

# UMSOBOMVU

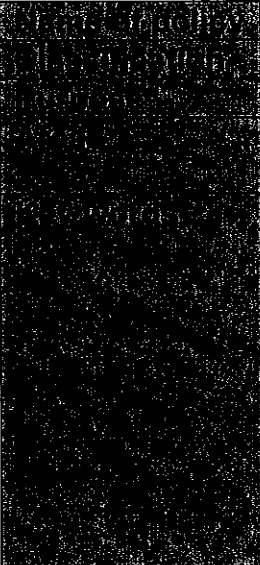
MUNICIPALITY



# TERMINATION OF CONTRACT POLICY

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## Summary of policy

	<b>Termination of contract policy</b>
	<b>Human Resources</b>
	<b>To address the methods of how contracts can be terminated</b>
	<b>Management rights</b>
	<b>Employees rights</b>
	<b>Misconduct</b>
	<b>Deliberate neglect</b>
	<b>Employment contract</b>
	<b>Performance agreements</b>
	<b>Notice</b>
<b>Criminal offence</b>	
<b>Elections</b>	
<b>Absent</b>	
<b>Lawful instruction</b>	
<b>Legislative framework</b>	

## **CONTENT**

### **DEFINING KEY CONCEPTS**

1. INTRODUCTION
2. GUIDELINE
3. RIGHTS OF THE EMPLOYEE
4. LEGISLATIVE FRAMEWORK
4. IMPLEMENTATION

### **APPROVAL**

## **DEFINING KEY CONCEPTS**

### **Employment contract**

*Agreement between employer and employee to perform certain functions in exchange for compensation*

### **Terminate**

*Ends or bring to an end*

*Expires due to target date been reached*

### **Misconduct**

*Unacceptable actions or behaviour detrimental to the employer*

### **Incapacity**


*Unable to do work due to lack of skills*

### **Operational requirements**


*Outputs to be achieved*

### **Lawful instruction**

*A valid, ethical and reasonable instruction to execute*



The employment contract involves two parties and Umsobomvu Municipality reserves the right to terminate contracts under certain conditions as explained in point 2 in this policy. Umsobomvu Municipality also acknowledge that an employee may terminate his/her contract due to personal reasons beyond the control of any party and/or for reasons of career advancements.



2.1 The employment contract will terminate –

2.1.1 automatically on expiry of the term referred to in the contract, subject to any extension or renewal;

2.1.2 at the employee's initiative, if the employee gives the employer two (2) month's notice of termination in writing; or

2.1.3 at the employer's initiative, if the employer terminates the employee's appointment for reasons relating to misconduct, incapacity, unacceptable performance or the operational requirements of the municipality or for any other reason recognized by law as sufficient, on one calendar month's notice of termination in writing.

2.2 The employer will be entitled to terminate the employee's employment contract for any sufficient reason recognized by law, provided that the employer must comply with its disciplinary code and procedures, in the absence of which the disciplinary code and procedures of the South African Local Government Bargaining Council will apply, as well as in accordance with the Labour Relations Act, 1995 (Act No. 66 of 1995). Reasons for terminating the employment contract may include the employee

–

2.2.1 committing any serious or persistent breach of any of the provisions of his or her employment contract;

2.2.2 being guilty of any serious misconduct or deliberate neglect in the discharge of his or her duties under the employment contract and performance agreements concluded between the municipal manager and managers reporting to the municipal manager or between the mayor and the municipal manager;

2.2.3 being absent from employment without approval for a period exceeding thirty (30) days;

2.2.4 disobeying a lawful instruction or direction of the employer;

2.3 having been convicted of a criminal offence other than an offence, which in the reasonable opinion of the employer does not affect his or her position as an employee; or

2.4 failing to place the whole of his or her time at the disposal of the employer, subject to item 4(2) of the Code of Conduct set out in Schedule 2 of the Act.

2.5 Should the employee accept a nomination as a candidate for election as a member of a Municipal Council, Provincial Legislature or Parliament, he or she shall be deemed to have voluntarily terminated his or her services with the employer with effect from the date which he or she is issued a certificate in terms of section 31(3) of the Electoral Act, 1998 (Act No. 73 of 1998) or Section 64 of the Local Government: Municipal Electoral Act, 2000 (Act No. 27 of 2000), stating that he or she is a candidate in the relevant election, or from the date on which he or she is nominated as a permanent delegate to the National Council of Provinces as contemplated in section 61(2)(b) of the Constitution, 1996.



The employee will have the following rights:

- 3.1 Written performance agreements
- 3.2 Fair procedural and substantive disciplinary hearings
- 3.3 Empathetic attitude of the employer in events of death and sickness of family for the employee to resign
- 3.4 To pursue further career opportunities



Labour Relations Act, 1995 (Act No. 66 of 1995).

Section 31(3) of the Electoral Act, 1998 (Act No. 73 of 1998)

Section 64 of the Local Government: Municipal Electoral Act, 2000 (Act No. 27 of 2000)

Section 61(2)(b) of the Constitution, 1996.

Section 4(2) of the Code of Conduct set out in Schedule 2 of the Act

**Recommended:** Municipal Manager: .....

Date: .....

**Supported:** Union: .....

Date: .....

Union: .....

Date: .....

**Approved:** Council

Signature Mayor: .....

Date: .....



# **UMSOBOMVU MUNICIPALITY**

## **TRAINING AND SKILLS DEVELOPMENT POLICY**

## **1. Preamble**

Umsobomvu Municipality (NC072) is committed to embarking on a process of training, skills development for employees and councillors and in meeting the legislative requirements of the Skills Development Act and other interlinking legislations. Promotion of employees on development programmes shall be subject to Council's relevant policy and procedure on Recruitment and Selection.

