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Whereas Section 67 of the Government: NMMDM Systems Act (Actno.32of2000), prescribes the need for adoption of policies which among others require the NMMDM, to develop and adopt appropriate systems and procedures to ensure fair, efficient, effective and transparent personnel administration, in accordance with the applicable law and subject to any applicable collective agreement.

The policies contained herein cover Human Resources Management and Human Resources Development. They give clarity and guidance to the daily running and the effort of maintaining fair labour practise.

And whereas, this manual contains the human resources policies and procedures of the NMMDM. The policies and procedures prescribed in this manual apply to all employees of the NMMDM.

And whereas the policies and procedures contained herein supplement the conditions of employment of every employee, the workplace rules issued from time to time by the NMMDM, the regulations issued in respect of the municipal manager and section 57 employees, as well as the code of conduct for staff members of municipalities contained in Schedule 2 of the NMMDM Systems Act.

Whereas, the Municipal Manager, in his capacity as accounting officer of NMMDM, responsible and accountable for the implementation and application of these policies and procedures.

The policies and procedures contained in this manual must be read together with, and interpreted consistently with, the relevant collective agreements and legislation.

Whenever there is a conflict or inconsistency between any policy contained in this manual and any collective agreement or legislation, the provisions of such legislation and or collective agreement shall prevail in this order.

Except insofar the policies contained in this manual provide otherwise and except where it is clearly inconsistent with the context or clearly inappropriate, the
provisions of the policies contained in this manual apply to, and in respect of, all employees of the NMMDM, whether they work within or outside the NMMDM.

Be it ENACTED by the Council of NMMDM, as follows:

___________________________  ______________________
Signed by the Honourable Mayor  Date
CHAPTER 1: DEFINITIONS

1. DEFINITIONS

1.1 In this policy, unless the context indicates otherwise:-

(a) “Annualemploymentcycle” means a period of twelve consecutive months starting on the day when an employee first commences employment with the NMMDM; (b) “Bargainingcouncil” means the South African Government Bargaining Council and includes the division of the bargaining council in whose area the NMMDM falls;

(c) “BasicConditionsofEmploymentAct” means the Basic Conditions of Employment Act 1997 (Act No 75 of 1997);

(d) “Collectiveagreement” means a collective agreement as contemplated in the Labour Relations Act 1995 (Act No 55 of 1995);

(e) “Council” means the council of the NMMDM and includes any political structure, political office-bearer or employee of the NMMDM lawfully acting in its stead;

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

(g) “Employee” means an employee of the NMMDM and includes a staff member as well as councillors.

(h) “Mayor” [executive] means a councillor elected as the mayor of the NMMDM in terms of section 55 of the Municipal Structures Act or a person acting in his/her stead;
(i) “Geographical relocation” means the physical and spatial relocation of a job and the employee performing that job from one place within the NMMDM to another place within the NMMDM and “relocate” has a corresponding meaning;

(j) “Immediate family member” means the mother, father, husband, wife, child and siblings of an employee;

(k) “Labour Relations Act” means the Labour Relations Act 1995 (Act No 66 of 1995);

(l) “Municipal Manager” means a person appointed in terms of section 82 of the Municipal Structures Act, including a person acting in his/her stead or in terms of a power delegated in writing to her/him by the Municipal Manager;

(m) “Municipal Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act No 33 of 2000);

(n) “NMMDM” means NgakaModiriMolema District Municipality, a local government structure established in terms of the Local Government: Municipal Structures Act;

(o) “Official business” includes-

(i) Attending any training programme as an nominee of the NMMDM;

(ii) Attending as a duly delegated representative of the NMMDM any meeting, workshop, conference or similar event; and

(iii) Delivering or fetching any goods, including documents, machinery, money, post and equipment for or acquired by the NMMDM;

(p) “Official journey” means a journey undertaken by an employee on official
business, whether within or outside the NMMDM or whether using a privately owned vehicle, a NMMDM vehicle or public transport;

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

(r) “Protected Disclosures Act” means the Protected Disclosures Act 2000 (Act No 26 of 2000);

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

(i) That a criminal offence has been committed, is being committed, or is likely to be committed;

(ii) That a person has failed is failing or is likely to fail to comply with any legal obligation to which that person is subject;

(iii) That a miscarriage of justice has occurred; is occurring or is likely to occur;

(iv) The health or safety of an individual has been, is being or is likely to be endangered;

(v) That the environment has been is being or is likely to be damaged;

(vi) Unfair discrimination as contemplated in the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No 4 of 2000); or

(vii) That any matter referred to paragraphs (i) to (vi) has been, is being or is likely to be deliberately concealed;

(t) “Racial and ethнич harassment” means unwanted conduct of aracial nature or other conduct based on race, ethnicity, nationality or colour, whether carried
out by colleagues or of cultural differences;

(u) “Relative” means a parent, adopted parent, grandparent, great grandparent, child, grandchild, great grandchild, sibling, aunt, uncle, niece, nephew, cousin, spouse, and/or life partner;

(v) “Sexual harassment” means conduct of a sexual nature, or conduct based on sex, whether carried out by colleagues or supervisors, which constitutes an intolerable violation of an employee's dignity, irrespective of cultural differences;

(w) “Smoke” means to inhale, exhale, hold or otherwise have control over an ignited tobacco product, weed or plant, and ‘smoked’ and ‘smoking’ have corresponding meanings;

(x) “This manual” means the policies and procedures contained in the separate chapters of this document as approved by the council from time to time;

(y) “Tobacco product” means any product manufactured from tobacco and intended to be smoked, used by smoking, inhalation, chewing, sniffing or sucking;

(z) “Transfer” means the permanent lateral movement of an employee from one position to another position in the same or another job category assigned to the same salary range, which may include the geographical relocation from one location to another;

(aa) “Travelling between residence and workplace” means travelling undertaken by an employee of the NMMDM between her/his ordinary place of residence and ordinary place of work;¹

(bb) “Workplace” means any indoor or enclosed area in which employees perform their
work and includes any corridor, lobby, stairwell, elevator, cafeteria, washroom or other common area frequented by employees during the course of their employment.

(cc) “Essential user” means the content of a designation declared by the line manager based on the job profile submitted to council via human resources to council for approval.

(dd) “MM” means Municipal Manager, appointed as described in (l) hereinabove.

(ee) “Section 57 Manager” means a manager directly accountable to the municipal manager appointed by Council acting in consultation with the MM.


(gg) “LRA” means the Labour Relations Act No. 66 of 1995, as amended.

(hh) “Municipality” means NMMDM.

(ii) “LLF” means the local labour forum established in terms of the Organisational Rights Collective Agreement of the SALGBC and the LRA.

(jj) “Performance Regulations” means municipal performance regulations for municipal managers and managers directly accountable to municipal managers gazetted in government notice number 29089 of 1 August 2006 and subsequent similar provisions.


1.2 Words importing the singular include the plural and vice versa.

1.3 Words importing one gender include the other genders.
CHAPTER 2: NORMATIVE FRAMEWORK OF HUMAN RESOURCES MANAGEMENT

2.1 INTRODUCTION

2.1.1 The purpose of this chapter is to set out the normative framework of human resources management in the NMMDM. This Chapter reflects the values and principles that the NMMDM subscribes to and that must be applied in the day-to-day administration of personnel and the interpretation of the policies incorporated in this manual.

2.1.2 The framework contained in this chapter governs human resources management in the NMMDM and is designed to promote fairness in human resources management practices and procedures.

2.2 RIGHT TO FAIR LABOUR PRACTICE

As a general principle and founding value of human resources management practices, NMMDM acknowledges that its employees are entitled to fair labour practices as set out in section 23 of the Constitution of the Republic of South Africa 1996. NMMDM is of the view that the focus of section 23(1) of the Constitution is, broadly speaking, the relationship between employees and the NMMDM; and the continuation of that relationship on terms that are fair to both parties. In giving content to this right, NMMDM realises and bears in mind that tension is inherent between the interests of employees and the interests of the employer. The NMMDM therefore commits itself to take care to accommodate, where possible, these interests so as to arrive at the balance required by the concept of fair labour practices.

2.3 PRINCIPLES OF HUMAN RESOURCES MANAGEMENT

2.3.1 The NMMDM recognises that its employment policies, practices and procedures must comply with the principle of the rule of law. The principle of the rule of law includes the principle of legality, which requires the NMMDM, its
political structures and political office-bearers as well as its employees, to comply at all times and without exception with the relevant legal prescripts governing the situation concerned.

2.3.2 In this regard the NMMDM supports the judgements of the Supreme Court of Appeals in Gerber and Others v MEC of Gauteng for Development Planning and Government and Eastern Gauteng Services Council CaseNo 303/2001), September 26, 2002 where the Court said:

“The Republic of South Africa is a constitutional state. Municipalities and other state institutions may act only in accordance with powers conferred on them by law. This is the principle of legality, an incident of the rule of law.”

2.3.3 In Fedsure Life Assurance v Greater Johannesburg Transitional Metropolitan Council and Others 1999 (1) 374 (CC) at 399 D - E and 400 D-E the Constitutional Court said:

“... a government (i.e. a Municipality) may only act within the powers lawfully conferred upon it. There is nothing startling in this proposition - it is a fundamental principle of the rule of law ... It seems central to the conception of our constitutional order that the legislature and executive in every sphere are constrained by the principle that they may exercise no power and perform no function beyond that conferred upon them by law. At least in this sense, then, the principle of legality is implied within the terms of the ... Constitution ... ”

2.3.4 In view thereof, the NMMDM adopted this policy to facilitate compliance with relevant laws in managing its human resources. All other applicable court decisions are recognised and followed in the proper management of NMMDM’s human resources.

2.3.5 This policy is further based on the principles set out below. Human resources management in the NMMDM must –
(a) Be characterised by a high standard of professional ethics.

(b) Promote the efficient, economic and effective utilisation of employees.

(c) Be conducted in a responsible manner.

(d) Be transparent.

(e) Promote good human resource management and career development practices, to maximise human potential.

(f) Ensure that the NMMDM’s administration is broadly representative of the South African people, with human resources management practices based on ability, objectivity, fairness and the need to redress the imbalances of the past to achieve broad representation.

2.4 GENERAL PROHIBITED PRACTICES REGARDING EMPLOYMENT

2.4.1 Nobody may unfairly discriminate, directly or indirectly, against an employee or a person seeking employment on any ground where such discrimination causes or perpetuates systemic disadvantage, undermines human dignity or adversely affects the equal enjoyment of a person’s rights and freedoms in a serious manner that is comparable to discrimination on a listed ground, including

(i) Race

(ii) Gender

(iii) Sex

(iv) Pregnancy

(v) Marital status

(vi) Ethnic or social origin
(vii) Colour

(viii) Sexual orientation

(ix) Age

(x) Disability

(xi) Religion

(xii) Conscience

(xiii) Belief

(xiv) Culture

(xv) Language

(xvi) Birth

(xvii) Place of birth

(xviii) HIV status

(xix) Political opinion

2.4.2 Nobody may publish, propagate, advocate or communicate words based on one or more of the prohibited grounds, against any employee or person seeking employment that could reasonably be construed to demonstrate a clear intention to—

(a) Be hurtful or embarrass one or more employees or persons seeking employment;

(b) Be harmful or incite harm to one or more employees or persons seeking employment;

(c) Promote or propagate hatred against one or more employees or persons seeking employment.
2.4.3 Nobody may harass an employee or person seeking employment.

2.4.4 Unless a post exists into which such person may be appointed, transferred, promoted or demoted, as the case may be, no person may be-

(a) Appointed to the NMMDM’s service,

(b) Transferred from one post to another,

(c) Promoted to a higher position or

(d) Demoted to a lower position.

2.4.5 An employee on the permanent establishment of the NMMDM may not be transferred, promoted or demoted to a post on the temporary establishment.

2.4.6 No employee may be promoted to a position of manager directly accountable to the Municipal Manager. Nothing in this policy prohibits an employee on the permanent establishment to apply for a position of manager accountable to the Municipal Manager or Municipal Manager and to be appointed in such a position. The appointment of an employee as a manager directly accountable to the Municipal Manager will be subject to such terms and conditions, including remuneration, as directed in legislation and agreed upon between the NMMDM and the employee at the date of her/his appointment. In particular, the performance regulations applicable to section 57 employees and the disciplinary regulations for senior managers promulgated in government gazette number 34213 of 21 April 2011 shall apply. Such legislative provisions shall apply *ex lege* regardless of when the employment contract with the section 57 manager or the municipal manager was entered into.

2.4.7 No person appointed to a position in the NMMDM may assume her/his duties until and unless-
a) a written employment contract has been entered into with her/him, if she/he has been appointed to a position contemplated in section 57 of the Municipal Systems Act or
b) She/he has received and acknowledged receipt of a letter setting out her/his particulars of employment contemplated in section 29 of the Basic Conditions of Employment Act in any other case.

2.4.8 An employee who expresses interest in another position within the NMMDM will not jeopardise her/his current position or career prospects with the NMMDM.

2.4.9 Nobody may disclose to another person any information she/he may have relating to the HIV status of another person without the consent of such other person.

2.5 GENERAL CONDITIONS OF EMPLOYMENT

No person may be appointed to a vacancy in the NMMDM’s service—

(a) unless she/he is a South African citizen or has permanent residential status or a valid work permit, provided that no person may be appointed for a period that exceeds the period of validity of her/his work permit, if any; (b) Unless she/he is proficient in two official languages, one of which must be English, if she/he is an office worker or will occupy a position requiring her/him to communicate with members of the public on a regular basis;

(c) Unless she/he is at least 16 years of age or older;

(d) If she/he has reached the age of 65 years;

(e) If she/he, directly or indirectly, approaches or canvasses a councillor or employee with a view to securing that councillor or employee’s vote or support in favour of her/his appointment;
(f) If she/he offers to perform the duties attached to the position for which she/he is a candidate for less than the remuneration that the NMMDM offers;

(g) If she/he is a Member of Parliament or a provincial legislature or a councillor of the NMMDM at the time when the position is advertised;

(h) unless she/he has the formal qualifications, acquired prior learning, relevant experience or has the capacity to acquire, within a reasonable time, the ability to do the job, provided that if such an appointment is made, such person may be appointed on a higher salary scale than the minimum scale applying to the position in question neither may she/he progress in such a salary scale until such time as she/he complies with those requirements.

(i) If he/she is in active full time employment with another private employer or the public service. Every employee shall be expected to devote 100% of his/her productive time to NMMDM once appointed, not unless express written permission has been granted for the performance of private work as provided herein.

2.6 SEXUAL HARASSMENT

2.6.1 Introduction

(a) The NMMDM recognises that everyone has the right to work in an environment that is safe, healthy, amicable and free of sexual harassment.

(b) All managers, supervisors and employees are required to ensure that other employees and persons seeking employment are treated equitably. They must ensure that every reported incident of sexual harassment is treated seriously and sympathetically, that investigations are thorough and confidential, and neither that complainants, witnesses nor the accused are victimised in any way.
(c) Disciplinary action must be taken against anyone who, on the face of it, is guilty of sexually harassing a fellow employee or person seeking employment. Disciplinary action must also be taken against anyone who purposely lodges a false complaint.

(d) This policy applies equally to sexual harassment of a victim by a person of the opposite and by a person of the same sex.

2.6.2 Manifestations of sexual harassment.

(a) Sexual harassment may consist of any or all of the following:

(i) Sexual advances

(ii) Requests for sexual favours in return for employment benefits.

(iii) Verbal abuse with sexual overtones.

(iv) Innuendos, including remarks or insinuations about a person's sexlife or private life.

(v) Suggestive remarks about a person's appearance, body or clothing.

(vi) Physical contact.

(vii) Obscene gestures, indecent exposure.

(viii) Staring, leering, and whistling.

(ix) Display of sexually offensive or explicit material, including
posters, magazines, pictures or objects.

(x) Direct sexual proposition.

(xi) Continued pressure for dates and sexual favours.

(xii) Letters or calls of a sexual nature.

(xiii) Any of the above as a form of coercion or blackmail for advancement, or for lack of advancement or dismissal if the recipient refuses.

(xiv) Any other unwelcome form of physical or verbal behaviour that has sexual overtones.

(b) Whenever an employee experiences sexual harassment, she/he must indicate clearly and immediately that she/he does not approve of what is being said, done or suggested.

2.6.3 Procedure for reporting sexual harassment.

(i) Any employee who feels that she/he has been harassed is encouraged to bring the matter to the attention of her/his immediate supervisor, divisional head, departmental head or the Municipal Manager.

(ii) The person to whom a complaint of sexual harassment is made must immediately investigate the allegation as confidentially as possible and, if on the face of it the complaint seems valid, bring appropriate charges of misconduct against the perpetrator.

(iii) Whether or not a complaint of sexual harassment was
2.6.4 Provocative dress no excuse for sexual harassment.

Any person investigating a complaint of sexual harassment or presiding during a disciplinary case involving sexual harassment must disregard provocative dresses of the complainant as an excuse or reason for, or defence for the conduct of the accused.

2.7 RACIAL AND ETHNIC HARASSMENT

2.7.1 Introduction

(a) The NMMDM recognises the right of every employee to work in an environment that is safe, healthy, amicable and free of racial and ethnic harassment.

(b) All managers, supervisors and employees are required to ensure that other employees are treated equitably. They should ensure that every reported incident of racial and ethnic harassment is treated seriously and sympathetically, that investigations are thorough and confidential, and that neither complainants, witnesses nor accused are victimised in any way.

(c) Disciplinary action must be taken against anyone who, on the face of it, is guilty of harassing a fellow employee based on his race or ethnicity.
(d) Disciplinary action must also be taken against anyone who purposely lodges a false complaint.

2.7.2 Manifestations of racial and ethnic harassment

(a) Racial harassment may consist of any of the following, and may be of a serious or less serious nature:

(i) Racist jokes and insinuations.
(ii) Banter with racial or ethnic undertones.
(iii) Insults of a racial or ethnic nature.
(iv) Taunting based on race or ethnicity.
(v) Graffiti with racial or ethnic content.
(vi) Shunning people because of their race, colour, nationality or ethnic origin and background.
(vii) Excluding colleagues from conversations based on their race, colour, nationality or ethnic origin and background.
(viii) Being condescending or depreciating about the way colleagues dress or speak.

(b) Whenever an employee experiences racial or ethnic harassment,

she/he must indicate clearly and immediately that she/he does not approve of what is being said, done or suggested.

2.7.3 Procedure for reporting racial and ethnic harassment.

(a) Any employee who feels that she/he has been harassed is encouraged
to bring the matter to the attention of her/his immediate supervisor, divisional head, departmental head or the Municipal Manager.

(b) The person to whom a complaint of racial or ethnic harassment is made must immediately investigate the allegation as confidentially as possible and, if on the face of it the complaint may be valid, bring appropriate charges of misconduct against the perpetrator.

(c) Whether or not a complaint of racial or ethnic harassment was founded, management must ensure that any victimisation that may result later from lodging such a complaint is dealt with immediately and severely. Likewise, disciplinary steps must be taken against anyone who makes a false accusation of racial or ethnic harassment.

2.8 ASSIGNMENT OF EMPLOYMENT FUNCTIONS, DUTIES AND POWERS

2.8.1 The council must appoint a Municipal Manager and managers directly accountable to the Municipal Manager.

2.8.2 As head of administration, the Municipal Manager is subject to the policy directions contained in this document, in respect of human resources management, responsible and accountable for, amongst other things –

(a) The formation and development of an economical, effective, efficient and accountable administration which—

(i) Is equipped to implement the municipality’s integrated
development plan

(ii) Operates in accordance with the municipality’s performance management system;

(iii) is responsive to the need of the community to participate in the affairs of the municipality;

(b) The appointment of staff other than managers directly accountable to the Municipal Manager, subject to the Employment Equity Act, 1998 (Act 55 of 1998);

(c) The management, effective utilisation and training of staff;

(d) The maintenance of the discipline of staff;

(e) The promotion of sound labour relations;

(f) Compliance by the NMMDM with applicable labour legislation;

(g) Approving a staff establishment for the municipality;

(h) Providing a job description for each post on the staff establishment;

(i) attaching to the posts in the establishment, except the posts of Municipal Manager and managers directly accountable to the Municipal Manager, the remuneration and other conditions of service as may be determined in accordance with any applicable labour legislation; and

(j) Establishing a process or mechanism to regularly evaluate the staff establishment and, if necessary, review the staff establishment and the remuneration and conditions of service, subject to any applicable collective agreement.
2.9 ETHICS OF EMPLOYMENT

2.9.1 Whenever-

a) The council must make an appointment and a candidate for appointment is a family member, business associate or partner of a councillor, that councillor must recuse himself from any proceedings of the council where such appointment is considered;

(b) the MM or departmental head must make an appointment and a candidate for appointment is a family member, business associate or partner of the MM or that departmental head, the manager or departmental head concerned must recuse himself from any proceedings where such appointment is considered. The MM must appoint another senior employee from the relevant department and another departmental head to consider such an appointment.

2.9.2 An employee’s job level may not be increased for the sole reason of an increase in his work load.

2.9.2.1 An applicant who canvasses support with a view to be transferred or promoted to another post shall be disqualified for such promotion or transfer.

2.10 APPOINTMENT OF FAMILY MEMBERS OF EMPLOYEES

2.10.1 Employment of immediate family members and relatives of employees must, as far as possible, be avoided.

2.10.2 No employee may participate in any decision which may directly
benefit or be to the detriment of an immediate family member or relative.

2.10.3 No employee may be appointed, promoted or transferred in such a manner that he would supervise or be subordinate to an immediate family member or relative.

2.10.4 Whenever a family member or relative of an employee applies for a vacant position, the manager responsible for human resources management must point out the content of this policy to the parties involved, including the person or persons who must make the appointment.

