVELLING POLICY	
Policy Version		
<u>Role & Process</u>	<u>Responsible Individual Name and/or Date</u>	<u>Responsibility Accepted Signature</u>
MUNICIPAL MANAGER	Mr. VC Makedama	
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19. DAILY ALLOWANCE IN RESPECT OF MEALS AND INCIDENTAL COSTS
20. CAMPING ALLOWANCE

1. PURPOSE

- 1.1 The purpose of this policy is to regulate how traveling and subsistence costs are paid to staff members and Councilors required to undertake approved Council business which involves incurring expenses for travel, lodging, meals and other costs for attending conferences, meetings, seminars, training and conducting other Council business.
- 1.2 This policy sets out the basis for the payment of a subsistence and travel allowance for the purposes of such official traveling.
- 1.3 The policy assumes a mutual trust between Emalahleni Municipality and its employees and councilors.
- 1.4 The Municipality is expected to reimburse employees/councilors for all reasonable costs the employee/councillors may incur on behalf of the Municipality.
- 1.5 The employee/councilor is expected to use good judgement in the expenditure of public funds, which he/she has been entrusted with.
- 1.6 In all areas, not just in economic pricing, the employee/councilor is responsible for exercising good judgement in requesting, arranging and making a trip. It should be thoroughly planned well in advance. Personal business should not be mixed with official business if it will result in additional cost to the municipality or lost time, or if it will harm the Municipality's interest in any way.

2. DEFINITIONS

- 2.1 For the purposes of a subsistence allowance, a **representative** shall mean:
 - 2.1.1 Mayor,
 - 2.1.2 Speaker
 - 2.1.3 Members of the executive committee
 - 2.1.4 Other Councillors specifically authorized to represent the municipality
 - 2.1.5 Municipal Manager
 - 2.1.6 Directors
 - 2.1.7 Any other official specifically authorized to represent the municipality on a particular occasion

2.1.8 Any official who is a member of a recognized professional institution and is granted permission to attend meetings and conferences of such institution.

2.1.9 Any other person who is granted permission to attend meetings, conferences, or

2.1.10 A subsistence and travel allowance is an amount of money paid by the municipality to a representative

2.2 For purposes of this policy, ***domestic travel*** shall mean travel within South Africa and ***international travel*** shall mean travel to any country other than South Africa.

2.3 ***Normal workplace*** means the town where the employee is stationed/required to perform his or her duties.

2.4 ***Local travel*** shall mean official travel performed within jurisdiction of Emalahleni Municipality and accomplished within one day. No travel approval form is needed.

2.5 ***Non-local travel*** shall mean official travel involving at least one overnight absence from the Municipality or to a location over 160 kilometers from the normal workplace. A travel approval form must be submitted to the relevant Head of Department.

2.6 ***Boundaries*** of the municipality shall mean the municipal area as indicated in the Demarcation Act and shall include the town in which the applicable district municipality is situated.

2.7 ***Applicable tariff per kilometer*** shall mean the tariff as per the approved Department of Roads and Transport monthly tariff schedule per vehicle schedule.

3. LEGISLATIVE FRAMEWORK

- 3.1 Municipal Finance Management Act
- 3.2 Municipal Cost Containment Regulations, 2019

4. POLICY OBJECTIVE

4.1 The main objective of the policy is to ensure that subsistence and travelling processes are coordinated in a uniform manner throughout Emalahleni Local Municipality for all employees.

4.2 In the implementation of this policy the accounting officer must ensure compliance with MFMA No 56 of 2003

5. SCOPE OF THE POLICY

- 5.1 If an employee, without prior approval, incurs expenditure during an official journey which is not provided for in the policy, the Municipality may compensate such employees for none or only part of his/her expenses.

6. TARGET AUDIENCE

6.1 This policy targets all permanent employees and councillors of the Municipality.

6.2 Contract employees will also be covered by this policy.

6.3 Individuals invited/requested by the municipality for their services e. g disciplinary hearings.

7. GENERAL POLICY PROVISIONS

7.1 People invited for interviews will be excluded from the policy.

8. RESPONSIBILITIES OF REPRESENTATIVES WHO TRAVEL ON BUSINESS OF THE MUNICIPALITY

8.1 Every representative who travels on the business of the municipality must comply with this policy. Representatives who travel on the business of the municipality must have prior approval and shall submit a report to the Council./ Municipal Manager/Director

8.2 Council delegates or representatives to any conference, workshop or meeting must ensure that they arrive on time and attend until the conclusion of such event.