## **2. Statement of Intent**

Umsobomvu Municipality (NC072), Council and employees are fully committed to educating, training and developing all learners within the financial means and resources available, and this will be done by:

- Development of training and skills development strategy in line with the stipulations of Skills Development Act as amended and other relevant interlinking legislations.
- Introducing fair and reasonable objective principles for training and development of employees in the employment of Council.
- Providing guidelines for training and development of employees in the employment of Council.
- Conduct thorough Skills Audit and identify gaps existing and devise strategies in terms of the broader vision of Council.
- Allocate significant training resources, within the means of Council.
- Putting up comprehensive training and development programmes that focuses on literacy, numeracy, technical competencies and management and development programs

## **3. Vision**

Umsobomvu Municipality (NC072) will aim to develop and implement relevant policies and procedures in order to ensure fair, equitable, effective and transparent human resource management practices. It will also aim to develop and build capacity of employees to perform their tasks in an effective, economic and accountable manner. This vision seeks to establish a high quality workplace education and training systems that is cost effective and accountable, meeting the institutional training needs which compliments employment and economic growth for the Umsobomvu Municipality (EC108).

## **4. Philosophy**

Umsobomvu Municipality (NC072) subscribes to the philosophy of openness, transparency, multi-skilling, productivity, loyalty, commitment, competency and efficiency. In engaging in the activities of training and skills intervention, the following basic fundamental principles shall apply:

Participation of all relevant stakeholders in implementing monitoring and review of training programmes and interventions.

- Treating skills shortages and deficiencies not as a misconduct, rather as a competitive edge for development.

Umsobomvu Municipality (NC072) will strive to develop employees at three main levels, i.e. literacy skills, training and management development.

- Literacy : For employees who are illiterate or semi-literate, a suitable literacy programme will be implemented. This programme will be run during normal working hours and will be conducted in such a way as to ensure minimal disruption at work.
- Skills Training : Employees who require specific skills upgrading will be enabled to undergo training in order to certify them in their particular field. This will include short courses as well as longer type of courses.
- Management Training : Employees with management potential will be assisted in choosing mentors within Council to guide them in their development and a detailed training programme will be drawn up for each learner. Training will focus on three key areas - skills training, management training and personal development.

All above interventions seeks to identify and address the following areas of Council and all other stakeholders interests:

- (i) To develop the skills of the Umsobomvu Municipality(NC072) employees within the entire area of jurisdiction, so as to improve the quality of social services delivery.
- (ii) To improve the quality of life of workers, and ensure their prospects of work and labour mobility.
- (iii) To increase the level of productivity in the workplace, competitiveness, investment in education and development of Human Resources and to encourage the acquiring of new skills.
- (iv) To encourage employees to take part in learnerships and other training interventions to be more marketable in the corporate world.

**Note :** That subject to any superior law or other instrument, this policy repeals all or any policy on the same subject matter existing on the date of its coming into operation.

# **UMSOBOMVU MUNICIPALITY**

## **TRAVELLING AND SUBSISTENCE ALLOWANCE POLICY**

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## 1. **INTRODUCTION**

- 1.1 It is the purpose of this report to clearly define procedure and terms and conditions for undertaking official journeys and matters relative to subsistence that may result from such travelling.
- 1.2 It is a further purpose of this policy to ensure that councillors, officials and other persons to which travelling and subsistence cost may be due, are reimbursed fairly and in a clear and pre-determined manner.
- 1.3 Whereas this policy document promotes honesty and integrity in the claiming of actual travelling and subsistence expenses, does it also provide for measures in dealing with contraventions of this policy.

## 2. **APPLICATION**

- 2.1 This policy shall apply to councillors and all categories of employees of the Umsobomvu Municipality as well as candidates invited for interviews.
- 2.2 The application of this policy shall be enforced by the Mayor or in the instance of Councillor and the Municipal Manager, by the Municipal Manager in the instance of Section 57 employees and all other employees in a managerial capacity.
- 2.3 This policy shall come into effect on the date of adoption by Council.

## 3. **DEFINITIONS**

**"Candidate"** means a candidate officially invited to attend the recruitment and selection process for possible appointment to a position with Umsobomvu Municipality

**"Councillor"** means a person elected to the position of councillor for Umsobomvu Municipality in terms of the provisions of the Local Government Municipal structure Act

**"Director"** means any person duly appointed as director of Umsobomvu Municipality in terms of Section 57 of the Local Government Municipal Systems Act, or any other person duly appointed to act as director

**"Executive Mayor/Mayor"** means the Mayor duly elected by the Municipal Council of Umsobomvu Municipality in a permanent or acting capacity.

**"international journey"** means journeys undertaken to destinations outside the borders of South Africa in order to attend to official municipal business

**"local journeys"** means journeys undertaken within the Municipal area of Umsobomvu in order to attend to official municipal business.

**"national journey"** means journeys undertaken within the area of South Africa, but exclusive of local and regional journeys

**"Manager"** means a person employed by Umsobomvu Municipality as a Manager of a Specific Section and who reports directly to a Director

**"Municipal Manager"** means the Municipal Manager of Umsobomvu Municipality formally appointed in terms of Section 57 of the Local Government Municipal Systems Act or any person duly appointed to act as Municipal Manager

**"official municipal business"** means attending any form of conference, seminar, meeting, gathering, workshop, presentation, empowerment intervention, training intervention, interview, test, the delivering or collection of Official Municipal Material and Equipment and similar instances attend to for, or on behalf of Umsobomvu Municipality, or interview as a prospective employee of Umsobomvu Municipality

**"payment"** means the monetary compensation due to an employee in compensation of expenses incurred as a result of official travel

**"regional journey"** means journeys undertaken within the demarcated area of the Province of the Northern Cape in order to attend to Official Municipal Business