CHAPTER 3: ORGANISATIONAL DESIGN, APPROVALS AND CHANGES
ORGANISATIONAL STRUCTURE, CREATING AND ABOLISHING POSTS AND THE STAFF ESTABLISHMENT

3.1 DEVELOPMENT, APPROVAL OF, AND CHANGE TO, THE ORGANISATIONAL STRUCTURE

3.1.1 The MM must develop an organisational structure -

(a) Consistent with the provisions of section 51 of the Municipal Systems Act 2000 and the principles contained in this policy;
(b) To give effect to the NMMDM’s integrated development plan and strategic objectives; and
(c) In accordance with appropriate and universal principles of organisational design

3.1.2 The MM must, as soon as he has finalised the organisational structure of the municipality, or affected any changes to the approved structure, submit-

(a) Proposals thereon for consultation to the LLF.
(b) A report thereon to the council; and
(c) Submit the proposal to the council, together with the comment of the LLF, for direction and approval.

3.1.3 The MM must give the LLF a reasonable time to consider and comment on the proposed organisational structure or amendment. As soon as the MM receives the comment, if any, of the LLF, she/he must consider those comments and may-

(a) Amend the proposed organisational structure in view thereof; or
(b) Reject the comment of the LLF and recommend approval of the organisational structure to Council.

3.1.4 The manager responsible for human resources must in respect of each post in the organisational structure-

(a) Provide a designation consistent with the TASK job evaluation system;
(b) Provide a job description and post specification in accordance with the job evaluation system;

(c) Ensure that each post is evaluated in accordance with the job evaluation system before any appointment is made to such post; and

(d) Determine whether such post is a promotion post or an entry post, provided that no post that has been designated as a post to be filled in terms of section 57 of the Municipal Systems Act may be designated a promotion post.

3.2 DESIGNATION OF POSTS TO BE FILLED IN TERMS OF SECTION 57 OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT

3.2.1 The MM and managers directly accountable to the MM must be appointed in terms of a written fixed-term employment contract and subject to the conclusion of an annual performance agreement as contemplated in section 57 of the Municipal Systems Act. The MM must request the Council to indicate which positions in the establishment other than those of the MM and managers directly accountable to him must be filled.

3.2.2 As soon as Council has approved the organisational structure of the NMMDM, the MM must request the Council to indicate which positions in the establishment other than those of the MM and managers directly accountable to him must be filled.
3.3 STAFF ESTABLISHMENT

3.3.1 The staff establishment consists of-

(a) Positions on the permanent establishment; and

(b) Positions on the temporary establishment.

3.3.2 The permanent establishment contains all positions that must be filled on a permanent basis and those that must be filled on terms of fixed term employment; and the temporary establishment contains all positions that are created pursuant to paragraph 3.5.

3.3.3 The manager responsible for human resources management must create and maintain the staff establishment on an electronic database.

3.3.4 The database must contain the following information relating to each position:

(a) The designation/title of the position;

(b) The level of the position as approved by the bargaining council after the position has been evaluated;

(c) Details regarding any and all allowances that are linked to the position including any stand-by, transport, telephone and other allowances;

(d) The leave entitlements linked to the position;

(e) The budget vote from which the position will be financed;

(f) Whether the position is full or part-time;

(g) Whether the position must be filled on a permanent or fixed term basis;

(h) Whether the position is an entry post or a promotion post;
(i) The department or other organisational unit to which the position is assigned;

(j) Any other relevant information.

**3.4 CREATING NEW PERMANENT POSITIONS**

3.4.1 A departmental head wishing to create a new permanent position in his department must submit a written application, via the manager responsible for human resources management, to the MM.

3.4.2 An application for creating a new permanent position must contain the following information:

(a) Details of the department or section where the post must be created.

(b) A full explanation of the functions and responsibilities of the proposed post in accordance with the TASK job evaluation system.

(c) The need for the post.

(d) The alternatives solution that were considered for performing the proposed functions allocated to the position, including re-organisation of work rather than creating the position.

(e) The reasons why each of the alternatives have been rejected.

(f) A full explanation of the estimated cost of the position for the municipality during the next three years.

(g) If provision has not been made in the budget for the proposed position, an indication of the budget vote from which the position will be financed.

(h) Whether the position must be full or part-time.
Whether the position must be filled on a permanent or fixed term basis.

3.4.3 The Council’s decision with regard to an application for creating a new permanent position is final.

3.5 CREATING TEMPORARY POSITIONS

3.5.1 The MM may, after consultation with the managers responsible for human resources management and financial management and the relevant departmental head, create one or more temporary positions on the establishment.

3.5.2 A temporary position may be created to deal with a temporary increase in the municipality’s work due to-
(a) A disaster;
(b) The allocation of money to the NMMDM for the continuation or completion of a specific project not provided for in the budget;
(c) A backlog in work;
(d) The seasonal nature of certain tasks; or
(e) Special programmes established or managed by the municipality to combat poverty and unemployment.

3.5.3 A temporary position ceases to exist when the reason why the position was created ceases to exist and the person occupying that position is released on the day that the position ceases to exist.

3.5.4 The MM’s decision with regard to the creation and abolishing of temporary positions is final.

3.6 ABOLISHING EXISTING PERMANENT POSITIONS

3.6.1 A departmental head wishing to abolish an existing permanent position in his
A department must submit a written application, via the manager responsible for human resources management, to the MM.

3.6.2 An application regarding the abolishing of an existing position must state-
(a) The reasons for abolishing the position;
(b) Measures that must be taken to ensure that functions relating to the position would continue to be performed, if necessary.

3.6.3 Whenever a position is abolished and is still occupied, the incumbent must be dealt with in terms of this policy.

3.7 VOLUNTEER WORKERS

3.7.1 A departmental head may, in consultation with the MM and the manager responsible for human resources management, engage one or more volunteer workers additional to his department’s establishment for the purposes of-
(a) Gaining work experience or
(b) Partial fulfilment of the requirements of his training or education at another institution or
(c) Serving as a reservist in any emergency service the municipality may operate or
(d) Serving as a member of any disaster management organisation established by the municipality.

3.7.2 A volunteer worker may not-
(a) Be remunerated in any way;

(b) Supervise or approve the work of any employee of the municipality;

(c) Be appointed to a position existing in the permanent or temporary staff establishment;

(d) Investigate, prosecute or preside during any disciplinary enquiry into an employee’s alleged misconduct;

(e) Appraise an employee’s performance, whether formally or informally; and

(f) Sign, authorise, authenticate or execute any documents on behalf of the municipality.

3.7.3

The duration of a volunteer worker’s engagement is at the sole discretion of the relevant departmental head but may in any case not exceed one month during any financial year except when a longer period is necessary in respect of a volunteer worker engaged partial fulfilment of the requirements of her/his training or education at another institution.

3.7.4 A volunteer worker is subject to such conditions of engagement and work place rules relating to attendance, conduct, grievances and workplace relations as the MM may determine.

3.7.5 By being accepted as a volunteer worker with the municipality, a volunteer worker permanently and irrevocably alienates and assigns without compensation of whatever nature, copyright and intellectual property rights in any work produced by her/him that is eligible for copyright or intellectual property rights during her/his service with the municipality, to the municipality.
3.7.6 The termination of a volunteer worker’s engagement with the municipality shall not be construed as a termination based on the municipality’s operational requirements, nor as an unfair or unlawful dismissal. Accordingly, a volunteer worker shall not be entitled to any remuneration or compensation, including, but not limited to, severance pay, notice pay, retirement and medical aid fund benefits to which an employee may otherwise be entitled, in the event of a termination based on an employer’s operational requirements.

3.7.7 A volunteer worker does not have and will not develop any expectation at any time of becoming an employee of the NMMDM. Specifically no written or oral offer of employment, or undertaking of future employment, whether explicitly or implicitly, directly or indirectly, maybe made to a volunteer worker or her/his associates, successors or agents before or at the time of entering into the NMMDM’s service.

CHAPTER 4: RECRUITMENT, SELECTION, APPOINTMENT, PROMOTION, DEMOTION AND TRANSFER

4.1 RECRUITMENT

The purpose of recruitment is to identify and provide, in a cost-effective manner, a pool of job applicants who are potentially qualified to perform a particular job.

4.1.1 Determining recruitment needs

(a) The head of a department determines the need to recruit candidates for employment in her/his department with due regard for the numerical goals stated in the municipality’s employment equity plan.

(b) When a position in the establishment becomes vacant, the departmental head concerned must submit a report to the manager responsible
for human resources management to the MM stating the reasons why the position should be filled.

(c) No position may be filled unless and until-

(i) The approval of the MM has been granted; and

(ii) Adequate provision has been made in the budget for that appointment.

4.1.2 Advertising of vacancies

(a) The manager responsible for human resources management must during the compilation of the annual budget each year circulate a list of vacancies amongst departmental heads. Each departmental head must indicate whether any such vacancies that may exist in his department must be filled or not. If a vacant position must be filled in the opinion of the departmental head concerned, he must submit an application, via the manager responsible for human resources management to the MM.

(b) Once a departmental head has obtained the approval of the MM to fill a vacant position in his department, he must submit a labour requisition form to the manager responsible for human resources management to advertise the post.

(c) A completed labour requisition form must reach the manager responsible for human resources management before or on the third working day of after the adoption of the budget by the council.

(d) Vacancies must be advertised internally and may at the same time be advertised externally, provided that external advertisements may only be published in a newspaper of record in terms of section 21(1) of the Municipal Systems Act as follows-
• “Temporary elementary positions”: Local newspapers and internally.
• “Permanent elementary occupations”: Internal Entry and middle level occupations: Internal and newspapers.
• “Senior management and Professional”: Internal, provincial and national occupations newspapers

(e) The MM may, after consultation with the manager responsible for human resources management and the manager responsible for financial management, appoint a professional recruitment firm to compile an advertisement and publish it in respect of senior management and professional occupations in terms of the policies and legislation governing the procurement of services by the municipality. All forms of advertisement must be approved by the MM before they are published.

(f) An advertisement of a vacancy must state-

(i) The identity/name and location of the municipality.

(ii) A statement that the NMMDM subscribes to the principles of employment equity.

(iii) The designation of the position that is advertised.

(iv) The minimum requirements in terms of skills, expertise and other qualities for appointment.

(v) A summary of the key performance areas/primary duties of the position.

(vi) A statement that the appointment would be permanent or for a fixed term, and the term (if applicable).
(vii) In the case of the MM and a manager directly accountable to the MM, a statement that the continued employment of the successful candidate would be subject to the conclusion with the NMMDM of an annual performance agreement.

(viii) An indication of the remuneration offered.

(ix) The format and content of applications.

(x) The address where, and person to whom, applications must be delivered.

(xi) The closing date for the submission of applications.

(xii) A statement that applications received after the closing date would not be accepted or considered.

(xiii) The name and contact details of the person to whom enquiries may be directed.

(xiv) A statement that canvassing will disqualify any candidate from being considered for appointment.

4.1.3 Casual applications

(a) Casual applications received during the course of the NMMDM’s operations must be returned forthwith to the applicant stating that the NMMDM did not have any vacancies at the time when the application was submitted and that should any vacancy arise, the NMMDM would advertise such vacancy.

(b) Nobody may promise or undertake to accept a casual application for appointment and to submit it when a vacancy is advertised.

4.1.4 Application forms
(a) The manager responsible for human resources management must design and ensure that a sufficient supply of official application forms is available.

(b) Unless specifically allowed in a particular case, all applications must be submitted on an official application form. Any applicant or category of applicants, who has not been exempted from this requirement and did not complete the official application form, must do so before an interview.

(c) The aforementioned provisions shall not exclude applications in the form of a formal/official letter by post or hand delivered.

### 4.2 SELECTION

(a) A candidate for appointment to the NMMDM’s service must submit himself to the NMMDM’s selection procedures.

(b) The purpose of selection is to identify the most suitable candidates from all the persons who applied and to eliminate unsuitable candidates in the fairest way possible.

(c) The NMMDM relies on interviews, aptitude tests, problem-solving techniques, relevant psychometric and physical tests as selection techniques. These techniques are applied to make decisions regarding appointments, promotions and transfers. Depending on the nature of a post to be filled, psychometric and physical tests are also applied to serve as screening tests.

(d) Medical testing of an employee and a candidate for employment is prohibited, unless-

(i) Legislation permits or requires the testing; or

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

(e) Testing of an employee or an applicant for employment to determine the employee’s or applicant’s HIV status is prohibited unless such testing is determined justifiable by the Labour Court in terms of section 50 (4) of the Employment Equity Act.
Psychometric testing and other similar assessments of an employee and a candidate for employment are prohibited unless the test or assessment being used-

(i) Has been scientifically shown to be valid and reliable;

(ii) Can be applied fairly to employees; and

(iii) Is not biased against any employee or group.

4.2.1 Compiling of master lists

(a) After the closing date of an advertisement all the applications received for every specific position are captured in Part A of the master list compiled by the manager responsible for human resources management. The master list must contain, in table form, the following particulars in respect of each candidate:

(i) The applicant’s surname followed by his initials

(ii) The applicant’s sex;

(iii) The applicant’s race;

(iv) The applicant’s qualifications and experience relevant to the job description and job specification; and

(v) If applicable, the nature of the applicant’s disability

(b) Part A of the master list contains the particulars determined in paragraph

(a) In respect of every candidate that applied with the minimum requirements in terms of skills, expertise and other qualities for appointment determined in the advertisement calling for applications Part B of the master list contains the particulars determined in paragraph
(a) In respect of every candidate that complies with the minimum requirements in terms of skills, expertise and other qualities for appointment determined in the advertisement calling for applications.

(b) The manager responsible for human resources management must submit the master list, together with the applications to the MM or, in the case of the appointment of a MM, to the relevant body of council.

(c) The manager responsible for human resources management must, during the compilation of the long list, establish the validity and accuracy of any certificates, diplomas and other information supplied by an applicant. If any candidate submitted or claimed that he had some or other certificate or diploma, qualification or experience that is disproved, such information must be noted next to the name of the candidate in the long list.

4.2.2 Compiling short lists

(a) The manager responsible for human resources must submit a report containing master list part A and B to the MM together with proof of verification of all qualifications.

(b) The MM or body of council in the case of a MM shall authorise the assembling of a selection committee to conduct short-listing, with due regard for the numerical goals set in the NMMDM’s employment equity plan.

(c) The selection committee shall at all times include the manager responsible for human resources and the departmental manager of the position being filled. Not more than 10 applications per post who in the opinion of the selection
committee would be the most suitable candidates to be subjected to the selection process.

(d) Shortlisting must be done in accordance with the following order of preference:

(i) Internal Applicants.

(ii) Local Applicants.

(iii) Provincial Applicants.

(iv) National applicants.

(e) The manager responsible for human resources countersigned by the relevant departmental head or the council, as the case may be, must submit the selection committee report of the shortlisted candidates to the MM together with the dates and venue for conducting interviews with the chosen candidates and inform the candidates accordingly whom must turn confirm attendance and indemnify the NMMDM in the process.

4.2.3 Conducting of screening tests

(a) Applicants for appointment must undergo any screening tests required by the NMMDM.

(b) Applicants must indemnify the NMMDM in writing against any claims for damage, injury or illness due to any physical test that they may be subjected to.

(c) Applicants take part in all tests at their own responsibility.

(d) The results of any screening test are strictly confidential.

4.2.4 Notification of shortlisted candidates of selection proceedings
The manager responsible for human resources must notify every candidate whose name has been shortlisted in terms of paragraph 4.2.2 of the venue, date, time and nature of the selection proceedings she must attend using the most reliable communication methods available.

4.2.5 Interviewing in respect of vacancies

(a) The council is responsible for interviews for the appointment of the MM and the MM is responsible for all other appointments. The regulations in regard to the recruitment process of municipal managers shall apply. In particular, the interviewing panel shall be constituted as follows: the Executive Mayor, a Councillor designated by council, an external recruitment specialist and a representative from the Provincial Department responsible for local government.

(b) The manager responsible for human resources, the departmental head concerned and not more than one other senior employee from the relevant department shall on appointment conduct interviews for all positions. In the event of section 57 managers, the manager responsible for human resources, the MM, the Executive Mayor and an external expert on recruitments shall conduct the interviews.

(c) The MM may attend and may participate in any interview for appointing an employee-

(i) On the first level below the level of departmental head;
(ii) As manager directly accountable to him; and
(iii) In his department.

(d) The MM may allow trade unions which are party to the bargaining council to designate trade union representatives (one from each union) to sit in and observe any interview.
(e) The departmental head concerned, or if the interview concerns the appointment of a MM or a manager directly accountable to the MM, must draw up a list of questions relating directly to the job concerned, to be asked during the interview and a score sheet; and submit the same to all persons who would be involved in the interview.

4.2.6 Conducting proficiency tests

One or more relevant proficiency tests (e.g. typing tests, operating a grader etc.) may be required to be concluded before or after an interview is conducted. A proficiency test may only be required if the outcome thereof is relevant to the expected job standards that would be expected of the employee and it relates to the job description.

4.3 APPOINTMENT

(a) The appointment of an applicant may take place only according to the requirements of the post and the merit of the applicant.

(b) The council and or the MM as the case may be, may waive or reduce the formal qualifications and experience required (consulting the departmental manager relevant) in respect of any post, except a post in relation to which a professional certificate is required, if the applicant/employee may be suitably qualified for a job as a result of any one of, or any combination of that person's:

(i) Formal qualifications;

(ii) Prior learning;

(iii) Relevant experience; or

(iv) Capacity to acquire, within a reasonable time, the ability to do the job.
4.3.1 Appointment for a fixed term

(a) A person appointed as MM, manager directly accountable to the MM of the NMMDM, maybe appointed to that position only-

(i) In terms of a written employment contract with the NMMDM; and

(ii) subject to a separate performance agreement concluded annually.

(b) The employment contract of a person appointed for a fixed term must include, subject to applicable labour legislation and the performance regulations promulgated in government gazette number 29089, details of-

(i) The duties, remuneration, benefits and other terms and conditions of employment of the employee;

(ii) Be for a fixed term of employment not exceeding a period ending two years after the election of the next council of the NMMDM.

(iii) Include a provision for cancellation of the contract, in the case of non-compliance with the employment contract or the performance agreement;

(iv) Stipulate the terms of the renewal of the employment contract, but only by agreement between the parties; and

(v) Reflect the values and principles referred to in section 50, the Code of Conduct set out in Schedule 2, and the management standards and practices contained in section 51 of the Municipal Systems Act.

(c) The performance agreement must be concluded within a reasonable time after a person has been appointed and, thereafter, within one month after the beginning of the financial year of the NMMDM and must include-
(i) The performance objectives and targets that must be met. Such performance objectives and targets must be practical, measurable and based on the key performance indicators set out in the NMMDM’s integrated development plan.

(ii) The timeframes within which those performance objectives and targets must be met;

(iii) Standards and procedures for evaluating performance;

(iv) The intervals for evaluation; and

(v) The consequences of substandard performance.

(d) The performance agreement referred to in paragraph (c) must provide for 5 key performance areas totalling 100 points must be used and must generate personal learning plans.

4.3.2 Appointment of employees to posts in the temporary establishment

A person appointed to a temporary position -

(a) is appointed at the salary applicable to a comparable position on the permanent establishment;

(b) may not receive any housing and travelling benefits;

(c) may not become a member of a retirement fund or medical aid scheme to which the NMMDM must contribute;

(d) earns holiday and sick leave in terms of the Basic Conditions of Employment Act 1997; and

(e) is subject to the attendance, rules of conduct and grievance procedures in terms of the NMMDM’s conditions of service.
4.3.3 Appointment of temporary employees in permanent positions

(a) A departmental head may, with the approval of the MM, and after consultation with the managers responsible for human resources management and financial management, recommend for appointment to the MM a person who is not an employee, in a temporary capacity, in a position in the permanent establishment if-

(i) The position is vacant and is likely to remain vacant for a significant period; or

(ii) The incumbent of that position is or will be absent from work for a prolonged period.

(b) A person appointed in terms of par (a) -

(i) Is appointed on the lowest notch of the salary scale applicable to the position;

(ii) May not receive any housing and travelling benefits;

(iii) May not become a member of a retirement fund or medical aid scheme to which the NMMDM must contribute;

(iv) Earns holiday and sick leave in terms of the Basic Conditions of Employment Act 1997; and

(v) Is subject to the attendance, rules of conduct and grievance procedures in terms of the NMMDM’s conditions of service.

(c) Whenever a person is appointed in a temporary capacity she/he must, not later than the day on which her/his employment commences, receive a letter of employment in terms of section 29 of the Basic Conditions of Employment Act 1997. Such a letter must, amongst other things, clearly state-
(i) When the person’s employment with the NMMDM commences;

(ii) If possible, the date on which her/his employment terminates, or if it is not possible to determine the termination date with reasonable accuracy, the circumstances under which her/his employment will terminate;

(iii) That there is no expectation that the person’s employment will be renewed or extended beyond the term referred to in (ii);

(iv) That any failure to renew or extend the period of employment shall not constitute a dismissal of the person and that she/he shall not be entitled to any additional remuneration or compensation in respect of the completion of such period;

(v) That the person’s employment with the NMMDM will come to an automatic end on expiry of the term and such termination shall not be construed as a termination based on the NMMDM’s operational requirements, nor as an unfair dismissal. Accordingly, reference in par

(iv) To additional remuneration or compensation to which the employee shall not be entitled, includes but is not limited to, severance pay, notice pay, retirement and medical aid fund benefits to which an employee may otherwise be entitled to in the event of a termination based on an employer’s operational requirements.

4.3.4 Appointment of personnel in the office of any councillor

(a) Only a full-time political office-bearer is entitled to one or more employees being assigned to her/him.
(b) The creation of positions in the offices of councillors is done in the manner determined in this policy.

(c) Notwithstanding any provision to the contrary contained in this policy the MM must consult the councillor concerned and the Executive Mayor before appointing any employees assigned to such a councillor.

4.3.5 Appointment of replacement labour in the event of a strike

(a) The MM manager, after consultation with the relevant departmental heads, may employ replacement labour during a strike in terms of and consistent with section 76 of the Labour Relations Act 1995.