9. SUBSISTENCE AND TRAVEL ALLOWANCE

9.1 All journeys undertaken must contribute to the Council's business of developing, obtaining or transferring of knowledge or to communicate and promote or administer the Council's interest.

9.2 The objective of a journey is to justify the cost; therefore all journeys and mode of transport must be motivated.

9.3 Compensation for business journeys is designed to cover the reasonable costs by representatives for expenditure incurred as the result of the journey undertaken.

9.4 Journeys must be planned thoroughly in order to complete it in the most efficient and cost effective manner, the shortest route from the place of work should

be considered by all and an additional maximum of twenty kilometres travelled when in cities be added to accommodate distance travelled from venue to the hotel.

10 AUTHORIZATION

10.1 All journeys must be authorized prior to them occurring. An applications to attend a meeting/workshop/seminar/training course, shall be made to the Municipal Manager in the case of Directors and all other employees shall apply to the Director, in a prescribed form

10.2 Only the Municipal Manager shall authorize any travel to be undertaken by the Directors

10.3 Only the Corporate Services Director shall, in consultation with the Municipal Manager, authorize payments to be made for persons invited for interviews.

10.4 Only the Director of the Directorate shall authorize any travel to be undertaken by officials in his/her Directorate.

10.5 The approval is subjected to the provision of funding for expenses incurred on the approved budget of the relevant department.

10.6 An invitation to attend a workshop, meeting or related event is not an automatic authorization to attend such workshop or event. The required authorization must still be obtained from the relevant authorized entity, as the case may be.

10.7 Any delegate / representative who does not arrive on time and/or attend the workshop / event for its duration, the Mayor or the Municipal Manager, as the case may be, may recover all allowances and disbursements paid to enable

such delegate or representative to attend such event, provided that such delegate or representative is afforded the opportunity not being able to be present from the commencement to conclusion of such events.

10.8 Travelling and subsistence will not be paid in cases where the costs are covered by the entity issuing the invitation.

10.9 All Representatives must submit a full and detailed summary of the matters discussed at the meeting attended within 7 (seven) days of their return. The report shall be tabled to the relevant standing committee.

11 LOSS OR DAMAGE

11.1 Loss or damage which includes unauthorized payments or fruitless expenditure caused by Representatives will be brought under the attention of the Mayor or Municipal Manager for further investigation and action.

12 NATURE

12.1 The following type of expenses may result from performing official duties away from the normal workplace:

12.1.1. Accommodation

12.1.2 Meals and drinks

12.1.3 Toll gate fees

12.1.4 Travel expenses

12.1.5 Parking fees

12.1.6 Hire of motor vehicle

12.1.7 Bank charges payable for the exchange of foreign currency

12.1.8 Laundry costs for international travel

12.1.9 A subsistence allowance does not cover any personal recreation, such as visits to a cinema, theater or nightclubs, sightseeing or incidentals such as refreshments, snacks, drinks and newspapers/magazines or tips.

13 COMPENSATION

13.1 Accommodation

Representatives who travel on the business of the municipality, where the business unavoidably entail one or more nights to be spent away from home, shall be booked in accommodation establishments in the following categories:

- | | | | |
|---------------|-------------------------------|---|---|
| 13.1.1 | Mayor, Speaker, Chief Whip | - | 3 star hotel; |
| 13.1.2 | All other Councillors | - | 3 star hotel; |
| 13.1.3 | Municipal Manager & Directors | - | 3 star hotel; |
| 13.1.4 | All other staff | - | 3 star guest house or bed and breakfast |

13.2 The actual cost of accommodation will be borne by the municipality, subject to a maximum of the tariff charged by a four and three star graded hotel, 3 star guest house or bed and breakfast establishment. Claims exceeding this are subject to proper motivation to the Municipal Manager for authorization. The

payments for overnight accommodation will be paid directly through bookings to the place of accommodation.

13.3 Requests for payment of reservation must be submitted at least 3 days before departure to enable the administration of the process by the appointed Travel Agent.

13.4 Where such accommodation is available, the rate for a single room will be payable.

13.5 If a representative travelling outside the municipal boundary on municipal business stays with a relative or friend, the representative may claim an amount of **R500.00** per day or as prescribed by SARS from time to time.

