



HUMAN RESOURCES POLICIES

- REVIEWED -

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ACTING ALLOWANCE POLICY

Policy Number:	Approved Date:
Effective Date:	Review Date:

1. PREAMBLE

The municipality accepts that from time to time an employee may not be available to discharge his/her duties and responsibilities in terms of the contract of employment. Further to the above the Municipality recognise that from time to time there would be a need to appoint another appropriately skilled and experienced employee to discharge the duties of another employee who is absent. The latter is to take place within a framework, having regard not only for the Labour Relations Act, but also other applicable legislation, inclusive of MFMA, but not limited to the latter only.

2. OBJECTIVES OF POLICY

The object of this policy is to provide a uniform standard to regulate the appointment of staff in acting positions. In doing so, the policy addressed the issue of appointing staff in acting positions on the one hand and on the other deals with the payment of an acting allowance when applicable.

To ensure prudent financial management within the approved budgetary limits per post and where expenditure is incurred contrary to the provisions of this policy, same must be reported as irregular expenditure, until condoned by Council.

3. LEGAL FRAMEWORK

- Labour Relations Act 66 of 1995
- Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)
- Local Government: Municipal Finance management Act (Act 56 of 2003)
- Conditions of Service Collective Agreement for the Western Cape Division of the SALGBC.

4. SCOPE AND APPLICATION

This policy applies to employees who are appointed in an acting capacity in a post that is at a higher level than the post they normally occupy.

5. THE PRINCIPLES OF ACTING

An employee is deemed to be acting in another post when he/she has been authorised in writing by the Municipal manager and/or Director, or appropriately authorised person as per the delegations, in a more senior post, as per the approved system of delegations, subject thereto that the post to act in, is an approved post on the staff establishment and budgeted for.

- An employee who acts in another post is still responsible for his/her original duties, functions and powers. Said employee will then be vested with the delegations and responsibilities of the more senior post, except where operational requirements, it's impractical for the incumbent to deliver both functions.
- A staff member may be allowed to act in a post for which that staff member does not meet the minimum requirements for the post provided that such persons **has the required skills and experience** to fulfil the duties of the post. The above does not apply to legal appointments made where the post requires of the persons to be appointed to meet legal requirements.
- Persons acting in post will have no claim for shortlisting and appointment in the acting post when filled. In the decision for acting, the **most senior person/s**, subject to the principle of rotating employees, providing an equal opportunity for sufficiently skilled and experience persons.

6. ACTING AS MUNICIPAL MANAGER

- The Executive mayor must appoint a senior manager (director) to act as Municipal manager during the absence of the Municipal Manager provided that the appointment shall not exceed the period of three months and provided that the appointment shall further adheres to the requirements of the Local Government: Municipal Systems Act, 2000, Act 32 of 2000.
- An acting allowance is only payable when the Director acts for minimum of ten consecutive working days.
- The salary component for determining the acting allowance will be based on the basic salary component which must be 60% of the total remuneration package of the difference between post in which the employee is acting and that of the person who acts.

7. ACTING AS DIRECTOR

- The Municipal Manager may appoint a direct report of the Director, to act as Director of a Directorate during the absence of the Director provided that the appointment shall not exceed the period of three months and provided that the appointment shall further adheres to the requirements of the Local Government: Municipal Systems Act, 2000, Act 32 of 2000.

- An acting allowance is only payable when an employee acts as Director of a Directorate for a minimum of ten consecutive working days.
- The salary component for determining the acting allowance of an employee acting as Director will be equal to 60% of the remuneration package of the post in which the employee is acting.

8. ACTING IN ALL OTHER POSTS

- The Director or appropriately delegated authority may appoint an appropriately skilled, and appropriately experienced person in writing to act in post of a Manager and lower, as and when it is deemed necessary for operational efficiency.
- The Director must authorise the payment, subject to budgetary provision, of an acting allowance to a person acting.
- The acting allowance payable is calculated in terms of the Collective Agreement on Conditions of Service for the Western Cape Division of the South African Local Government Bargaining Council (SALGBC)
- The period of acting shall not unreasonably be stopped or interrupted resulting in non-payment of an acting allowance.
- Where an employee has acted for a continuous period of three (3) months or longer, he/she will qualify for an acting allowance while on paid leave.
- The period of acting shall not unreasonably be stopped or interrupted when an employee who acted for more than three (3) months is on paid leave.
- The Director must take reasonable care that persons do not act for periods exceeding three (3) consecutive working months.
- **In compliance with aforementioned, the Directors must ensure that employees are rotated to provide equal opportunities to gain experience in situations where there are suitably qualified persons in departments**
- **The acting period must not exceed (9) nine consecutive working months, where after the post must be advertised and filled on competitive basis.**
- **This is only applicable to acting as from the date of the commencement of this agreement. (1 April 2016)**

9. ACTING ON HORIZONTAL POSTS

The Municipal Manager, when approving acting in a position, will do so in terms of the provisions in the Local Government: Municipal System Act, Act 32 of 2000, and the remuneration be **based on 5 % of his pensionable salary** and will further be subject to the individual being able to perform all the functions and responsibilities of said post, still minimum 10 days; provided that an appropriate other person is available to act.

9.1. Other Allowances

Other allowances such as overtime and standby will be addressed in separate policies relating to such allowances. Where a policy document does not exist, the prescripts of the collective agreement shall apply as the principle.

10. PAYMENT AND AUTHORIZATION OF AN ACTING ALLOWANCE IS FURTHER SUBJECT TO THE FOLLOWING:

- The higher post must be a vacant post and budgeted for (funded) or a filled post where the current incumbent will be absent from work.
- The acting incumbent shall be appointed in writing by the Municipal Manager or Director, or duly delegated authority in terms of delegations to the acting position prior to the commencement of the acting period.
- The key performance areas, for which the acting incumbent will be responsible, shall be clearly defined.
- The latter requires that preferably, a job description exists for the current incumbent's post in which acting is proposed to take place.
- The acting incumbent shall sign a suitable undertaking committing to and assuming all the responsibilities normally associated with the post.

11. THE FOLLOWING GUIDELINES ARE TO BE CONSIDERED PRIOR TO MAKING A DECISION TO APPOINT A PERSON IN AN ACTING POSITION

- **It will be required that a pre-acting meeting is held in order to consider all possible senior person/s, in line with clause 5 ensuring a fair selection of suitable person/s to act.**
- Consideration should be given as to whether an official, more senior to the post concerned, can absorb all or part of the critical duties and responsibilities associated in the post;
- The possibility of spreading the workload of the post amongst other employees operating at the same level;
- The need for supervision over subordinates;
- The need to maintain daily output associated with the post

Overtime and other applicable allowance are calculated on the rate of the post level applicable to the incumbents own post.

12. EMPLOYEES EARNING MORE THAN THE POSITION THEY ACT IN

Employees, who act in a position but already earn more than the beginning notch of the acting post, will qualify for an **acting allowance amounting to 5% of his pensionable salary.**

13. EX GRATIA PAYMENT

An ex gratia payment for additional ad hoc functions may be considered by the Accounting Officer, where the workload is shared amongst employees, provided that the total payment for all shared functions shall not exceed the **amount of 5 % of his pensionable salary** as in paragraph 12 and the employees shall be proportionally compensated for their share of the shared functions as determined by the Municipal Manager or his authorised official.

14. POLICY REVIEW AND REPORTING

This policy document shall be reviewed annually, when deemed necessary – especially if there is a change in collective agreements or legislation and submitted as part of the budget approval process.

15. AUTHORITY

Formulated by:
Consulted: LLF:

Date:
Date:

MM Approval:
Council Approval:

Date:
Date:



ATTENDANCE AND PUNCTUALITY POLICY

Policy Number:	Approved Date:
Effective Date:	Review Date:

Notwithstanding the review date herein, this policy shall remain effective until such time approved otherwise by Council and may be reviewed on an earlier date if necessary.

Why Have a Policy?

The purpose of this policy is to provide a standard of attendance and punctuality for all employees. Because employees are vital to the work of the Breedevale Municipality, reliable and consistent attendance is condition of employment.

THE POLICY

1. PREAMBLE

All Breede Valley Municipal employees will work such hours and days in accordance with the operational needs and requirements of the Employer, which will not be less than forty (40) hours per week from Monday to Friday.

2. DEFINITIONS

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

3. LEGAL FRAMEWORK

- Labour Relations Act 66 of 1995
- Basic Conditions of Employment Act 77 of 1997
- Main Collective Agreement 2007 – SALGBC

4. SCOPE AND APPLICATION

This policy applies to all employees of the Breede Valley Municipality. Employees are expected to be at their work area at their scheduled start time. Each Directorate determines the work schedule and hours for employees as necessary for its operations. However, work schedules may vary among Directorates including hours of work.

5. OBJECTIVES OF POLICY

The policy objective is to provide a standard attendance and punctuality framework for all employees. Because employees are vital to the work of the Breede Valley Municipality, reliable and consistent attendance is condition of employment.

6. POLICY CONTENT

6.1 Absence.

Employees are considered absent from work when not available for the assigned work schedule regardless of the reason.

6.1.1 Scheduled Absences:

Employees are to notify their supervisors **within 3 hours of commencement of duty** (e.g. doctor's appointment, personal days etc), whether paid or unpaid. Scheduled absences are arranged at the mutual convenience of the Directorate and employee based on the operational needs of the Directorate. Absence can be considered scheduled if a 24-hour advance notice is given in advance, and the absence is approved by the supervisor.

6.1.2 Unscheduled Absences:

If an employee misses work due to an unscheduled absence, **within 3 hours of commencement of duty** (e.g. Calling-in due to sickness), he/she must follow prescribed Directorate procedures for calling in. Failure to follow prescribed Directorate procedures may result into instituting disciplinary action. **After ten (10) consecutive days of**

unscheduled absence, failure to notify and receive approval will be considered job abscondment and the employees' status can be terminated effective from the day following the last day of work.

6.1.3 Excessive Unscheduled Absences:

Excessive unscheduled absences may result in instituting disciplinary action up to and including dismissal. Supervisors will notify an employee when patterns or concerns develop that may place them at risk of being reprimanded. The following factors should be considered in determining if unscheduled absences are excessive:

- Patterns of absence: A pattern of absence demonstrates a predictable routine. For example, is the employee consistently absent the day after pay day, or a particular day, e.g. Monday or Friday, or always on the day before or after a holiday, etc
- Frequency of absence: How often does the employee have unscheduled absence? Repeated instances of unscheduled absences, such as call-ins, early departures, not reporting etc, should be considered. Even though the absences may not constitute a predictable pattern, is the employee often absent.

6.1.4 Tardiness:

Employees are considered tardy when he/she fails to report to the assigned work area at the scheduled time. This includes returning from breaks and lunch breaks. Directorates define punctuality standards for their operations and are responsible for communicating them to employees. Employees who expect to be late are to notify the supervisor or his/her assignee according to Directorate prescribed procedures. Employees may not extend a normal workday to make up for being tardy without supervisors' approval.

6.1.5 Attendance Register:

Where applicable, employees must use a time reporting system or attendance register to document work time and breaks from work. Absences, late arrivals, early departures, and extended breaks in the workday are accounted for on employees' time record. Failure to adhere to time reporting procedures may be grounds for instituting disciplinary procedures up to and including dismissal.

7. IMPLEMENTATION AND MONITORING

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

8. COMMUNICATION

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

9. POLICY REVIEW

This policy will be reviewed annually and revised as necessary.

10. BUDGET AND RESOURCES

The financial and resource implication/s related to the implementation of this policy should be qualified and quantified.

11. ROLES AND RESPONSIBILITIES

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

12. PENALTIES

Non compliance of any of the stipulations contained in the Policy will be viewed as misconduct and will be dealt with in terms of the Breede Valley Municipality's Disciplinary Code.

13. DISPUTE RESOLUTION

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

14. AUTHORITY

Formulated by:	Date:
Consulted: LLF:	Date:
MM Approval:	Date:
Council Approval:	Date:



MEMBERSHIP AND REGISTRATION OF DEPENDANTS ON ACCREDITED MEDICAL SCHEMES POLICY

Policy Number:	Approved Date:
Effective Date:	Review Date:

Notwithstanding the review date herein, this policy shall remain effective until such time approved otherwise by Council and may be reviewed on an earlier date if necessary.

Why Have a Policy?

The purpose of this policy is to prescribe the measures applicable on membership, registration and de-registration of dependants, as well as procedures with regards to continued members of accredited medical funds.