**"working hours "** means the hours during which an employee must normally work during a working week or on a working day and for the purposes of this policy the working hours of all Councillors and employees shall be deemed to be the Official Office Hours of Umsobomvu Municipality

#### 4. **ETHICS SUBSCRIBED AND PRESCRIBED BY THIS POLICY**

- 4.1 This policy adopts the understanding that each person who may claim for compensation as a result of expenses incurred by attending to official business of Umsobomvu Municipality is aware of the provisions of this policy and any legislation, directives, circulars or agreements that governs municipal finances and that by the submission of a claim, the claimant warrants such knowledge.
- 4.2 Claims in terms of this policy shall at all times be honest, in respect of actual expenditure and shall be made in such a manner that the integrity of Umsobomvu Municipality has and cannot be brought into disrepute or damaged in any manner whatsoever.
- 4.3 This policy underwrites the goal of Umsobomvu Municipality to be a corruption free, honest, efficient and cost effective Local Government Institution and as such shall all matters with regard to breaches of any provision of this policy or legislative requirements that may be applicable, be dealt with strictly and consistently as is set out herein.

## 5. **AUTHORIZATION FOR JOURNEYS TO BE UNDERTAKEN**

- 5.1 The authorization for undertaking international journeys in order to attend to official municipal business shall, subject to any possible financial and other constraints, vest with the Council.
- 5.1.1 The Council shall further have the authority to nominate the Mayor, any Councillor or Councillors, the Municipal Manager and any other employee of Umsobomvu Municipality to attend to any official municipal business.
- 5.2 The Mayor shall, subject to any possible financial constraints, have the authority to, at his discretion, taking into account the necessity of his presence as a representative of Umsobomvu Municipality, attend Official Municipal Business within the boundaries of South Africa, provided that he shall report his attendance to the Council and advise the Municipal Manager of his absence in advance.
- 5.3 The Mayor shall, subject to any possible financial constraints, and taking into account the necessity for Umsobomvu Municipality to be officially represented, have the further authority to nominate and/or appoint the following persons to attend to any official municipal business within the boundaries of South Africa:
- 5.3.1 Any Councillor or Councillors of the Umsobomvu Municipality;
- 5.3.2 The Municipal Manager of Umsobomvu Municipality;
- 5.4 The Municipal Manager shall, subject to any possible financial constraints, and taking into account the necessity for Umsobomvu Municipality to be officially represented, have the authority to appoint or nominate the following persons to attend to any official business within the boundaries of South Africa:
- 5.4.1 A Manager of Umsobomvu Municipality;
- 5.4.2 Any other employee reporting directly to the Municipal Manager;
- 5.4.3 Any employee of Umsobomvu Municipality.
- 5.5 A ~~Director~~ **MANAGER** of Umsobomvu Municipality shall have the authority, subject to any possible financial constraints to nominate and/or appoint any employee of Umsobomvu Municipality employed within his/her Department to attend to official municipal business within the Province of the Northern Cape.
- 5.6 A Manager of Umsobomvu Municipality shall, subject to any possible financial constraints, have the authority to nominate or appoint any employee within his Section to attend to any official municipal business within the Region of Pxley Ka Seme in the Northern Cape.



- 5.7 In respect of members of Ward Committees, with the exception of the Chairperson of a Ward Committee the Manager Administration shall have the authority to approve official trips of such members provided that a report on trips authorized shall be submitted on a monthly basis to the relevant Portfolio Committee.
6. **APPROVAL FOR THE PAYMENT OF COSTS INCURRED AS A RESULT OF TRAVELLING AND SUBSISTENCE FOR PURPOSES OF ATTENDING TO OFFICIAL MUNICIPAL BUSINESS**
- 6.1 In the instance of claims by the Mayor and/or Councillors attending to official municipal business, the Municipal Manager shall authorize claims for payment, provided that in instances where the Municipal Manager disputes the correctness or truthfulness of a claim such claim shall be referred to a meeting of the Council for consideration of the allegations of incorrect or false claims in a manner as is set out in this policy.
- 6.2.1 In the instance where the Municipal Manager submits a claim for the attendance of official municipal business, the Mayor and the Manager Finance shall authorize the claim for payment provided that in instances where the correctness or truthfulness of a claim is questioned, such claim shall be referred to a meeting of the Council for consideration of the allegations of incorrect or false claims in a manner as is set out in this policy.
- 6.3 In instances where Manager submits claims for the attendance of official municipal business, the Municipal Manager shall authorize the claim for payment provided that in instances where the correctness or truthfulness of a claim is questioned, such claim shall be referred to a meeting of the Council for consideration of the allegations of incorrect or false claims in a manner as is set out in this policy.
- 6.4 In instances where Managers directly reporting to Section 57 manager and other employees submits claims for the attendance of official municipal business, the Departmental head/Section 57 manager in which Directorate such Manager or employees are employed shall authorize the claim for payment, provided that in instances where the correctness or truthfulness of a claim is questioned, it shall be reported to the Municipal Manager and the relevant Manager shall lodge a formal investigation into the matter and institute disciplinary action, and/or criminal action where required.
- 6.5 In instances where a Manager have authorized the attendance of any official municipal business, such Manager shall authorize claims for payment provided that in instances where the correctness or truthfulness of a claim is questioned, it shall be reported to the relevant Manager and such Manager shall lodge a formal investigation into the matter and institute disciplinary action, and/or criminal action where required.

- 6.6 The Manager Corporate Services shall authorize the payments of claims for payment in respect of members of a Ward Committee, with the exception of the Chairperson.

7. **RECORDS OF OFFICIAL TRAVEL**

- 7.1 Reporting of travels to attend to official municipal business per delegated authority of the Mayor as set out in paragraphs 5.2 and 5.3 herein shall be reported with full details to the Council.
- 7.2 Records and details of all trips undertaken to attend to official municipal business in respect of each Directorate shall on a monthly basis be reported to the Portfolio Committee specific to the relevant Directorate.