(b) Every person appointed as replacement labour must receive a letter of appointment that complies with section 29 of the Basic Conditions of Employment Act 1997. The letter of appointment must clearly stipulate that the appointment is only for the duration of the strike and that the services of the employee will terminate immediately when the regular employees of the NMMDM return to work. It must further state that termination of any replacement labour employment shall not constitute a dismissal of the person concerned and that he shall not be entitled to any additional remuneration or compensation in respect of the completion of such period. The person’s employment with the NMMDM will come to an automatic end on the expiry of the term and such termination shall not be construed as a termination based on the NMMDM’s operational requirements, nor as an unfair dismissal. Accordingly, reference in this paragraph to additional remuneration or compensation to which the person shall not be entitled, includes but is not limited to, severance pay, notice pay, retirement and medical aid fund benefits to which an employee may otherwise be entitled to in the event of termination based on an employer’s operational requirements.
(c) Replacement labour is appointed to the positions of employees who are on strike.

(d) Replacement labour must perform the functions of the striking workers.

(e) Replacement labour is paid per hour worked at the hourly rate of the employee whose work he has been doing.

4.4 ISSUING OF NOTICES OF APPOINTMENT, TRANSFER, PROMOTION AND DEMOTION AND JOB OFFERS

4.4.1 Only the MMon the recommendation of the manager human resources authenticated by the relevant departmental manager may-

(a) Issue a notice to an applicant for a job, including any replacement labour hired in the event of a strike, that she/he had been appointed;

(b) Notify an employee of his transfer, promotion, demotion or dismissal;

(c) Notify an employee that he has successfully completed his period of probation or that his period of probation has been extended;

(d) Notify an employee of any change in his particulars of employment;

(e) Notify an employee that an application made by that employee for participation in any scheme or programme of the NMMDM has been granted or denied, except a decision with regard to an application for leave.

4.4.2 When issuing a notice to a person in terms of this paragraph the manager responsible for human resources management must use the most reliable communications methods available.

4.5 PROMOTION
4.5.1 The purpose of promoting employees is-

(a) To enhance career advancement of employees;

(b) To sustain productivity;

(c) To minimize the effects of job poaching and job hopping by creating a work environment in which employees are aware that there are prospects for advancement; and

(d) To accelerate the career development of persons from designated groups.

4.5.2 No employee appointed for a fixed term, whether he was appointed in terms of section 57 of the Municipal Systems Act or an employee appointed in a temporary capacity may be promoted.

4.5.3 An employee may only be promoted if a vacant position at a higher grading exists and that position has been designated a promotion position.

4.5.4 An employee may only be promoted if he is suitably qualified for the position in question.

4.5.5 The manager responsible for human resources management must give notice by way of advertisement on the NMMDM’s notice boards, internal newsletter and the Intranet of any vacancy in a promotional post and call in such advertisement upon suitably qualified employees to submit a written expression of interest in the position within 4 working days of the placement of the notice on the notice board, internal newsletter and the Intranet.

Immediately after the closing date the selection procedures referred to in this policy must be complied with.

4.5.6 An interview panel shall be established according to the guidelines contained in 4.2.5 (b)
4.5.7 The interview panel must assess the suitability of all the candidates through conducting interviews and may consider the applicant’s employment history at the NMMDM, provided that during such assessment it may not consider:

(a) A penalty for misconduct that has expired or

(b) Any disciplinary charges brought against the employee on which the employee was found not guilty

(c) The fact that the employee objected to or appealed against any performance appraisal or outcome of a disciplinary enquiry

4.5.8 An employee’s promotion becomes operative on the first day of the month following the month during which she/he was promoted.

4.5.9 An employee who has been promoted is disappointed on the first notch of the salary scale relevant to the position in which he has been appointed, or receives an increase of at least one notch, whichever is the greater amount.

4.5.10 The date on which an employee has been promoted becomes the date on which the employee will in future receive notch increases.

4.5.11 An employee who has been promoted may not be appointed on probation.

4.5.12 Appointments shall be conducted in the manner spelt out in 4.3.

4.5.13 If, after the selection procedures have been completed, no applicant that meets the criteria set out in the advertisement has been found, the position concerned will be filled by way of recruitment.
4.6 TRANSFERS

4.6.1 The purpose of transferring employees is -

(a) To ensure that employees are utilized for the purposes of meeting the NMMDM’s human resources needs.

(b) To enhance career advancement prospects of employees.

(c) To create opportunities for employees to stay in the NMMDM’s service as an alternative for dismissal for incapacity due to illness or injury or poor work performance or due to the NMMDM’s operational requirements.

Part A:

Transfer of employees within the same office/workplace

4.6.2 No employee appointed for a fixed term, whether he was appointed in terms of section 57 of the Municipal Systems Act or an employee appointed in a temporary capacity may be transferred to another position.

4.6.3 An employee may not be transferred from one position to another unless -

(a) a vacant position on the same level exists;

(b) the employee agrees to such transfer; and

(c) the employee may be dismissed for incapacity due to illness or injury or poor work performance or due to the NMMDM’s operational requirements.

Part B

Geographical/spatial relocation of a post or transfer involving spatial relocation of an employee

4.6.4 Application of this part this policy applies to any and all employees -
(a) Whose job have been relocated from one place in the NMMDM to another place further than 20 kilometres from his original workplace due to the restructuring of the NMMDM’s administration; or

(b) Who has been transferred or promoted to a job in another place, which is more than 20 kilometres from the workplace where he worked prior to being transferred or promoted.

4.6.5 Decision to relocate a position

(a) Any placement of an employee in a position in the organisational structure must indicate whether geographical relocation of that employee is required.

(b) Geographical relocation will only take place when some or all of the functions attached to a position must be executed in another place and the employee’s new workplace is further than 20 kilometres from the workplace where he worked prior to such placement.

(c) Whenever some of the functions and tasks performed by an employee are no longer required to be performed at the place where the employee normally works, the MM’s decision whether or not to relocate the employee concerned is final.

4.6.6 Selection of employees for relocation

Where it is necessary to relocate more than one employee in the same job from one workplace to another, the selection of employees for relocation in the affected job category will be done in terms of the following criteria:

a) Call for volunteers from employees within the affected job category.

b) Should more employees than there are posts available volunteer to be relocated
located, selection from amongst the volunteers will be done on a "first in, first opportunity" basis i.e. those employees with the longest service record in the particular job category will be given first opportunity to relocate.

c) Should fewer or no employees than needed volunteer, selection shall be done from amongst the employees in the affected job category on a "last in, first out" basis, i.e. those employees with the shortest service record in the particular job category will be selected for relocation.

4.6.7 Temporary accommodation of relocated employees

The NMMDM shall make arrangements and pay for the temporary accommodation of an employee who has been transferred, promoted or placed in a position at a workplace that is further than 20 kilometres from his previous workplace in an accommodation/establishment for a period not exceeding 3 months calculated from the day he commences working in such new position.

4.6.8 Equivalent vacancies at previous location

In the event of a vacancy arising in the same job category at the place where an employee who was relocated worked prior to his relocation within 6 months after his relocation, such employee will receive preference should he apply for such position.

4.7 DEMOTION

4.7.1 The purpose of demotion is to create opportunities for employees to stay in the NMMDM’s service, at a lower level, as an alternative for dismissal.

4.7.2 An employee can only be demoted to a lower post as a penalty for misconduct if a position exists to which that employee may be demoted.

4.7.3 Whenever an employee is demoted as an alternative for dismissal due to misconduct, he must, within three working days after the offer was
madetohim, by written notice to his departmental head, accept the demotion. Should an employee fail to accept such an offer, he shall be dismissed with effect from the day following the day on which the offer of demotion expires.

4.7.4 Whenever the demotion of an employee who is incapacitated due to ill health or injury will prevent his dismissal, he may be demoted, provided that a vacancy in a lower position exists.

4.7.5 Should an employee consent to demotion-
(a) The demotion becomes effective on the day that he consents;
(b) His incremental date changes to the first day of the month during the month he was demoted; and
(c) his remuneration and other benefits, including leave entitlements, is adjusted to the appropriate level with effect from first day of the month following the date of his demotion.

4.8 DIFFERENCES ABOUT APPOINTMENT, TRANSFERS AND PROMOTIONS

4.8.1 Whenever there is a difference between two or more departmental heads regarding the appointment, promotion, transfer or demotion of an employee or an applicant in a position where the competence to make the appointment has been delegated to one of those departmental heads, the matter must be referred to the MM for a decision.

4.8.2 The decision of the MM in the matter shall be final.

4.9 REPORTING ABOUT APPOINTMENTS AND DISMISSALS

The manager responsible for human resources management must notify the tenth of each month, submit a report to the MM regarding all appointments, promotions, transfers, demotions, dismissals, resignations and retirements during the past month in the format determined by the MM.
4.10 APPOINTMENT ON PROBATION

4.10.1 Any person that is appointed, except a temporary employee that is appointed for a period not exceeding six months, must be appointed on probation.

4.10.2 The appointing authority must determine the period of probation at the time of making the appointment having regard for the inherent requirements of the post, provided that no period of probation may be longer than six months.

4.10.3 The departmental head concerned must evaluate the progress and performance of an employee appointed on probation on a monthly basis according to such factors and objectives as may be prescribed in terms of the NMMDM’s employee performance appraisal system.

4.11 PARTICULARS OF APPOINTMENT

The manager responsible for human resources management must present every newly appointed employee with a letter of appointment not later than the day on which she/he starts working in terms of section 29 of the Basic Conditions of Employment Act 1997. Whenever any of the details contained in such a letter change, the manager responsible for human resources management must inform the employee in writing of such changes. In the event of an employee that cannot read the relevant departmental head must explain the content of such letter to every such employee in a language that she/he understands.
CHAPTER 5: LABOUR RELATIONS

5.1 INTRODUCTION

The NMMDM realises that sound labour relations can only result from mutual respect between an employer and its employees and that such respect is formed where the employer and its employees treat each other fairly and consistently. This policy is designed to achieve the aim of sound labour relations in an open and fair environment.

5.2 WORKPLACE COMMUNICATION

The council believes that channels of communication must exist between management and employees in every workplace.

5.3 APPOINTMENTS WITH MANAGEMENT AND COUNCILLORS

(a) An employee, except departmental heads and persons working in her/his office, must make an appointment to consult the MM. The employee making an appointment must disclose the subject matter that the employee wishes to raise.

(b) An employee, except employees working directly under the supervision of a departmental head, must make an appointment to consult her/his departmental head. The employee making an appointment must disclose the subject matter that the employee wishes to raise.

(c) No employee, except a departmental head, may make an appointment with the MM without the prior permission of her/his departmental head. The employee making an appointment must disclose the subject matter that the employee wishes to raise.

(e) No employee may make an appointment with her/his or another departmental head without the prior permission of her/his immediate supervisor. The employee making an appointment must disclose the subject matter that the employee wishes to raise.
(f) Subject to paragraph (h) no employee other than the MM or departmental head may make an appointment with the executive mayor, speaker or any other councillor.

(f) A trade union has the right to make an appointment with the MM or a departmental head to discuss a matter of mutual concern relating to the NMMDM or a specific department or a workplace within a department. The trade union making an appointment must disclose the subject matter that it wishes to raise.

(h) Notwithstanding the provisions of paragraph (e) an employee may make an appointment with a councillor in order to make a protected disclosure to that councillor in terms of the Protected Disclosures Act.

(i) Whenever an employee approaches a councillor, except in the circumstances contemplated in paragraph (h) that councillor must advise the employee concerned to follow the correct procedure to bring the matters she/he raised with the councillor to the attention of the MM or another employee.

5.4 CONSULTATIVE COMMITTEES

The council recognises that the relationship between management and employees will be enhanced and supported by formal consultative committees or structures. For this purpose the council subscribes to the establishment of the Local Labour Forum as prescribed in the Organisational Rights Agreement.

5.5 RELATIONSHIP WITH EMPLOYER AND EMPLOYEE ASSOCIATIONS

(a) The council affiliates to the South African Government Association (SALGA).

(b) This affiliation must be beneficial to both the council and the Association.

(c) The purpose of this affiliation is to promote sound labour relations within the NMMDM.
(d) The council will adhere to the policies and directives of SALGA.

(e) The NMMDM recognises and subscribes to the right of an employee to form, join and participate in the activities of a trade union. The participation of an employee in the activities of a trade union of which she/he is a member, shall take place in accordance with the provisions of the Organisational Rights agreement.

5.6 DISCIPLINE

5.6.1 Philosophy of discipline

(a) It is the policy of the NMMDM to establish a fair, common and uniform procedure for the management of employee discipline. Through the consistent application of disciplinary measures, the NMMDM wishes its employees to distinguish between acceptable and unacceptable behaviour.

(b) The NMMDM promotes a positive approach to discipline. The NMMDM does not have a punitive approach to discipline, but wishes to motivate every employee who is capable of acceptable behaviour to conduct themselves correctly.

(c) The key principle of the disciplinary code is to ensure that the NMMDM and its employees treat one another with mutual respect and fairly. A premium is placed on both employment justice and the efficient operation of the business of the municipality. While employees should be protected from arbitrary action, the NMMDM is entitled to satisfactory conduct and acceptable work performance from its employees.

(d) The disciplinary codes-
(i) The council subscribes and abides by the code as agreed upon by all relevant stakeholders in the SALGBC in respect of non-section 57 employees. The disciplinary procedure and code is by expressly included in this manual and it forms part of the policies adopted by council.

(ii) The council formally adopts the disciplinary regulations for senior managers and performance regulations in respect of section 57 managers.

5.6.2 Principles underlying discipline in the NMMDM

(a) Every employee must maintain discipline at all times.

(b) An employee who allegedly contravened a provision of the disciplinary code has the right -

(i) To hear and receive in writing the chargesheet containing the alleged misconduct;

(ii) To object to the presiding officer at the disciplinary enquiry on the grounds of factual evidence;

(iii) To call and cross-examine witnesses;

(iv) To submit documents in evidence and to inspect any document that is submitted in evidence;

(v) To a hearing within a reasonable time after the alleged misconduct took place. Non section 57 employees are entitled to the rights enshrined in the disciplinary procedure and code collective agreement of the SALGBC. The rights of section 57 managers are
contained in the disciplinary regulations for senior managers and the performance regulations.

(vi) To have an interpreter present during the enquiry to translate the proceedings in the official language she or he prefers;

(vii) To be represented by a colleague or union representative;

(viii) To receive timely notice of an enquiry;

(ix) To state her or his case in defence;

(x) To a verdict;

(xi) To have any previous disciplinary record considered only after her or his guilt had been proven;

(xii) To submit mitigating circumstances before a penalty is imposed;

(xiii) To be notified of the penalty that was imposed;

(xiv) To be notified of her/his right to appeal to the Commission for Conciliation, Mediation and Arbitration in the case of a section 57 manager or otherwise the SALGBC in the case of non-section 57 employees;

(xv) To protection against victimisation as a result of any statements made or action taken during an investigation or enquiry into alleged misconduct as well as due to membership of any organisation or trade union.

(a) Disciplinary action against an employee who is a union representative or office-bearer of a trade union may not be
instituted without first informing and consulting the relevant union.

(b) All disciplinary actions will be done in accordance and in compliance with the principle of a just administrative action as entrenched in the constitution of the Republic of South Africa, the LRA and all relevant legislation.

5.6.3 Responsibility for employee discipline

The MM is responsible and accountable for the maintenance of discipline in the workplace.

5.6.4 Suspension

(a) Whenever an employee other than the MM and section 57 managers are accused of misconduct, the MM may, after affording the employee the opportunity to make representations why he/she should not be suspended, suspend the accused employee in writing with full pay pending the outcome of a disciplinary enquiry. The suspension, which shall be for a fixed and pre-determined period of three (3) months, shall only take place if it is undesirable to use the employee in another capacity within the municipality. In the case of a section 57 manager, a suspension can only be imposed by council in terms of clause 6 of the disciplinary regulations for senior managers. The disciplinary hearing must be held within (60) sixty days of suspension. The chairperson of the tribunal has the right to extend the period of suspension.

(b) A notification of suspension must supply the reasons for the suspension.

(c) An accused employee may be suspended only if the MM suspects that the employee may-
(i) Interfere with any witness;

(ii) Interfere with any investigation into the matter;

(iii) Disrupt the work place; or

(iv) Endanger the life and/or safety of anybody including that of the accused employee.

(d) A suspension in terms of this paragraph may not exceed three (3) months in respect of non-section 57 employees. In this regard, the presiding officer of a disciplinary tribunal shall not have the power to extend the suspension period.

5.6.5 Appointment of presiding officers and investigators/initiators/prosecutors/employer representatives

(a) In the event of a non-section 57 employee, the MM must appoint a presiding officer who is at a level more senior than the employee charged. Such presiding officer must be from within the department, or from any other municipality, or be a full-time SALGA official.

(b) A person appointed to serve as the employer representative in the case of non-section 57 employees should be at least at a level more senior than the employee charged and should be from within the department, or from another municipality, or be a full-time SALGA official.

(c) In the case of section 57 managers, any suitably qualified independent person may act as presiding officer. The same goes for employer representatives. There are no restrictions on who may lead the employer’s case as well as who may chair the proceedings.

5.6.6 Resignation in the place of dismissal

An employee who is found guilty of misconduct for which she/he may be dismissed may, instead of being dismissed, be permitted to resign on a date agreed to with
the employee’s representative, which date may not be later than 5 working days after the date of the verdict of the presiding officer at the enquiry. If an employee who was permitted to resign fails to do so on or before the agreed date, she/he is considered dismissed with effect from the agreed date of resignation.

5.6.7 Resignation in order to avoid dismissal

Any resignation tendered during an enquiry into misconduct during a suspension pending an enquiry into alleged misconduct and before the verdict or penalty of the enquiry has been made known, is a resignation to avoid dismissal. Despite this, the termination notice and the record of employment for purposes of compliance with the Basic Conditions of Employment Act shall reflect the reason for termination of service as resignation.

5.6.8 Employees under the influence of intoxicating substances

(a) If it is suspected that an employee is under the influence of an intoxicating substance, the matter must immediately be reported to her/his immediate supervisor.

(b) A breathalyser test may be performed with the express consent of the employee concerned after the employee had been informed that the result of the test might be used in an enquiry into alleged misconduct. The results of a breathalyser test may therefore be used in the enquiry.

(c) The fact that an employee did not consent to a breathalyser test may not be taken into consideration in determining the verdict or penalty at an enquiry.

(d) An employee is considered to be under the influence of an intoxicating substance if corroborating and reliable evidence to that effect can be presented. Medical evidence or tests in connection with the alcohol
content of an employee's blood are not a prerequisite for charging or finding an employee guilty of misconduct.

(e) If the supervisor, upon investigation finds that the accused employee appears or acknowledges being under the influence of an intoxicating substance, she/he must send the employee home.

5.6.9 Private and personal affairs

An employee must take care of her/his private and personal affairs outside of official working hours, except where the employee’s immediate supervisor gives permission otherwise, within the limits of what is fair and reasonable.

5.6.10 NMMDM’s property

(a) An employee must take all reasonable steps within her/his power to care for and protect the property of the NMMDM.

(b) An employee who is issued with property, utensils, equipment, implements, machinery, vehicles or other items belonging to the NMMDM is responsible for the safe-keeping, purposeful use and supervision thereof.

(c) An employee may not allow or permit that any property, utensils, equipment, implements, machinery, vehicles or other items belonging to the NMMDM, be used without authorisation and may not make unauthorised use of any property, utensils, equipment, implements, machinery, vehicle or any other items.

(d) An employee may not permit or allow that any property, utensils, equipment, implements, machinery, vehicle or other items belonging to the NMMDM, be removed from any NMMDM premises without authorisation and neither may she/he remove them.

(e) An employee must immediately after it has come to her/his attention
report to her/his immediate supervisor any defect in or damage to any property, utensils, equipment, implements, machinery, vehicle or any other item belonging to the NMMDM.

(f) An employee may not repair or restore such property unless authorised to do so.

5.6.11 Financial responsibility

An employee who, in the course of her/his duties is responsible for-

(a) The receipt, handling, custody, depositing or supervision of money, stamps, face value documents or securities; or

(b) The handling of stocks or equipment or other material belonging to the NMMDM; or

(c) Accounting or any administrative procedures in connection with financial affairs must have access to and keep abreast of the relevant prescripts.

5.7 COLLECTIVE BARGAINING AND NEGOTIATION

The council accepts that-

a) The terms and conditions of employment must be determined by collective bargaining and

b) Bargaining on any matter related to terms and conditions of employment, including remuneration, must be conducted in terms of the main collective agreement of the SALGBC in respect of no-section 57 employees.

c) The terms and conditions of employment of section 57 managers must be standardised nationally and that it is imperative that they be regulated through regulations and legislative provisions.
5.8 DISPUTE RESOLUTION

(a) The NMMDM subscribes to the principles of and procedures for dispute resolution as prescribed by the Labour Relations Act. The council will participate in a bonafide manner in all dispute resolution procedures in an endeavour to resolve disputes as quickly and fairly as possible.

(b) The council is of the considered view:

(i) That, should an individual or collective dispute arise out of the employment relationship, it will best be resolved by dialogue in a climate that is free from extraneous pressures and stresses;

(ii) That, if a deadlock is reached, the parties to the dispute must meet at least twice within a period of ten (10) days to try to resolve the issue;

(iii) That, if the dispute is still unresolved after having complied with paragraph (ii), the parties must meet within five days of the last meeting to consider alternative ways of resolving the dispute; and

(iv) That the alternative ways of resolving the dispute may include conciliation, mediation, arbitration and labour court proceedings.