THE POLICY

1. PREAMBLE

The purpose of this policy is to prescribe the measures applicable on membership, registration and de-registration of dependants, as well as procedures with regards to continued members of accredited medical funds.

2. DEFINITIONS

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

Accredited medical scheme: Funds approved by the SALGBC on an annual basis as a medical fund to which officials may apply for membership.

Calendar month: A period which stretches from the 1st of a month to the end of that specific month

Subsidy: The Municipality's contribution to the premium paid to the Medical Aid scheme, as per collective agreement, towards permanent employees and continued members.

Employee : means any person, excluding an independent contractor who works for another person or for the State and who receives, or is entitled to receive, any remuneration

Continued member:

- An employee who retires at the **age of 55** and above or whose services are terminated due to ill health which resulted in an approved disability claim and
- An employee who have more than **15 years uninterrupted service** with the municipality and
- Who at the date of retirement belonged to a medical aid scheme

Spouse: Being a natural person who is bound to the principal member in terms of a marriage or customary union recognise by the laws of the Republic of South Africa

Life Partner: A person who lives with the principal member in a permanent relationship, similar to a marriage, at the same residential address and who is financially dependent on each other.

Child Dependant:	A dependant of the principal member, who is defined and classified by the relevant medical aid scheme as a "child dependant".
Retirement Fund:	Any Pension or Provident fund which is accredited with SALGA.

3. LEGAL FRAMEWORK

The policy framework obtains its legal and general mandate from the following prescriptions, which include, but is not limited to the:

- a. Medical scheme fund rules
- b. Main Collective Agreement

4. SCOPE AND APPLICATION

This policy applies to all permanent and fixed- term employees of the Breede Valley Municipality as well as continuing retired employees.

Employees who already retired from the service of Breede Valley Municipality, upon date of approval of this policy, do not qualify for continued medical aid membership.

Section 56 and 57 appointments in terms of the Municipal Systems Act are excluded from this policy. This condition must be contained separately in the contract of employment of such an individual.

5. POLICY CONTENT

5.1 MEMBERSHIP

- 5.1.1 The stipulations within the Main Collective Agreement that refers to Medical Aid must be adhered to at all times.
- 5.1.2 The Municipality will subsidise the Medical Aid Scheme contribution of a permanent employee registered as the principal member on an accredited medical aid scheme with 60% of the total contributions to a maximum amount as determined annually by the SALGBC.
- 5.1.3 An employee may elect movement from one accredited medical aid scheme to the another accredited or change option within their medical aid scheme on annual basis during the freedom of association period, with a notice of one calendar month before termination of his/her current medical aid scheme. Any changes will therefore be with effect from 01 January the following year.
- 5.1.4 An employee who terminates membership of a medical aid scheme during the course of the year and/or after interruption in membership, who wants to join a

medical aid scheme, will only be subsidised with effect from 01 January of the following year.

- 5.1.5 A waiting period may be applicable where an employee joins a medical aid scheme on a date other than his/her date of appointment, subject to the rules of the medical aid scheme in question.
- 5.1.6 An employee shall give one calendar months' notice to a medical aid scheme if termination of membership is required.
- 5.1.7 The spouse/life partner and/or dependants of a principal continued member who pass away may continue with the medical aid scheme membership in which case the Municipality will be responsible for 70% of the total contribution to a maximum as determined annually by the Bargaining council, subject to paragraph 5.4.3 of this policy. *The unborn dependant of the deceased is included in this benefit.*
- 5.1.8 An employee dismissed for misconduct, poor performance or who resigns, retires or terminates relating to ensuing disciplinary proceedings, shall not qualify for continued membership of a medical aid scheme.

5.2 REGISTRATION OF DEPENDANTS

The Municipality shall subsidise the following dependants to a maximum amount as determined by the Bargaining Council:

- 5.2.1 The spouse or life partner (one spouse/life partner), biological children, foster children and adopted children of a principal member. Confirmation of dependency must be submitted e.g. marriage certificate, birth certificate, sworn declarations and/or court documents.

Former spouses will not be subsidised by the Employer. After a divorce has been finalised, the employee should notify HR immediately in order to terminate the relevant subsidy.

- 5.2.2 Child dependants shall be subsidised by the Municipality, if they adhere to the provisions as set out in the rules of the relevant medical aid scheme and is classified by the relevant medical aid scheme as a "child dependant".
- 5.2.3 A principal member of a medical aid scheme may register any close family member as a special dependant on a medical aid scheme, subject to confirmation of financial dependency and the rules of the medical aid scheme in question in which event **no subsidy** will be payable.
- 5.2.4 Subsidy for employees with disabled children, who are accepted by the medical aid scheme as a "child dependant for life", is subject to approval by the Municipal Manager.

5.3 CLAIM PROCEDURES AND PAYMENT OF CONTRIBUTIONS

- 5.3.1 It is the employee's responsibility to submit claims within the prescribed period to the medical aid scheme. Human Resources will provide a support function to all employees when required.
- 5.3.2 The municipality will ensure that premiums are paid over to the medical aid scheme on date as agreed with the medical aid schemes.
- 5.3.3 The employee must ensure that applications for membership, registration and de-registration of dependants and termination of membership is submitted timeously to the Human Resources Department.

5.4 CONTINUED MEMBERS

- 5.4.1 The medical aid scheme contributions of an employee who retires or whose services are terminated as a result of ill health and disability benefits, approved by the relevant retirement fund and subject to the ***definition of continued member in paragraph 2***, will be subsidised by the Municipality
- 5.4.2 Should a continued member or an active employee, who was a member of a medical aid scheme pass away, the spouse/life partner and dependants registered on the medical aid scheme as at date of death of the principal member will be subsidised by the Municipality – this will also include the unborn biological child of the principal member.
- 5.4.3 Should the spouse/life partner in 5.4.2 above, terminate the membership of a medical aid scheme and/or there is an interruption in membership, the benefit lapses and no subsidy will be paid by the municipality, should the spouse/ life partner after a period of interrupted membership decides to join a medical aid scheme again.
- 5.4.4 Should a continued member or an active employee, who was a member of a medical aid scheme pass away, and the spouse/life partner gets re-married, the spouse and dependants registered on the medical aid scheme as at date of death of the principal continued member will be the only beneficiaries subsidised by the Municipality.
- 5.4.5 The 30% contribution of a continued member must be paid directly to the medical aid scheme.
- 5.4.6 The municipality will be responsible to pay the 70% contribution to the medical aid scheme **up to the maximum employer's contribution as determined annually through bargaining processes.**
- 5.4.7 A continued member, whose membership has been terminated based on the medical aid schemes rules, forfeits any claim on subsidy by the Municipality.

5.4.8 A continued member must submit a confirmation of existence (sworn declaration), proof of income and residential address at the Human Resources Department before 15 November of each year for calculation of medical aid scheme contributions for the next year starting 01 January. If this documentation is not submitted to Human Resources section, the Municipality may terminate the payment of employer contributions.

5.4.9 A continued member must complete the attached agreement which stipulates the terms and conditions under which continued medical aid membership post retirement is granted. The subsidy will be paid over, once the completed agreement is submitted to Finance.

6 IMPLEMENTATION AND MONITORING

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

7 COMMUNICATION

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

8 POLICY REVIEW

This policy will be reviewed annually and revised as necessary.

9 BUDGET AND RESOURCES

The financial and resource implication/s related to the implementation of this policy should be qualified and quantified.

10 ROLES AND RESPONSIBILITIES

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

11 PENALTIES

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

12 DISPUTE RESOLUTION

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

13 AUTHORITY

Formulated by:

Date:

Consulted: LLF:

Date:

MM Approval:

Date:

Council Approval:

Date:



MEMORANDUM OF AGREEMENT

ENTERED INTO BY AND BETWEEN

BREDE VALLEY MUNICIPALITY

(hereinafter referred to as “the Municipality”) conducting business at **51 Baring Street, Worcester** and herein represented by **David McThomas** duly authorized thereto in his capacity as **Municipal Manager**;

AND

.....
(Identity Number:)

(hereinafter referred to as “the retired Employee”).

WHEREAS the Municipality and the retired Employee entered into a Contract of Employment in terms of which the retired Employee has been appointed by the Municipality with effect from;

AND WHEREAS the retired Employee has informed the Municipality on in writing that he/she will terminate his/her services at the Municipality as of the close of business on;

AND WHEREAS the retired Employee acknowledges and agrees that as from the aforementioned date he/she will cease to be an Employee of the Municipality and will no longer be eligible for, or receive any benefits of employment except for the benefits described in this Agreement;

AND WHEREAS the retired Employee has expressed his/her desire to retain membership of a medical aid scheme accredited by the South African Local Government Bargaining Council (SALGBC);

AND WHEREAS the parties wish to be clear on the legal consequences that any act or failure in the performance of such duties and obligations, as well as any act or failure by any other person may have for the parties.

NOW, THEREFORE, the parties hereto agree as follows:

1. OBJECTIVE AND PURPOSE OF AGREEMENT

The objective of this Agreement is to define the objectives as well as the duties, responsibilities, obligations and rights of the Municipality and the retired Employee pertaining to post-retirement medical aid scheme contributions to ensure that the retired Employee continues to enjoy medical cover in retirement subject to the conditions contained in this Agreement;

2. MEDICAL AID SCHEME

The retired Employee, who has enjoyed the benefit of a subsidy of his/her medical aid scheme contribution prior to his/her retirement, has elected in a letter dated, directed to the Municipality, to continue medical aid coverage with an accredited medical aid scheme after his/her retirement.

3. COMMENCEMENT OF THE AGREEMENT

Notwithstanding the date of signature, this Agreement commences on the first day after the retired Employee's official retirement date.

4. TERMINATION OF THE AGREEMENT

4.1 This Agreement shall terminate on an earlier date if the retired Employee gives written notice of his/her intention to terminate his/her membership with the accredited medical aid scheme.

4.2 This Agreement shall terminate with immediate effect if the retired Employee breaches any terms and/or conditions of this Agreement.

4.3 In the event of the retired Employee's death, this Agreement will remain in force, and the provisions shall continue to apply in respect of the remaining registered dependent of the retired Employee.

4.4 This Agreement shall terminate with immediate effect on the date when the last surviving of either the retired Employee and/or his registered dependent decease.

5. CONTRIBUTION PERIOD

The post-retirement medical aid scheme contribution period will commence on the first day of the month following the month in which the retired Employee retires.

6. CONTRIBUTION PERCENTAGE

- 6.1 The post-retirement medical aid scheme contribution percentage of the retired Employee at date of commencement of this Agreement amounts to thirty percent (30%) of the monthly medical aid scheme premium towards the accredited medical aid scheme in respect of retired employees appointed.
- 6.2 The Municipality will contribute seventy percent (70%) of the monthly medical aid scheme premium towards the accredited medical aid scheme on behalf of the retired Employee, **up to the maximum employer's contribution as determined annually through bargaining processes.**

7. DUTIES OF THE BREEDE VALLEY MUNICIPALITY

The Municipality shall:

- 7.1 Contribute seventy percent (70%) of the monthly premium towards the accredited medical aid scheme on behalf of the retired Employee, **up to the maximum employer's contribution as determined annually through bargaining processes.**
- 7.2 Transfer the Employer's monthly premium on or before the twenty fifth (25th) day of each and every calendar month directly into the bank account of the retired Employee's accredited medical aid scheme.
- 7.3 Inform the retired Employee timeously of any change in the banking details of the Municipality.

- 7.4 Under no circumstances whatsoever be liable for payment of the retired Employee's thirty percent (30%) contribution of the monthly medical aid scheme premium.

8. DUTIES OF THE RETIRED EMPLOYEE

8.1 The retired Employee shall:

- (a) Be obliged and responsible to contribute thirty percent (30%) per month of the monthly premium towards the accredited medical aid scheme of the retired Employee in order to ensure the continuation of his/her post-retirement medical aid scheme membership.
- (b) Promptly pay his/her thirty percent (30%) contribution of the monthly premium of the accredited medical aid scheme directly to the medical aid within the prescribed timeframe as determined by the medical aid scheme.
- (c) Be obliged and responsible to annually ascertain and satisfy himself/herself, before payment of the January premium, of the annual premium increase of the accredited medical aid scheme of which he/she is a member.
- (d) In general and at all times be obliged and responsible to make sure what the amount of the premium is that has to be paid in connection with the accredited medical aid scheme.
- (e) Ensure that the premium increase in (c) and/or (d) above is implemented in terms of his/her thirty percent (30%) of the monthly premium and that arrangements with his/her financial institution has been made to ensure the correct increased payment to the Municipality.