13.6 Where an event starts on or before 9h00 on the first day, accommodation can be arranged for the previous night when a delegate has to travel for more than 250 km.

13.7 Where an event concludes after 16h00, delegates can arrange for accommodation when a delegate has to travel 250 km or more to reach his/her place of residence.

14 DAY RATE

14.1 Where it is not necessary to stay overnight on any travel for municipal business **outside the boundaries** of Emalahleni Municipality (only for longer than 4 hours away from your normal place of work), no accommodation costs will be paid, but subsistence allowance of **R100.00** or rate prescribed by SARS from time to time, may be claimed.

14.2 Where it is necessary to stay overnight, on any travel for municipal business **outside the boundaries** of Emalahleni Municipality, a subsistence allowance of **R120.00** or rate prescribed by SARS from time to time, may be claimed.

14.3 Where it is necessary to travel on municipal business **inside the boundaries** of Emalahleni Municipality and the representative is longer than 4 hours away from the normal place of work, a subsistence allowance of **R80.00** or rate prescribed by SARS from time to time, may be claimed irrespective of the number of trips undertaken. This does not apply to representatives who are required to travel inside the boundaries of the Emalahleni Municipality to perform their duties as per their job descriptions/appointment letters.

15 MEALS

15.1 If the cost of accommodation paid excludes the provision of breakfast, a meal subsistence **allowance of R120.00**, or rate prescribed by SARS from time to time, will apply in respect of domestic travel, subject to the submission of an invoice or receipt for the cost of the accommodation and the cost of the meal. A meal subsistence **allowance** is not applicable when a representative claims the amount of a day trip.

15.2 No meal subsistence allowance will be payable when **actual costs** for accommodation and meals are paid directly to the establishment (hotel, etc.).

15.3 If the costs of accommodation paid exclude the provision for dinner, an amount of **R180.00** or rate prescribed by SARS will apply. The allowance is not applicable when a representative claims the amount for a day trip.

15.4 If the costs for accommodation paid exclude provision for lunch, an amount of **R100.00** or rate prescribed by SARS will apply in respect of domestic travel.

16. ENTITLEMENT

16.1 All claims submitted must be supported by corroborating documentation.

16.2 A representative may claim a daily subsistence allowance provided in this policy with the understanding that all authorized personal expenses are covered by the subsistence allowance. No further expenses, with the exception of allowances provided herein certain business expenses (see below), may be claimed.

16.3 The daily subsistence allowance may be claimed without the representative having to furnish proof of expenses but meal invoices must be submitted.

16.4 On returning an employee can submit additional invoices which will then be reimbursed after approval.

16.5 No subsistence allowance will be paid, and no representative will be entitled to a subsistence allowance, if the trip or travel is not related to the official business of the municipality.

17. CAR RENTAL

17.1 Only "A" or "B" category vehicles may be rented, unless it is more cost-effective to hire a more expensive vehicle (for example, when the number of representatives involved could justify the hire of a micro-bus).

17.2 Car rental must be approved as part of the travel package before the trip is embarked on.

17.3 A representative who rents a vehicle whilst traveling on the business of the municipality without having received prior authorization will only be reimbursed for the cost of the vehicle rental if proof of expenditure can be produced and the representative can demonstrate that vehicle rental was reasonably but unexpectedly necessitated by the circumstances.

18. SUBSISTENCE AND TRAVEL ALLOWANCES FOR PERSONS INVITED FOR INTERVIEWS

- a. No subsistence costs will be paid to an external candidate invited for an interview
- b. Travelling costs at DOT tariffs per kilometer shall be paid to candidates who attend interviews.
- c. No subsistence costs will be paid to an internal candidates invited for an interview, but traveling costs at DOT tariffs per kilometer (private transport) may be paid if the candidate has to travel more than 50km to attend the interview.