5.9 TERMINATION OF SERVICE FOR INCAPACITY DUE TO POOR WORK PERFORMANCE

(a) A person appointed by the MM, after consultation with the manager responsible for human resources management, (hereafter the investigator) must investigate the reasons for an employee’s poor performance in every case where it is alleged at any time during an employee’s employment that she/he is
unsuitable for the job due to poor work performance or it is found that an employee in two consecutive performance appraisals, was appraised as having performed marginally or unsatisfactorily.

(b) The investigator must on a date agreed with the employee, consult with the employee and the employee’s immediate supervisor and departmental head to establish the following-

(i) Whether the employee has succeeded in complying with the performance standards set by the NMMDM;

(ii) In the event the employee did not comply, whether she/he was aware of the standards or whether it could be reasonably expected of her/him to be aware thereof;

(iii) Whether appropriate assessment, instruction, counselling, guidance and training was provided to the employee;

(iv) Whether the employee after a reasonable time for improvement has still not met the required standards.

(c) The employee-

(i) Must be given an opportunity to be heard during an investigation and

(ii) May during such an investigation be assisted by a union representative or a colleague.

(d) Upon completion of the investigation, the investigator must submit and complete a written report and recommendation to the manager responsible for human resources management, whom must submit the report, together with her/his recommendations, to the MM.

(e) The decision of the MM in the matter is final.
5.10 TERMINATION OF SERVICE FOR INCAPACITY DUE TO ILL-HEALTH OR INJURY

(a) A person appointed by the MM, after consultation with the manager responsible for human resources management, (hereafter the investigator) must investigate whether an employee-

(i) is incapable of performing her/his duties due to poor health or injury or

(ii) is able to continue working if the employee concerned was absent from work due to illness or injury for more than two days on three occasions during any period of three months or for a continuous period of 21 days or more.

(b) An investigator may not be a councillor.

(c) The investigator must designate at least two medical practitioners to examine the employee and to provide her/him with their reports at the cost of the NMMDM.

(d) If the employee exercises her/his right not to submit to medical examination, the investigation must continue. In such an event the investigator must investigate all other available evidence.

(e) During an investigation in terms of this paragraph the investigator must take the following into account:

(i) The nature of the employee’s job;

(ii) The period or periods of absence of the employee due to illness or injury;

(iii) The cause of any disability or illness arising during the employee’s employment with the NMMDM;

(iv) The nature, seriousness and extent of the employee’s illness or injury;

(v) Whether the employee is able to perform the job with or without reasonable
accommodation and, if so, the extent to which the employee is able to perform the job in order to avoid dismissal, including (but not limited to) any of the following:

- placing the person in an alternative position if she/he is able to perform the functions allocated to that job, whether on the same or a lower level and

- adjusting the working hours or place of work, to provide for more convenient circumstances for the employee; and

(vi) The degree to which the employee’s working conditions or duties can be adapted or the temporary replacement of the employee during her/his absence in order to avoid dismissal.

(f) The employee has the right:

(i) To be heard during the investigation and

(ii) To be assisted during such investigation by a union representative or a colleague.

(g) The investigator must submit her/his report and recommendation to the manager responsible for human resources management who must submit it together with her/his comments and recommendation, to the MM for consideration.

(h) The MM’s decision in the matter is final.

5.11 TERMINATION OF SERVICE DUE TO THE NMDM’S OPERATIONAL REQUIREMENTS
(a) Whenever the NMMDM contemplates dismissing one or more employees due to the NMMDM’s operation requirements, it shall do so in terms of section 189 of the Labour Relations Act.

(b) Severance pay calculated in terms of section 41 of the Basic Conditions of Employment Act shall be payable to an employee who is dismissed in terms of paragraph (a).

5.12 RETIREMENT

5.12.1 An employee who-

(a) Is a member of a retirement fund must retire on the first day of the month following the month during which she/he reaches retirement age as determined by the rules of the fund concerned;

(b) Is not a member of a retirement fund must retire on the first day of the month following the month during which she/he becomes eligible for a social old age pension.

5.12.2 Subject to the rules of the retirement fund concerned an employee may terminate her/his services and retire on early pension. The employment of an employee who contemplates retiring on early pension must be terminated on the first day of the month following the month during which the retirement fund concerned approved her/his application to retire.

5.12.3 The NMMDM shall-

(a) Timely inform the relevant retirement fund or department, as the case may be, in writing of the retirement of an employee in terms of this policy and transmit a copy of such notice to the employee concerned;
In the case of employees contemplated in par. 5.12.1(b) assist the employee to apply for the relevant pension; and

Pay to an employee contemplated in par. 5.12.1(b) an agratuity equal to three months' salary plus one week's wages for every year completed service with the NMMDM or any predecessor in law of the NMMDM on the date contemplated in par. 5.12.1(b).

5.12.4 Nobody may whilst she/he receives a pension (excluding a pension as a widow), be remunerated by the NMMDM.

5.12.5 Any employee, who on the date of this policy coming into operation has reached retirement age as set out in paragraph 5.12.1, shall be notified accordingly. The MM shall forthwith make the necessary applications as may be required. The employment of an employee, who has been notified in terms of this subparagraph, shall be terminated with effect from the first day of the second month after having been so notified.

CHAPTER 6: EMPLOYEE REMUNERATION

6.1 MANAGEMENT OF INDUSTRIAL ACTION

(a) The NMMDM endorses the right of employees to strike and to embark on other forms of industrial action as determined by the law.

(b) Whenever employees of the NMMDM embark on a strike or other industrial action that causes two or more employees to be absent from work, the principle of no work, no pay applies in respect of such absent employees shall apply. The full amount of pay forfeited by an employee for her/his absence from work as contemplated in this paragraph shall be done once-off.

(c) The NMMDM shall not grant any application for leave of absence to an employee for the purpose of participating in a strike or other industrial
action.

(d) The NMMDM commits itself to protect its property against destruction and damage and the safety and security of its employees, councillors and residents within the NMMDM during any strike or other industrial action by employees and shall for this purpose-

(i) Make appropriate and reasonable security arrangements

(ii) Not allow any industrial action to take place on or in any premises of the NMMDM

(iii) Take appropriate action, including disciplinary action and litigation, against any employee or union concerned who, whilst participating in a strike or other industrial action, causes damage to or destroys property of the NMMDM or who harasses, intimidates, assaults or coerces any person during the course of such action or in preparation thereof.

(e) Any employee claiming or alleging that she/he was harassed, intimidated, assaulted or coerced into or not participating in a strike or other industrial action or who claim that she/he feared for her/his life or property during a strike, must submit a sworn written affidavit to that effect to the manager responsible for human resources in order for the NMMDM to take appropriate action.

(f) The M M must, in consultation with such other managers as she/he may determine, develop and maintain a written strike management plan for the management of strikes and other industrial action by employees of the NMMDM.

6.2 EMPLOYEE PERFORMANCE APPRAISAL

(a) The council believes in a performance management approach that is transparent, inclusive, fair and participative. It subscribes to the principle of differentiating between
excellent and substandard work performance. It therefore follows an approach of regular formal performance appraisals and informal work performance reviews and feedback that take place on a continuous basis applying the balanced scorecard methodology.

(b) Career advancement, training and development as well as rewards will be linked to employees’ work performance.

6.3 EMPLOYMENT EQUITY

The NMMDM recognises the need to redress past discriminatory treatment of persons from designated groups and to eventually establish an environment where “employment equity” prevails. Every effort will be made to establish a representative workforce as quickly and equitably as possible, through transparent and legitimate processes that do not impact negatively on the quality of service delivery, and that emphasise the identification of potential and the development thereof through appropriate systems, processes and performance and career management and training and development practices.

6.4 ALTERNATIVE SERVICE DELIVERY MECHANISMS: NMMDM SERVICE PARTNERSHIPS

(a) The NMMDM subscribes to the principle that public service provision remains the preferred choice of delivery.

(b) The NMMDM affirms its right to decide on the appropriate manner of delivering services to the residents within its area. The NMMDM confirms that it will consult about the labour implications of such decisions with the trade unions.
(c) Employees working for the NMMDM in any service that may be subjected to NMMDM service partnership arrangements will be transferred with the service to the service provider in terms of section 197 of the Labour Relations Act.

CHAPTER 7: EMPLOYEE REMUNERATION

7.1 INTRODUCTION

This document sets out the policy, principles and procedures that must be applied with respect to the remuneration of employees of the NMMDM.

7.2 PURPOSE

7.2.1 The purpose of this policy is to advance labour peace and efficient human resources management by fulfilling the primary objectives of the Constitution, relevant employment law and government legislation.

7.2.2 The specific objectives of this policy are to -

(a) Promote effective, efficient and economic use of resources;

(b) Promote fairness and transparency in decisions regarding remuneration; and

(c) Provide a framework within which the NMMDM will develop and administer appropriate systems and procedures to ensure fair, efficient, effective and transparent personnel administration and matters connected therewith, including linking employee remuneration to performance.
7.3 COLLECTIVE AGREEMENTS

7.3.1 Every employee, except employees who were appointed in terms of section 57 of the Municipal Systems Act and their extensions insofar as any collective agreement excludes them, must be remunerated according to the relevant collective agreements.

7.3.2 The remuneration of an employee contemplated in 7.3.1 above consists of:

(a) A basic salary;

(b) A 13th cheque;

(c) The NMMDM’s contribution to a retirement fund in respect of the employee;

(d) The NMMDM’s contribution to a medical aid scheme in respect of the employee;

(e) Other allowances as may be deemed necessary from time to time provided the qualifying conditions are met; for example car and telephone allowance for essential users;

(f) Such allowances as may be payable in terms of a collective agreement.

7.4 RENOUNCEMENT OF, LAYING CLAIM TO AND CESSION OF SALARY OR OTHER MONEY

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

7.5 EMPLOYEES UNDER SECTION 57 OF THE NMMDM SYSTEMS ACT

(a) Subject to paragraph (c) the NMMDM must annually, together with the consideration of its budget, review the remuneration of every employee appointed in terms of section 57 of the Municipal Systems Act.
(b) When reviewing the remuneration of an employee contemplated in paragraph (a) the NMMDM must use as benchmark-

(i) Any general salary recommendation by SALGA, or

(ii) If such an agreement had not been reached, any arbitration award regarding salary increases affecting government; or

(iii) If such an award is not made, an amount equivalent to the official inflation rate for the year immediately preceding the year during which the adjustment becomes effective. And in so doing the salary difference between the MM and the Managers reporting directly to the MM shall not be more than 15% of the total annual package at any given time.

7.6 DATE OF PAYMENT OF SALARY

7.6.1 Payment of the employee’s salary is made, subject to section 32(4) of the Basic Conditions of Employment Act, into twelve equal instalments in arrear on the 25th (staff) and 25th (councillors) day of every month, provided that an employee’s salary for the months of December and January may be made not later than the 15th.

7.7 MANNER OF PAYMENT OF SALARY

7.7.1 The manager responsible for financial management must ensure that the salary of an employee is paid directly into the bank account the employee designated on or before the date of payment of salary.

7.7.2 Employees must be paid in South African currency.
7.8  **ANNUAL BONUS**

7.8.1 Subject to the paragraph 7.3.3 every employee (except those contemplated in section 57 of the systems act) is entitled to a 13th cheque payable together with her/his salary for last month of every annual birth date s/he completes.

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

(a) On retirement;

(b) When his/her service is terminated for poor performance due to illness or injury;

(c) When he/she resigns to take up service with another Municipality;

(d) Upon her/his death.

7.9  **SALARY ADVICES / PAY SLIPS**

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

7.10 **DEDUCTIONS FROM SALARY**

7.10.1 The NMMDM must deduct from an employee’s monthly salary and pay the amounts deducted over to the relevant institution (where applicable), together with the NMMDM’s contribution (where applicable):

(a) Income tax in terms of relevant legislation

(b) The employee’s contributions to the retirement and medical aid funds

(c) Any deductions ordered by a court of law

(d) Any deduction authorised in terms of a law
(e) Any deductions permitted in terms of a collective agreement

(f) Any deduction authorised in terms of a stop-order

(g) Any fines and reimbursements imposed as a penalty for misconduct.

7.10.2 Any deduction must be clearly shown on the employee’s salary advice.

7.11 MONIES OWED UPON TERMINATION OF SERVICE

Whenever the services of an employee are terminated, any monies that -

(a) The employee owes to the NMMDM or

(b) The NMMDM owes to the employee, will be due and payable by cheque or cash on his/her last working day, provided that the NMMDM may deduct any amounts owed to it from an employee’s final pay.

7.12 OVERTIME PAY

7.12.1 No employee may be required or permitted to work overtime except in terms of an agreement between such employee and the NMMDM Manager.

7.12.2 No employee may work more than 10 hours overtime during any working week except when overtime work is required to be done without delay owing to circumstances for which the NMMDM could not reasonably have been expected to make provision and which employees cannot perform during their ordinary hours of work.

7.12.3 No overtime may be worked without the express prior instruction of the MM or departmental head concerned, except in the case of the MM and a departmental head.

7.12.4 No overtime work will be paid in cash.
7.12.5 Compensation for overtime work will be in the form of time-off as prescribed in the Basic Conditions of Employment Act.

7.13 STOP-ORDER FACILITIES

The NMMDM shall not honour any authorisation given by an employee for deducting money from her/his salary unless such authorisation is given in relation to-

(a) The payment of any insurance premiums

(b) Any deductions authorised in terms of a collective agreement

(c) The payment of any deductions in terms of any policy contained in the manual

(d) The payment of monies owed to a medical aid scheme in relation to the supply of medicine under prescription of a medical practitioner.

7.14 PERSONAL LOANS AND PETTY CASH ADVANCES

The NMMDM does not grant personal loans or advances from petty cash to any employee.

CHAPTER 8: ALLOWANCES

NOTE: The allowances provided for in this Chapter, except any reimbursement in terms of paragraphs 8.2 and 8.7.4(c) shall be phased out in terms of the provisions of paragraph 7.3.3 of Chapter 7 of the Manual.

8.1 TELEPHONE ALLOWANCE

8.1.1 The MM may, after consultation with the managers responsible for financial and human resources management and the departmental head concerned, designate any position in the staff establishment (except the position of a manager appointed in terms of section 57 of the Municipal Systems Act) as a telephone allowance carrying position.
8.1.2 An employee who is in a full-time capacity involved in essential services must receive a telephone allowance unless she/he receives a mobile phone allowance.

8.1.3 An employee who occupies a telephone allowance carrying position -

(a) Is entitled to payment of such allowance together with her/his monthly salary;

(b) Must supply the NMMDM with an irrevocable written authorisation to deduct the full telephone account from her/his monthly salary and pay the amount over to the institution concerned together with an amount equal with her/his telephone allowance.

8.1.4 A telephone allowance is an amount equal to the rental of one residential analogue Telkom landline in the relevant employee’s residence.

8.2 REIMBURSEMENT OF MOBILE PHONE COSTS

8.2.1 The MM may, after consultation with the managers responsible for financial and human resources management and the departmental head concerned, designate any position in the staff establishment (except a position of a manager appointed in terms of section 57 of the municipal Systems Act) as a mobile phone allowance carrying position.

8.2.2 An employee who is full-time involved in disaster essential services as determined by the MM in consultation with the relevant departmental head must receive a mobile phone allowance unless she/he receives a telephone allowance.

8.2.3 Participation in the mobile phone allowances scheme entitles a participant, subject to the terms and conditions set out herein, to -
(a) Acquire a mobile phone handset of her/his choice and SIM card by means of a rental agreement concluded between the participant concerned and a mobile phone service provider and

(b) Reimbursement of the cost stipulated herein by the NMMDM to an amount determined from time to time by the MM after consultation with the manager responsible for financial management.

(c) The NMMDM may provide the above instead of the employee acquiring the items in paragraph 8.2.3.9(a)

8.2.4 The NMMDM is not liable for any cost in relation to -

(a) The upgrading of any mobile phone equipment or accessories

(b) Insuring any mobile phone equipment except where the NMMDM purchased the item.

(c) Any insurance excess resulting from a claim in relation to the loss of or damage to a mobile phone

(d) The cost of acquiring and installing any hands free operating equipment for any mobile phone that may be required to legally use the equipment acquired under this scheme

(e) The replacement of damaged, lost or stolen equipment or repair to mobile phone equipment or accessories

(f) The acquisition of any additional or replacement batteries, battery chargers or other accessories related to a mobile phone

(g) An active mobile phone account after the phone in question has been stolen, lost, damaged or the participant ceased to participate in the scheme.
8.2.5 A participant must -

(a) Supply the NMMDM, before she/he enters into any rental agreement with a service provider, with an irrevocable stop order authorising the NMMDM to deduct any and all costs referred to in paragraph 8.2.4 and any cost of calls billed to her/his account in excess of the amount contemplated in paragraph 8.2.3(b) from her/his salary every month.

(b) Ensure that she/he is available on her/his mobile phone at all reasonable times.

(c) Supply a replacement phone and inform the MM of its number in event that her/his phone was handed in for repairs.

(d) Supply the MM with her/his mobile phone number.

(e) Supply the manager responsible for financial management on demand with her/his phone’s insurance details.

(f) Immediately if she/he becomes aware that her/his mobile phone may have been lost or stolen, supply her/his service provider with the relevant details and ensure that the phone is barred from making any further calls.

(g) Immediately inform the MM, if her/his mobile phone account has lapsed.

8.2.6 The NMMDM shall pay the full amount reflected on the invoice in respect of a participant’s mobile phone to the service provider concerned and recover the balance and any amount referred to in paragraph 8.2.4 from the salary of the participant at the first opportunity.

8.2.7 The NMMDM shall pay, in relation to each participant, an amount equal to -

(a) A business airtime contract (provided the participant entered into a business airtime contract);
(b) The cost of calls to a maximum amount of R400.00 per month or such other amount as may be determined from time to time;
(c) The cost of retrieving voice mail; plus
(d) The monthly rent charged by the service provider, if any.

8.2.8 In the event that the total cost incurred by the NMMDM during any month in respect of any particular mobile phone is less than the maximum allowed amount, the balance accrues in favour of that participant for the next month.

8.2.9 A participant must complete and sign the prescribed claim form and affix thereto the latest invoice she/he received from her/his service provider in order for her/his claim to be processed.

8.2.10 The MM must approve the claims of any manager directly accountable to her/him for reimbursement in terms of this scheme. The relevant departmental head must approve the claim for reimbursement of any employee working in her/his department in terms of this scheme.

8.2.11 Nobody may authorise payment of a claim or process an authorised claim unless it is accompanied by the latest unpaid invoice in respect of the claim.

8.2.12 The Mayor may, if she/he suspects that the MM has submitted a fraudulent claim in terms of this scheme, immediately stop the participation of the MM in the scheme, in writing inform the MM of her/his suspicion and call upon the MM to reply to the allegations in writing within 7 days.

8.2.13 The MM may, if she/he suspects that an employee has submitted a fraudulent claim in terms of this scheme, immediately stop the participation of that employee in the scheme and in writing inform the suspected party of her/his suspicion and call upon the suspected party to reply to the allegations in writing within 7 days.

8.2.14 Upon receipt of the suspected party’s reply, if any, the Mayor or the
MM, as the case may be, must consider the matter and make a finding. If it is found that a participant has received a larger benefit under the scheme as to which she/he is normally entitled -

(a) The Mayor must take the necessary steps that the MM refund the amounts she/he received in excess and may disallow the MM to participate further in the scheme or

(b) The MM must institute disciplinary proceedings against the employee in question and recover any amount paid to her/him in excess.

8.3 ENTERTAINMENT ALLOWANCE

8.3.1 The NMMDM does not pay an entertainment allowance to any employee.

8.4 STAND-BY ALLOWANCE

8.4.1 When an employee, by resolution of the departmental head concerned, makes her/him available on stand-by for active overtime duty outside normal working hours, she/he is entitled to a stand-by allowance.

8.4.2 A stand-by allowance shall not be incorporated into or written off against any remuneration for overtime worked.

8.4.3 A stand-by allowance shall be calculated as follows:

(a) An hour’s wage for every weekday and Saturday that is not a public holiday during which the employee was available on stand-by duty plus

(b) Two hours’ wage for every Sunday or public holiday during which the employee was available on stand-by duty.

8.4.4 A stand-by allowance must be paid together with an employee’s salary for the month during which she/he performed stand-by duty.
8.5 NIGHT WORK ALLOWANCE

8.5.1 An employee whose normal work requires that she/heworks between 18:00 on one day and 06:00 of the next day is entitled to a night work allowance.

8.5.2 A night work allowance shall be calculated as follows:

(a) An hour’s wage for every weekday and Saturday that is not a public holiday during which the employee performed night work plus

(b) Two hours’ wage for every Sunday or public holiday during which the employee performed night work.

8.5.3 A night work allowance must be paid together with an employee’s salary for the month during which she/he performed night work.

8.6 HOME-OWNER’S ALLOWANCE (HOUSING SUBSIDY)

8.6.1 Any employee appointed on the permanent establishment and who has completed her/his period of probation may participate in the NMMDM’s home-owner’s allowance scheme, subject to compliance with the qualifying conditions at the date of application for participation and during the full period of such participation.

8.6.2 The qualifying conditions are as follows:

(a) The employee’s spouse or life partner may not receive a similar allowance in respect of the same or another property;

(b) The property in respect of which the employee applies to participate in the scheme must be-

(i) Registered in her/his name or jointly in her/his and her/his spouse’s or life partner’s name; or
(ii) Constructed on premises in respect of which the employee and her/his spouse or the employee’s spouse or life partner has obtained a leasehold in terms of a statute; or

(iii) Obtained by way of a deed of sale which will lead to the registration of the property in the name of the employee; or the employee and her/his spouse or life partner.

(c) The property must be situated within the NMMDM;

(d) The employee must ordinarily occupy the property; and

(e) A mortgage bond obtained from a financial institution or another institution that grants mortgage bonds must be registered against the property.

8.6.3 No homeowner’s allowance may be paid in respect of a property registered in the name of a company, trust, close corporation or similar legal entity.

8.6.4 The homeowner’s allowance payable to an employee is calculated on the balance of the total amount of the mortgage bonds registered against the property in respect of which the application is made minus any amount of such a mortgage not taken up by the employee.