8.2 The retired Employee agrees and understands that:

- (a) The Municipality will only be responsible for seventy percent (70%) contribution of the monthly medical aid scheme premium, **up to the maximum employer's contribution as determined annually through bargaining processes** which the Municipality will pay directly to the relevant medical aid scheme within the prescribed timeframes.
- (b) Failure by the retired Employee to pay his/her thirty percent (30%) contribution of the monthly medical aid scheme premium directly to the medical aid scheme will result in arrears and could lead to lapsing of continued medical aid membership.
- (c) In the event of clause 8.2(b) above the Municipality shall request the retired Employee's medical aid scheme in writing to cancel the membership of the retired Employee with immediate effect due to the non-payment of his/her thirty percent (30%) contribution of the monthly medical aid scheme premium.
- (d) If the medical aid scheme membership of the retired Employee is cancelled at any stage by any of the parties, the retired Employee will not be able to ever again re-apply for the benefit as he/she no longer qualifies for the post-retirement medical aid benefit.
- (e) Any dependent that is registered by the retired Employee after the date of his/her retirement shall not be entitled to demand and/or lay claim on the seventy percent (70%) post-retirement contribution of the monthly premium towards an accredited medical aid scheme by the Municipality, **up to the maximum employer's contribution as determined annually through bargaining processes.**

9. BREACH OF CONTRACT

Should the retired Employee breach any or all of the terms and conditions contained in this Agreement the Municipality without detriment to any other remedy which may be available to it in law, shall be entitled to immediately and without any prior notice to the retired Employee, cancel the Agreement, and reclaim any premiums transferred to the retired Employee's accredited medical aid scheme in terms of clause 7.2 together with interest where the retired Employee was in breach of clause 8.1(b) of this Agreement from the retired Employee.

10. GUARANTEES AND REPRESENTATIONS

The Parties acknowledge that no guarantees and/or representations, verbally and/or in writing, persuaded them to conclude this Agreement and that any guarantees and/or representations are not binding on the Parties, unless contained in the agreement.

11. NOTICE OF DOMICILIUM

11.1 The Municipality's chosen *domicilium* is **51 Baring Street, Worcester, 6850**, with the **Municipal Manager** as addressee.

11.2 The retired Employee hereby chooses
.....
....., as its *domicilium*
for all matters that may arise from this Agreement including, but not limited to,
the receipt of all notices and processes of court.

11.3 The retired Employee will be entitled to change its *domicilium* by means of written notice to the Municipality to this effect.

12. NOTICE

- 12.1 All notices served by the Municipality on the retired Employee by virtue of this Agreement, shall either be sent by prepaid registered mail, or be delivered to the retired Employee by hand.
- 12.2 In the case of notices sent by prepaid registered mail, such notices shall be deemed to have been received by the retired Employee at the latest on the **fifth (5th) business day** after the date of dispatch, unless the retired Employee is able to prove the contrary.
- 12.3 Notices delivered to the retired Employee by hand and for which a dated acknowledgement of receipt has been obtained, shall be deemed to have been received by the retired Employee on the date of delivery, unless the retired Employee is able to prove the contrary.
- 12.4 All notices served by the retired Employee on the Municipality by virtue of this Agreement shall likewise be deemed to have been duly served, provided that the procedure as prescribed in clauses 12.1 to 12.3 has been followed.

13. GENERAL PROVISIONS

- 13.1 Any relaxation or indulgence which the Municipality may show towards the retired Employee shall not in any way prejudice the exercise of the Municipality's right under this Agreement.
- 13.2 No variation of this Agreement shall be of any force or effect unless it is in writing and is signed by both the Municipality and the retired Employee.
- 13.3 This Agreement contains all the terms and conditions of the Agreement entered into between the Municipality and the retired Employee.

13.4 The parties acknowledge that there are no other understandings, representations or terms between the Municipality and the retired Employee.

SIGNED AT ON THIS THE DAY OF
2018

AS WITNESSES:

1. _____

2. _____

MUNICIPAL MANAGER

SIGNED AT ON THIS THE DAY OF.....
2018

AS WITNESSES:

1. _____

2. _____

RETIRED EMPLOYEE

.....
.....
.....
.....
.....

DATE

The Municipal Manager
Breede Valley Municipality
Private bag x
Worcester
6850

Sir

CONTINUED MEMBERSHIP OF
MEMBERSHIP NUMBER :

Please note that I will terminate my services at the Breede Valley Municipality on due to the fact that I will go on retirement.

Hereby I wish to confirm my intention that I want to retain my continued membership of the above mentioned medical scheme with effect from and undertake to strictly honour my financial obligations of 30% contribution in respect of my membership fees.

I also confirm that I want to continue with my GAP cover and in this regard also undertake to strictly honour my financial obligations regarding this coverage at the end of each calendar month.

The above mentioned taken into account I undertake to enter into the prescribed Memorandum of Agreement in order to confirm that I will honour my financial obligations in this regard.

Yours faithfully

.....
SURNAME & INITIALS: SIGNATURE



OCCUPATIONAL HEALTH AND SAFETY POLICY

Policy Number:	Approved Date:
Effective Date:	Review Date:

Notwithstanding the review date herein, this policy shall remain effective until such time approved otherwise by Council and may be reviewed on an earlier date if necessary.

Why Have a Policy?

The Breedede Valley Municipality and its staff believe that the prevention of injuries and exposure to disease of all the employees is of paramount importance to the organisation in its quest to be a leader in health and safety. Furthermore, management acknowledges its responsibility and moral obligation to provide a safe and healthy workplace.

We will strive to be pro active in the recognition of risks with the objective of reducing exposure to injury and disease.

Involvement will be at all levels and the responsibility will be shared by everyone, in order to reach the objectives.

1. PREAMBLE

The need for the policy stems from the Occupational Health and Safety Act, 1993 which requires employers, including municipalities, amongst other things to develop and adopt an occupational health and safety policy.

Furthermore, this policy is intended to create a framework for decision making in respect of human resources management in as far as occupational health and safety is concerned in the municipality.

To comply with the conditions relating to the Occupational Health and Safety Act, Act 85 of 1993 regarding the issue and control of safety equipment/protective clothing as well as to compile a policy on the issue and control of other clothing and uniforms which is not legally compulsory

The policy is intended to:

- (a) Promote and maintain the highest degree of physical, mental and social wellbeing of workers.
- (b) Prevent amongst workers, ill health caused by their working conditions.
- (c) Place and maintain workers in a working environment that is adapted to their individual physiological and psychological conditions.
- (d) Protect workers from factors adverse to their health.
- (e) Promote and maintain working environment that is free from harassment.

2. DEFINITIONS

- **“hazard”** means a source of or exposure to danger
- **“health and safety committee”** means a committee established under section 19 of Occupational Health and Safety Act, No 85 of 1993,
- **“healthy”** means free from illness or injury attributable to occupational causes
- **“incident”** means an incident as contemplated in section 24 of Occupational Health and Safety Act,
- **“Issue”** – means personal safety equipment/protective clothing as well as other clothing and uniforms not compulsory by law.
- **“machinery”** means any article or combination of articles assembled, arranged or connected and which is used or intended to be used for converting any form of energy to performing work, or which is used or intended to be used, whether incidental thereto or not, for developing, receiving, storing, containing, confining, transforming, transmitting, transferring or controlling any form of energy,
- **“medical surveillance”** means a planned programme of periodic examination (which may include clinical examinations, biological monitoring or medical tests) of employees by an occupational health practitioner, or in prescribed cases, by an occupational medicine practitioner”
- **“occupational health”** means including occupational hygiene, occupational medicine and biological monitoring,

- **“occupational health practitioner”** means an occupational medicine practitioner or a person who holds a qualification in occupational health recognised as such by the South African Medical and Dental Council as referred to in the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No.56 of 1974) or South African Nursing Council as referred to in the Nursing Act, 1978 (Act No.50 of 1978),
- **“occupational hygiene”** means the anticipation, recognition, evaluation and control of conditions arising in or from the workplace, which may cause illness or adverse health effects to persons,
- **“risk”** means the probability that injury or damage will occur.
- **“safe”** means free from any hazard.
- All terminology not defined under clause 2 of this policy shall bear the same meaning as in the applicable legislation.

3. LEGAL FRAMEWORK

- Basic Conditions of Employment Act (Act 75 of 1997)
- Labour Relations Act (Act 66 of 1995)
- Municipal Systems Act (Act 32 of 2000)
- Municipal Finance Management Act (Act 56 of 2003)
- Locally negotiated agreements (LLF Resolutions)
- Occupational Health and Safety Act (Act 85 of 1993 + Regulations)
- Compensation for Occupational Injury and Diseases (Act 85 of 1993)
- Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No.56 of 1974) or South African Nursing Council as referred to in the Nursing Act, 1978 (Act No.50 of 1978)

4. SCOPE AND APPLICATION

This policy applies to all employees of the Breede Valley Municipality.

5. OBJECTIVES OF POLICY

- To implement an Occupational Health and Safety Programme
- To be aware of all risks and changes in risk factors in areas regarded as high risk
- To stay abreast of legislative requirements and to meet them as far as is reasonably practicable
- To train everyone in the municipality on matters pertaining to their work and the associated risks involved
- To ensure the knowledge and information available is adequate to achieve these objectives
- To continually evaluate health and safety programmes, adapting them as and when problems are identified.
- To partake actively in the accident/incident prevention programme.

- Employees exposed to OHS Act injuries must be issued with protective clothing at all times.

6. POLICY CONTENT

6.1 Medical Surveillance Programme

A Medical Surveillance Programme is used to identify and record the presence of any occupational disease and the degree of exposure. The information is used to ensure that the health of the employee will not be compromised by placement in a particular job.

Employees who have a health condition which will or could be compromised will not be placed in high risk areas. General health information, not required for the job, is used to identify health needs and the health care that the individual would require.

6.1.1 *Pre-employment examination (PEM)*

Certain employees will undergo a pre-employment medical examination prior to being appointed to a position. The position being filled will determine whether an examination is needed. The selection criteria will be the risks involved, determined by the job and results kept confidential. **The inherent medical requirements will be used to ensure non-discrimination results. New applicants to declare pre-existing conditions**

A declaration will be signed by the prospective employee to accepting the conditions of the Medical Surveillance Programme and any resulting testing required.

The Manager will be notified of the suitability of the prospective employee.

6.1.2 *Periodic Screenings (PS)*

Employees working in specific areas or shifts will undergo screening at various intervals, depending on the health risk profile to risk – e.g. drivers will be examined annually. A certificate of fitness will be issued.

6.1.3 *Transfer Screenings (TS)*

Employees are only screened for the job they are initially placed in. This means that they will not necessarily be suitable to work in another area, except if they are required to be multi-skilled and work in all areas. Thus any employee requiring or applying for transfer would first undergo an assessment to ensure suitability.

6.2 Legislative Compliance

The Council will follow all aspects of the Occupational Health and Safety Act no. 85 of 1993 and its Regulations, including any other mentioned documents (i.e. SABS

codes). Where specific compliance or risk exists, company rules and procedures will apply.

Any training done with respect to the legislation or company health and safety programme, policies and procedures will be noted and kept on file. Any person who does not adhere to this legislation will be guilty of an offence and thus be disciplined according to the disciplinary code.

6.3 Injury Reporting

In terms of the Occupational Health & Safety Act no. 83 of 1993, all injuries and incidents must be reported by supervisor immediately or as soon as practically possible, for assessment, recording; or possibly investigation.

6.4 Wearing of Personal Protective Clothing (PPC)

Various occupations will be identified in the job specification as requiring PPC to be worn by the employees. Employees will be required to sign for the PPC, to follow the procedure and undergo training required for correct usage.

Where Safety clothing or equipment has been issued, it will be seen as an offence if these are not worn at all times, and thus disciplinary action, according to the disciplinary code, will be taken on non-compliance.

When setting the minimum standards for PPE clothing and equipment, the OHS officer will provide advice and support to line management and unions. These standards should be set out in a PPE policy.

6.5 Hazardous Chemical Substance In Daily Use

Material Safety Data Sheets will be available regarding the safe use, storage etc, of all chemical substances in use on site. Each department will have the relevant information in an accessible file and ensure the necessary training, according to Section 13 of the Occupational Health & Safety Act & Regulations, is given to all.