8. **PRECAUTIONARY MEASURES WITH REGARD TO TRAVELLING ARRANGEMENTS**

- 8.1 Whereas Umsobomvu Municipality recognize the institutional capacity of both its Political Office Bearers and Municipal Officials shall the following arrangements be maintained in order to ensure that institutional capacity is not totally lost in the instance of disasters or accidents:
- 8.1.1 The Mayor and Municipal Manager, at any time when attending to official municipal business, may where practically possible, not travel together in the same motor vehicle or airplane, provided that this requirement shall not be applicable for journeys undertaken within the boundaries of Umsobomvu Municipality;
- 8.1.2 No more than 5 Councillors may, where practically possible, at any time when attending to official municipal business, travel together in the same vehicle or airplane provided that this requirement shall not be applicable for journeys undertaken within the boundaries of Umsobomvu Municipality;
- 8.1.3 The Municipal Manager and Chief Financial Officer, at any time when attending to official municipal business may, where practically possible, not travel together in the same motor vehicle or airplane, provided that this requirement shall not be applicable for journeys undertaken within the boundaries of Umsobomvu Municipality;
- 8.1.4 Where practically possible, no more than two Managers may at any time when attending to official municipal business, travel together in the same vehicle or airplane provided that this requirement shall not be applicable for journeys undertaken within the boundaries of Umsobomvu Municipality;
- 8.1.5 Where practically possible, no more than two Managers in the Finance Section may at any time when attending to official municipal business,

travel together in the same vehicle or airplane provided that this requirement shall not be applicable for journeys undertaken within the boundaries of Umsobomvu Municipality;

- 8.1.6 Precautionary travelling arrangements of other employees shall be at the discretion of the Municipal Manager, with due regard to the most cost effective manner of travelling, provided that no more than 4 (four) municipal employees shall be permitted to travel in a motor vehicle, provided that this requirement shall not be applicable for journeys undertaken within the boundaries of Umsobomvu Municipality;

## 9. **MODES OF TRAVEL**

- 9.1 The Mayor, Councillors, the Municipal Manager and Directors as the Top Management component of Umsobomvu Municipality shall at their individual discretion be permitted to make use of air travel in the business class.
- 9.1.1 All other employees of Umsobomvu Municipality shall only be permitted to make use of air travel in the economy class.
- 9.2 The Mayor, Councillors, the Municipal Manager and Manager as the Top Management component of Umsobomvu Municipality shall at their individual discretion be permitted to make use of rental vehicles in the category of Group B and C rental vehicles, provided that only 1 (one) vehicle shall be hired for trips at the destination for every 4 (four) Councillors and/or employees.
- 9.2.1 All other employees shall only be permitted to make use of rental vehicles in the category of Group A rental vehicles, provided that only 1 (one) vehicle shall be hired for trips at the destination for every 4 (four) employees.
- 9.3 Physically disabled Councillors and employees who can only drive automatic vehicles may rent vehicles in the category of Group D (automatic) rental vehicles, provided that where able-bodied Councillors/employees are available to drive another vehicle as set out herein shall be rented.
- 9.4 Where possible a Municipal vehicle shall be provided for the travelling to and from venues to attend to official municipal business, provided that where this is not possible private or public transport shall be utilized.
- 9.5 The use of rental vehicles and claims for self drives shall be subject thereto that the claimant have a valid drivers license, provided that where a Councillor or official does not have a valid drivers license, public transport shall be utilized.
- 9.6 Where any person requires to make use of a vehicle in a higher class or fly in a higher class as set out herein, such person may request the

upgrade provided that the difference in approved cost as set out herein and the cost of the upgraded mode of transport shall be for the account of the person who have requested such.

10. **ACCIDENTS OR DAMAGE TO RENTAL VEHICLES AND OTHER LIABILITY**

- 10.1 The driver of a rental vehicle involved in an accident must, immediately after the accident or as soon as practically possible thereafter inform the South African Police and where the South African Police and/or a Traffic Officer is not available, the driver must report the accident at the nearest Police Station as soon as practically possible and obtain a case number. The driver must further at the earliest possible opportunity inform the rental company of such accident.
- 10.2 The driver of a rental vehicle must, as soon as it becomes evident that the vehicle has been stolen or may have been stolen, or has been damaged whilst left unattended;
- a) report the theft or damage to the nearest Police Station and obtain the case number; and
  - b) inform the rental company of the theft or damage.
- 10.2.1 The driver of the rental vehicle shall when the vehicle was damaged, stolen or damaged in any way whatsoever do the following:
- a) obtain the names and full contact details of the driver of the other vehicle and any possible witness to the accident;
  - b) note the registration numbers of all vehicles involved in the accident;
  - c) make a sketch of the accident/incident scene with explanatory notes;
  - d) report the accident to the person responsible for Council's insurance claims and provide full details of the accident or incident;
  - e) submit any claim or notice served on the driver of the rental vehicle to the person responsible for Council's insurance.
- 10.3 The driver of a vehicle rented by Umsobomvu Municipality or employee of Umsobomvu Municipality in such vehicle may at no time admit guilt or liability for any damage or accident to a rented vehicle or another vehicle as a result of the accident or incident, nor may the driver make or receive any payments in regard to any accident or incident.
- 10.4 Theft or damage to any vehicle rented by Umsobomvu Municipality shall be reported in writing to the Municipal Manager not later than

12:00 on the first working day after returning from the official municipal business attended to, provided that where the driver of the vehicle is not physically able to do so as a result of injuries sustained, the matter shall be reported at the first practically possible occasion.