19. DAILY ALLOWANCE IN RESPECT OF MEALS AND INCIDENTAL COSTS

- a. The following daily allowances shall be paid in rands (calculated at the current prevailing rate) to an official or councillor when required to visit a destination outside of South Africa.
- b. R60 where three meals are included in hotel costs
- c. R80 where two meals are included in hotel costs
- d. R100 where one meal is included in hotel costs

- e. R180 where no meals are included in hotel costs

20. CAMPING ALLOWANCE

- a. Camping allowance will be paid to employees who perform duties in areas within the Emalahleni Municipality jurisdiction;
- b. There should be no accommodation arranged for the employee or the accommodation should be a facility owned by the Municipality; and
- c. The allowance will be paid according to the circular by the DPSA on camping allowance

ANNEXURE

APPROVED KILOMETRES TO BE CLAIMED BY EMALAHLENI MUNICIPALITY

FROM	TO	KILOMETRES TO BE CLAIMED	ROUTE
CACADU	EAST LONDON	244.6 KM	R410 and N6
CACADU	PORT ELIZABETH	411.8 KM	VIA R67
CACADU	BHISHO	202.3 KM	N6 and
CACADU	MPEKWENI	318	N6

CACADU	QUEENSTOWN	49	R410
CACADU	INDWE	24	Indwe Port
CACADU	DORDRECHT	60	Indwe Port



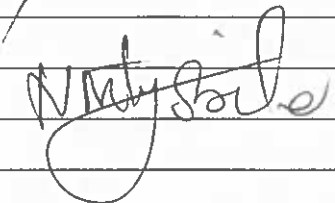
Policy Title	SUBSTANCE ABUSE POLICY	
Policy Version		
<u>Role & Process</u>	<u>Responsible Individual Name and/or Date</u>	<u>Responsibility Accepted Signature</u>
MUNICIPAL MANAGER	Mr. VC Makedama	
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7.GENERAL POLICY PROVISIONS

8.POLICY

9.RESPONSIBILITIES

1.POLICY PURPOSE

This document sets out the Council's substance abuse policy. By controlling and identifying intoxication at the workplace it is desired:

To prevent or reduce accidents, injuries and deaths;

To prevent or reduce losses and to improve productivity;

To comply with the regulations contained in the Occupational Health and Safety Act and the Road Traffic Act pertaining to intoxication of employees with substance abuse/ dependency problem.

2.POLICY DEFINITIONS

"Breathalyzer" means an SABS approved breathalyzer.

"Criminal drug legislation" means any law which makes unlawful the manufacture, transportation, transfer, distribution, sale, purchase, possession or use of any illegal drug.

"Illegal drugs/ Controlled substance" means all forms of narcotics, depressants, stimulants, hallucinogens, and all other drug types, including marijuana or dagga, the manufacture,

Transportation, transfer, distribution, dispensation, sale, purchase, possession or use of which is restricted or prohibited by law.

The term **"Illegal drugs"** excludes the use of a controlled substance by an individual to whom a valid prescription for same has been issued by a medical practitioner or other uses which have been authorized by law.

"Intoxication" refers to the acute effects of excessive amounts of alcohol or other drugs in the body.

"Prohibited alcohol/ drug-related activities" include the manufacture, transportation, transfer, distribution, sale, purchase, possession, or unauthorized consumption or use of alcohol or other habit-forming drugs.

"Substance abuse" means the consumption of alcohol and/ or other lawful drugs, illegal drugs or controlled substances, be a person which interferes with his/her work, performance or ability to do the work and/or his/her relationships at work. It also includes the use of such substances in quantities that render the person "under the influence" as defined below.

"Substance Dependence" is a clinical diagnosis characterized by specific Physiological and

behavioral symptoms caused by a pattern of Pathological Substance use that leads to

personal distress or significant impairment in social or occupational functioning.

"Under the Influence" means the use of alcohol, drug and/or a controlled substance to the extent that the individual:

- a) Is unable to perform in a safe, productive manner, or

Is in a physical or mental condition that poses a risk to the safety/security and well-being or the individual, co-workers, customers, suppliers, the general public and Council property; or

3.LEGISLATIVE FRAMEWORK

Occupational Health and Safety Act no 85 of 1993

4.POLICY OBJECTIVES

The council of Emalahleni Municipality believes that substance abuse/dependence is an equal opportunity disease afflicting people across all ages, genders, races, socio-economic, and educational levels.

The Council recognizes the deleterious effects of substance abuse on the safety, quality and productivity performance of the workplace and on the health of employees.

In order to assure a safe and efficient work environment and to improve the standard of psychosocial health of employees, the Council is committed to the implementation of a comprehensive workplace substance abuse prevention and treatment programme containing:

- [a] The provision of a clear policy statement;
- [b] Employees education/ awareness;

[c] Support and professional treatment for the afflicted and affected employees through an employee alcohol and drug dependence rehabilitation programme.