6.6 Health and Safety Procedures

6.6.1 Workplace Safety and Protective Clothing Rules

Your safety is the constant concern of this Breede Valley Municipality. Every precaution must be taken to provide a safe workplace. Occupational Health and Safety Officer makes regular inspections and holds regular safety meetings. He/she also meets with management to plan and implement further improvements in our safety program. Common sense and personal interest in safety are still the greatest guarantees of your safety at work, on the road, and at home. We take your safety seriously and any wilful or habitual violation of safety rules will be considered cause for disciplinary actions. Breede

Valley Municipality is sincerely concerned for the health and wellbeing of each member employee.

The cooperation of every employee is necessary to make Breede Valley Municipality a safe place in which to work. Help yourself and others by reporting unsafe conditions or hazards immediately to your supervisor or to a member of the safety committee. Give earnest consideration to the rules of safety presented to you by poster signs, discussions with your supervisor, posted department rules, and regulations published in the safety booklet. Begin right by always thinking of safety as you perform your job, or as you learn a new one.

(a) Accident reporting: Any injury at work—no matter how small—must be reported immediately to your supervisor and receive first aid attention. Serious conditions often arise from small injuries if they are not cared for at once.

(b) Specific safety rules and guidelines: To ensure your safety, and that of your co-workers, please observe and obey the following rules and guidelines:

- Observe and practice the safety procedures established for the job.
- In case of sickness or injury, no matter how slight, report at once to your supervisor. In no case should an employee treat his own or someone else's injuries or attempt to remove foreign particles from the eye.
- In case of injury resulting in possible fracture to legs, back, or neck, or any accident resulting in an unconscious condition, or a severe head injury, the employee is not to be moved until medical attention has been given by authorized personnel.
- Do not wear loose clothing or jewellery around machinery. It may catch on moving equipment and cause a serious injury.
- Never distract the attention of another employee, as you might cause him or her to be injured. If necessary to get the attention of another employee, wait until it can be done safely.
- Where required, you must wear protective equipment, such as goggles, safety glasses, masks, gloves, hair nets, etc.
- Safety equipment such as restraints, pull backs, and two-hand devices are designed for your protection. Be sure such equipment is adjusted for you.
- Pile materials, skids, bins, boxes, or other equipment so as not to block aisles, exits, fire fighting equipment, electric lighting or power panel, valves, etc. FIRE DOORS AND AISLES MUST BE KEPT CLEAR.
- Keep your work area clean.
- Use compressed air only for the job for which it is intended. Do not clean your clothes with it and do not fool with it.
- Observe smoking regulations.
- Shut down your machine before cleaning, repairing, or leaving.
- Tow motors and lift trucks will be operated only by authorized personnel. Walk-type lift trucks will not be ridden and no one but the operator is permitted to ride the tow motors. Do not exceed a speed that is safe for existing conditions.
- Running and horseplay are strictly forbidden.
- Do not block access to fire extinguishers.

- Do not tamper with electric controls or switches.
- Do not operate machines or equipment until you have been properly instructed and authorized to do so by your supervisor.
- Do not engage in such other practices as may be inconsistent with ordinary and reasonable common sense safety rules.
- Report any UNSAFE condition or acts to your supervisor.
- HELP TO PREVENT ACCIDENTS.
- Use designated passages when moving from one place to another; never take hazardous shortcuts.
- Lift properly—use your legs, not your back. For heavier loads, ask for assistance.
- Do not adjust, clean, or oil moving machinery.
- Keep machine guards in their intended place.
- Do not throw objects.
- Clean up spilled liquid, oil, or grease immediately.
- Wear hard sole shoes and appropriate clothing. Shorts or mini dresses are not permitted.
- Place trash and paper in proper containers and not in cans provided for cigarette butts.

(c) Safety checklist: It's every employee's responsibility to be on the lookout for possible hazards. If you spot one of the conditions on the following list—or any other possible hazardous situation—report it to your supervisor immediately.

- Slippery floors and walkways
- Tripping hazards, such as hose links, piping, etc.
- Missing (or inoperative) entrance and exit signs and lighting
- Poorly lighted stairs
- Loose handrails or guard rails
- Loose or broken windows
- Dangerously piled supplies or equipment
- Open or broken windows
- Unlocked doors and gates
- Electrical equipment left operating
- Open doors on electrical panels
- Leaks of steam, water, oil, etc.
- Blocked aisles
- Blocked fire extinguishers, hose sprinkler heads
- Blocked fire doors
- Evidence of any equipment running hot or overheating
- Oily rags
- Evidence of smoking in non-smoking areas
- Roof leaks
- Directional or warning signs not in place
- Safety devices not operating properly
- Machine, power transmission, or drive guards missing, damaged, loose, or improperly placed

- (d) **Safety equipment:** Your supervisor will see that you receive the protective clothing and equipment required for your job. Use them as instructed and take care of them. You will be charged for loss or destruction of these articles only when it occurs through negligence.
- (e) **Safety shoes:** Breede Valley Municipality will designate which jobs and work areas require safety shoes. Under no circumstances will an employee be permitted to work in sandals or open-toe shoes.
- (f) **Safety glasses:** The wearing of safety glasses by all shop employees is mandatory. Strict adherence to this policy can significantly reduce the risk of eye injuries.
- (g) **Seat belts:** All employees must use seat belts and shoulder restraints (if available) whenever they operate a vehicle on Breede Valley Municipality business. The driver is responsible for seeing that all passengers in front and rear seats are buckled up.
- (h) **Good housekeeping:** Your work location should be kept clean and orderly. Keep machines and other objects (merchandise, boxes, shopping carts, etc.) out of the center of aisles. Clean up spills, drips, and leaks immediately to avoid slips and falls. Place trash in the proper receptacles. Stock shelves carefully so merchandise will not fall over.
- (i) **Wear and use of issues:** Employees are compelled to wear and use the relevant issues. Departmental Heads are responsible as stipulated in Section 16(2) of Act 85 of 1993. Supervisors, Occupational Health Safety Officers and safety representatives will continuously check on employees and report deviations to the relevant Manager and the Municipal Manager. No employee may use or wear issues in his/her private time or for private use.
- (j) **Cleaning:** Cleaning, washing and ironing of issues are the responsibility of the employee. Abnormal circumstances can be referred to the Municipal Manager or his assignee for consideration.
- (k) **Ownership:** All issues issued for a specific cycle remain the property of the Council during that cycle. All issues of equipment remain the property of the Council and must be marked in such a way that the date of issue can be determined. When an item is replaced, such item, when replaced, will be taken in and subsequently destroyed.
- (l) **Undertaking in writing:** All employees must undertake in writing to wear and use all issues, before an issue can take place.
- (m) **Termination of service:** When an employee leaves the Council's service, Managers must see to the return or retaining of issues issued for a specific cycle as well as recovering of outstanding monies in collaboration with the Manager: Human Resources, as determined in the employee's service contract.
- (n) **Induction training:** All new employees must be properly informed of this policy and the contents thereof, and must sign to acknowledge receipt of a copy. This policy is therefore a part of each employee's service contract and where necessary specific conditions in this regard must be additionally included in the service contract.
- (o) **Frequency/terms of issue:** Issues of overalls will be made annually according to schedules. Other issues are based on the principle of as and when needed and will therefore only be replaced when worn out. This schedules serves as determination of which equipment and clothing must be issued; the quantities that must be issued as well as the minimum life expectancy of the items issued. Proof that the items are worn out or the returning of worn out items, is compulsory before a new issue can/may be made.

- (p) Responsibility for issues:** Employees who negligently loose or damage their issues will be held responsible.
- (q) Disregarding of policy conditions:** Disregarding of the policy conditions will be dealt with in accordance to the existing disciplinary procedures of the Council.

6.7 Working when it Rains

Every employee who works in the open air must wear suitable protective clothing on any working day during which it rains. 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.

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 be abandoned forth with 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 slim and/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.

Any employee removed from a worksite in the open air due to rain may be expected to perform other duties at the depot, workshop or plant, which will not expose her/him to rain.

6.8 Emergency/Evacuation plan and procedures

Each and every workplace shall have an emergency/evacuation plan and procedure that should take into account any specific or additional measures to ensure that an employee with a disability is safely evacuated from a building or worksite during emergencies.

Implementation drills shall be conducted in accordance with the evacuation framework to ensure that each employee knows how to react in events of an emergency.

Emergency telephone numbers of the police, fire department and ambulance services shall be made available to all staff members on notice boards.

6.9 People with Disabilities

All designated employers should “reasonably accommodate the needs of people with disabilities.” The aim of this accommodation is to enable the person to perform the essential functions of the job. Modifications or alterations to the way a job is normally performed should make it possible for a suitably qualified person with a disability to perform as everyone else. The type of reasonable accommodation required would

depend on the job and its essential functions, the work environment and the person's specific impairment. Personal protective equipment to safeguard the employee against any injury must be made available by the employer.

6.10 Contractors

All contractors/ sub-contractors performing work for the Breede Valley Municipality should be requested to sign a formal indemnity as contemplated in Section 37(2) of the OHS Act which will indemnify Breede valley Municipality from their actions. Failure to have such agreement in place could result in Breede Valley Municipality being held liable for all incidents resulting from the activities of the contractors/subcontractors.

All contractors /subcontractors must comply with the provisions of the Health and Safety policy of the Breede Valley Municipality. Contractors should submit letters of Good Standing with the Compensation Commissioner (Section 89 of COIDA Act). Failure to submit such a certificate could result in Breede Valley Municipality being held liable for the medical cost of an injury sustained by an employee of the contractor/subcontractor.

7. IMPLEMENTATION AND MONITORING

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

All issues may only be done in terms of this policy of the agreed schedules, and the approval of the relevant Manager (Section 16(2) delegated in terms of Act 85 of 1993).

Additions, reductions or changes to the schedules must be motivated by the relevant Manager in writing to the Municipal Manager or his assignee.

Each department must keep proper record of all issues to each employee and these records must be open for audit and inspection by the Manager: Internal Audit and the Occupational Health and Safety Officer.

8. COMMUNICATION

This policy, and related information pertaining to occupational health and safety, will be communicated to all Municipal employees and Councillors using the full range of communication methods available to the municipality.

9. POLICY REVIEW

This policy will be reviewed as to/when required and revised as necessary in the light of changing conditions and the findings of surveys/studies conducted, by the Health and Safety Workplace Committee.

10. BUDGET AND RESOURCES

Purchases and issues must be controlled by each Manager or his assignee as well as by the Storekeeper and Managers must budget as necessary.

11. ROLES AND RESPONSIBILITIES

11.1 ***Responsibilities of Employers:***

- Identify potential hazards which may be present while work is being done, and any equipment is being used.
- Ensure that plant, tools, equipment and machinery are safe, maintained in good working order and those materials and operational processes are without risk to health.
- Establish the precautionary measures that are necessary to protect his or her workers against the identified hazards and provide means to implement these precautionary measures in order to reduce or remove the risks associated with the hazards
- Provide the necessary information, instructions, training and supervision.
- Not permit anyone to carry on with any task unless the necessary pre-measures have been taken.
- Take steps to ensure that every person under his control comply with the requirements of the act.
- Enforce the necessary control measures in the interest of health and safety.
- See to it that work being done and equipment being used is under the general supervision of a worker who has been trained to understand the hazards associated with the work and such a worker must ensure that the precautionary measures are implemented and maintained.
- Delegate responsibilities to employees appointed in terms of the Act
- Decide if employees appointed in terms of the Act may sub-delegate responsibilities.
- Provide employees appointed in terms of the Act with appropriate information, training, facilities and time to execute.
- Health and Safety Officer should be part of specifications committee.

11.2 ***Duties of the Human Resource Manager***

- Ensure full compliance with the OHS Act.
- Make written appointments indicating duties, functions and responsibilities
- Document all agreements relevant to OHS
- Report all deviations, deficiencies and concerns to the Municipal Manager for authorisation, action and implementation within reasonable timeframes.
- Ensuring that all aspects of the programme are identified, assessed, suitable risk control measures are implemented, maintained, evaluated and reviewed for efficiency and compliance.

11.3 ***Duties of Occupational Health and Safety Officer***

- Incident Investigations
- Internal Audits
- Monitoring of legal compliance
- Training, development and facilitation of employees, reps, awareness, information, formal and informal training. Committee meetings, remedial actions, Contractor control
- Support structures for reps and committees

- Maintain OHS information, records and database
- Supervise COLD Act execution and compliance
- Report on incidents, trends, risks
- Issue a notice where there is non-compliance.