8.6.5 The NMMDM must pay the first instalment on a mortgage bond on the date it is due. Subsequent instalments must thereafter be paid not later than the first day of every month until the sooner of any of the following dates -

(a) For the term of the mortgage; or

(b) Until such mortgage had been discharged; or

(c) Until the employment of the employee with the NMMDM is terminated for whatever reason; or
(d) Until twenty years has expired from date of the first instalment.

8.6.6 A homeowner’s allowance is discontinued on the date on which any disqualifying change appears.

8.6.7 The amount of the homeowner’s allowance payable to an employee is such amount as the bargaining council may determine from time to time.

8.6.8 An employee who receives a homeowner’s allowance must in writing and irrevocably authorise the NMMDM to deduct the full amount of the compulsory instalment on such bond from her/his salary and topay same, together with the employer’s contribution, over to the relevant institution.

8.6.9 An employee may authorise the NMMDM to deduct and pay over to the relevant institution an amount higher than the compulsory instalment on her/his mortgage bond. Such an authorisation may only be given or changed once during every six-month period.

8.6.10 An employee who participates in the homeowner’s allowance scheme must report to the manager responsible for financial management any changes during the period that she/her receives the allowance that may affect the payment or amount thereof.

8.6.11 Whenever the amount paid to an employee is found to be incorrect due to the -

(a) Overpayment thereof, the amount of the overpayment must be recovered on the employee; or

(b) Underpayment thereof, the amount of the underpayment must be paid to the employee or the mortgager.

8.7 VEHICLE TRAVELLING ALLOWANCE SCHEME (ESSENTIAL USER SCHEME)

8.7.1. Purpose of the scheme

The purpose of the scheme is to-
(a) Assist those employees of the NMMDM who are required to supply and use a vehicle for the proper performance of their functions, exercise of their powers and discharge of their duties to acquire a vehicle and to ensure the proper undertaking of council duties while simultaneously avoiding mishandling of vehicles;

(b) Fairly compensate employees whose privately owned vehicles on the official business of the NMMDM for the cost incurred by them.

(c) Policy covers the whole area of the assistance of identified incumbents in the acquisition of vehicles in to best ensure service delivery

8.7.2. Participation in the scheme

(a) The incumbent in a position identified in paragraph (c) must supply and use a vehicle for the proper performance of her/his functions, exercise of her/his powers and discharge of her/his duties.

(b) The incumbent in a position referred to in paragraph (c) is entitled to participate in this scheme, subject to the terms and conditions stipulated here-in.

(c) The following persons must supply and use a vehicle for the proper performance of their functions, exercise of their powers and discharge of their duties:

(i) The MM;

(ii) A manager directly accountable to the MM and

(iii) The incumbent in position 1, 2, 3 and any other incumbent who is required to regularly travel on the official business of the NMMDM and designated by the MM after consultation with the relevant departmental head and the manager responsible for financial management.

8.7.3. Structure of the scheme
The scheme consists of two parts, namely-

(a) A fixed monthly travelling allowance and

(b) A variable travelling allowance

8.7.4. Calculation of travelling allowances

(a) The fixed monthly travelling allowance to which a participant is entitled in terms of this scheme is calculated as follows:

\[(A + B) \times C = D\]

Where-

A represents the amount read off against the participant’s annual basic salary at the time of her/him obtaining a loan in terms of this scheme in the 10000km column of “Table A – Estimated Average Fixed Cost” published from time to time by the Automobile Association of Southern Africa.

B represents the total running cost for a vehicle with an engine capacity of 2000 cc reflected in “Table B – Petrol: Estimated average running cost” published from time to time by the Automobile Association of Southern Africa.

C represents the number of kilometres allocated to the particular participant and

D represents the fixed monthly travelling allowance payable to a participant.

(b) The fixed daily travelling allowance to which a participant is entitled in terms of this scheme is calculated by dividing the participant’s fixed monthly travelling allowance (D) in terms of paragraph (a) by the factor 21.
(c) The variable travelling allowance to which a participant is entitled is calculated as follows:

\[ E \times F = G \]

Where-

\( E \) represents the total running cost for a vehicle with an engine capacity of 2000 cc reflected in “Table B – Petrol: Estimated average running cost” published from time to time by the Automobile Association of Southern Africa.

\( F \) represents the number of kilometres travelled on approved journeys within the NMMDM area by a participant during any month in addition to the number of kilometres in respect of which she/he receives a fixed travelling allowance and/or on approved journeys on the official business of the NMMDM outside the NMMDM area.

\( G \) represents the total variable travelling allowance of a participant during any month.

8.7.5. Allocation and changing of kilometres for calculating fixed travelling allowances

(a) The total amount of kilometres per month in respect of which a participant is entitled to receive a non-accountable fixed travelling allowance per month this as follows:

(i) MM 850 km/month

(ii) Manager directly accountable to the MM 750 km/month

(iii) An employee referred to in paragraph 8.7.2(c) 650 km/month

(b) “Non-accountable” in relation to a fixed monthly travelling allowance
meansthat the recipient is not required to provide proof of the distance travelled in order to receive payment of the allowance.

(c) Whenever a participant, during two or more consecutive months, travels more than the allocated distance in terms of paragraph (a) on the official business of the NMMDM within the NMMDM area, the council may, upon receipt of proof to that effect, increase the amount of kilometres in respect of that participant in its discretion.

(d) The NMMDM will at all times require any participant to keep a log book of all journeys she/he undertakes on the official business of the NMMDM within and outside the NMMDM area of jurisdiction and to submit such log book, after it has been certified by the relevant manager or, in the case of the NMMDM manager, by the Mayor, to the management committee of the council.

(e) The council may, upon receipt of a report of a committee contemplated in paragraph (d), -

(i) Increase the amount of kilometres allocated to a participant for the purpose of calculating her/his fixed monthly travelling allowance or

(ii) Decrease the amount of kilometres allocated to a participant for the purpose of calculating her/his fixed monthly travelling allowance.

(f) Any increase or decrease in a participant’s fixed monthly travelling allowance comes into operation on the first day of the month following the month during which the increase or decrease, as the case may be, has been approved.

8.7.6. General terms and conditions of participation

(a) A non-accountable fixed monthly travelling allowance is payable together
with her/his salary to every participant in the scheme in respect of authorised journeys on the official business of the NMMDM within the NMMDM area.

(b) A participant in this scheme shall not without the prior written approval of her/his departmental head, or if she/he is a departmental head, the MM uses a vehicle of the NMMDM to undertake journeys on the official business of the NMMDM.

(c) The choice of vehicle to be used under this scheme is in the sole discretion of the participant concerned provided that such vehicle is suitable for the purpose for which it is supplied.

(d) A participant is responsible for the full cost of travelling, maintenance, insurance, licensing and registration of any vehicle under this scheme.

(e) Employee’s tax as determined from time to time in terms of relevant legislation must be deducted from a participant’s travelling allowance and paid over to the South African Revenue Service.

(f) Subject to the provisions of paragraph 8.7.8(e) a participant remains entitled to and must be paid the full amount of her/his fixed monthly travelling allowance during any period of absence on leave with full pay.

(g) A participant, in respect of approved journeys within the NMMDM area exceeding the amount of kilometres allocated in terms of paragraph 5 and in respect of approved journeys on the official business of the NMMDM outside the NMMDM area entitled to a variable travelling allowance calculated in terms of paragraph 8.7.4(c).

(h) Any travelling allowance in terms of this scheme is, after deduction of any taxes as may be prescribed and the participant’s instalment on
therepaying of her/his loan, payable monthly in arrears into a bank account designated by the participant concerned together with the participant’s salary.

8.7.7. Reduction, suspension, temporary increase and discontinuing of travelling allowance

(a) Whenever it is established that a participant in the scheme did not travel the allocated amount of kilometres during two or more consecutive months, the council may, in its sole discretion, reduce the number of kilometres allocated to that participant in respect of which she/he receives a fixed monthly travelling allowance.

(b) Whenever a participant ceases to occupy the position in which she/he qualified for participation in the scheme, the payment to her/him of a fixed travelling allowance must be discontinued with effect from the first day of the month following the month during which she/he ceased to occupy such position.

(c) A participant referred to in paragraph (b) must continue to pay off any outstanding balance on a loan granted to her/him in terms of this scheme provided that a new loan may not be granted to her/him once an existing loan has been discharged.

(d) Whenever a participant is promoted or demoted to another position in which the incumbent qualifies for participation in this scheme but the fixed travelling allowance of such other position is calculated in a different manner, her/his benefits must be increased or decreased, as the case may be, to the level of the benefits linked to that other position with the effect from the first day of the month following the month during which she/he was promoted or demoted.
(e) A participant’s fixed travelling allowance must be reduced prorata for the number of days that the participant concerned was absent from work-

(i) Due to her/his participation in a strike or other industrial action
(ii) On unpaid leave or
(iii) Due to her/his suspension without pay as an alternative to her/his dismissal.

(f) The daily value of a participant’s fixed travelling allowance for the purpose of paragraph (e) is calculated as set out in paragraph 8.7.4(b).

(g) Whenever the circumstances in paragraphs (d) or (e) applies to a participant, she/he remains liable for the full amount of any outstanding loan granted to her/him in terms of this scheme and deduction of any instalment in respect of such loan must continue to be made in terms of the loan agreement between her/him and the NMMDM.

(h) Whenever a participant acts in another position in respect of which a higher fixed travelling allowance is payable for a continuous period of more than 10 working days, her/his fixed monthly travelling allowance must be increased by adding for every working day during which she/he acts an amount equal to the difference of her/his daily fixed travelling allowance and the daily fixed travelling allowance of the person in whose position she/he is acting calculated in terms of paragraph 8.7.4.

(i) Whenever it is suspected at any time that a participant-

(i) Claimed a travelling allowance in a dishonest manner or
(ii) Falsified a log book which she/he was required to keep in terms of this scheme the MM, or if the MMs involved, the mayor, must immediately institute disciplinary action against the participant.
concerned and recover any amount as determined during such disciplinary proceedings which were paid to or in favour of such participant.

(j) Whenever it is suspected at any time that a manager-

(i) Recommended or approved the participation in the scheme of any employee who is not entitled thereto or

(ii) Certified a logbook or travelling claim of a subordinate employee as correct whilst it was not the MM, or if the MM is involved, the executive mayor, must immediately institute disciplinary action against the manager concerned and may recover any amount as determined during such disciplinary proceedings which were made as a result of such recommendation, approval or certification on the manager concerned or the person who benefited from it.

(k) Any outstanding balance in respect of a loan granted to a participant in terms of this scheme is payable in cash or by bank guaranteed cheque on the last working day of a participant as an employee of the NMMDM, provided that the participant concerned may in writing authorise the NMMDM to deduct any such balance owing from monies owed by the NMMDM to the participant concerned.

(l) A participant may not, in lieu of any amount payable in terms of paragraph

(k) Offer or transfer ownership and title in the vehicle in respect of which a loan was granted to the NMMDM.

(m) A participant must irrevocably grant authority to the NMMDM to deduct from any monies owing to her/him on the date of her/his death any outstanding loan commitment of the participant under this scheme. Any
balance of such loan after such monies has been deducted there from shall be a claim against the participant’s estate.

8.8 TRANSPORTATION BENEFITS

8.8.1 Except in exceptional cases the NMMDM does not provide transport for employees nor will it reimburse employees for any transport cost incurred in respect of-
(a) Commuting between residence and workplace
(b) Attending funerals
(c) Attending union and labour forum meetings

8.8.2 An employee who has been delegated to attend a conference, workshop or similar event on behalf of the NMMDM is entitled to be reimbursed in terms of the subsistence and travelling policy.

8.9 ACTING IN ANOTHER/HIGHER POSITION

8.9.1 Whenever the MM is absent from work or unable to perform the duties of office, the departmental head designated by the MM on a rotation basis, will act in her/his stead.

8.9.2 Whenever a departmental head is absent or unable to perform the duties of office, the MM must designate an employee of that department to act as departmental head after consultation with the departmental head concerned.

8.9.3 An acting allowance is payable to an employee acting in another position for more than 10 consecutive working days, provided that no acting allowance is paid for performing functions of a post lower than the position which the person who performed such functions was appointed.

8.9.4 An acting allowance is calculated by multiplying the difference in the daily wage of the employee who acts in another position and that of the employee in whose position she/he acted by the number of days so acted.
8.9.5 No person may be appointed to act in another position than that of MM or departmental head without the express prior approval of the Mayor having been obtained.

8.10 EX GRATIA GRANTS

8.10.1 The MM may, after consultation with the managers responsible for financial and human resources management, make ex gratia grants to employees who represent South Africa in sporting activities at national level.

8.10.2 An ex gratia grant may be made only if the employee concerned:

(a) Has attained national colours;

(b) Will represent South Africa abroad.

8.10.3 An ex gratia grant shall be calculated at the current travel and subsistence cost per day as contained in the travel and subsistence policy for the actual period that the employee concerned will be abroad or 30 days, whichever is the shorter.

8.11 RENTAL ALLOWANCE

8.11.1 An employee appointed on the permanent establishment, who complies with the qualifying conditions, may receive a rental allowance.

8.11.2 To qualify for a rental allowance an employee -

(a) Together with his/her spouse/life partner (if any) and one or more of their minor dependents (if any) must ordinarily reside in the residence concerned;

(b) Spouse/life partner (if any) may not receive a similar benefit from her/his employer;

(c) Must, together with her/his application for participation in the scheme, submit written proof by way of a signed rental agreement or sworn...
affidavit of the person from whom the residence is rented of the fact that she/he is renting a residence and the amount of rental payable to the landlord;

(d) May not receive any other housing benefit from the NMMDM.

8.11.3 A rental allowance is payable to the employee together with her/his salary for each month.

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

8.11.5 An employee shall forfeit either his rental allowance if it is found in any disciplinary proceedings, or she/he admits, that she/he -

(a) Received any benefit under this scheme whilst she/he did not comply with the qualifying conditions; or

(b) Was paid an amount under the scheme which she/he was not entitled; or

(c) Did not immediately declare that any amount paid to her/him under the scheme was paid to her/him in error.

8.11.6 A rental allowance is the lesser of R300.00 per month or half of the rental payable by an employee to her/his landlord in respect of the rental of a residence, excluding any amounts payable to the landlord concerned or a third party in respect of any NMMDM or other public services consumed in or provided to the residence concerned.

CHAPTER 9: EMPLOYEE BENEFIT SCHEMES

PART A: STUDY ASSISTANCE SCHEME

9.1.1 The purpose of the study assistance scheme is to enable employees to improve their skills and knowledge for their own benefit and that of the NMMDM
Component B: Study Bursary Scheme

9.1.1.1 The NMMDM initiates its performance appraisal system for a study bursary once-off from the NMMDM subject to the conditions set out herein if she/he-

(a) is admitted for a course of choice in an institution of choice preferably within the region, province and country,

(b) has performed excellently above all employees as per the award committee considerations

(c) is admitted in a course not exceeding an amount of R 15000.00 (fifteen thousand rand only)

PART B: RETIREMENT FUND

9.2 Subject to any collective agreement, an employee appointed on a permanent or fixed term basis in a post in the permanent establishment must become and remain a member of and contribute to a retirement fund recognised by the NMMDM and registered in terms of the Pension Funds Act 1956.

PART C: MEDICAL AID SCHEME MEMBERSHIP

9.3.1 Subject to any collective agreement, an employee appointed on a permanent or fixed term basis in a post in the permanent establishment must, unless she/he is registered as a dependent under another scheme, become and remain a member of and contribute to an accredited medical aid scheme.

9.3.2 The NMMDM shall, in respect of an employee who retires from its service and who immediately before such retirement was a member of an accredited medical aid scheme, continue to contribute to such employee’s medical aid premiums to a maximum of R 1 639 per month or 60% of the amount of such premium whichever is the lesser. The amount of the employer’s contribution shall annually
with effect from July 1, 2003 increase with an amount equivalent to the salary increase agreed to annually by the bargaining council, or in the absence of such an agreement, the amount determined by arbitration award.

CHAPTER 10: SUBSISTENCE AND TRAVELLING

10.1 POLICY PRINCIPLES AND ETHICS

10.1.1 This policy is based on the following principles

(a) Reasonableness: The NMMDM will carry the reasonable travelling and subsistence cost of employees in terms of this policy.

(b) Cost-effectiveness: The NMMDM is committed to reduce expenditure and to produce better value for money.

(c) Integrity: The policy and procedures contained in this chapter aim to promote honesty and integrity within the NMMDM.

10.1.2 Whenever it is discovered at any time after a payment was made to an employee in terms of this policy and -

(a) The journey in respect of which the payment was made did not take place or

(b) The journey in respect of which the payment was made was of shorter duration than originally planned or

(c) The employee to whom the payment was made did not undertake the journey as planned or

(d) The employee to whom the payment was made did not travel with her/his own vehicle or did not use public transport on an official journey the MM, or if the MMs involved, the Mayor, must immediately take steps to recover the payment concerned or part thereof that exceeded the amount to which the employee was entitled and forthwith institute disciplinary proceedings against her/him.
10.2 AUTHORISATION OF OFFICIAL JOURNEYS

10.2.1 The MM must authorise any official journey outside the NMMDM’s jurisdiction contemplated by an employee prior to such journey being undertaken. The manager responsible for human resources must state every meeting of the portfolio committee responsible for human resources management submit a written report setting out-

(a) The journeys so approved since her/his last report

(b) The purpose of each such journey

(c) The names of the employees who undertook such journeys

(d) The travelling, subsistence and accommodation costs paid or payable in respect of such journeys.

10.2.2 Each departmental head is responsible for ensuring that official journeys by employees allocated to her/his department are kept to a minimum.

10.3 MODE OF TRAVELLING

10.3.1 An employee who is delegated to attend to the official business of the NMMDM outside the jurisdiction must, unless she/he regularly receives a travelling allowance, make use of official transport.

10.3.2 Where more than one employee undertakes an official journey and must travel from the same place to the same event at the same destination and the MM is of opinion that it is practicably possible and in the best interests of the NMMDM for those employees to travel together, only one vehicle just be utilised for such journey provided that not more than 4 persons be allowed in a sedan motor vehicle. No travelling allowance may be paid to any employee using her/his own vehicle contrary to a decision of the MM in terms of this paragraph or who travels with another person on an official journey.

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10.3.3 Where a destination is in excess of 300 kilometres from NMMDM, or in exceptional cases when the destination is less than 400 km from NMMDM a person has a choice between travelling by air or by road. Whenever air travel is used the NMMDM shall rent an appropriate vehicle for travelling from the airport and for all business meant for the overall travel. Whenever such arrangements the nature of the businesssotravelled shall betaken into cognisance. Notwithstanding the above rental of vehicles shall be made as follows:

i. Mayor; Speaker and MM

ii. Executive Committee, Chief Whip and Management

iii. Councillors

iv. Staff

10.3.4 Whenever an employee that regularly receives a travelling allowance undertakes an official journey alone or with other persons, her/his car must be used to travel to such event.

10.3.5 An employee who does not have own transport and an official vehicle is not available or such employee does not have a valid driver’s license, must use public transport for undertaking official journeys.

10.4 REIMBURSEMENT OF TRAVELLING COST FOR PRIVATELY-OWNED VEHICLES

10.4.1 Whenever an employee undertakes an official journey from her/his ordinary workplace with a privately owned vehicle within or outside the NMMDM and is authorised to claim for such travelling, she/he must be reimbursed according to the travel rates stipulated herein. The distance to be used in calculating such reimbursement is the shortest route from the relevant
employee’s ordinary place of work to her/his destination and back to place of work.

10.4.2 Whenever an employee undertakes an official journey with a privately owned vehicle outside the NMMDM, she/hemust be reimbursed for travelling costs at travel rates stipulated herein. The distance to be used in calculating such reimbursement is in excess of 500 km (councillors).

10.4.3 Whenever an employee who does not participate in any transport allowance scheme of the NMMDM and does not use a NMMDM vehicle due to non-availability of such vehicle or who does not have a valid driver’s license is required to undertake an official journey outside the NMMDM, she/he must be reimbursed-

(b) if she/hedoesn't have a valid driver’s license, in terms of paragraph

10.4.4 An amount payable in terms of paragraph 9.4.3(b) is the lesser of the amount indicated on a signed and dated receipt issued by the person who provided the transport and the amount that the journey would have cost had the travelling allowance been calculated on the running cost determined herein.

10.4.5 No employee may be paid or reimbursed in respect of any cost incurred for travelling between his/her residence and workplace.

10.4.6 The distance for which any employee may be reimbursed in terms of this policy is the shortest distance between her/his ordinary place of work and her/his destination.

10.4.7 Whenever an employee who participates in a travelling allowance scheme exceeds the amount of kilometres in respect of which she/he receives a fixed travelling allowance for official journeys within the NMMDM, she/hemust be reimbursed in terms of this policy.
10.4.8 A payment for travelling costs in terms of this policy must include a reimbursement for tollage paid upon submission of valid electronic receipts issued at a toll gate.

10.4.9 Such taxes as may be prescribed must be deducted from any payment in terms of this policy and paid over to the South African Revenue Service.

10.4.10 Travelling Expenses will be reimbursed as follows:-

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A Sedan / Station Wagon

B Light Delivery Vehicle
C4 x 4 Light Delivery Vehicle

DMini Bus / Multi-purpose vehicle

EMotor cycle/scooter

10.5 **SUBSISTENCE ALLOWANCE**

10.5.1 Any employee attending to the official business of the NMMDM outside the NMMDM is entitled to be paid subsistence allowance of R73.50 per day that she/he is required to be outside the NMMDM.

10.5.2 No accommodation arrangements may be made or paid for by the NMMDM in respect of any event scheduled to start or after 10h00 and closing before or at 16h00 on the same day if such event is within 100 km from the place of residence of the employee who must attend it.