- 10.5 Umsobomvu Municipality shall not accept any liability in respect of any admission of guilt by any driver of a vehicle rented by Umsobomvu Municipality, nor shall Umsobomvu Municipality accept any liability for damages caused if it is found that the damages resulted from gross negligence of the driver and/or the matter has not been reported to the Municipal Manager as required.
- 10.6 A fine imposed as a result of Traffic violations with a rented vehicle shall be the responsibility of the driver of the vehicle and where it becomes evident that the driver of the rental vehicle did not immediately pay the fine imposed, the full amount of the fine shall be deducted from the salary or any allowance payable to the driver by Council and paid over to the relevant authority.

#### 11. **REIMBURSEMENT FOR TRAVELLING COSTS**

- 11.2 No reimbursement shall be made where an official municipal vehicle has been provided except for fuel costs and other emergency and essential repair costs supported by documentary proof of payments made.
- 11.3 Reimbursements for the use of private vehicles in attending to official municipal business shall be done in the following manner:
- 11.3.1 Councillors who are paid a fixed traveling allowance, as per an ad-hoc allowance at a rate equal to the running and fixed costs of 1400cc as may be determined from time to time by the Automobile Association of South Africa, provided that such reimbursements shall only be made in respect of official trips outside the municipal area of Umsobomvu Municipality, unless proof can be submitted in the form of detailed vehicle log sheets and only where the monthly official kilometers of 500km has been exceeded.
- 11.3.2 Employees who are paid a fixed traveling allowance, either on the perk scheme or essential user scheme at a rate equal to the running cost of the vehicle used may be determined from time to time by the Automobile Association of South Africa, provided that such reimbursements shall only be made in respect of official trips outside the municipal area of Umsobomvu Municipality, unless other provisions are contained in the individual contracts of employment in which instance the provisions of the contract of employment shall prevail.
- 11.3.3 Employees who do not share in the traveling allowance schemes shall be paid an ad-hoc allowance, a rate equal to the running and fixed costs of 1400cc as may be determined from time to time by the

Automobile Association of South Africa, per kilometre travelled to attend to official business, whether within or outside the Umsobomvu Municipal Area.

- 11.3.4 Candidates attending interviews shall be paid an ad-hoc allowance, a rate equal to the running and fixed costs of 1400cc as may be determined from time to time by the Automobile Association of South Africa, calculated on a return trip to and from the candidates place of residence to the Municipal Head Office of Umsobomvu Municipality.
- 11.4 No reimbursements shall be made in respect of the travelling costs of any official to and from his/her residence and place of work and all claims shall only be measured as from the ordinary place of work, provided that in the instance of a Councillor claims may be made from the place of residence.
- 11.5 Claims for reimbursements for toll fees and parking shall only be honoured if supported by documentary proof of payment.
- 11.6 No claims with regard to travelling costs shall be made to any passenger in a vehicle.

## 12. **TRAVELLING COSTS OF WARD COMMITTEE MEMBERS**

- 12.1 Subject to proof of attendance in the form of an official attendance register, a member of a ward committee, with the exception of the Chairperson shall be paid an amount of R50.00 (fifty rand) plus reimbursement at a rate of R1,50 (one rand fifty cents) per kilometre travelled in excess of 35 kilometres measured along the shortest route and the venue of an Official Meeting of the ward Committee.
- 12.2 Where a member of the Ward Committee have been duly authorized to attend to official municipal business as a member of a Ward Committee of Umsobomvu Municipality, reimbursement shall be at a rate of R1,50 (one rand fifty cents) per kilometre travelled along the shortest distance between his/her place of residence and the venue for the meeting.

## 13. **SUBSISTENCE ALLOWANCES**

- 13.1 A subsistence allowance of R75,00 (seventy five rand) for each period of 24 (twenty four) hours shall be paid to Councillors, Officials and members of Ward Committees required to be outside the Municipal Area of Umsobomvu Municipality while on official municipal business.
- 13.2 Where a Councillor, Employee or member of a Ward Committee is required to overnight within the Municipal Area at a place other than his/her ordinary place of residence on official municipal business a subsistence allowance of R75.00 (seventy five rand) shall be paid in respect of each night spent away from his/her ordinary residence.

- 13.3 Subsistence costs for travelling outside the borders of South Africa shall be determined by the Mayoral Executive Committee in accordance with guidance of the South African Revenue Services.

14. **ACCOMMODATION**

- 14.1 The Municipal Manager shall at his discretion designate an employee who shall be responsible for all accommodation and air travel arrangements for Councillors, Officials and members of Ward Committees, required fly or overnight while on official municipal business.

- 14.2 Where a Councillor, Official or member of a Ward Committee is required to overnight while on official municipal business arrangements shall be made for the booking and payment of the following:

14.2.1 Accommodation:

- a) The Mayor Municipal Manager and Councillors, an equivalent of a 5 (five) star hotel, lodge or other accommodation establishment to a maximum of R1500.00 (one thousand five hundred rand) per night, inclusive of bed breakfast and dinner.
- b) Manager an equivalent of a 4 (four) star hotel, lodge or other accommodation establishment to a maximum of R950,00 (nine hundred and fifty rand) per night, inclusive of bed breakfast and dinner.
- c) Managers and members of Ward Committees (exclusive of the Chairperson) an equivalent of a 3 (three) star hotel, lodge or accommodation establishment to a maximum of R750.00 (seven hundred and fifty rand) per night, inclusive of bed, breakfast and dinner.
- d) Other employees an equivalent of a 2 (two) star hotel, lodge or other accommodation establishment to a maximum of R500,00 (five hundred rand) per night inclusive of bed breakfast and dinner.
- e) Candidates for interviews shall be housed in the equivalent of a 3 (three) star accommodation establishment to a maximum cost of R700,00 (seven hundred rand) per night inclusive of dinner bed and breakfast.