11.4 Duties of Employees

- Take care of his or her own health and safety, as well as that of other persons who may be affected by his or her actions or negligence to act.
- Follow all the health and safety rules and procedures that are provided and communicated by the employer or anyone authorized or competent to do so.
- Wear the prescribed safety clothing or use the prescribed safety equipment where it is required
- Cooperate with an employer or any person who has been authorized by the employer to carry out duties in terms of the act.
- Inform the employer or their health and safety representative of any unhealthy circumstances or acts that they are aware of.
- Give information to an inspector from the Department of Labour if he or she should require it.
- Formally report any incident that they were involved in or aware of that could cause a health risk or that may result in an injury.
- Not to interfere with, damage or misuse anything that is provided in the interest of health or safety. This applies to intentional and or careless or irresponsible actions

12. RECORD KEEPING

All documentation and correspondence emanating from or related to this policy will be kept on either personal and/or record files as dictated by the nature of issue.

13. PENALTIES

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

14. DISPUTE RESOLUTION

Any dispute arising from this policy due to ambiguous wording or phrasing must be referred to the Local Labour Forum for adjudication. Resolutions from the LLF must be incorporated into the policy. This policy applies to all employees of the Breede Valley Municipality.

Failing to comply, will lead to disciplinary action.

15. AUTHORITY

Formulated by:

Date:

Consulted: LLF:

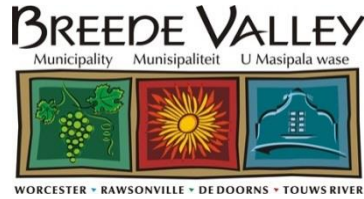
Date:

MM Approval:

Date:

Council Approval:

Date:



OVERTIME POLICY

Policy Number:	Approved Date:
Effective Date:	Review Date:

1. OBJECTIVE:

The objective of this policy is to supplement the Breede Valley Municipality's Collective Agreement on Conditions of Service by providing additional guidelines for the administration and Management of overtime.

2. DEFINITION

- a. **Overtime** as defined in the Basic Conditions of Employment Act (BCEA) and the Breede Valley Municipality's Conditions of Service.
- b. **Emergency work** refers to work that must be done without delay because of circumstances for which the employer could not reasonably have been expected to make provision and which cannot not be performed by employees during their ordinary hours of work. Emergency work excludes the performance routine maintenance work outside normal working hours.
- c. **Unstructured overtime** is not programmed/planned overtime over which the employer has control and for which prior approval is required [E.g. the performance of routine maintenance work outside normal working hours as well as Council, Committee and official meetings of which minutes have been kept] that continues or takes place after normal working hours;
- d. **Structured overtime** is where payment is compulsory in terms of the BCEA due to Sundays and Public Holidays. Structured overtime is exclusively for shift workers.
- e. **Shift worker** is an employee engaged in a scheduled continuous process which activity is deemed to be one in which continuous working by means of daily shifts is necessary.

- f. **Earnings threshold shall mean the top notch of the salary scale (T-grade) within which the Basic Conditions of Employment Act 1997, earnings threshold determination falls, as amended from time to time.**

3. SCOPE AND APPLICATION

- a. Senior managerial employees and managerial, as defined in the Basic Conditions of Employment Act,
- b. Employees earning more than the overtime earnings **threshold provided for in the Basic Conditions of Employment Act, may be remunerated for overtime worked or may be provided time off in lieu of payment for overtime, subject to the provisions of this policy.** The approving authority and the employee involved to agree beforehand in writing on payment or time off for overtime work.
- c. Employees on earning less than the threshold will be fully remunerated for overtime worked.

4. SPECIAL CONDITIONS

- a. **Overtime work is subject to the provisions of the Basic Conditions of Employment Act, 1997, the Western Cape Conditions of Service and the provisions of this policy.** In case of conflict between this policy and the provisions of the Basic Conditions of Employment Act, the provisions of the Act will prevail.
- b. Overtime work is subject to prior written approval by a competent authority and no overtime may be worked without such written approval being obtained, except in cases of work related to emergency situations where work has to be done without delay owing to circumstances for which the employer could not reasonably have expected to make provision for and which cannot be performed by employees during their ordinary hours of work. For emergency overtime the competent authority may give verbal approval to the working of such overtime provided such approval is followed-up with a written confirmation. Written standing approval may be granted where justified by operational requirements.
- c. Only officials with delegated authority may approve overtime work and overtime payment.
- d. **The performance of overtime duties must be rotated amongst the staff component within a section and be implemented properly by relevant line manager.**
- e. Overtime only commences after completion of an employee's ordinary weekly working hours. Approved/ Overtime will be regarded as part of the completed ordinary working hours and not as short time.
- f. Overtime can only be claimed for actual hours worked and exclude travelling time except for standby staff. Overtime for the latter starts from the time of call out.
- g. No overtime will be paid for attendance of functions/prize giving, etc. by personal invitation except in cases of compulsory attendance as official representative of Council provided that such employee qualifies for overtime in terms this policy and provided further that such overtime is authorized in advance by the Executive Director.

- h. **Council will provide an employee with a meal, up to a maximum amount of R60.00, when an employee is expected to work overtime during an emergency situation and when such emergency overtime work continues for more than four hours after the employee's ordinary working hours.**
- i. Where overtime in emergency situations cause an employee to work past midnight on a day, the employee will be entitled to a break of at least 8 hours before the employee is required to report for normal duty, without negatively impacting on his salary.
- j. Should an employee who is appointed on a part-time or 5/8th basis be required (and agree) to work overtime, payment or time off in lieu of payment would only be effected at overtime rates after 8 hours worked on that specific day. The hours worked in excess of such an employee's ordinary daily working days will be paid at straight time up to 8 hours and only thereafter at overtime rates.

5. TIME OFF IN-LIEU OF OVERTIME

- a. Time off in lieu of payment for overtime shall be granted only for unstructured and approved overtime;
- b. Application for time off in lieu of payment for overtime worked shall be made on a prescribed application form;
- c. Time off in lieu of payment for overtime worked cannot be encashed except on termination of services.
- d. Time off in lieu of payment for overtime worked must be taken within 6 months from date of accrual. Time off not taken within 6 months will be forfeited. This 6 months' period may, for operational reasons, be extended to a maximum of 12 months by the Breede Valley Municipality Manager on good motivational grounds by the responsible Manager.

6. OVERTIME WORK ON PUBLIC HOLIDAYS

- a. Payment or time off in lieu of payment to eligible employees for work on Public Holidays will be dealt with in terms of the Basic Conditions of Employment Act.

7. OVERTIME WORK ON SUNDAYS

- a. Payment or time off in lieu of payment to eligible employees for work on a Sunday will be dealt with in terms of the Basic Conditions of Employment Act.

8. ADMINISTRATIVE MEASURES FOR MANAGING AND CONTROL OF OVERTIME AND WORK ON SUNDAYS AND PUBLIC HOLIDAYS.

- a. Each Director is responsible and accountable to constantly monitor and review the provisions for overtime on his/her budget and to ensure that trends are noted early; funds are adequate; over expenditure is noted, justified and provided for timeously.
- b. **A determination of the payment of overtime whether in cash or in time off must be made in line with the budget. This decision must be communicated and discussed with the employee prior to overtime being performed.**

- c. Each Director is responsible and accountable that only officials who are authorized in terms of the delegated powers approve overtime work and payment or time off in lieu of payment. The authorizing bodies must determine whether the information on the overtime form is accurate and correct before they authorize the form for payment/ time off.
- d. Attendance registers, time sheets and overtime approval forms, which should indicate dates, starting and ending times, must be kept at source for three years in respect of all employees who qualify for overtime payment or time off in terms of this policy. Attendance registers/time sheets serve as source documents to complete overtime sheets, as well as job card.
- e. All employees have to complete and sign an attendance register/ time sheet on a daily basis. Line Managers/ Supervisors have to check and sign such attendance registers/time sheets on a weekly basis. Attendance registers/ time sheets which are signed/ approved by the competent authority must be submitted to the pay office on a monthly basis.

9. TRANSITIONAL ARRANGEMENT

- a. This policy replaces all previous policies from date of implementation.

10. GENERAL

- a. Payment will be regulated by the SALGBC -collective agreement.

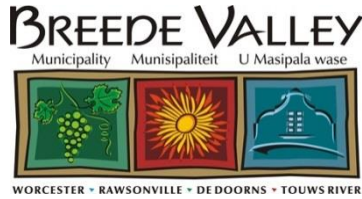
11. AUTHORITY

Formulated by:
Consulted: LLF:

Date:
Date:

MM Approval:
Council Approval:

Date:
Date:



POLICY: PERSONNEL PROTECTIVE EQUIPMENT

Policy Number:	Approved Date:
Effective Date:	Review Date:

1. PURPOSE:

To ensure that where work is carried out where the risk cannot be removed and Personal Protective Equipment is needed to assist in the control of the risk, that such PPE is identified, purchased, issued and used.

To ensure that through the controlled issue of PPE, all members of staff who receive PPE are held accountable for their own PPE and are reminded of their specific responsibilities in terms of section 15 of the Occupational Health and Safety Act.

2. SCOPE:

This procedure is applicable to all employees that may be required to carry out work where PPE is required to ensure that the work can be carried out in a safe manner.

3. RESPONSIBILITY

It is the responsibility of all managers and supervisors to ensure when work is carried out on Municipal property where PPE is needed the requirements of this procedure are complied with.

All personnel required to carry out work where PPE is required shall ensure that they are in compliance with the requirements of this procedure. Personnel disobeying this procedure will face disciplinary action.

4. REFERENCES

The Occupational Health and Safety Act (85 of 1993) and Regulations
Compensation for Occupational Injuries and Diseases Act (130 of 1993)

5. PROCEDURE

5.1 Definitions

Assessment- means an evaluation of the workplace and the tasks that have to be carried out in order to establish whether the use of PPE would reduce and control the risk attached;

Disposable PPE- means PPE that is not deemed to be permanent and that can be thrown away when used and would include at the least disposable dust masks and disposable hearing protection;

Operational Area- means an area where hazardous work is being done such as the engineering workshops, utilities and store areas but excludes the office blocks

Personal Protective Equipment- means equipment that is provided to employees to assist them to control the risks attached to the tasks that they are required to perform;

PPE zones- means areas that have been declared and clearly demarcated as areas requiring the use of a particular PPE in order to ensure that no persons are exposed to the risks that need to be controlled

5.2 Identification of PPE

5.2.1 Managers and supervisors must ensure that an assessment of the workplace is carried out to establish what PPE will be required for a specific area, taking into consideration the type of work that is required to be done in that section.(General Safety Regulation).

5.2.2 The manager or supervisor shall in the case of all PPE that has been identified, motivate the requirement for the specific PPE.

A timeframe need to be set for the carrying out of the assessment.

5.3 Purchase of PPE

5.3.1 The PPE should be purchased after it has been established which PPE is required for which workplace.

5.3.2 All PPE purchased must meet the requirement of the applicable Health and Safety legislation and all applicable requirements.

5.4 Issue of PPE

5.4.1 All new employees shall be entitled to an initial issue of PPE.

5.4.2 All employees shall be issued with the relevant PPE as per the assessment done in the workplace.

5.4.3 All employees must sign for the PPE in the relevant register.

5.4.4 PPE shall be replaced when it is proven that it is excessively worn or damaged and

5.4.5 When the replacement cycle is completed, as per list after consultation with HR and Line managers

5.4.6 Assessment of the condition of PPE shall be carried out by the supervisor of the employee who shall decide on whether it should be replaced.

5.4.7 Period of issue of PPE must be in accordance with the manufacturer's conditions.

5.4.8 When new PPE is issued to an employee, the old and worn, must be given back and be destroyed.

5.5 Use of PPE

5.5.1 Applicable PPE shall be worn in all areas that has been declared PPE zones and no persons shall be allowed to enter such zones without wearing the correct PPE.

5.5.2 In all tasks that may cause an accident or injury, which can be limited by the correct use of PPE, all employees shall ensure that they make use of the prescribed PPE.

5.5.3 No person may be employed in an area where specific PPE is required or for a task that requires specific PPE which they are not in a position to wear for medical reasons.

5.5.4 Employees who become medically unfit to wear or make use of the required PPE, shall no longer be deemed to be medically fit to carry out the task for which they have been employed.