10.5.3 Whenever an event that must be attended is scheduled over one day at a place further than 150 km from the place of residence of the person concerned, travelling expenses, including tollage, may be paid in respect of only one return journey between her/his place of residence and the place where the event takes place.

10.5.4 No subsistence allowance or cost for meals are payable to an employee in respect of official journeys within the NMMDM unless she/he is required to be away overnight from home in which event an allowance of R73.50 is payable in respect of each day she/he is away from her/his home.

10.7 **ACCOMMODATION**

10.7.1 The head of department is responsible for making accommodation arrangements for employees in own department provided that the human

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resources department shall be responsible for accommodation arrangements pertaining to training who is required to overnight whilst on the official business of the NMMDM.

10.7.2 Whenever an employee is required to attend to the NMMDM’s official business outside the NMMDM and she/he must stay overnight, accommodation will be refunded / paid as follows:
(a) Accommodation cost: An amount equivalent to bed and breakfast, plus parking, for a 3-star hotel, or the amount claimed, whichever is the smaller plus
(b) Dinner to the amount of R150-00 per person or the amount claimed, whichever is the lesser provided that the person concerned submits proof that she/he actually stayed at and paid for such accommodation and meal.

10.7.3 The NMMDM may not refund/pay for any cost incurred in respect of bar, telephone, laundry, valet or similar cost incurred by an employee on the official business of the NMMDM.

10.7.4 The NMMDM is not liable for the payment of accommodation, meals, subsistence or any other expenses incurred by or in respect of a person accompanying an employee on an official journey unless prior approval of the MM has been obtained for such a person to accompany that employee.

10.8 TRAVELS OUTSIDE SOUTH AFRICAN BOUNDARIES

The Executives shall determine the travelling, accommodation and subsistence allowance payable to an employee on official business of the NMMDM outside South African boundaries, provided that such allowance may not exceed any amount determined by the South African Revenue Service, which amount currently is US$ 120 per day.
10.9 TRAVELLING AND ACCOMMODATION OF PERSONS ATTENDING INTERVIEWS

An applicant for a job with the NMMDM who is required to attend an interview or to submit to any other selection procedures determined by the NMMDM, and who resides outside the NMMDM, must be reimbursed as follows:

(a) Travelling: R 0-75 per km travelled

(b) Tollage, provided receipts issued at a toll gate are submitted and

(c) Accommodation: As determined in respect of employees

10.10 INDEMNITY

The NMMDM is not liable for the payment of-

(a) Any damage to or breakages or loss of an employee’s vehicle that she/he may incur whilst on official business

(b) Any traffic fine issued to an employee whilst on official business, whether she/he used his/her own vehicle or an official vehicle.

CHAPTER 11: LEGAL AID TO EMPLOYEES AND CESSION OF ACTION

11.1 INDEMNIFICATION

The NMMDM indemnifies all its employees with regard to-

(a) Any claim which could arise against an employee as a result of the performance of a statutory or contractual duty in the course of her/his services with the NMMDM, provided that such duties were carried out in good faith and without negligence
(b) Any legal costs or other expenses which are imposed on such an employee, or which are of necessity incurred by her/him in the enquiry into or defence of any such claims or proceedings.

11.2 CESSION OF ACTION

An employee must, when requested to do so, sign a cession of action in favour of the NMMDM, in order to enable the NMMDM to take legal steps to recover sums paid by the NMMDM to an employee with regard to an injury on duty and for the recovery of medical and other expenses. The employee’s claim for any pain or loss suffered, if applicable, must be included in the action.

11.3 LEGAL REPRESENTATION

11.3.1 The NMMDM may, subject to such terms and conditions as may be determined in each separate case, provide an employee with legal representation when-

(a) Legal proceedings were instituted against the employee as a result of an act or omission by the employee in the exercise of her/his powers, the performance of her/his functions or the discharge of her/his duties; or

(b) The employee has been summoned to attend an inquest or inquiry arising from the exercise of her/his powers, the performance of her/his functions or the discharge of her/his duties.

11.3.2 The NMMDM shall not provide legal representation to an employee during any disciplinary enquiry in respect of a matter with regard to which the employee may be charged, or has been found guilty of, misconduct.

11.4 COPYRIGHT AND INTELLECTUAL PROPERTY RIGHTS

By accepting employment with the NMMDM, an employee permanently and irrevocably alienate and assign to the NMMDM, without compensation of whatever
nature, copyright and intellectual property rights to any work that is eligible for copyright or intellectual property rights produced by her/him in her/his official capacity during her/his employment with the NMMDM unless there is express agreement to the contrary.

CHAPTER 12: WORKING HOURS

12.1  MAXIMUM WORKING HOURS PER WEEK

12.1.1 Full-time employees

A full-time employee must work a 40-hour week from Monday to Friday, except public holidays.

12.1.2 Part-time employees

When a part-time position is created, the MM must determine the working hours of such a position.

12.2  MAXIMUM WORKING HOURS PER DAY

Full-time employees must work from 07:45 to 13:00 and 13:30 to 16:45 one every working day, provided that lunch may be taken at any time between 12:00 and 15:00 to deliver a continuous service in any department or the MM may determine other organisational units after consultation with the relevant departmental head.

12.3  ATTENDANCE

12.3.1 No employee may leave her/his ordinary place of work during working hours without the express prior permission of his/her immediate supervisor.

12.3.2 No employee may arrive late for work in the morning or after any lunch break or leave early for lunch or after work without the permission of his/her immediate supervisor. A supervisor must take appropriate disciplinary action against any employee who transgresses any rule in this paragraph.
CHAPTER 13: LEAVE

13.1 GENERAL

13.1.1 An employee is entitled to leave as prescribed in her/his employment conditions.

13.1.2 An employee whose conditions of employment do not provide for leave is entitled to leave in accordance with the Basic Conditions of Employment Act.

13.1.3 Leave must be applied for on the prescribed application for leave form.

13.1.4 Any application for leave, except sick leave, must be handed in to the employee’s immediate supervisor at least three working days before the commencement of the leave.

13.2 APPLICATION AND APPROVAL

13.2.1 An application for leave must, except in exceptional circumstances, be submitted before such leave commences.

13.2.2 The departmental head concerned must consider an application for leave of absence and may approve or deny such an application. The MM must approve an application for leave of absence by a manager who is directly accountable to her/him. The mayor must approve an application for leave of absence of the Municipal manager.

13.2.3 Leave of absence, with the exception of maternity and sick leave, is subject to the NMMDM’s operational requirements and is only valid after having been approved. The onus is on the employee to ensure that she/he has sufficient leave available.

13.2.4 If the employee requests, her/his leave that has been approved, may be cancelled at any time before such leave commences, by the person who approved her/his application. An employee must be credited with the cancelled leave.
13.3 LEAVE RECORD

13.3.1 All leave of absence due, granted and taken, must be recorded in a leave register kept by the manager responsible for human resources management.

13.3.2 An employee has access to her/his leave record at all reasonable times during office hours.

13.4 CANCELLATION OF LEAVE

13.4.1 Leave of absence granted to an employee, with the exception of maternity and sick leave, may be cancelled, postponed or interrupted at any time by the MM on the recommendation of the relevant departmental head should it be deemed necessary in the interests of NMMDM.

13.4.2 Whenever the leave of an employee is postponed, interrupted or cancelled, the NMMDM must compensate the employee concerned for irrecoverable expenses or obligations entered into by her/him before she/he was notified of the postponement, cancellation or interruption. Proof of any such irrecoverable expenses is the responsibility of the employee.

13.4.3 If an employee's application for leave of absence is cancelled, postponed or interrupted, the reason therefore must be provided to the employee in writing. The employee concerned must be credited with the leave that has been cancelled, postponed or interrupted.

13.4.4 If an employee's compulsory annual leave had been cancelled, postponed or interrupted, the period for which such compulsory leave is valid is extended by a maximum of six months.

13.4.5 If an employee, whose leave is interrupted, postponed or cancelled has to travel in order to resume duty, the NMMDM must pay her/his expenses for the travelling from the place where she/he was and back to her/his workplace and such employee is deemed to be working while travelling.
13.4.6 Any cancellation, postponement or interruption of leave must be confirmed in writing.

13.5 LEAVE CREDIT IN THE EVENT OF AN EMPLOYEE'S DEATH

Should an employee die after leave has been granted to her/him but before such leave is finished, any unused leave must be placed to her/his credit.

13.6 RESUMPTION OF SERVICE

An employee who is absent on approved leave may not voluntarily resume duty before the full period of such leave has expired and must resume duty after such leave expired, provided that an employee who was absent on sick leave or maternity leave may resume her/his duty earlier upon submission of a medical certificate to that effect.

13.7 ADMINISTRATIVE RECTIFICATION OF LEAVE RECORDS

When an employee is accidentally granted more leave than the leave due to her/him or takes more leave than that allowed in terms of this chapter, the amount of leave granted in excess may be-

(a) Deducted from leave due to her/him later, or

(b) Recovered from her/him on termination of her/his employment as MM may decide in her/his discretion.

13.8 EXCEEDING PERIOD OF LEAVE

13.8.1 When leave without or with pay is granted to an employee and she/he stays away from work for longer than the approved period, she/he is deemed absent without leave for the period after her/his leave expired until she/her returns to work. If the period of unauthorised absence exceeds six working days, the employee is deemed to have deserted from the NMMDM’s employment.

13.8.2 An employee who stays away from work for a longer period than the period if
leave granted forfeit one day’s pay for every day she/he stays away.

13.9 **CALCULATION OF PRO RATA LEAVE**

In cases where pro rata leave is calculated, fractions of a half-day and more must be added as a full day and fractions less than a half-day must be disregarded.

13.10 **PRO RATA LEAVE WITHIN THE FIRST YEAR**

Holiday leave, with full pay, may be granted to an employee on a pro rata basis in the first year of service at a rate of 1 working day for every 12 working days provided that such leave granted on the written request of an employee must be subtracted from the compulsory leave of the employee due during that year.

13.11 **PROMOTION, TRANSFER OR DEMOTION**

Should the promotion, transfer or demotion of an employee entail an amendment in leave earnings, the change in leave earnings comes into effect from the date of such promotion, transfer or demotion.

13.12 **REGRADING**

Where the adjustment of an employee’s job level causes an employee’s leave benefit to be reduced, she/her retains the benefit to which she/he was previously entitled.

13.13 **COMMUTING OF ACCUMULATED ANNUAL LEAVE**

13.13.1 An application to commute leave must be made on the prescribed application form.

13.13.2 An application to commute leave may be submitted only once during a financial year.

13.13.3 An employee may not commute less than 10 days and more than half of the accumulated leave to her/his credit.
13.13.4 The amount of such leave less any employee’s tax must be paid to the employee not later than 14 days after she/he submitted her/his application.

13.13.5 The value of holiday leave commuted by an employee is determined on her/his daily basic salary on the date of application.

13.14 ANNUAL LEAVE

13.14.1 An employee is entitled to 21 working days annual leave after every annual leave cycle.

13.14.2 The NMMDM must grant to an employee at least 15 consecutive working days annual leave within six months after it became valid.

13.14.3 The NMMDM may not permit or require an employee to take annual leave during-

(a) Any other period of leave to which the employee is entitled; or

(b) Any period of notice of termination of employment.

13.14.4 The MM and departmental heads must ensure that employees comply with the provisions of this paragraph.

13.14.5 Should an employee be unable to take her/his compulsory annual leave before the validity thereof expires as a result of sickness or injury, she/he may apply for the validity period to be extended by not more than 6 months subject to the approval of the NMMDM manager.

13.14.6 An employee’s application for annual leave must be submitted to her/his departmental head not later than the number of days for which it is applied before the leave commences.
13.15 ACCUMULATION OF NON-COMPELLSORY ANNUAL LEAVE

An employee may accumulate the excess of annual leave accruing to her/him to a maximum of 50 working days.

13.16 PAYING OUT OF ANNUAL LEAVE

13.16.1 On the termination of employment or the death of an employee, the NMMDM must pay out an amount equivalent to the value of the annual leave to the employee’s credit due to such an employee at the time of such termination or death. Such annual leave is calculated to include payment for annual leave due in respect of an incomplete annual leave cycle and compulsory annual leave of which the validity was extended.

The amount of the payment is based on the basic daily salary of such an employee at the time of such termination or death less any annual leave taken by the employee exceeding the number of days to her/his credit.

13.16.2 Subject to sub-paragraph 13.16.4, annual leave payable due to an employee on his death does not constitute part of her/his estate.

13.16.3 On the death of an employee, an amount calculated in accordance with sub-paragraph 13.17.1, equivalent to the value of the annual leave to the credit due to the employee at the date of her/his death must be paid out to the person nominated by the deceased on the prescribed form that must be submitted to the MM.

13.16.4 If an employee has failed to nominate a beneficiary, the amount due is paid into the deceased’s estate or to someone appointed by the Master of the High Court.

13.17 ENTITLEMENT TO SICK LEAVE

13.17.1 An employee is entitled to six weeks sick leave with full pay during every sick leave cycle.
13.17.2 During the first 6 months of employment an employee is entitled to one day sick leave with full pay for every 26 days worked.

13.17.3 The NMMDM may during an employee’s first sick leave cycle, reduce the employee’s entitlement to sick leave by the number of day’s sick leave taken in terms of sub-paragraph 13.18.2.

13.18 ACCUMULATION OF SICK LEAVE

13.18.1 Sick leave to the credit of an employee at the expiration of any sick leave cycle may be accumulated.

13.18.2 Accumulated sick leave to the credit of an employee may not be paid out upon termination of the employee’s employment for whatever reason nor may such leave be commuted.

13.19 REASONS FOR GRANTING SICK LEAVE

13.19.1 Sick leave is granted only for absence from work as a result of illness or injury.

13.19.2 Sick leave may not be granted for-

(a) illness or injury resulting from any act or omission on the part of the employee or

(b) surgical procedures or treatment of a cosmetic nature unless a physician certifies the necessity thereof; or

(c) visiting a medical practitioner (including a dentist and optometrist), health clinic or traditional healer.

13.20 MEDICAL CERTIFICATE

13.20.1 An application for sick leave must be supported by a medical certificate stating that the employee was unable to work for the duration of the employee’s absence on account of sickness or injury.
(a) For a period of more than two consecutive days; or

(b) If the employee was absent from work due to alleged illness or injury on a Friday or a Monday or a workday immediately before or after a public holiday.

13.20.1 That is not supported by a medical certificate is leave without pay.

13.20.2 In the case of uncertified sick leave, the employee must indicate on the application for leave form what the nature of the indisposition was and whether a physician was consulted or not.

13.20.3 An application for sick leave on a third or further occasion during any eight-week period must, regardless of the period of absence, be supported by a medical certificate stating that the employee was unable to work for the duration of the employee’s absence on account of sickness or injury.

13.20.4 Any absence for alleged illness or injury in terms of sub-paragraphs

13.21 ABUSE OF SICK LEAVE

Should it become apparent to the MM, a departmental head or the manager responsible for human resources management that an employee is abusing sick leave, she/he may, notwithstanding any other action that may be taken in terms of these conditions and in consultation with a representative of the employee, grant unpaid sick leave for the period of absence concerned.

13.22 NOTIFICATION OF ABSENCE

13.22.1 Absence from duty as a result of illness or injury must be reported within 4 hours after commencement of the employee’s workday to the relevant departmental head. An “application for leave” form must be completed on the first working day after the employee concerned returned to work.
13.22.2 Despite any other action that may be taken in terms of these conditions, any absence due to alleged illness or injury that had not been reported is treated as unpaid leave unless the employee had a good reason for the failure to report.

13.23 PERIOD WITHIN WHICH APPLICATION FOR SICK LEAVE MUST BE MADE

13.23.1 An employee must submit an application for sick leave, accompanied by a medical certificate, if required, before or on the third day after her/his absence from duty has started to her/his departmental head or on the first day after she/he returned to work after any period of illness shorter than 3 days.

13.23.2 If an employee fails to submit an application in terms of sub-paragraph 10.24.1 any absence due to alleged illness or injury must be treated as unpaid leave.

13.24 SICK LEAVE BEFORE HOLIDAY LEAVE

13.24.1 An application for sick leave supported by a medical certificate submitted prior to the commencement of any period of approved holiday leave may be granted.

13.24.2 The departmental head concerned may reconsider the approved holiday leave at the request of the employee concerned.

13.25 HOLIDAY LEAVE INSTEAD OF SICK LEAVE

An employee may use holiday leave with full pay to cover any period of sick leave for which a medical certificate has been issued if her/his sick leave had been exhausted.

13.26 INDISPOSITION IN THE COURSE OF A WORKING DAY

Should an employee be ill or injured after having reported for work and leave her/his workplace with the permission of her/his immediate supervisor four hours or later after the
workday has commenced, she/he shall be compensated in full for that day. No sick leave application form is required for such an absence on that day.

13.27 LEAVE WITHOUT PAY

The MM may grant special leave without pay to an employee for a period or periods not exceeding one month during an annual leave cycle for urgent private matters of an employee, provided that-

(a) Satisfactory arrangements can be made for the execution of the duties of such an employee during her/his absence;

(b) The employee does not have any holiday leave to her/his credit; and

(c) The employee must reimburse the NMMDM in respect of the employer contribution to any retirement fund and medical aid scheme made by the NMMDM on her/his behalf during the period of her/his absence.

13.28 OFFICIAL BUSINESS

The MM may grant special leave with full pay to an employee when she/he is away from her/his normal place of work on the NMMDM’s official business.

13.29 QUARANTINE

The MM may grant special leave with full pay to a maximum of 180 calendar day(s) to an employee when she/he is placed under quarantine by a physician with the authority to do so.

13.30 COURT CASES AND APPEARANCES BEFORE OFFICIAL TRIBUNALS

The MM may, upon submission to her/him of written proof, grant special leave with full pay to an employee when the latter is summoned by the State to appear before a court, a commission of inquiry, a committee of the provincial legislature or Parliament, the Public Protector or any similar organ of state or public body to give evidence as a witness in proceedings before it.
13.31 EXAMINATION AND STUDY LEAVE

13.31.1 Applications for special leave to sit for examinations must be accompanied by written notification by the institution concerned of the specific day on which the examination will take place. Special leave with full pay must be granted for the day on which an examination is written.

13.31.2 An application for study leave must be submitted simultaneously with the application for examination leave. Study leave with full pay is granted for an equal number of days on which examination is written, an examination takes place on a Monday or a day immediately following a public holiday.

13.31.3 After the examination an applicant must submit written proof of the result of the examination. If an applicant fails to do so the number of days for special leave granted to her/him in terms of this paragraph must be debited against her/his holiday leave or be converted into special leave without pay where no holiday leave is available or the available holiday leave is insufficient to cover the days examination and study leave taken.

13.32 LEAVE FOR INJURY ON DUTY

The MM must grant special leave with full pay when an employee is unable to perform her/his duties owing to an accident to which the provisions of the Compensation for Occupational Injuries and Diseases Act (Act No. 130 of 1993) apply.

13.33 LEAVE FOR RESEARCH

An employee who is enrolled for post-graduate to higher diploma and studies at a tertiary institution may be granted 10 days special leave with full pay for research purposes with a view to complete a thesis, dissertation or publishable article in respect of such a course.
13.34 MATERNITY LEAVE

13.34.1 An employee is entitled to four consecutive months' maternity leave.

13.34.2 An employee may commence maternity leave at any time from four weeks before the expected date of birth or on a date from which a medical practitioner or a midwife certifies that it is necessary for the employee’s health or that of her unborn child. Unforeseen circumstances.

13.34.3 No employee may return to work within six weeks after the birth of her child or a miscarriage or stillbirth unless a medical practitioner or midwife certifies that she is fit to do so.

13.34.4 An application for maternity leave, accompanied by a medical certificate indicating the expected date of delivery, must be submitted at least four weeks before the intended date of commencement of the maternity leave.

13.34.5 Subject to any determination of the Minister of Labour, maternity leave is unpaid leave. The NMMDM must maintain the employee’s scar allowance, if any, and her and the NMMDM’s contribution to her retirement fund and medical aid scheme (if any) during the period of the employee’s absence from work on maternity leave.

13.34.6 The employee must reimburse the NMMDM in equal monthly instalments over a period not exceeding the period of maternity leave, after she had returned to work, any and all amounts paid by the NMMDM during any part of her absence on maternity leave to any retirement fund or medical aid in respect of the employee’s contribution to such fund or scheme. If the employee’s employment is terminated for whatever reason before the full amount has been repaid, any balance outstanding on the last
workday plus the prorata proportion of the NMMDM’s contributions paid during the maternity leave, must be reimbursed in cash or by bank guaranteed cheque to the NMMDM on the employee’s last work day.

13.34.7 An employee who is on maternity leave retains her usual leave benefits and her normal incremental date.

13.34.8 An employee who takes maternity leave must remain in the employ of the NMMDM for one day for every day of maternity leave she took after resuming work after her absence on maternity leave. If an employee’s employment with the NMMDM is terminated for whatever reason before such working back obligation is discharged, she must repay the NMMDM on a pro rata basis an amount equal to the value of the maternity leave paid out, the leave earned during such period of maternity leave and the employer’s contributions on her behalf to the medical aid scheme (if any) and retirement fund.

13.34.9 Sick leave must be granted in respect of absence from duty as a result of a miscarriage, a still birth or termination of pregnancy on medical advice. Sick leave is granted from the date of the miscarriage, still birth or termination of pregnancy on medical advice.

13.35 ADOPTION LEAVE

13.35.1 Whenever an employee legally adopts a child who is less than 2 years old, she/he may take adoption leave from the date on which the child is received for a period not exceeding three months, provided that her/his spouse or life partner does not qualify for a similar benefit and, in the case of a male employee, he must be unmarried at the time of the adoption.

13.35.2 Whenever an employee legally adopts a child who is older than two years,
she/he may take adoption leave from the date on which the child is received for a period not exceeding one month, provided that her/his spouse or life partner does not qualify for a similar benefit and, in the case of a male employee, he must be unmarried at the time of the adoption.