5. SCOPE OF THE POLICY

The policy applies to all political office bearers and employees of the Council regardless of the nature of their employment.

6.TARGET AUDIENCE

All Emalahleni Local Municipality Employees and Councilors.

7.GENERAL POLICY PROVISIONS.

8.POLICY

8.1 The Council recognizes that substance abuse /dependence is detrimental to its workplace and to the employees who suffer its effects; and that it contributes to poor performance, low productivity, low morale, and absenteeism, unsafe work environment, deteriorating interpersonal behavior, poor health and industrial accidents.

8.2 Council further recognizes that substance abuse/dependence can be treated and that employees who are dependent on habit-forming substances such as alcohol, over the counter, prescription drugs or illegal drugs should be given the opportunity of rehabilitating through the Employee Assistance (EAP) and other mental health services.

8.3 Council is committed to proving a safe, substance-free and productive work environment that includes appropriate safeguard for employees, the public and the environment.

8.4 Council further has an obligation to comply with applicable legislation concerning alcohol, illegal drugs and controlled substances.

1.5 Council, in compliance with the Occupational Health and Safety Act (OHS) and the Road Traffic Act pertaining to intoxication, hereby prohibits all political office bearers and employees who are, or who appear to be under the influence of alcohol, drugs or controlled substances to enter into or remain at, or in any Council workplace, premises or municipal vehicle.

2. RESPONSIBILITIES

Council hereby acknowledges and approves the following responsibilities and procedures with regard to the implementation of this policy:

- 9.1** It is the responsibility of all employees under the provision of the OHS Act not to enter or remain in the workplace whilst intoxicated. Employees are also obliged to take reasonable care for the health and safety of other persons who may be affected by their acts or omissions and to carry out and obey the health and safety rules laid down by the Council.
- 9.2** Council will endeavor to identify the emergence of substance abuse/dependence in employees by monitoring factors such as deterioration in work performance, absenteeism, industrial accidents/incidents and behavioral changes towards other employees. In addition to these factors, the generally-acceptable symptoms associated with increased alcohol and other intoxicating drugs consumption will be considered and documented by supervisors of concerned, (these shall include, but not be limited to: slurred speech, irregularly and uncoordinated body movement, swaying while standing or sitting, dilated pupils and an apparent high state of euphoria).
- 9.3** If as a result of such monitoring (observation and documentation), a supervisor concludes that an employee's work performance and/or conduct has

deteriorated, he/she should undergo and receive appropriate treatment at a recognized alcohol and drug dependence rehabilitation institution.

- 9.4** For the purpose of assuring compliance with the OHS Act and Road Traffic Act pertaining to

intoxication and the identification of the intoxicated persons, the Council will develop an alcohol/drug-testing programme suitable to the specific areas of its services and workplace circumstances.

- 9.5** Management/ Supervisors must make a reasonable attempt to-through the services of recognized alcohol and drug dependence rehabilitation institutions to recognize alcohol dependence among alcohol abusing employees.

- 9.6** The cost of alcohol and drug dependence testing shall be borne by the Council;

- 9.7** Council shall also bear the reasonable cost of treating an indigent employee at an alcohol and drug dependence rehabilitation institution;

- 9.8** It shall be the responsibility of the Human Resources Manager to arrange and provide, in conjunction with recognized alcohol dependences rehabilitation institutions sufficient and suitable alcohol and drug dependency awareness training programmes to all staff;

- 9.8.1** Once alcohol and/or drug dependency has been established, employees should be treated

as being temporarily incapacitated. These employees will be expected to seek professional

counseling/treatment so that an agreed plan for improvement can be implemented. In these circumstances, leave may be granted for treatment or rehabilitation as stipulated in the leave policy of the Council.

9.8.2 Employees who have agreed to undergo rehabilitation are assured that their services will not be terminated, providing that they adhere to and co-operate with the treatment prescribed by an alcohol and drug dependence rehabilitation Centre and/or other health professionals involved in their treatment, improve their job performance, and are not found guilty during this period of treatment of any offence that could lead to dismissal.