5.6 Care of PPE (Personal Protective Equipment)

All employees that are issued with PPE are responsible to ensure that such PPE is cleaned and kept in a good and safe condition. This includes the maintenance of safety boots or shoes by regular polishing

Should it be proven that employees wilfully caused damage to his or her PPE such PPE will be replaced at the employees' cost.

5.7 Disposal of PPE (Personal Protective Equipment)

All damaged and worn PPE must be handed in by the supervisor and when a substantial number has been gathered they must be burned or otherwise destroyed.

6 DISCIPLINE

Where Personal Protective Equipment has been issued, it will be seen as an offence if these are not worn at all times, and thus disciplinary action, according to the disciplinary code will be taken on non-compliance.

7 RECORD KEEPING

All documentation and correspondence emanating from or related to this policy will be kept on either personal and or record files as dictated by the nature of issue.

8 DISPUTE RESOLUTION

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

9 AUTHORITY

Formulated by:

Date:

Consulted LLF:

Date:

MM Approval:

Date:

Council Approval:

Date:



PRIVATE WORK AND DECLARATION OF INTEREST POLICY

Policy Number:	Approved Date:
Effective Date:	Review Date:

Notwithstanding the review date herein, this policy shall remain effective until such time approved otherwise by Council and may be reviewed on an earlier date if necessary.

Why Have a Policy?

The purpose of this policy is to manage and regulate the performance of work done by officials in the service of the Breedevale municipality outside their employment contract.

THE POLICY

1. PREAMBLE

The Code of Conduct for Breede Valley Municipal Staff Members, Schedule 2 of the Local Government: Municipal Systems Act, Act 32 of 2000, provides as follows:

“Except with the prior consent of the Breede Valley Municipality of a Breede Valley municipality a staff member of the Breede Valley municipality may not—

- (a) be a party to a contract for—
 - (i) the provision of goods or services to the Breede Valley municipality; or
 - (ii) the performance of any work for the Breede Valley municipality otherwise than as a staff member;
- (b) obtain a financial interest in any business of the Breede Valley municipality; or
- (c) be engaged in any business, trade or profession other than the work of the Breede Valley municipality.”

This provision implies that the employee has a fundamental right to do private work and be remunerated therefore but this is countered by the Breede Valley Municipality’s sole prerogative to determine conditions on which special permission will be granted. This in turn implies that it is not a matter of course approval but that it must be specially granted.

Furthermore employees shall be responsible for the proper and efficient discharge of the work assigned to them by the Breede Valley Municipality. This implies that the Breede Valley Municipality as employer may legitimately expect the employee to be in a mental and physical condition to properly perform the duties he/she should be doing.

2. DEFINITIONS

“Private Work” For purposes of this policy framework, an employee performs remunerated work when he/she, apart from his/her official duties to the Breede Valley municipality, works for payment

All terminology not defined under clause 2 of this policy shall bear the same meaning as in the applicable legislation.

3. LEGAL FRAMEWORK

Item 4 of the Code of Conduct for Municipal Employees, ***Municipal Systems Act, 32 of 2000*** provides as follows:

- “(2) Except with the prior consent of the council of a municipality a staff member of the municipality may not -
 - (c) be engaged in any business, trade or profession other than the work of the municipality.”

Section 22 of the ***Constitution of the Republic of South Africa, 1996*** (“the Constitution”) provides that any person has the right to choose an occupation or profession freely and that the practice thereof may be regulated by law.

In terms of his/her employment contract with the Breede Valley municipality (linked to relevant collective agreements) an employee is required to devote a fixed number of hours of service to the Breede Valley municipality.

It is therefore necessary to read the provisions of the aforementioned Section 22 of the ***Constitution*** together with the provisions of legislation that regulate hours of service, since the latter places a limitation on the right of the individual as mentioned in Section 22 of the ***Constitution***.

Since labour law allows an employer to take action against an employee if the employee fails to deliver his/her hours of service properly or allows another occupation to affect his/her employment relationship with the employer detrimentally, this policy is established to regulate outside work properly.

No employee is allowed to perform any outside work unless previously officially approved on an individual basis by the Municipal Manager. All applications must be submitted to the Department of Human Resource Management for recommendation before being presented to the Municipal Manager for a decision.

4. SCOPE AND APPLICATION

The policy shall apply to all employees of the employer.

5. OBJECTIVES OF POLICY

The Private Work Policy refers to the terms and conditions for dealing with private work applications.

6. POLICY CONTENT

6.1 Private Work:

No employee will be granted permission to perform private work after hours that is in direct conflict with his profession and/or authority. Example:

- Electrician performing electrical work in his private capacity and issues a certificate of competence in his official capacity
- Building Control Officer is allowed to draw building plans after hours and approves the same building plans in his official capacity etc.

Any request to perform private work must be stated in writing and accompanied by sound motivations, according to the following criteria:

- the capacity of the employee;
- the nature of the official duties of the employee to the Breede Valley municipality;

- the nature and extent of the proposed remunerated work outside the Breede Valley municipality, as well as the time (hours) estimated to be spent on it and the possible conflict thereof with normal duties within the employment contract.

The following conditions (where applicable) must be taken into account when an application is considered and will, if such application is approved, apply as conditions for approval:

- The proposed remunerated work may not interfere with the employee's normal official duties and/or cause a conflict of interests of whatever nature to arise.
- The proposed remunerated work must take place entirely outside the employee's prescribed hours of **work as well as whilst person is on standby**.
- The proposed remunerated work may not be of such a nature that it is detrimental to the relationship between the employer and employee or causes the employee to violate the Code of Conduct.
- Municipal resources may under no circumstances be used in the performance of the envisaged remunerated work.
- Permission to perform the envisaged remunerated work is valid for a period of one year only, provided that if the employee wishes to continue performing the outside work after said one year has passed, he/she must renew the application to do so for the following one year at least thirty days prior to the expiry of the first year, in which case the stipulations of Paragraph 4.1 will apply *mutatis mutandis*. The abovementioned procedure is repeated each and every following year for as long as the employee concerned wishes to continue with his/her outside work.

Disciplinary action will be taken against an employee:

- who performs remunerated work outside his/her official duties to the Breede Valley municipality without written permission; or
- who, after permission has been given to perform private work, in the opinion of the employer breaks or does not comply with any stipulation or condition as stated in this policy.

The employer retains the right at any time to withdraw permission given in terms of the stipulations of this policy to an employee, on condition that the reasons given are justified and reasonable.

Ex post facto permission may not be granted to an employee to perform remunerated work outside his/her official duties to the Breede Valley municipality.

The Department of Human Resource Management must keep a register of employees who perform remunerated work outside their official duty to the Breede Valley municipality. The register must contain the following information:

- name;
- staff number;
- rank;

- directorate;
- division;
- application for remunerated work approved/denied;
- period and hours for which permission was granted;
- name of the (outside) employer, type of work, nature of work and contact details; and
- starting date.

6.2 Declaration of Interest/s

Should an employee have a business interest in any number of companies or close corporations he/she shall declare such business interest/s as required in terms of Government institutions.

Code of conduct for Breede Valley municipal staff members.

It is to be noted that where a staff member who or whose spouse, partner or business associate or close family member acquired or stands to acquire any direct benefit from a contract concluded with the Breede Valley municipality, he/ she must disclose in writing, full particulars of the benefit to Council as required by the Municipal Systems Act. Interests to be declared, which may give rise to a conflict of interest with the employee's relationship with Council, include:

- (a) shares and securities in any company;
- (b) membership of any close corporation;
- (c) interest in any trust;
- (d) directorships;
- (e) partnerships;
- (f) consultancies and retainerships
- (g) other financial interests in any business undertaking;
- (h) other employment and remuneration;
- (i) interest in property;
- (j) pension; and
- (k) subsidies, grants and sponsorships by any organisation.

6.3 Application for and approval of private work or declaring a business interest

An application to do private work or have a business interest by the Municipal Manager, or Directors reporting directly to Municipal Manager must be approved or refused by the Council.

Applications to do private work or have a business interest by any other member of staff must be approved by the Municipal Manager.

Applications for private work or declaring a business interest must be submitted in writing on the prescribed form (see annexure A and B) for consideration. A copy of the application with the decision of the competent authority must be filed on the employee's personal record. Personnel Services will be the custodian of the administrative infrastructure and processes to safeguard the relevant documentation and files.

7. IMPLEMENTATION AND MONITORING

All employees are to apply afresh (annually), even if current approvals are in place. Such applications to be submitted to the relevant Director.

Individual approvals will be granted for 12-months which cycle will run from date of approval by the relevant competent authority where after the approval will automatically lapse.

Breede Valley employees will on their own accord after the expiry of the original approval have to reapply for further approval.

All applications to do private work or have a business interest will only be considered if the prescribed application form has been duly completed and is only valid when authorised.

In the event of an application not being approved, the competent authority to provide reasons for the decision.

8. COMMUNICATION

This policy will be communicated to all Breede Valley Municipal employees using the full range of communication methods available to the Breede Valley municipality.

9. POLICY REVIEW

This policy will be reviewed annually and revised as necessary.

10. BUDGET AND RESOURCES

The financial and resource implication/s related to the implementation of this policy should be qualified and quantified.

11. ROLES AND RESPONSIBILITIES

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

12. PENALTIES

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

13. DISPUTE RESOLUTION

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

14. AUTHORITY

Formulated by:

Date:

Consulted: LLF:

Date:

MM Approval:

Date:

Council Approval:

Date:

ANNEXURE A

APPLICATION TO UNDERTAKE PRIVATE WORK

(HR576)

TO: Head of Department:

Name		Employee number	
Position		Contact number	
Directorate		Department	

1. I hereby wish to apply for permission to do private work, as set out below.

Nature and extent of work/activity

.....
.....
.....
.....

2. I declare that I am acquainted with The Systems Act (Act 32 of 2000) as well as the Policy of the Council in respect of private work or declaring business interests and undertake to comply with requirements as set out in the Systems Act and Council's policy on Private Work and Declaration of Interests.
3. I indemnify the Council against any claim of whatever nature that may arise from doing private work or having other business interests.

Your favourable consideration of my application will be appreciated.

.....

.....
Signature (Applicant)

Name in full

Date

I *recommend / do not recommend* the application

.....

Head of Department

Name in full

Date

EMPLOYEE DETAILS

TO: Head of Department:

Name		Employee number	
Position		Contact number	
Directorate		Department	

SPOUSE'S / PARTNER'S DETAILS

Surname

First name.....

Date of birth

ID number

BACKGROUND OF INFORMATION

- In terms of Section 4, of the Code of Conduct for Breede Valley Municipal Staff Members, as set out in Schedule 2 of the Local Government: Municipal Systems Act 32 of 2000, a staff member may not use his/her position, privileges or confidential information gained as a staff member for personal gain. Staff members can also not take decisions in which that staff member's spouse, partner or business associate has a direct or indirect personal or private gain.

Only with the prior consent of Council may a staff member be a party to a contract (provision of goods or services, performance of any work otherwise than a staff member), obtain financial interest in any business of the Breede Valley municipality or be engaged in business, trade or profession, unless the task is in the performance of work for the Breede Valley municipality (within the job description / function).

- In terms of Section 5, of the Code of Conduct for Breede Valley Municipal Staff Members, as set out in Schedule 2 of the Local Government: Municipal Systems Act 32 of 2000, a staff member who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the Breede Valley municipality, must disclose full particulars of the benefit of which the staff member is aware at the first meeting of the Breede Valley municipal council at which it is possible for the staff member to make the disclosure i.e. report the matter to Human Resources, soonest to ensure appropriate disclosure to Council.
- In terms of Section 6, of the Code of Conduct for Breede Valley Municipal Staff Members, as set out in Schedule 2 of the Local Government: Municipal Systems Act 32 of 2000, a staff member may not without permission disclose any information obtained as a staff member to unauthorised persons.

Privileged or confidential information includes any information determined by the Breede Valley municipal council or any structure or functionary of Breede Valley municipality to be privileged or confidential discussed in closed session with council or committee of council, disclosure of which would violate a person's right to privacy; or declared to be privileged, confidential or secret in terms of law.

This Item does not derogate from a persons' right of access to information in terms of national legislation.