13.35.3 Adoption leave is unpaid leave.

13.35.4 The NMMDM must maintain the employee’s car allowance, if any, and her/his and the NMMDM’s contributions to the retirement fund and medical aid scheme (if any) during the period of the employee’s absence from work on adoption leave.

13.35.5 The employee must reimburse the NMMDM in equal monthly instalments over a period not exceeding the period of adoption leave, after she/he has returned to work, any and all amounts paid by the NMMDM during any part of such leave to any retirement fund or medical aid scheme in respect of the employee’s contributions to such fund or scheme. If the employee’s employment with the NMMDM is terminated for whatever reason before the full amount has been paid to the NMMDM, any balance outstanding on the last workday plus the pro rata proportion of the employer’s contributions paid during the adoption leave, must be reimbursed in cash or by bank guaranteed cheque to the NMMDM on that day.

13.35.6 An employee’s application for adoption must be accompanied by a copy of the court order issued in respect of the adoption.

13.35.7 An employee who takes adoption leave is obliged to remain in the NMMDM’s employment for the number of days equivalent to the number of days of adoption leave taken. Should the employee’s
employment be terminated for whatever reason before she/he completed her/his working back obligation, the employee must reimburse the NMMDM on a pro rata basis to an amount equal to the value of the payshe/hereceivedduring her/his leave, the employer’s contributions made on behalf of the employee to a retirement fund and medical aids scheme (if any) and the annual leave earned during such a period of adoption leave.

13.35.8 An employee to whom adoption leave had been granted retains her/his normal leave benefits and normal increment date.

13.36 VISITS TO HEALTH CARE PROVIDERS

13.36.1 No employee may visit a health clinic, hospital, blood donation clinic, traditional healer or medical practitioner (including an optometrist and dentist) (hereafter called a health care provider), during working hours except with the express prior permission of her/his immediate supervisor.

13.36.2 No employee may visit a health care provider in another place than the place where she/he usually works during working hours except if she/he had been granted approved holiday leave.

13.36.3 An employee may not apply for or be granted sick leave in order to visit a health care provider.

13.37 ENTITLEMENT TO FAMILY RESPONSIBILITY LEAVE

13.37.1 An employee who had been in the service of the NMMDM for more than four months and who normally works more than four days a week is entitled to three days family responsibility leave with full pay during every annual leave cycle of that employee-

(a) When her/his child is sick or born; or

(b) In the event of the death of the employee’s spouse or life partner, parent, adoptive parent, grandparent, child, adopted

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child, grandchild or sibling.

13.37.2 The employee must apply for family responsibility leave prior to going on such leave. An application for family responsibility leave must be accompanied by proof of an event contemplated in sub-paragraph 13.37.1 for which the leave is required.

13.37.3 Unused family responsibility leave lapses at the end of the annual cycle leave during which it accrues.

13.38 PARTICIPATION IN PROVINCIAL/NATIONAL SPORTS ACTIVITIES

The MM may grant special leave with full pay to sportsmen and women, coaches, referees and umpires in the service of the NMMDM for participation in national and international level sports events.

13.39 UNAUTHORISED ABSENCE FROM WORK

13.39.1 Any absence of an employee from work without approved leave or the express permission of her/his departmental head or the MM is absence without leave.

13.39.2 Whenever an employee who was absent without leave returns to work, she/he must complete a leave application form. The number of days of her/his absence is deducted first from the holiday leave to her/his credit. If she/he does not have sufficient holiday leave to her/his credit, she/he must apply for unpaid leave.

13.39.3 Notwithstanding the fact that an employee may have sufficient leave to her/his credit to cover any unauthorised absence from work, the manager responsible for human resources management must make arrangements on such an employee’s return to work that the employee be charged with misconduct.
13.40 PARTICIPATION IN STRIKES AND OTHER INDUSTRIAL ACTION

13.40.1 Whenever two or more employees participate in any industrial action during working hours, whether protected or unprotected, the principle of no work no pay applies.

13.40.2 No employee will be allowed to apply for holiday leave after she/he participated in any industrial action.

13.41 LEAVE DURING PERIODS OF DETENTION

13.41.1 An employee whom may be detained on suspicion of his participation in any criminal action must make arrangements to inform her/his immediate supervisor as soon as possible after her/his detention.

13.41.2 An employee who was detained must, as soon as she/he returns to work, submit an application for leave for the period during which she/he was detained.

13.41.3 An application for leave in the circumstances contemplated in paragraph 13.41.1 is an application for holiday leave, provided that if the employee concerned does not have any or have less days holiday leave to her/his credit than the period of her/his detention, any such leave or part thereof is leave without pay.

CHAPTER 14: OCCUPATIONAL HEALTH, EMPLOYEE WELLNESS AND WORKPLACE SAFETY

Part 1

Safety in the workplace

14.1 EMPLOYEES TO BE INFORMED OF SAFETY MEASURES

A departmental head must inform, or have every employee informed, of relevant legislation and safety measures applying to her/his job and the workplace where she/he ordinarily works.
14.2 SAFE CONDUCT

14.2.1 Both the NMMDM’s and employees’ conduct must be such that no employee endangers her/his own safety or impairs her/his health or that of a colleague.

14.2.2 Any instruction given to an employee to disregard a safety measure, rule or procedure is an unlawful instruction.

14.3 WEARING OF PROTECTIVE CLOTHING AND EQUIPMENT

14.3.1 Every employee must comply with the directives of the NMMDM, the MM and the manufacturer (if applicable) regarding the safe use of equipment.

14.3.2 Any instruction given to an employee not to wear any protective clothing or other safety equipment supplied by the NMMDM is an unlawful instruction.

14.3.3 Uniforms and protective clothing are issued free of charge to employees in terms of the schedule for issuing uniforms and protective clothing (two items of protective clothing/uniforms per year).

14.3.4 The manager responsible for human resources management must, after consultation with the relevant departmental heads and such health and safety committees as may exist, establish and maintain a list of protective clothing (including clothing designed to keep humans dry during rain) and uniforms that must be issued and worn.

14.3.5 Any item of protective clothing or uniform issued to an employee-

(a) Remains the property of the NMMDM

(b) May not be used for any other purpose than that for which it was issued;

and

(c) Must be returned to the NMMDM on termination of the employee’s employment unless the MM determines otherwise.
Part 2

Employee wellness

14.4 GENERAL PRINCIPLES OF EMPLOYEE WELFARE

The NMMDM views its employees as an important resource that should be retained, utilised and developed. The NMMDM accepts that employees may experience social problems, which if they are dealt with in good time, can lead to better job performance.

14.5 SUBSTANCE ABUSE AND ADDICTION

14.5.1 No employee may during working hours consume any intoxicating or stupefying substance, including alcohol, for whatever reason, provided that an employee who for health reasons and under the supervision and instruction of a healthcare provider uses moodaltering or stupefying drugs or drugs that may induce drowsiness must at the first opportunity inform her/his immediate supervisor of that fact.

14.5.2 No employee may instruct or permit another employee who is apparently under the influence of an intoxicating or stupefying substance, including alcohol, to drive any vehicle of the NMMDM or to operate any machine of the NMMDM.

14.5.3 The NMMDM recognises that substance abuse and dependency, including alcoholism, are pathological conditions. Employees with problems of this nature may be referred for treatment in terms of this paragraph.

14.5.4 A physician must determine and certify the pathological condition.

14.5.5 The employee must volunteer for treatment.
14.5.6 Employees receiving treatment for substance abuse and dependency, including alcoholism, receive sick leave with full pay for the duration of the treatment, despite any provisions to the contrary in the employee’s conditions of service or the NMMDM’s human resources management policies, subject to sub-paragraph 14.5.8.

14.5.7 An employee referred to in this paragraph may not be penalised with regard to her/his progression in the NMMDM’s service.

14.5.8 An employee may be granted sick leave with full pay to undergo full-time treatment for the pathological condition on one occasion only. Any further sick leave for treatment must be considered taking into account the employee’s job performance, duration of absence for treatment and the employee’s period of service.

14.6 SOCIAL PROBLEMS DO NOT PREVENT ACTION FROM BEING TAKEN IN THE EVENT OF MISCONDUCT

Nothing contained in any human resources management policy prevents action from being taken against an employee in terms of her/his conditions of employment for alleged misconduct or alleged poor performance.

14.7 REPLACEMENT OF AN OFFICIAL’S PRIVATE EQUIPMENT OR ITEMS OF CLOTHING

14.7.1 An employee may submit a claim for the replacement of her/his private equipment or items of clothing which might be damaged in the execution of her/his official duties.

14.7.2 The manager responsible for human resources must consider and finalise, approve and/or reject each such claim.
14.7.3 Ex gratia payments include payments for monetary losses to a maximum amount determined by the NMMDM in the event of an employee being robbed while she/he is executing her/his official duties during official working hours.

14.7.4 A claim submitted by an employee must include-

(a) An affidavit by the employee stating the cause and circumstances of the damage or loss and confirming that she/he was performing official duties; and

(b) At least two written quotations for the replacement of the damaged item.

Part 3
Employee health

SECTION 3.1: SMOKING IN THE WORK PLACE

14.8 PHILOSOPHY

14.8.1 The NMMDM recognises the need to restrict smoking in the workplace for medical, legal and financial reasons, including recognition of the health effects of passive smoking, of the need to manage the risk of liability from diseases caused by passive smoking and of encouraging smoking cessation as part of health promotion in the workforce.

14.8.2 The NMMDM believes that medical evidence shows that smoking is harmful to the health of smokers and that second-hand smoke is a significant health hazard to non-smokers.
14.9 PURPOSE AND OBJECTIVES

14.9.1 The NMMDM has a legal duty to take reasonable care to protect its employees. In an attempt to consider and accommodate the reasonable needs of smokers and non-smokers and to provide all employees with a safe and healthy working environment, the NMMDM envisages an approach that would discourage smoking. This policy is not meant to punish the smokers but to protect and improve the health of all employees.

14.9.2 The specific objectives of this policy are-

(a) To educate smokers about the harmful effect of smoking and give advice, guidance and support if employees decide to give up smoking;

(b) To change the working environment to minimize the harmful effects of passive smoking on non-smokers;

(c) To provide employees with a healthy and efficient working environment and to avoid conflict in the workplace.

14.10 EDUCATION

Education and information programmes will be provided to all employees aimed at providing employees who smoke with information on the effects of smoking on health and how to stop smoking.

14.11 CHANGES TO THE WORKING ENVIRONMENT AND WORKPLACES

14.11.1 Nobody may smoke in a workplace.

14.11.2 A departmental head may, after consultation with the relevant health and safety committee, designate a specific office or place in a workplace as a designated smoking area.

14.11.3 Employees who smoke must manage their smoking breaks in a responsible manner having due regard for their official duties.

14.11.4 Every supervisor must deal with prolonged or frequent absences from
workplaces as a matter of performance and conduct.

14.11.5 No tobacco products may be sold in any workplace.

14.12 HIV/AIDS AND OTHER LIFE-THREATENING DISEASES

Employees having HIV, AIDS or other life-threatening diseases

14.12.1 The following paragraphs contain the NMMDM’s policy and procedures for interacting with employees who have been medically diagnosed as having AIDS or HIV or who are suspected of having HIV, AIDS or another life-threatening disease.

14.12.2 The purpose of this policy is to reassure employees that HIV and AIDS and most life-threatening diseases are not spread through casual contact during normal work activities and to reduce unrealistic fears about contracting HIV, AIDS or another life-threatening disease. This policy also protects the legal right to work of employees who are diagnosed with HIV, AIDS or another life-threatening disease and provides rules to regulate cases where HIV, AIDS or another life-threatening disease is suspected.

14.12.3 Employees who have HIV, AIDS or another life-threatening disease must be treated with sensitivity, empathy and understanding.

14.12.4 The NMMDM is committed to maintaining a healthy work environment by protecting the physical and emotional health and well-being of all employees in the workplace.

14.12.5 The NMMDM does not require applicants for employment to be tested for life threatening diseases, including HIV.
14.12.6 Testing for HIV (or any other life-threatening disease) will only be undertaken on a voluntary basis when requested by an employee and at the employee’s own cost.

14.12.7 Whenever an employee has or suspects that she/he has HIV, AIDS or another life-threatening disease, she/he may inform her/his departmental head or another employee thereof. However, in the event of prolonged or repeated sick leave, the MM may, at the NMMDM’s cost, request an employee to submit to medical examination by a medical practitioner appointed by the NMMDM.

14.12.8 Where required, professional counselling services will be made available to employees who volunteer to submit to HIV-testing.

14.12.9 Any employee having a life-threatening disease may continue to work for as long as she/he is medically able to work and can continue to meet acceptable performance standards.

14.12.10 The NMMDM will provide appropriate education and awareness programmes to all employees to help them understand how HIV is spread and to reduce unrealistic fears of contracting AIDS and other life-threatening diseases.

14.12.11 If a situation arises where an employee having HIV, AIDS or another life-threatening disease negatively affecting her/his work performance management must ensure compliance with the relevant legal prescripts and this policy.

14.12.12 Whenever an employee unreasonably refuses to work or have contact with an employee who has HIV, AIDS or another life-threatening disease and there is no risk of infection to that employee, she/he
must be warned that such behaviour is unreasonable and inappropriate and that persistence may lead to disciplinary action being taken against her/him.

14.12.13 The manager responsible for human resources management must see to it that first-aid boxes that are available in workplaces are supplied with latex gloves, CPR-masks and clear Writtenguidelines on how to prevent any blood or body-Fluid contamination of skin and mucus membranes at all times.

14.12.14 If an employee with HIV, AIDS or another life-threatening disease requests that her/his working environment or circumstances be changed by reason of such condition, she/he must obtain a written medical opinion that he/she-

(a) Is medically fit to work and

(b) Needs reasonable job accommodation in order to maintain her/his employment.

Health, ambulance, fire-brigade staff and cleaners

14.12.15 Emergency and healthcare workers must be equipped with special protective clothing, including face masks, goggles and latex gloves, and other gear that just be worn or used whenever they respond to an emergency call in order to prevent skin or mucus membrane contact.

14.12.16 Protective clothing and other gear must be worn and used in such a manner as to protect the emergency and healthcare worker from many blood, other body fluids and injuries that she/he may sustain.
14.12.17 All blood and other body fluids, irrespective of origin, must be handled with the utmost of care.

14.12.18 Any employee with an open wound or bleeding skin lesions must, as far as possible, prevent and avoid contact with blood, mucus and patients with open wounds. Skin lesions must be covered with waterproof bandages at all times during working hours.

14.12.19 All sharp instruments or tools must be handled with care.

14.12.20 To prevent needle-prick injuries, no one may recap, bend, break or in any other way handle used needles.

14.12.21 Medical waste must be handled according to the relevant statutory and policy prescripts with regard to high-risk and medical waste.

14.12.22 A body area that was exposed to blood, mucus or an open wound must immediately be washed with soap and water. In the case of a needle prick injury, the wound must first be bled and afterwards washed with soap and water. The wound and surrounding tissue must be treated with a hypochlorite containing a disinfectant, e.g. VIRCON, CIDEX or BIO.D.

14.12.23 Any incident involving a needle prick with a used needle or contact with an open wound, blood or mucus must be reported to the employee’s immediate supervisor and dealt with as an injury on duty within 72 hours.

14.12.24 A baseline blood sample of the injured emergency or healthcare worker as well as a blood sample of the patient treated by the employee concerned must be taken for HIV testing with the consent of the patient. If the patient refuses to give a sample for HIV testing, it must be explained to her/him that testing is compulsory. If the patient still refuses testing after it has been explained to her/him, the emergency or healthcare worker may use a blood sample that was taken from the patient for another purpose for HIV testing and inform the patient accordingly.
Taking of blood specimens for HIV testing of an exposed emergency or health care worker shall be carried out according to the stipulations set by the Compensation Commissioner, as follows:

(a) A baseline blood sample for HIV testing must be taken within 72 hours of the injury occurring or the exposure taking place. Follow-up blood specimens for HIV testing are taken 3, 6 and 12 months after the exposure.

(b) Every practicably possible effort must be made to establish the correct residential and work address of the patient that the emergency or health care worker treated when the injury was sustained or the exposure occurred.

(c) Should the health-care worker have sero-converted by the time of any follow-up tests, the HIV status of the patient (if previously negative) should be established and documented.

Healthcare and emergency service workers who have HIV or AIDS may continue with their work but that they must consistently adhere to the principles of reversed universal precautionary measures in order to protect their patients/the public from any possible exposure.

14.13 WORKING WHEN IT RAINS

14.13.1 Every employee who works in the open air must wear suitable protective clothing on any working day during which it rains.

14.13.2 Depending on the level, rate or concentration of the rainfall, the supervisor concerned may require employees who work in the open air to continue working whilst it rains, provided they wear suitable protective clothing.

14.13.3 The supervisor concerned must evaluate the rainfall level, extent, concentration and the effect it has on the safety, health and qualitative...
production of employees working in the rain. Should the supervisor be of the view that the level, rate or concentration of the rainfall affects the safety, health, effectiveness or qualitative production of the employees, he/she must order work to be abandoned forthwith and order such employees to move to a suitable place identified by the supervisor where there is shelter. Should the supervisor upon his/her assessment of the weather conditions be of the view that there is little or no prospects of the stoppage of rainfall, he/she may instruct the employees to abandon work and return to the relevant depot, workshop or plant.

14.13.4 Any employee removed from a work site in the open air due to rain may be expected to perform other duties at the depot, workshop or plant, which will not expose them to rain. Where no other duties can be assigned to employees who have returned from a work site the supervisor may, with the prior approval of the departmental head concerned, permit the employee to knock off work at any time falling within their normal working hours. Any employee who has been released interms of this paragraph shall be deemed to have worked normal working hours on that day.

CHAPTER 15: PRIVATE WORK

15.1 EMPLOYEE TO BE FULL-TIME OCCUPIED WITH THE NMMDM’S WORK

No full-time permanent employee or full-time employee appointed in terms of a fixed term employment contract may conduct any business, trade or profession (private work) without express approval granted in terms of this policy.
15.2 CONDITIONS FOR PERMISSION TO PERFORM PRIVATE WORK

15.2.1 The manager responsible for human resources management may approve an application for private work after consultation with the departmental head concerned subject to the following conditions:

(a) Private work may only be carried out outside normal working hours.

(b) Private work must not affect or disrupt the employee’s official duties and no enquiries appointments or other arrangements with regard to private work may be arranged during working hours.

(c) Under no circumstances may the NMMDM’s equipment or materials be used for private work.

(d) The physical, postal and electronic mail addresses, telephone and facsimile numbers of the NMMDM may not be used for the purpose of or in connection with private work.

(e) The employee may not use his/her position with the NMMDM to canvass for private work.

(f) No sick leave will be granted for any illness or injuries as a result of private work.

(g) No employee may accept private work if she/he would benefit, directly or indirectly, in any way from the NMMDM.

(h) Permission to perform private work maybe withdrawn at any time.

(i) Applications for private work must be submitted before July 1 every year.

15.2.2 Any approval to perform private work lapses every year on July 1.
15.3 REFUSAL OF APPLICATION TO PERFORM PRIVATE WORK AND WITHDRAWAL OF PERMISSION

15.3.1 An application for permission to perform private work must be refused if, in the opinion of the manager responsible for human resources management, a conflict of interest could develop between the interest of the NMMDM and that of the employee.

15.3.2 The manager responsible for human resources management may withdraw any approval in terms of this paragraph to perform private work if she/he suspects that a conflict of interest arose.

CHAPTER 16: TRAINING AND DEVELOPMENT

16.1 INTRODUCTION

16.1.1 The NMMDM believes that its employees form the cornerstone of service delivery to the communities within the NMMDM. It therefore adopts a policy of giving priority to the training and development of its staff, within the parameters at what is feasible and sensible in the context of the NMMDM’s resource deployment requirements. It will identify and assess the training needs and potential of staff, match it with the requirements of the NMMDM and afford all employees the opportunity to develop their potential, improve their performance and advance their career prospects within the NMMDM. Special attention will be paid to training and development opportunities for employees belonging to designated groups.

16.1.2 The NMMDM is committed to the structured and systematic training and development of all its employees on an ongoing basis to enable them to perform their duties effectively and efficiently. Training and development programmes will also be provided to enable employees to
acquire the skills, knowledge and other attributes and develop their potential to meet the NMMDM’s future human resources needs.

16.1.3 The training and development of an employee will commence with her/his appointment and continue as long as she/he is employed by the NMMDM. Current employees will be drawn into the training process in accordance with priorities established by way of a structured analysis of training needs.

16.1.4 The council shall, in addition to any provision that it must make in its operating budgets for the payment of a statutory skills levy, provide additional funds in order to conduct training of its employees and councillors in order to comply with the approved integrated development plan.

16.2 PRINCIPLES OF TRAINING AND DEVELOPMENT

16.2.1 Training and development must-

(a) Be needs-based

(b) Be systematic

(c) Be cost-effective

(d) Be developmental in approach

(e) Consist of externally developed and presented, as well as in-house, training and development programmes

(f) Be related to an employee’s current or possible future job

(g) Deliver results that are measurable against pre-determined outcomes

(h) Recognise that learning routine tasks and obtaining primary knowledge to perform better should be done in the work environment
Appreciate the primary role of supervisors in the identification of training needs and teaching employees to perform their allocated jobs better.

16.2.2 All training and development initiatives must be properly planned, programmed and administered and their results reviewed in order to determine-

(a) How training methodologies and programme content can be improved;

(b) To what extent a particular programme has supplied the needs of the individual learners who completed it and the NMMDM;

(c) How maximum benefit can be obtained from resources devoted to training and development;

(d) How procurement and development of training programmes can be improved; and

(e) What impact completion of a programme had on the performance of a learner.