- 14.2.1.1 Where any person requires to be accommodated in a higher class of accommodation as set out herein, such person may request the upgrade provided that the difference in approved cost as set out herein and the cost of the upgraded accommodation shall be for the account of the person who have requested such.

- 14.2.2 Councillors, Officials, Ward Committee members and/or candidates requesting to make their own arrangements for

accommodation shall be paid an amount not exceeding the limits in this regard as imposed by the South African Revenue Services, provided that no further claims with regard to accommodation costs be entertained by Council.

- 14.3 Where it is not possible to include the costs of breakfast, lunch or dinner in an accommodation package and where it is not provided at the venue of the official municipal business, maximums per person as set out hereunder shall be paid:

Breakfast	R40.00 (forty rand)
Lunch	R60.00 (sixty rand)
Dinner	R95.00 (ninety five rand)

- 14.3.1 No costs for any beverages, other refreshments, special room services or telephone costs shall be reimbursed.
- 14.3.2 Limits for accommodation costs outside the South African borders shall be determined by the Council taking into account the comments of the Municipal Manager and the principles of supply chain management provisions.

15. **ARRANGEMENTS FOR EFFECTING REIMBURSEMENT**

- 15.1 Claims for reimbursement of travelling and subsistence costs shall only be reimbursed with a salary run and no advances shall be made prior to any official trip.
- 15.2 The Municipal Manager shall have the authority to in exceptional circumstances approve of the payment of advances on anticipated travelling costs to be incurred in the attendance of official municipal business to a maximum of 50% (fifty percent) of the anticipated kilometre claim in respect of any Councillor or employee.

16. **RESPONSIBILITY FOR CHANGES OR AMENDMENTS TO TRAVELLING AND ACCOMMODATION ARRANGEMENTS**

- 16.1 Changes in air travel and accommodation arrangements shall only be effected through the person appointed by the Municipal Manager as set out in 14.1 herein.
- 16.2 Any and all wasted costs resulting from amendments to any air travel or accommodation arrangement shall be for the account of the person requesting such a changes.

17. **CONTRAVENTIONS OF THIS POLICY**



17.1 The following shall be regarded as contraventions of this policy:

- The submission of any false claim;
- The submission of any kilometre claim not calculated at the shortest return distance by road from the point of departure to the destination;
- Claims submitted for official municipal business not attended and/or not remaining present for the full duration of the business so attended;
- Claims not kept to the absolute minimum;
- Not immediately, on the first working day, refunding any advances received in respect of official municipal business that was to be attended but not attended;
- Any false certification for the payment of any claim;
- The submission of any claim without the required documentary proof, where applicable;
- Any other wilful and/or negligent act that will lead to a contravention of this policy.
- Any contravention of the Supply Chain Management procedures that may apply to travelling and subsistence.
- Requiring the payment of officially booked accommodation and payment of the own accommodation claim.

17.2 Contraventions of this policy shall be regarded as contraventions of Codes of Conduct and Disciplinary Code, where applicable.

#### 18. **CONTRAVENTIONS OF THIS POLICY**

18.1 In the instance of a contravention of this policy by the Mayor, the matter shall be reported to the full Council for further instruction and/or investigation and the matter shall be dealt with by the Municipal Manager as per the instruction of the Council.

18.2 In the instance of a contravention of this policy by any Councillor, the matter shall be reported to the full Council for further instruction and/or investigation and the matter shall be dealt with by the Municipal Manager as per the instruction of the Council.

18.3 In the instance of a contravention of this policy by the Municipal Manager the matter shall be reported to the Council for further instruction and/or investigation and the matter shall be dealt with by any person instructed by the Council as per the instruction of the Committee.

18.4 In the instance of a contravention of this policy by any other Municipal Official, candidate or member of any Ward Committee, with the exception of the Chairperson the matter shall be reported to the Municipal Manager for further instruction and/or investigation and the matter shall be dealt with by any person instructed by the Municipal Manager, provided that the Municipal Manager shall report all contraventions of this policy by any Official, candidate or member of a Ward Committee to the Council.

19. **INDEMNITY**

19.1 The Umsobomvu Municipality shall not accept any liability for the payment of any:

19.1.1 damage, loss or breakage of any personal possession or vehicle of any person attending to official municipal business, or in the process of travelling to and from or waiting for commencement of such official business; and

19.1.2 any traffic fines issued irrespective of whether the vehicle used was a rental vehicle, municipal vehicle or private vehicle; and

19.1.3 any damage to the rental vehicle, municipal vehicle, private vehicle or the vehicle or vehicles of third parties in the event of the driver of the vehicle being under the influence of alcohol or any other intoxicating substance; and

19.1.4 the loss of life or personal injury to any person as a result of an accident which occurred during any official trip.

20. **MAXIMUM DISTANCES FOR CLAIMS**

20.1 The following shall be the maximum distances for purposes of reimbursing claims on the basis that private trips at the destination shall be for the account of the claimant:

20.1.1 Between Towns in Umsobomvu and surrounding areas:

Colesberg to Noupoot	57
Colesberg to Novalspont	37
Colesberg to De Aar	135
Colesberg to Kimberley	370
Colesberg to Upington	560

Kilometres as per the AA Road Atlas in respect of trips not listed above.

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# **UMSOBOMVU LOCAL MUNICIPALITY'S UNIFORMS AND PROTECTIVE CLOTHING POLICY**

## **1. OBJECTIVE**

1. To standardize uniforms and protective clothing, and provide guidelines to the municipality on issues relating to uniform and protective clothing.
2. Providing specific dress aimed at distinguishing a certain occupational dress form the remainder of the workforce.
3. Provision of protective gear as required by the Occupational Health and Safety Act, 85/1993

## **2. PRINCIPLES**

- 2.1 There should be fair implementation of this policy in appropriate occupations throughout the municipality.
- 2.2 All uniforms and protective clothing must be accounted for.
- 2.3 Enforcement of the policy should be applicable to all relevant parties.
- 2.4 The policy must be accessible to all employees.
- 2.5 The responsibility to determine the issue of uniform and protective clothing lies with the Municipal Manger.