- In terms of section 7, of the Code of Conduct for Breede Valley Municipal Staff Members, as set out in –
 - Schedule 2 of the Local Government: Municipal Systems Act 32 of 2000, a staff member may not influence or attempt to influence the council of the Breede Valley municipality, or functionary of council with a view to obtaining any appointment, promotion, privilege, advantage or benefit, for themselves or for a family member, friend or associate;
 - Mislead or attempt to mislead the council or functionary of the council; and/or
 - Be involved in a business venture with Councillors
- In terms of Section 8, of the Code of Conduct for Breede Valley Municipal Staff Members, as set out in Schedule 2 of the Local Government: Municipal Systems Act 32 of 2000, a staff member may not request solicit or accept any reward gift or favour for:
 - Persuading the council with regard to the exercising of any power or performance of duty;
 - Making representation to the council, or any structure or functionary of the council;
 - Disclosing privileged or confidential information; and/or
 - Doing or not doing anything within that staff member's powers or duties.
- In terms of Section 9, of the Code of Conduct for Breede Valley Municipal Staff Members, as set out in Schedule 2 of the Local Government: Municipal Systems Act 32 of 2000, a staff member may not use, take acquire, or benefit from any property or asset, controlled or managed by the Breede Valley municipality to which that staff member has no right.
- In terms of Section 10, of the Code of Conduct for Breede Valley Municipal Staff Members, as set out in Schedule 2 of the Local Government: Municipal Systems Act 32 of 2000, a staff member of Breede Valley municipality may not be in arrears to the Breede Valley municipality for rates and service charges for a period longer than 3 months, and Breede Valley municipality may deduct any outstanding amounts from a staff members salary after this period.
- In terms of Section 11, of the Code of Conduct for Breede Valley Municipal Staff Members, as set out in Schedule 2 of the Local Government: Municipal Systems Act 32 of 2000, a staff member of Breede Valley municipality may not participate in an election of the Breede Valley municipality, other than in an official capacity or pursuant to any constitutional right.

Any change in the nature of detail of financial interest of a staff member must be declared in writing to the Municipal Manager (or his nominee) annually and copied to the Chief Audit Executive.

COMPLETION OF FORM:

- Please ensure that **EVERY QUESTION IS ANSWERED** by placing a tick on the “yes” or “no” box, even if the details have remained unchanged from previous financial interest form submissions.
- Please attach **ADDITIONAL DETAILS** if there is insufficient space to fill in an answer, with the appropriate referencing.

DECLARATION FORM

1. FINANCIAL INTEREST

- 1.1. Do you or your partner own shares or securities in any company?
(this includes listed shares obtained on the Stock Exchange and debentures)
If yes, please provide details by completing "Schedule A"
- 1.2. Are you a member of any close corporation?
If yes, please provide details by completing "Schedule B"
- 1.3. Do you have an interest in any trust?
If yes, please provide details by completing "Schedule C"
- 1.4. Are you a director/ member of any company or its Committee?
(This includes executive and non-executive directorship of companies, parastatals, NGO'S, Section 21 companies, etc.)
If yes, please provide details by completing "Schedule D"
- 1.5. Do you have financial interest in any partnerships?
If yes, please provide details by completing "Schedule E"
- 1.6. Do you have financial interest in any business undertaking?
(e.g. trader, consultancy)
If yes, please provide name by completing "Schedule F"
- 1.7. Are you currently in paid employment over and above that of being a City Official?
If yes, please provide details by completing "Schedule G"
- 1.8. Are you receiving any financial interests from businesses, other than what was defined in questions 1.2 – 1.7 above?
If yes, please provide details by completing "Schedule H"
- 1.9. Do you have a financial interest in any property?
If yes, please provide details by completing "Schedule I"
- 1.10. Are you receiving a pension of any kind?
If yes, please provide details by completing "Schedule J"
- 1.11. Are you the beneficiary of any subsidies, grants or sponsorships by any organisation?
If yes, please provide details by completing "Schedule K"
- 1.12. Are you or your partner a vendor of the City or deliver any service goods, etc. to the City?
If yes, please provide details by completing "Schedule L"

2. REWARDS, GIFTS & FAVOURS

- 2.1. Did you receive any gifts / benefits exceeding R350 or hospitality as a gift for the past financial year?
If yes, please provide details by completing "Schedule M"

2.2	Did you declare gifts exceeding R350?		
	If yes, was authority obtained to enjoy the gift?	<input type="button" value="YES"/>	<input type="button" value="No"/>
2.3	Did you or your partner receive any rewards (financial and or other) from:		
2.3.1	City	<input type="button" value="YES"/>	<input type="button" value="No"/>
2.3.2	Vendors	<input type="button" value="YES"/>	<input type="button" value="No"/>
2.3.3	Contractors	<input type="button" value="YES"/>	<input type="button" value="No"/>
2.3.4	Fellow Staff	<input type="button" value="YES"/>	<input type="button" value="No"/>
2.4	Did you or your partner receive any favours (financial and other) from:		
2.4.1	City	<input type="button" value="YES"/>	<input type="button" value="No"/>
2.4.2	Vendors	<input type="button" value="YES"/>	<input type="button" value="No"/>
2.4.3	Contractors	<input type="button" value="YES"/>	<input type="button" value="No"/>
2.4.4	Fellow Staff	<input type="button" value="YES"/>	<input type="button" value="No"/>
2.5	Did you travel abroad during the last financial year? (Foreign travel for which the councillor/Breede Valley municipality did not pay)		
	If yes, please provide details by completing "Schedule N"	<input type="button" value="YES"/>	<input type="button" value="No"/>
	3. OTHER		
3.1	Have you or your partner made use of Council assets -	<input type="button" value="YES"/>	<input type="button" value="No"/>
	• without authority; and/or		
	• while not performing Breede Valley municipal Duties?	<input type="button" value="YES"/>	<input type="button" value="No"/>
3.2	Have you or you partner participated in a election of Council or Breede Valley municipality, -	<input type="button" value="YES"/>	<input type="button" value="No"/>
	• other than in a official capacity; or		
	• pursuant to any constitutional right?	<input type="button" value="YES"/>	<input type="button" value="No"/>
3.3	Is there any member of your family or relative employed by	<input type="button" value="YES"/>	<input type="button" value="No"/>

the City ?
If yes, please provide details by completing "Schedule O"

I declare that the information furnished by myself in this declaration is, to the best of my knowledge is a true and correct reflection of my compliance to the Statutory Code of Conduct for Breede Valley Municipal Staff as well as the Council's policy on Private Work and Declaration of Interests as at the date of my signature and I indemnify the Council against any claim of whatever nature that may arise from my having other business interests.

.....
Signature (Applicant) Name in full Date

I recommend / do not recommend the application

.....
Head of Department Name in full Date

Schedule A

Company(s) where shares/securities are kept	Nature of shares (e.g. ordinary, preference, etc)	Number of shares	Nominal value of shares	Total value of shares

Schedule B

Name of Close Corporation	Type of business	Reg. number	Details of ownership (i.e. sole member of 50% share etc.)	Remuneration received from membership (per annum)	Does the CC do business with the City?	
					YES	NO

Schedule C

Name of Trust	Nature of Interest

Schedule D

NAME OF COMPANY/ INSTITUTION/ ORGANIZATION	Type of business activity	Reg. Number(N ot applicable for non owners)	Details of ownership (% of shareholding) or membership	Remuneration received from directorship/ membership (per annum)	Does the Organisation do business with the City?	
					YES	NO

Schedule E

NAME OF PARTNERSHIP	Type of business activity	Reg. number	Details of ownership (% of partnership)	Remuneration received from partnership (per annum)	Does the partnership do business with the City?	
					YES	NO

Schedule F

NAME of business undertaking	Type of business	Remuneration received from undertaking (per annum)	Does the undertaking do business with the City?		Does the undertaking do business with City Vendors?		Who is primary client?
			YES	NO	YES	NO	

Schedule G

Name of business	Type of business activity	Designation	Remuneration received for such employment	Does the organisation do business with the City?	
				YES	NO

Schedule H

Name of organisation	Type of business	Nature of benefit	Reason for benefit	Does the organisation do business with the City?		Expected life span of benefit?
				YES	NO	

Schedule I

Type/description of property (i.e. residential, flat, vacant land, industrial, commercial, etc.)	Area	Physical address or Erf #	Nature of interest (owner, landlord, lessor, etc.)	Is City making use of property?	
				YES	NO
Other properties outside of South Africa (description)			Where is the property situated – Country		

Schedule J

Source of the pension (Pension Fund)	Value of the pension

Schedule K

Source of subsidy(s), grant(s) or sponsorship(s)	Description of subsidy(s), grant(s) or sponsorship(s)	Is assistance from a non-party source?		Value of subsidy(s), grant(s) or sponsorship(s) (per annum)
		YES	NO	

Schedule L

SERVICE PROVIDER (Name of Organisation)	Description of service	Value of Service	Directorate in which Service was rendered

Schedule M

Description of gift	Source of gift	Value of gift(s) per source per annum.

Schedule N

Where	Reason	Sponsor (incl. Self name)	Authority obtained (if paid by another person other than self)	
			YES	NO

Schedule O

NAME OF EMPLOYEE	Employee number	Designation (level)	Directorate	Years of Service



RECRUITMENT AND SELECTION POLICY

Policy Number:	Approved Date:
Effective Date:	Review Date:

THE POLICY

1. PREAMBLE

The recruitment policy and its implementation will be fundamentally aimed at matching the human resources to the strategic and operational needs of the Breede Valley Municipality and ensuring the full utilization and continued development of these employees.

All aspects of the staffing, structuring, recruitment, selection, interviewing and appointment of employees will be non-discriminatory and will afford applicants equal opportunity to compete for vacant positions, except as provided in this policy with reference to affirmative action and employment equity.

2. DEFINITIONS

- **“induction”** initiation: a formal entry into an organization or position or office.
- **“nepotism”** means favoritism on the basis of family relationship or friendship.
- **“candidate”** means an applicant for a post
- **“recruitment”** means the activities undertaken in the human resource management in order to attract sufficient job candidates who have the necessary potential, compliances and traits to fill job requirements and to assist the municipality in achieving its objectives.
- **“reference check”** means the gathering of information about candidate’s past history from people with whom such candidate has been associated.
- **“selection”** means the process of making decisions about the matching of candidates taking into account individual differences and the requirements of the job.
- All terminology not defined under clause 2 of this policy shall bear the same meaning as in the applicable legislation.

3. LEGAL FRAMEWORK

- The responsibility for the appointment of personnel other than those provided for in section 56 and 57 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) (MSA), rests with the Municipal Manager or his/her delegated assignee(s) in terms of section 55(1)(e) of the MSA.
- In terms of section 56 of the MSA, the municipal council after consultation with the municipal manager appoints a manager directly accountable to the municipal manager.
- Employment Equity Act (Act 55 of 1998)
- Basic Conditions of Employment Act 1997 (Act No 75 of 1997)
- Labour Relations Act, (Act 66 of 1995)
- This policy is subject applicable legislation

4. SCOPE AND APPLICATION

To ensure a fair and equitable employment process, this policy shall apply to all appointments made within the Breede Valley Municipality except that this policy will not apply to:

- i. appointments arising out of a procurement process;
- ii. students seeking practical training during and part of the course of their studies;
- iii. acting appointments or rotating portfolios to which staff is elected by popular voting;
- iv. appointments through governmental job creation projects like EPWP, CWP; and
- v. appointments of personnel in the office of any councillor except as provided for in paragraph 6.4.3 of this policy.

5. OBJECTIVES OF POLICY

The Breede Valley Municipality 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 Breede Valley Municipality, 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.

This policy is further based on the principles set out below. Human resources management in the Breede Valley Municipality 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 an accountable manner;
- (d) be transparent;
- (e) promote good human resource management and career development practices, to maximise human potential; and
- (f) ensure that the Breede Valley Municipality'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.

6. POLICY CONTENT

The responsibility for the appointment of personnel below the level of employees appointed in terms of section 56 and 57 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) (MSA) rests with the Municipal Manager or his delegated assignee(s) in terms of section 55(1)(e) of the MSA

6.1 Post Establishment

The Breede Valley Municipality will maintain a record of all approved posts and shall monitor all appointments against posts according to the approved staff establishment.

The post structure is aligned with the Breede Valley municipal IDP and approved system of Tuned Assessment of Skills and Knowledge (TASK) as defined by the South African Local Government Bargaining Council.

The Breede Valley Municipal Council shall, unless it has issued delegations to any other authority, have an oversight role in the staff establishment of the Breede Valley Municipality. All requests for unfreezing of the posts below the level of employees appointed in terms of section 56 and 57 of the MSA must be approved by the Municipal Manager or his delegated authority.