16.3 INSTITUTIONAL ARRANGEMENTS FOR TRAINING AND DEVELOPMENT

16.3.1 The manager responsible for human resources management-

(a) Must advice and assist other departmental heads with regard to training and development, especially with regard to the identification of training needs and selecting appropriate programmes to supply those needs

(b) Is responsible for the administration of the training process, programmes and events

(c) Must ensure that the impact of any training programme is established at
appropriate intervals after the programme was completed and compared with the potential impact

(d) Establish a training schedule at the beginning of each financial year taking into account the needs of employees and the NMMDM

(e) Must, in consultation with the manager responsible for financial management, make provision in the annual operating budget for training and development of employees in addition to the payment of the skills development levy

(f) Submit the resolutions and recommendations of the Skills Development and Employment Equity Committee to the Heads of Departments Forum

(g) Make recommendations to the MM regarding employees’ participation in training programmes and attendance of seminars, workshops and similar training events upon receiving nominations from departmental heads.

16.3.4 The Skills Development and Employment Equity Committee must-

(a) Ensure the co-ordination and integration of the training and development activities of the NMMDM

(b) Promote equitable access to training and development opportunities

(c) Assess and monitor training needs of employees and prioritise identified needs

(d) Review, monitor and make recommendations on employment and training practices in order to achieve relevant objectives and targets of the NMMDM

(e) Evaluate employment decisions in terms of the approved employment equity plan

(f) Oversee ongoing communication and feedback on all matters relating to equity, unfair discrimination and affirmative action in employment and training practices
(g) Assess the workplaces skills and employment equity plans and make recommendations thereabout to the human resources committee.

(h) Assess the effectiveness of training and training programmes.

(i) Make recommendations on allocation of resources for training.

(j) Review and formulate training and development policies for the NMMDM.

(k) Act as a contact between the department responsible for human resources management, other departments and councillors in matters relating to skills development and employment activities.

16.3.5 The Skills Development and Employment Equity Committee consists of representatives of all departments, councillors and trade unions that are represented in the labour forum.

16.3.6 The member of the management committee responsible for human resources management is the chairperson of the committee. The chairperson must-

(a) Determine the time, date and place of meetings of the committee.

(b) Preside at meetings of the committee.

(c) Ensure compliance with the rules and orders during committee meetings.

(d) Ensure, together with the manager responsible for human resources that agendas for, minutes of and documentation relating to the committee’s activities are prepared.

(e) Submit such reports regarding the committee’s activities to the mayor as may be prescribed.

16.4 INDUCTION

Every new employee, regardless of function or job level, must, within one month of her/him commencing employment, receive systematic induction training, which will
enable her/him to become fully oriented in her/his job and the NMMDM in the shortest possible time.

16.5 ON-THE-JOB (IN-SERVICE) TRAINING

16.5.1 The objective of on-the-job training is to provide an employee with the skills and knowledge that she/he needs in order to improve her/his performance and to modify the attitude of an employee in order to improve his/her competency.

16.5.2 A departmental head, after consultation with the relevant supervisor, must nominate an employee to participate in any training programme or to attend a seminar, workshop or similar training event and submit such nomination to the manager responsible for human resources management.

16.5.3 Whenever a departmental head, after consultation with the relevant supervisor, requires an employee to participate in a specific training programme offered by an institution other than the NMMDM, the NMMDM must pay for all costs incurred for registration, learning materials, tuition fees, travelling and subsistence costs and accommodation.

16.6 ROLE OF SUPERVISORS IN TRAINING AND DEVELOPMENT

The NMMDM recognises that every supervisor of employees has a duty to ensure that her/his subordinates have the required skills, knowledge and attitude to perform her/his function effectively and efficiently. Supervisors therefore have primary responsibility for identifying the training needs and improving the skills and knowledge of their subordinates. The NMMDM recognises that routine tasks must be learned in the work environment under close guidance and instruction. Where the skill deficiency of any employee cannot be supplied by learning under the guidance of a supervisor, it is the duty of such supervisor to communicate the training need of that employee to her/his superiors.
16.6 LINKAGE BETWEEN PERFORMANCE IMPROVEMENT AND TRAINING AND DEVELOPMENT

The NMMDM recognises that the quality and level of institutional and individual performance results from applying available capacities. Therefore, supervisors and management have the duty to ensure that training and development receive adequate consideration as interventionsto improve the skills, knowledge and attitudes of employees throughout the NMMDM. However, at the same time, the NMMDM realises that training and development are not a magic wand that will ensure improved performance in all areas of underperformance.

CHAPTER 17: CAREER OPPORTUNITIES, SUCCESSION PLANNING AND RAPID PROGRESSION

17.1 INTRODUCTION

It is important that the NMMDM has a sound staffing strategy and that it takes steps to retain staff in general and in particular those employees that-

(a) Show potential

(b) Competently occupy key positions

(c) Possess scarce or specialised skills and knowledge or

(d) Are Black, female or disabled.

17.2 OBJECTIVES

The objectives of this policy are-

(a) To create an ongoing supply of well-trained, broadly experienced and motivated employees who are ready to step into key positions as may be needed from time to time

(b) To ensure alignment between the career goals of individual employees and the goals of the NMMDM
(c) To establish special programmes to expose employees mentioned in paragraph 17.1 to a variety of job experiences and familiarise them with the NMMDM’s processes and systems

(d) To align the future staffing needs of the NMMDM with the current availability of appropriate resources within the NMMDM

(e) To define employee career paths, which will help the NMMDM to train and retain a pool of suitably qualified employees.

17.3 PHILOSOPHY

17.3.1 The NMMDM realises that-

(a) Not all employees have the potential to progress to management level and beyond to executive level;

(b) excellent performance at one job level does not necessarily mean that the employee concerned will perform equally remarkably at a higher level or in another job on the same level although it may be an indicator of reasonable prospects of satisfactory performance at a higher level;

(c) Preparing employees to advance from one level to a next level within the NMMDM may create expectations that the NMMDM cannot always fulfil in the short and medium term and that, consequently, investing time and other resources in selected employees may increase staff turnover as employees are dissatisfied with the prospects of advancement in the NMMDM’s service

(d) To some extent, resignation and retirement of employees in key positions can be predicted and, consequently, that the NMMDM can make appropriate arrangements not to suffer negative consequences from such resignation/retirement
Succession planning does not necessarily mean that internal candidates must be promoted to vacancies at higher levels if no suitable candidate is available internally.

16.3.2 In view of paragraph 17.3.1-

(a) The NMMDM will approve rules and criteria for the identification of individual employees that have the potential to progress to management levels and beyond.

(b) Management must ensure that candidates for advancement into higher positions must understand that although they have been identified for this purpose, it may not be always possible for the NMMDM to promote them in the short or medium term.

(c) Rapid career progression may only be considered if an employee is appointed in a position that spans different ranks across two or more job levels.

(d) Succession and rapid progression must be linked to the employee performance management system and, specifically, the personal performance plans and personal development plans of each individual employee.

(e) Career and succession planning and rapid progression must be done on the basis of, and consistent with, specific and unambiguous job descriptions and job specifications.
17.4 PROCEDURES FOR SUCCESSION PLANNING AND RAPID PROGRESSION

17.4.1 Rapid progression

(a) The rapid progression policy applies to incumbents in all positions that span two or more job levels in the same career track.

(b) The manager responsible for human resources management must, together with the relevant departmental head:

   (i) Identify those positions to which the rapid progression policy can be applied and
   (ii) Set qualification and experiential standards for progressing from one level to the next or from one salary notch to the next.

17.4.2 Succession planning

(a) The manager responsible for human resources management must, at the beginning of every financial year, and thereafter as often as necessary, prepare and submit to the Departmental Heads Forum, a written schedule of all employees setting out:

   (i) Which employees will achieve retirement age during the next year and the date on which they will reach it
   (ii) Which employees’ employment contracts will terminate during that year and the date on which such contracts expires
   (iii) Which employees at that time (if any), comply with the job specifications of any position that may be vacated during the year in question and who may be considered for promotion or transfer into any vacancy that may arise due to the retirement of an employee or the expiration of an employee’s employment contract.
(b) The Departmental Heads Forum must consider the schedule submitted by
the manager responsible for human resources management and submit its
report and recommendationstothePortfolioCommitteeresponsibleforhuman
resources management.

(c) The Committee responsible for human resources management must
consider
therecommendationsoftheDepartmentalHeadsForumandsubmitthe
report, together with its comment and recommendationstotheMayor. The
Committeemayrecommendthattheemploymentcontractofanyemployee
that expires during the year in question be extended for another period on
the same or different conditions.

(d) The Mayor must, in respect of the positions of MM and
departmental heads, and after consideration of the report and comment of
the Committee, submit a report and recommendationstothe council
for its consideration. The Mayor may decide on all other cases.

17.5 METHODOLOGY OF CAREER PLANNING

17.5.1 The primary methodologies of career advancement involve two human
resources management processes, namely job enrichment and job rotation,
linked to a structured learning programme utilising different training
methodologies.

17.5.2 An employee who satisfies the criteria and/or standards to qualify for
career advancement in terms of this policy (hereafter the targeted employee), will
be expected to subject her/him to job enrichment and/or job rotation and
such training programmes as may be required, without any additional
compensation of whatever nature.
17.5.3 The manager responsible for human resources management must, together with the relevant departmental head, compile a career plan and log book in respect of each targeted employee.

17.5.3 A career plan must contain at least the following information:

(a) The name, race, age and sex of the targeted employee

(b) The targeted employee’s current position

(c) The targeted employee’s qualifications and job experience when she/he entered the NMMDM’s service and any change thereto since that date

(d) An assessment of the targeted employee’s performance against the standard performance criteria in terms of the employee’s personal performance plan

(e) The position for which the targeted employee is being prepared

(f) The duty sheet and job specification of such future position

(g) The attributes, skills and knowledge that the targeted employee will require to successfully occupy that future position

(h) A schedule indicating-

(i) The period during which the targeted employee must complete any training programme that may be required and the nature and content of such programme

(ii) The period or periods she/he must spend performing the work allocated to other positions on the same level or performing functions of positions on higher level to ensure that she/he acquires the attributes, skills and knowledge to occupy such future position
(j) The identity and position of the person or persons who will act as the targeted employee’s mentor(s)

(k) The frequency and methodology of assessing the employee’s progress towards acquiring the required attributes, skills and knowledge.

17.5.4 The manager responsible for human resources management must submit the draft career plan to the targeted employee for consideration and comment and conduct an interview with her/him to ascertain her/his

17.5.5 As soon as the manager responsible for human resources management and the targeted employee reach agreement on the content of that employee’s career plan, the manager responsible for human resources management must submit such plan to the MM for approval, whereafter the plan must be implemented.

17.5.6 The targeted employee’s mentor(s) must ensure that she/he-

a) Is rotated between the jobs identified in her/his career plan

(b) Performs that functions allocated to other positions as prescribed in her/his career plan

(c) Complete the training programmes prescribed in her/his career plan maintenance her/his log book and submit it, together with the mentor(s) comment to the manager responsible for human resources management and the relevant departmental head once during every month.

CHAPTER 18: USE OF NMMDM EQUIPMENT AND VEHICLE USAGE AND DAMAGE TO VEHICLES
18.1 INTRODUCTION

The NMMDM is obliged to protect NMMDM assets from abuse, loss and damage.

Part 1

NMMDM vehicles

18.2 OBJECTIVES

The objectives of this policy are—

(a) To regulate the use of NMMDM vehicles

(b) To ensure that NMMDM vehicles are used in a safe and efficient manner in order to minimise abuse, loss and damage and decrease expenditure and

(c) To provide procedures for reporting and investigating abuse and loss of and damage to vehicles

18.3 DRIVER’S LICENCES

Every employee who is required to drive a NMMDM vehicle from time to time must furnish the NMMDM with a certified copy of his/her driver’s license and every renewal thereof. Only the credit card type driver’s licence will be acceptable.

18.4 USE OF VEHICLES AND AUTHORITY TO USE VEHICLES

18.4.1 No employee may use a vehicle of the NMMDM without the express prior approval of her/his immediate supervisor, departmental head or the NMMDM manager.

18 A proval of a person to use a vehicle must be signified in writing in the logbook of the vehicle concerned.

18.4.3 nobody may—

(a) Authorise or permit an employee who does not have a valid driver’s license to drive a vehicle of the NMMDM
(b) Authorise or permit an employee who is apparently under the influence of a stupefying or intoxicating substance, including alcohol, to drive a vehicle or operate a machine of the NMMDM.

(c) Drive a vehicle or operate a machine of the NMMDM whilst under the influence of an intoxicating or stupefying substance, including alcohol, or any drug that induces drowsiness.

(d) Use, or allow a NMMDM vehicle to be used for any purpose other than undertaking an authorised trip.

(e) Use, or allow a NMMDM vehicle to be used by any person that is not an employee or councillor of the NMMDM, without the express prior approval of the manager responsible for managing the NMMDM’s fleet.

(f) Use, or allow a NMMDM vehicle to be used to transport persons other than employees or councillors of the NMMDM, without the express prior approval of the manager responsible for managing the NMMDM’s fleet.

(g) Use, or allow a NMMDM vehicle to be used if that vehicle is not roadworthy or properly licensed and insured.

(h) Use, or allow a NMMDM vehicle to be used for any purpose other than the purpose for which it was designed.

(i) Use, or allow a NMMDM vehicle to be used to carry a heavier load than the load that it may safely carry according to the manufacturer’s specifications.

(j) Use, or allow a NMMDM vehicle to be used when that vehicle has some other mechanical or electrical fault that may affect the safety of its users or that of other road users or pedestrians.

(k) Use, or allow a NMMDM vehicle to be used to transport
employees of the NMMDM from their residences/work to work/residences except with the express prior written approval of the departmental head concerned.

18.4.4 The authorised user of a vehicle or machine-

(a) is responsible and accountable for the proper and safe use of the vehicle or machine she/he uses;

(b) Must at all times comply with the prescribed traffic rules, including any speed limits that may be imposed;

(c) Must before her/his journey or work commences, ensure-

(i) That the engine oil and water levels, including the water level of the window washer and battery is correct;

(ii) That the tyres, including the emergency/spare wheel, are correctly inflated,

(iii) That the tread on the tyres, including the spare/emergency wheel, is within legal limits,

(iv) That the windshield is clean and free of cracks and its wipers working properly,

(v) Its exhaust pipe does not have holes in it and is complete;

(vi) That the jack and tools necessary for jacking the vehicle up and to loosen and tighten its wheel nuts is in the vehicle,

(vii) That it has a valid and legible license and

(viii) That it has enough fuel for the journey to be undertaken.

(d) May use such vehicle or machine only in accordance with the
manufacturer’s specifications and the conditions of any warranty, if any;

(e) May not authorise, permit or instruct any other employee, a councillor or any other employee of the public to use a vehicle or machine assigned to her/him;

(f) Whilst he/she is using a vehicle or machine undertake any other journey not stipulated in the trip authorisation except with the express prior approval of her/his immediate supervisor;

(g) Transport any person who is not a councillor or an employee or any property that is not the NMMDM’s property or that of the user of the vehicle or machine or her/his passengers, if any;

(g) Diligently complete the logbook of the vehicle or machine after finishing the journey;

(i) Must switch off any lights and other electronic equipment, ensure that all windows and doors are properly closed and properly lock the vehicle or machine and when she/he leaves it;

(j) Immediately upon her/his return report any damage or mechanical and electronic problems experienced with the vehicle or machine during the journey.

18.4.5 The manager responsible for managing the NMMDM’s vehicle fleet must ensure that the logbook is supplied and maintained in respect of every NMMDM vehicle. Any employee who drives a NMMDM vehicle must properly complete the logbook before and at the end of each trip.

18.4.6 The manager responsible for managing the NMMDM’s fleet must ensure that an adequate supply of trip authorisation forms is available and that every departmental head has a supply of such forms. Departmental managers must ensure that a trip authorisation form is completed for every trip.
18.5 VEHICLE ACCIDENTS AND DAMAGE TO VEHICLES LEFT UNATTENDED

18.5.1 The driver of a NMMDM vehicle that was in an accident must, immediately after the accident took place, call a police or traffic officer or request somebody else to make such call. If a police or traffic officer is not available, the driver must as soon as possible report the accident at the nearest police station and obtain the case (AR) number.

18.5.2 The driver of a vehicle may supply her/his particulars and that of her/his immediate supervisor to any person to whom she/he reports an accident and to any other person whom may reasonably require such information.

18.5.3 Neither the driver of, nor any passenger on, a NMMDM vehicle that was involved in an accident may admit liability for that accident, neither may she/him make or receive any payment or offer of payment at any accident.

18.5.4 The driver of a NMMDM vehicle that was involved in an accident or that was damaged whilst left unattended must-

(a) Obtain the names and contact details (including the work and residential addresses and telephone and mobile phone numbers) of any person who was a witness to the incident (if any)

(b) Obtain the names and contact details (including the work and residential addresses and telephone and mobile phone numbers) of any person who was involved in the incident and who is not an employee (if any)

(c) Obtain the vehicle registration numbers of every vehicle involved in the incident (if any)

(d) As soon as possible after the incident, make a drawing of the scene where the incident took place, paying special attention to the landscape, type of road, incident related obstructions on or around the road, road make-up including any fencing and weather conditions at the time of
the incident

(e) As soon as she/he arrives at her/his ordinary place of work, report the incident to her/his immediate supervisor and thereafter prepare and submit a written report explaining full details of the incident, including statements of any witnesses (if any) and passengers (if any).

(f) Within twenty-four hours after the incident, ensure that the employee responsible for insurance claims completes the incident report form and submit any statements of witnesses and other relevant documents to her/him (if any).

(g) Upon receipt of any summons, subpoena or notice to appear in a court in relation to the incident inform the employee responsible for insurance claims of that fact.

(h) Submit any notice or claim received from a third party or insurance company in relation to the incident immediately to the employee responsible for insurance claims.

18.5.5 The person responsible for insurance claims must, as soon as she/he completed the incident report form:

(a) Make arrangements to and obtain a report on the mechanical condition of the vehicle.

(b) Make arrangements to and obtain at least two quotations from different repairing agencies for the repair of the vehicle.

(c) Make arrangements to and obtain the sales and trade-in values of the vehicle and

(d) Promptly submit an insurance claim.

18.5.6 The health and safety representative appointed by the relevant departmental head or the manager responsible for managing the NMMDM’s fleet-
(a) Must investigate any accident involving a NMMDM vehicle and any damages sustained by a NMMDM vehicle left unattended and gather such documentary, photographic and other evidence as may be relevant.

(b) May conduct an inspection of the scene where the incident happened.

(c) May interview the driver, assessor, third party or any other person with information relevant to the incident.

(d) May request witnesses to make written statements regarding the incident.

(e) Must establish whether, on the face of it, the driver was on the official business of the NMMDM when the incident occurred.

(f) Must submit her/his written report and recommendation to the relevant departmental head or manager responsible for managing the NMMDM’s fleet.

18.5.7 The departmental head or manager responsible for managing the NMMDM’s fleet must, upon receipt of the health and safety representative’s report, decide whether, on the basis of the report, disciplinary or any other appropriate action must be taken against the driver.

18.6 ADMISSION OR PROOF OF LIABILITY

18.6.1 The NMMDM may deduct the amount of damage to a NMMDM vehicle which was sustained whilst an employee was in control of that vehicle from that employee’s salary, if the employee-

(a) Agrees in writing to the deduction or

(b) The damage occurred in the course of the employee’s employment

and was due to the fault of the employee;
(c) The NMMDM has followed a fair procedure and has given the
employee a reasonable opportunity to show why the deduction
must not be made and
(d) The total amount of the deduction does not exceed the total amount
of the damage.

18.6.2 The total amount of any deduction in terms of paragraph 18.6.1 may not exceed one-
quarter of the employee’s pay.

Part 2: Use of office machinery and equipment

18.7 COMPUTER EQUIPMENT

18.7.1 With due regard to employees’ right to privacy, the NMMDM
reserves the right to monitor computer activity and particularly electronic mail traffic
in the NMMDM.

18.7.2 No employee may-

(a) Play, view, copy or download computer games on any computer in
any workplace, whether or not the NMMDM supplied such computer;

(b) Supply any electronic mail address of the NMMDM to receive electronic mail
of a private nature, nor may an employee transmit any electronic mail of a
private nature using such an address or by means of any electronic mail
facility supplied by the NMMDM;

(c) Access the Internet from a computer in any workplace, whether or not the
NMMDM supplied such a computer, unless she/he had been instructed
to conduct research on any subject matter or to
find and download a specific document by a person who is competent to give
such an instruction;
(d) At anytime view, download or access any offensive material, including but not limited to sexually or racially offensive material, on or from the Internet;

(e) Attempt to change or repair any computer hard- or software or any computer system or computer network infrastructure;

(f) Not install any computer or, when a computer has a modem, connect such modem to a telephone line of the NMMDM without the express prior permission of the NMMDM manager; and

(g) Install, load, delete or change any computer programme installed on any computer in any workplace whether or not the NMMDM supplied such a computer or programme.

18.8 TELE- AND MOBILE PHONE AND TWO-WAY RADIO FACILITIES

18.8.1 No employee may-

(a) Use any tele- or mobile phone or two-way radio supplied by the NMMDM for official business of the NMMDM for private business and

(b) Authorise or permit another person, whether it is a councillor, a co-employee or member of the public to use a tele- or mobile phone or two-way radio issued to her/him.

18.8.2 The NMMDM may require an employee to pay for any and all telephone calls of a private nature made by her or him from a telephone issued by the NMMDM.

18.9 USE OF DUPLICATING AND TELEFACSIMILE TRANSMISSION MACHINES

Unless express approval is obtained prior no employee may-

(a) Use any duplicating machine supplied by the NMMDM to make copies of a private nature;
(b) Supply any telefacsimile number of the NMMDM to receive telefacsimile transmissions of a private nature and

(b) Transmit any telefacsimile messages of a private nature using a telefacsimile machine supplied by the NMMDM.