## **3. POLICY PROVISIONS**

- 3.1 Every employee shall be provided with uniform, if it is necessary and, in the interest of the municipality, provided that the nature of a persons work be associated with a distinctive uniform and he/she identified thereby.
- 3.2 Every employee shall be provided with protective clothing where its use is prescribed or when in the opinion of the employer, it is necessary in performance of a person's official duty.

## **4. UNIFORMS**

- 4.1 The issuing of uniforms should be for the purpose which it is intended for. The Municipal Manager of his/her delegated authority must timeously determine the specifications and the basis of issuing provided that:
  - 4.1.1 It must be economically accounted for.
  - 4.1.2 The employer shall not accept any responsibility with regards to carelessness, willful damage or neglect, which can be ascribed to the employees own doing.

- 4.1.3 A uniform allowance may be paid to an employee under the same conditions provided.
  - 4.1.3.1 The employee purchases his/her own uniform or parts thereof.
  - 4.1.3.2 The required mechanisms exist to see to it that the allowance is used by qualified occupational classes only.
  - 4.1.3.3 The required approval is granted by the Municipal Manager or his/her delegated authority beforehand.
- 4.2 The amount of the uniform allowance is limited to what the employer would already have paid for uniform or parts thereof.
- 4.3 The payment of the uniform allowance is the employer's privilege or right which he/she may exercise in his/her own interest. An employee will under no circumstances have a choice between a uniform or payment of a uniform allowance.

## 5. **PROTECTIVE CLOTHING**

- 5.1 The issuing of protective clothing must be accounted of. Protective clothing is issued.
  - 5.1.1 To comply with the explicit provisions of legislation or regulation of industrial or affiliated agreements.
  - 5.1.2 To safeguards the employee's health and safety.
  - 5.1.3 To prevent the employee from transmitting infection form another person, animals, or contaminated food.
  - 5.1.4 To safeguard the employee from injury as a result of uncontrolled release of any substance/object under pressure.
  - 5.1.5 To protect the employee's private clothing or uniform from excessive pollution of damage (e.g. mandatory contractors as well as inspectors at workshop or sewage plant).
- 5.2 Protective clothing can also be issued in specific circumstances provided it is authorized by the specific authority:
  - 5.2.1. Be issued, in the case lower remunerative employee's whose private dress does not meet the acceptable standards of their duties.
  - 5.2.2. Have direct access to the public
  - 5.2.3. Need to meet those acceptable standards.

- 5.3 The Municipal Manager of his/her delegated authority should from time to time determine the specifications and the basis of issuing provided that:
- 5.3.1 Where applicable, it complies with the prescribed legislation, regulations or other prescribed legislation, regulations or other prescribed requirements
- 5.3.2 It must be economically accounted for.
- 5.3.3 The employers shall not accept any responsibility with regard to carelessness, willful damage neglect, which is caused by the employee's own doing.

## 6. MEASURES

- 6.1 The wearing of uniforms by individual employees, where it is approved for occupational class, rank or grouping is not enforced by the employer.
- 6.2 If an employee decides not to make use of this privileged, he/she is automatically excluded from the issue of any uniform or uniform allowance.
- 6.3 In case where the employee changes his/her decision, the issuing or payment of an allowance, will be subject to the availability of funds and only from current date.

When an officer or employee to whom an uniform has been issued during the preceding twelve (12) months resigns or is discharged as a result of his/her own doing such a person is responsible for the payment of an amount to the employer, determined according to the following formula:

$$\frac{M}{T} \times \frac{R}{1}$$

M = the total remaining months of the normal duration time determined for the uniforms or parts thereof.

T = equally the normal duration time that was prescribed for the uniform or parts thereof

R = the purchase price of the issued uniform or parts thereof.

It, therefore, follows that employees to whom a uniform or parts thereof have been issued for twelve months or more, no payments is required.

- (a) An employee should wear his/her uniform at all times when performing official duties, as far as it is practically possible.

- (b) An employee is responsible for the payment of a uniform as a result of willful damage or neglect and is responsible for costs of repairs at the time of issuing, the relevant items must be specified and the employee must be notified in writing thereof. The recovering thereof will not be negotiable. The employee shall in these cases be held responsible for the replacement or the pro rata costs thereof.
- (c) To qualify for protective clothing an employee should spend at least 30% of his/her time in specific weather conditions and dangerous circumstances.

## **7. DRESS CODE**

### **7.1 Misconduct**

Is an employee whose work requires that he/she should wear a uniform or protective clothing fails to do so, he/she will be charged with misconduct. The line manager/supervisor must see to it that this policy is adhered to by all employees in his/her department.

### **7.2 Criteria for issuing uniforms and protective clothing**

- 7.2.1 Employees that do not qualify in terms of the policy must also be able to apply for approval through their heads provided that they perform 40% to 50% of more fieldwork and working under conditions where their own clothes could be ruined. Three or more criteria must be laid down, and the officials must comply with at least two or more and ordering should be for a two year contract.
- 7.2.2 A system must be in place if an employee is willing to be in possession of uniform, therefore, the head or supervisor can do the arrangements to purchase the required clothing for him/her, thereafter he/she will recover such payment through a month instalment from his/her salary.
- 7.2.3 Temporary workers or seasonal workers are also included if their job requires them to wear uniforms or protective clothing, and therefore there should be budgetary provisions.

Regarding boots and shoes, an employee will be issued with one pair on the first issue thereafter only one pair per year. Employees who do not want to wear the purchased boots or shoes must produce a Specialist Medical Report to the Municipal Manager. A normal Doctor certificate is not acceptable.