- b. Employees who are undergoing rehabilitation for alcohol dependency will, however, continue to be subject to disciplinary action in terms of any breach of the disciplinary code and will therefore not be exempt from disciplinary action in respect of alcohol/drug-related offences committed whilst undergoing rehabilitation.
- c. If the result of a multi-disciplinary assessment indicates that the employee is no longer capable of performing his/her job on account of alcohol/drug dependence, he/she maybe regarded as being permanently, incapacitated, and the procedure contained in the Labour Relations Act 66 of 1995, Section (10) with regard to incapacity on the grounds of ill-health ill apply.
- d. Further, where employees refuse to accept supervisory referral, or professional

treatment that has been indicated, or fail to follow such treatment assiduously, or regress to the previous state of poor job performance due to alcohol/drug abuse following completion of the course of treatment, they will be subject to disciplinary practices for substandard job performance. This may lead to formal disciplinary action, up to and including dismissal.

- e. In the event of an employee reporting for duty whilst under the influence of alcohol or drugs or becoming intoxicated on duty, the supervisor shall immediately arrange for the employee concerned to be tested for alcohol or drug abuse by a medical practitioner or other qualified person and, in the event of such test proving positive, the affected employee shall immediately be suspended from performing further duties and a report on the incident, on the prescribed form shall be forwarded to the Head of department within a period of 12 hours from the occurrence of the incident. The Head of Department shall, in turn, report the matter to the Human Resources Manager for the required attention in terms of this policy.


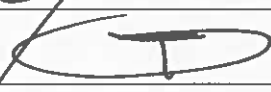
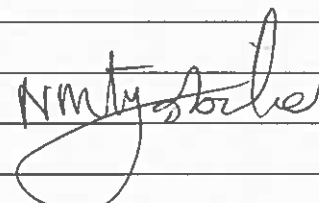
Policy Title	TRAINING & STUDY ASSISTANCE POLICY	
Policy Version		
<u>Role & Process</u>	<u>Responsible Individual Name and/or Date</u>	<u>Responsibility Accepted Signature</u>
MUNICIPAL MANAGER	Mr. VC Makedama	
Policy Custodian	Director Corporate Services – Mr. TT Javu	
Policy Author	Corporate Services	
LLF Consultation Date	27 th June 2022	
HONOURABLE SPEAKER	Cllr. N Mtyobile	
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Comments		

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1. POLICY PURPOSE

The purpose of this policy is to ensure that each and every employee, from the day they assume duty in Council until the end of their career, participate in a properly structured training process that will ensure that their work performance is maximized and potential fully developed.

2.POLICY DEFINITIONS

2.1 Training and Development initiatives or interventions, shall refer to any intervention where there is a transfer of skills or knowledge and shall include the following: -

- a) Short courses
- b) Workshops
- c) Conferences
- d) Seminars
- e) External training courses
- f) In-house training courses

2.2 Development

- a) Instructional Programmes and/or experiences designed to help employees become more efficient, professional workers, or to equip them with the knowledge and skills that improve career advancement opportunities.

2.3 Training

2.3.1 Instruction provided to stimulate change. Its focus is short-term and directed solely at furnishing knowledge or skills that employees need to carry out their present work duties efficiently and effectively.

2.4 Evaluation

2.4.1 A systematic process that determines the worth, value, or significance of training. Typically, training evaluations measure participants' reactions, the accomplishment of Programme objectives, or performance improvement.

2.5 NQF

2.5.1 Shall refer to the National Qualifications Framework as provided for by the SAQA Act. 4.5.2 The new national education system that joins together academic, technical, commercial and occupational learning and which is open to all.

2.6 Life Long Learning

2.6.1 The concept where an employee furthering their education by continuous learning at any stage of their lives and obtaining accreditation for such learning through registered academic institutions.

2.7 Recognition of Prior Learning

2.7.1 Giving a person credit for what they know and can do, even if they did not acquire it through a formal learning Programme.

2.8 Needs Assessment

2.8.1 Shall refer to a systematic method for determining gaps between current and desired performance levels.

3.LEGISLATIVE FRAMEWORK

3.1 The Emalahleni Local Municipal Training and Study Assistance policy is influenced by the following pieces of legislations:

3.1.1 The South African Constitution Act 108 of 1998

3.1.2 Skills Development Act 7.1.3 Skills Development Levies Act

3.1.3 South African Qualifications Authority Act

3.1.4 Employment Equity Act 7.1.6 Basic Conditions of Employment Act

3.1.5 Labour Relations Act 7.1.8 Municipal Systems Act

3.1.6 Municipal Finance Management Act

3.1.7 National Qualifications Framework

3.1.8 National Skills Strategy

4. POLICY OBJECTIVES

4.1 To provide skills development framework for Employees and Councillors

4.2 To provide a framework for aligning training needs with the strategic objectives of the Municipality.

4.3 To equip Municipal Human Resources with the necessary skills for better service delivery.

4.4 To manage skills development processes within the Municipality.

4.5 To cater for the previously under privileged sections of the Municipal Human Resources

5. SCOPE OF THE POLICY

The Policy shall apply to all municipal employees and councillors excluding experiential trainees and temporary employees employed for a period lesser than 12 months.