# UMSOBOMVU

MUNICIPALITY



# UNION SUPPORT AND FACILITIES POLICY

Drafted by:  
Abuti Management  
Nelis van Zyl

## Summary of policy

<b>Name of policy</b>	<b>Union support and facilities</b>
<b>Classification</b>	<b>Human Resources</b>
<b>Purpose</b>	<b>To support union activities in the Municipality</b>
<b>Areas</b>	<b>Management responsibility Union responsibility Procedure and requirements</b>
<b>Key words</b>	<b>Role of union Management support Facilities Time-off Communication Documents Legislative framework</b>



## **CONTENT**

### **DEFINING KEY CONCEPTS**

1. INTRODUCTION
2. MANAGERIAL RESPONSIBILITY
3. UNION RESPONSIBILITY
4. LEGISLATIVE FRAMEWORK
5. GUIDELINE AND PROCEDURE
6. IMPLEMENTATION

### **APPROVAL**

## **DEFINING KEY CONCEPTS**

### **Union**

*A official representation of employees recognised by the Employer*

### **Communication**

*Shall mean deliberate efforts to create systems and procedures to improve communication.*

### **Facilities**

*Shall mean the provision of a meeting place for members, offices, boardrooms or similar on a permanent or temporary basis.*

### **Management**

*Shall mean those employed by the Council as a Municipal Manager and/or Section 57 Managers.*

## 1 INTRODUCTION

Umsobomvu Municipality acknowledges the importance of its employees to be represented by unions, as well as the contribution made by unions, and therefore adhere to prescriptions as stipulated in the Law on Labour Relations (Act no 66 of 1995). It is important for Umsobomvu Municipality that their workers have the opportunity to participate in union activities. Umsobomvu Municipality wants to strive to co-operation with unions and as far as possible, support union activities by making requested facilities available and to implement systems and procedures for better communication.

## 2 MANAGEMENT RESPONSIBILITY

Management has the following responsibilities regarding this policy:

- 2.1 Applying the law as prescribed by the Labour Relations Act (1995).
- 2.2 Accurate and sound administration of the policy.
- 2.3 To be fair in dealing with leave applications for union members.
- 2.4 To inform employees regarding in any changes in the policy.
- 2.5 To obey to agreements taken by the National Bargaining Council.

## 3 UNION RESPONSIBILITY

Unions have the following responsibilities:

- 3.1 To respect the decisions of management regarding the availability of facilities.
- 3.2 To obtain permission for the use of facilities in written and timeously.
- 3.3 To follow the correct procedure when time off for any union member is requested, especially those on the management committee.
- 3.4 Provide accurate details for time-off applications.

## 4 LEGISLATIVE FRAMEWORK

- The procedures were guided by the Labour Relations Act (1995).
- Collective agreement on conditions of service between The South African Local Government Association (SALGA) and the Independent Municipal and Allied Trade Union (IMATU) and South African Municipal Workers Union (SAMWU).

## 5 GUIDELINE AND PROCEDURE

### 5.1 Time off at work

5.1.1 Members of unions shall be granted time off for union activities such as meetings, workshops and other important events to organise labour and deal with important labour issues.

5.1.2 The following conditions apply:

- Application for time off should be in written on a memo of the specific union.
- The purpose of the meeting should be stated clearly.
- The venue of the meeting should be stated clearly.
- The person (s) involved should be stated clearly.
- The date and times for permission to be absent from work should also be clearly indicated.
- Permission is only granted once management replied in writing.

- 5.1.3 Shop Stewards shall be entitled to 15 (fifteen) days per year with full pay during working hours for trade unions activities and training.
- 5.1.4 Six (6) days of each shop steward annual entitlement of time off shall be pooled and re-allocated at the Trade's union discretion to the shop stewards at the workplace concerned, provided that no single shop steward may take more than 21 (twenty-one) days off per year and the total number of days in the pool are not exceeded.
- 5.1.5 Further requests for time-off shall not be unreasonably refused.
- 5.1.6 The union is responsible to formally inform the Municipal Manager in writing who the selected shop stewards are. This information should be upgraded with annual elections, resignations of shop stewards and/or termination of a shop stewards' term of office for any other reason such as death, sickness, disciplinary reasons ect.

## 5.2 **Communication**

- 5.2.1 Council support forums such as the Local Labour Forum as prescribed by Legislation and see it as an important tool of communication with unions.
- 5.2.2 Besides formal forums, Council recognised the importance of involving unions in organisational processes.
- 5.2.3 Council therefore wants to motivate both management and unions to adhere to prescribed communication lines, but also strive for an open and trustworthy relationship.
- 5.2.4 Besides this approach, it remains the prerogative of Council and management to ultimately take responsibility for the performance of the Umsobomvu Municipality.

### 5.3 Facilities

5.3.1 Management will make facilities for union meetings available on request.

5.3.2 The union will be responsible to book venues well in advance.

5.3.3 The unions are responsible for their own stationary and other administrative expenses.

5.3.4 Office space for a full time shop steward is problematic, as the physical infrastructure is limited. Council is, however, not totally reluctant to consider suggestions for office space under the following considerations:

- Office space should be available
- Telephone cost etc. is the responsibility of the union
- The office may only be used for union activities
- The privilege may be withdrawn should management need it for operational reasons

## 6. IMPLEMENTATION

Council	For approval
Management	For execution
Human Resources	Administration
Unions	Input, notification and discussion with members
Employees	Notification and clarification

<b>Recommended:</b>	Municipal Manager:	.....
	Date:	.....
<b>Supported:</b>	Union:	.....
	Date:	.....
	Union:	.....
	Date:	.....
<b>Approved:</b>	<u>Council</u>	
	Signature Mayor:	.....
	Date:	.....