6. TARGET AUDIENCE

6.1 This policy targets all permanent employees, Directors and councillors of the Municipality.

7. GENERAL POLICY PROVISION

Contract employees will also be covered by this policy; however, they are excluded from participating in the conditional grant system for long-term training and development initiatives.

8. Training and Development

8.1 Training and development plans and programmes for all job levels shall support the Municipality's strategies, action plans, human resources planning process as well as any other present and future training and development needs.

- a. 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.
- b. 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.

c. Training Needs Analysis

- i. Training needs analysis shall be done by conducting a skills audit for all employees and councillors in order to develop a five (5) year skills development plan which will be reviewed annually;

- ii. Training needs will be prioritized as per the Directorate skills gaps, provided that it is in the priorities of the Head of Directorate, and be presented through an annual training programme.
- iii. All training and development programs shall be aligned with needs based on post requirements, the tasks to be performed, and based on the performance gaps of the incumbent.
- iv. The Skills Development Facilitator shall administer the process of auditing institutional skills to advise the Skills Development Committee.

d. Nomination of employees/councillors for training

- i. Nominations of employees or councillors to attend courses shall be based on an identified need.
- ii. The most suitable employees or councillors shall be nominated for training courses by their respective Directors or Speaker or Mayor (for Executive Committee members)
- iii. An employee or councillor who fails to attend a course for which they are nominated shall advance reason and in no less than 2 clear working days for such failure, through their Director so that substitute / alternative arrangements can be made, if necessary.

- iv. Employees or Councillors who fail to attend or fail to give notice of not being able to attend will be disciplined and will be responsible for payment of any expenses incurred.

e. Management of training and skills development

- i. The Corporate Services Directorate shall provide advice and assistance on training activities, and it will be responsible for administrative and operative co-ordination of the training process and programmes.
- ii. The Skills Development Facilitator shall develop a database of accredited training providers for recommendation to the Skills Development Committee.
- iii. The training budget for the whole Municipality will be centralized and be under the control of Corporate Services Directorate.
- iv. Use of training funds will be strictly authorized by the Corporate Services Directorate.
- v. 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 Authority (SETA)

- vi. Any employee or councillor approved for training programmes shall attend at the arranged venue
- vii. The municipality shall pay the accommodation and travelling costs for such employees/councillors to attend training.
- viii. Employees/Councillors who attend approved training programmes shall submit their results to the Corporate Services Directorate for reporting purposes
- ix. Employees/Councillors who fail to submit their results will not be further approved for training
- x. No costs will be incurred by Council towards accommodation or travelling for employees or councillors who write supplementary examination
- xi. No costs will be incurred by Council towards travelling for submission of assignments by employees/councillors attending training programmes

f. Professional Bodies

8.1 The municipality shall approve a list of professional bodies to which the employees affiliate, provided they are in line with the Directorate functions;

8.2 The municipality shall pay membership fees for employees in the approved professional bodies.

9. Skills Development Committee

9.1 With regards to capacity building, the Skills Development Committee of the Municipality shall assist in coordinating and ensuring an integrated approach to effective and goal orientated training and development interventions in the Municipality.

9.2 The Committee shall also foster equal access to training and development opportunities to staff and councillors

9.3 The Committee shall be composed of representatives of all Departments, 2 Councilors and the two Unions of the Municipality.

9.4 One of the Councilors serving in the Committee shall act as a Chairperson of the committee and may delegate chairing powers when the need arises.

9.5 Meetings shall be held on a bi-monthly basis, unless otherwise decided.

9.6 Functions of the Skills Development Committee shall be:

9.6.1 Assessing and monitoring training needs of the Employees/Councilors' and those of the Committee members.

9.6.2 Assisting in prioritizing the identified training needs of their constituencies.

9.6.3 Reviewing, monitoring and making recommendations on employment and training

practices in order to achieve relevant objectives and targets of the Municipality.

9.6.4 Evaluation of employment decisions, conditions of services, promotions, transfers, skills development, disciplinary and grievance procedures.

9.6.5 Overseeing ongoing communication and feedback on all matters relating to equity, unfair discrimination and affirmative action in employment and training practices.

9.6.6 Assessment and evaluation of the Workplace Skills Plans.

9.6.7 Assessment and evaluation of the effectiveness of training.

9.6.8 Making recommendations on allocation of training funds to the training programmes

9.6.9 Reviewing and formulation of training and development policies of the Municipality.

9.6.10 Constituting liaison between the Corporate Services Department, other departments on matters relating to skills development and employment equity activities.

9.7 All recommendations made by the Skills Development Committee shall be submitted to the Corporate Services Committee of the Municipality.

10 Study Assistance

10.1 The Municipality shall approve study grants to permanent employees who have finished their probation period subject to an agreement entered into a documented and signed between the Municipality and the Employee in respect of which the following conditions will be specified:

10.1.1 The Municipality shall pay different approved percentages of the cost of books, registration and tuition fees directly to the institution where possible in each academic year.

10.1.2 The total cost referred to in clause 8 shall not be recoverable from the Employee / Councillor.

10.1.3 If the Employee has failed or not written exams, the Employee must provide a written report to his/ her Head of Department stating causes and reasons for such failure and motivating for the continuation of the financial assistance by the institution of which the municipality shall not unreasonably withhold.

10.1.4 The Employee who has received a study grant, 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 (undertaking to serve the Municipality should be in writing).

10.1.5 If the Employee fails to serve the full portion of the period referred to in Clause 8.1.4, a full or pro rata portion of the study grant shall be recoverable from the Employee without interest.

10.1.6 Upon successfully completing the study programme, the Employee will not be automatically being eligible for promotion.

10.1.7 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 from Task Grade 03 to Task Grade 06 (No specific line of specialisation should be enforced)

10.1.8 The Municipality shall pay up to 70% of the cost of books, registration and tuition fees directly to the institution where possible in each academic year from Task Grade 07 to Task Grade 11

10.1.9 The Municipality shall pay up to 60% of the cost of books, registration and tuition fees directly to the institution where possible in each academic year from Task Grade 12 to Task Grade 17.

10.1.10 The Employee must further undertake to pursue his/her studies diligently and complete the studies within a specified period.

10.1.11 Should the Employee fail to complete the study programme owing to any reason or leave the employ/ service of the Municipality before completing the study 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 emoluments due to the Employee / Councilor.

10.1.12 First priority for study grants will always be given to Employees who wish to register for tertiary education for junior degrees/diplomas, than to Employees who want to further other studies and however, the nature of the job and operational requirements will take preference, taking into account the Employment Equity and Workplace Skills Plans.

10.1.13 Study grants will be provided for in the annual training budget by the Corporate Services Directorate.

10.1.14 Applications by Employees for annual study grants shall be made by an Employee at least 12 months before the commencement of the following academic year of the intended study programme

and/or 8 months before commencement of the following financial year of the Municipality to the Corporate Services Directorate subject to whatever workable time frame for the Municipality.

10.1.15 An original copy of results shall be submitted to the HR Division of the Corporate Services Department not later than two weeks after receipt by the Employee.

10.1.16 All applications for making a provision in the subsequent budget for a study grant in the subsequent budget must be supported and recommended for consideration by the Head of Department in writing.

10.1.17 Only study grants applications processed in terms of this policy will be considered for allocation of funds and approval. Study grants will not be paid retrospectively as reimbursement to an Employee.

10.2 CAPACITY BUILDING FOR COUNCILLORS

All Councillor capacity building programmes should be applied as per the latest Government Gazette on determination of upper limits of salaries, allowances and benefits of different members of municipal councils as signed by the Minister of Cooperative Governance and Traditional Affairs which for the year 2022-2023 stipulate that:

10.3 CAPACITY BUILDING FOR COUNCILLORS

10.4 The provision of bursary among other payments are regarded as overpayment for Councillors

10.5 In capacitating Councillors the municipality shall

10.6 Develop and adopt a skills development plan and personal development plan prior to any Councillor during the term of office of that Councillor.

10.7 Make a provision in its budget for development and implementation

10.8 Provide capacity building programmes consisting of short courses or programmes as provided for in the training, education and development policy and skills development plan of the municipality
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