6.2 Recruitment – Refer to Annexure A for recruitment timeframe

6.2.1 *Determining recruitment needs*

Prior to filling a post, the necessity for filling shall be assessed and motivated in writing by the Director/ Manager to the Municipal Manager or his delegate: Provided that the authority to fill vacancies can only be delegated to a Director.

6.2.2 *Validation of inherent requirements*

The inherent requirements of a job must reflect the needs of the Breede Valley Municipality and must be appropriate to achieve the service delivery interests of the Breede Valley Municipality.

Prior to the recruitment process commencing, the outputs, skills, knowledge and competencies and stated educational requirements as contained in the competency/ job profile or job description are scrutinized as to relevance and applicability.

6.2.3 *Recruitment Advertisement*

The validated inherent job requirements and key performance areas shall form the basis for the advertisement/brief and all advertisements shall clearly state:

- The name and location of the Breede Valley Municipality.
- A statement that the Breede Valley Municipality subscribes to the principles of employment equity.
- The designation of the position that is advertised.
- The minimum requirements in terms of qualification, skills, expertise and other requirements for appointment.
- A summary of the key performance areas/primary duties of the position.
- A statement that the appointment will be permanent or for a fixed term, and the term (if applicable).
- A statement that the appointment will be subject to a probation period
- In the case of the Municipal Manager and a manager directly accountable to the Municipal Manager, a statement that the continued employment of the successful candidate will be subject to the annual conclusion of a performance agreement with the Breede Valley Municipality.
- The name and contact details of the person to whom enquiries may be directed.
- A statement that canvassing will disqualify any candidate from being considered for appointment.
- An indication of the remuneration offered.
- The format and content of applications.
- The address where, and person to whom, applications must be delivered.
- The closing date for the submission of applications.
- A statement that applications received after the closing date will not be accepted or considered.
- A statement that if an applicant does not hear from the Breede Valley Municipality within 30 minutes his/her application was unsuccessful.
- A statement that faxed application will not be considered.

In order to save costs, newspaper advertisements may set out only the job name, title, brief job description, a website address and municipal contact details where additional and full details about the post can be obtained.

Vacancies must be advertised internally and/or may at the same time be advertised externally, as set out below 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:

Nature of Post	Recruitment Target	Advertising Medium
Temporary elementary positions	Internal and External	Local Newspapers, municipal website, municipal notice boards and internal
Elementary positions : T1-T3	Internal and External	Internal and on municipal notice boards
Discretionary positions : T4-T7	Internal first, thereafter external if position cannot be filled	Internal and on municipal notice boards
Skilled, Professional and Managerial positions : T8 and above	Internal and External	Internally, provincial and/or national newspapers, municipal website, municipal notice boards

Notwithstanding the above, the municipal manager may decide to advertise a vacancy through any appropriate means if the post has been identified as scarce skills.

6.2.4 Unsolicited applications

Unsolicited applications received during the course of the Breede Valley Municipality's operations will not be considered.

Nobody may promise or undertake to accept an unsolicited application for appointment and to submit it when a vacancy is advertised.

6.2.5 Head hunting

Head hunting will be applied with caution at all times, and it may be employed at any stage of the selection process, when the municipal manager is of the opinion that the assessed candidates are not suitable and / or do not meet the requirements of the employment equity plan.

Normally targeted persons will be provided with the copy of the recruitment advertisement and allowing them to apply of their own accord.

Any headhunting will be disclosed and recorded in writing as part of the recruitment process.

6.2.6 Application forms

The Manager HR must design and ensure that a sufficient supply of official application forms is available and accessible at all times. Except as provided for below, 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.

Applicants applying for post at section 56 and 57 level, and **post above T7** do not need to complete the official application form. These applicants must submit a full and detailed CV.

6.3 Selection

6.3.1 General Principles Governing Selection

Selection criteria shall be objective and related to the inherent requirements of the job and realistic future needs of the Breede Valley Municipality.

The central guiding principle for selection shall be competence in relation to the inherent requirements of the job provided that selection shall favour, as determined by the targets, suitably qualified applicants as defined in section 20(3) of the Employment Equity Act.

Unless formal or statutory qualifications are clearly justified as essential for the job, relevant experience/performance, training [internal/external] as reflected and measured through competencies, and potential for the prospective vacancy shall be an important criterion.

Canvassing or attempting to solicit the influence of any person who could substantially influence the selection process by job applicants, or any other person on behalf of job applicants, for posts within the Council's service is prohibited and evidence thereof will disqualify the applicant's application for consideration for appointment.

6.3.1.1 Nepotism

The basic criteria for the appointment and/or promotion of employees in the Breede Valley Municipality shall be appropriate qualifications and appropriate performance as set forth in the policies of the Council.

Relationship by a family or marriage shall constitute neither an advantage nor a disadvantage.

Any poor performance or loss of productivity which is a direct result of conflict between two family members both employed in the organization can result in disciplinary action being implemented against both employees.

For the purpose of this policy, relatives are defined as husbands and wives, parents and children, brothers, sisters, and any in-laws of any of the foregoing.

6.3.2 Selection Process

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 with due regard to the employment equity targets as set out in the Employment Equity Plan.

The Selection process will be conducted by a Selection Panel consisting of (depending and with due cognisance of the post) at least three persons of the following:

- The Municipal Manager or his/her delegated assignee(s)
- Directors or Managers of the Department where to post is to be filled; and
- Directors or Managers of other Departments
- Employees selected by the relevant manager provide that such person must be at least on level higher than the post so recruited.
- The Manager Human Resources or his/her delegated assignee(s)

No person below the post of manager will be the chairperson of the selection process. No power can be sub-delegated to an official below the level of manager to be the chairperson of the selection or recruitment process, except for persons acting as managers.

Labour Unions and councillors may attend the proceedings as observers only.

6.3.3 Compiling of master lists

After the closing date of an advertisement all the applications received for every specific position are captured in on the master list compiled by the Manager Human Resources. The master list must contain, in table form, the following particulars in respect of each candidate:

- the applicant's surname followed by her/his initials
- the applicant's gender;
- the applicant's race;
- the applicant's qualifications
- The applicant's experience relevant to the job description and job specification; and
- if applicable, the nature of the applicant's disability

The Manager Human Resources must submit the master list, together with the applications to the relevant Director or in the case of the appointment of a Municipal Manager or a manager directly accountable to the Municipal Manager, to the Executive Committee.

The Manager Human Resources must, during the compilation of the master list, take all reasonable steps to ensure that the list truthfully and accurately reflect the applicants information as obtained in his/her application. **If an applicant/s omitted to attach all necessary documentation, the Human Resources section will contact the applicant/s to submit the documentation as indicated in application forms/curriculum vitae. The master lists will clearly indicate when applicant/s were contacted regarding the aforementioned.**

The Manager Human Resources must, take all reasonable steps and actions to establish the validity and accuracy of any certificates, diplomas and other information supplied by an applicant. If

any candidate submitted or claimed that she/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 master list.

The Manager Human Resources or his/her designated representative must indicate on the master list which candidates meet the requirements of the post.

6.3.4 *Compiling short lists*

Except for appointments that must be made by the Council, the shortlisting panel concerned must compile a short-list of suitable candidates for the position(s).

The short listing process will be conducted by a Shortlisting Panel consisting of the Manager Human Resources or his/her delegated assignee(s) and at least two other persons from amongst: (depending and with due cognisance of the post):

- The Municipal Manager or his/her delegated assignee(s)
- Directors and or Managers of the Department where to post is to be filled; and
- Directors or Managers of other Departments
- Employees selected by the relevant manager where to post is to be filled provide that such persons must be at least on level higher than the post so recruited.

No person below the post of manager will be the chairperson of the shortlisting panel.

Except for Manager Human Resources or his/her delegated assignee(s), all persons who form part of the shortlisting panel and who participate in a shortlisting, must be at a level higher than the post being shortlisted.

Shortlisting Panel must select from the master list, with due regard for the numerical goals set in the Breede Valley Municipality's employment equity plan, **minimum of 2 (two) applicants, but not more than 5 (five) applicants** who in their opinion would be the most suitable candidates to be subjected to the selection process.

Unions and councillors will have only observer status during the shortlisting process. The union's role is to ensure that the process is fair and councillors will exercise their oversight role.

Unions shall be provided at their request reasonable access to applications received to verify the correctness of the master list information.

Short listing must be done in accordance with the following order of preference –

- Internal applicants
- Local applicants
- Provincial applicants
- National applicants

The Human Resources department must submit the particulars of the short listed candidates to the relevant Director for his/her approval.

6.3.5 *Notification of short listed candidates of selection proceedings*

The Manager Human Resources must notify every candidate whose name has been short listed of the venue, date and time and nature of the selection proceedings she/he must attend using the most reliable communications methods available.

6.3.6 Interviewing in respect of vacancies

Except for appointments that must be made by the Council, the interviewing process will be conducted by a Interviewing Panel consisting of the Manager Human Resources or his/her delegated assignee(s) and at least two other persons from amongst : (depending and with due cognisance of the post)

- The Municipal Manager or his/her delegated assignee(s)
- Directors and or Managers of the Department where to post is to be filled; and
- Directors or Managers of other Departments
- Employees selected by the relevant manager where to post is to be filled provide that such persons must be at least on level higher than the post so recruited.

The Municipal Manager or his/her designated representatives must attend and may participate in any interview for appointing an employee-

- on the first level below the level of Director;
- as manager directly accountable to her/him; and
- in her/his department/office

No person below the post of manager will be the chairperson of the interviewing panel.

Except for Manager Human Resources or his/her delegated assignee(s), all persons who form part of the interviewing panel and who participate in an interview, must be at a level higher than the post being interviewed.

Completed score sheets must be kept in safe storage for a period of at least eighteen (18) months after an appointment decision has been made.

Unions and councillors will have only observer status during the interview process. The union's role is to ensure that the process is fair and councillors will exercise their oversight role.

6.3.7 Conducting proficiency tests

One or more relevant proficiency, psychometric and or competency tests may be required to be conducted before or after an interview is conducted. A proficiency, psychometric and or competency tests 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.

6.4 Appointment

The appointment of an applicant may take place only in accordance with the requirements of the post concerned and the merit of the applicant.

6.4.1 Appointment for a fixed term

A person appointed as –

- Municipal Manager,
- Manager directly accountable to the Municipal Manager.

The employment contract of a person appointed for a fixed term must include, subject to applicable labour legislation, details of –

- the duties, remuneration, benefits and other terms and conditions of employment of the employer and employee;
- the term of employment for the municipal manager may not exceed a period ending two years after the election of the next council of the Breede Valley Municipality
- include a provision for cancellation of the contract, in the case of non-compliance with the employment contract or the performance agreement;
- stipulate the terms of the contract and the terms of the renewal of the employment contract, but only by agreement between the parties; and
- 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.

The annual performance agreement must be concluded within a reasonable time after a person has been appointed and, thereafter, on or before 31 July each year and must include-

- The performance objectives and targets that the incumbent must meet during the next financial year. Such performance objectives and targets must be practical, measurable and based on the key performance indicators set out in the Breede Valley Municipality's integrated development plan.
- The time frames within which those performance objectives and targets must be met;
- standards and procedures for evaluating performance;
- the intervals for evaluation; and
- the consequences of substandard performance.
- The annual performance agreements of the municipal manager, senior managers and any other categories of officials as may be prescribed in terms of the Local Government: Municipal Finance Management Act, Act No 56 of 2003 must be made public no later than 14 days after the approval of the Breede Valley Municipality's service delivery and budget implementation plan as required by the abovementioned Act.
- Copies of such performance agreements must be submitted to the council and the MEC for local government in the province within thirty days after signing of the performance agreements.

6.4.2 *Appointment of employees to posts in the temporary establishment*

A person appointed to a temporary position –

- is appointed at the salary applicable to a comparable position on the permanent establishment;
- may not receive any housing and travelling benefits;
- may not become a member of a retirement fund or medical aid scheme to which the Breede Valley Municipality must contribute;
- earns leave in terms of the relevant collective agreement; and is subject to the attendance requirements, rules of conduct and grievance procedures in terms of the Breede Valley Municipality's conditions of service;
- May not be appointed for a period exceeding six (6) months and may not be appointed for a consecutive period of six (6) months.

6.4.3 *Appointment of personnel in the office of any councillor*

Only a full-time political office-bearer is entitled to one or more employees being assigned to her/him. Any position created with the sole purpose of providing administrative support to a councillor, is created in the department responsible for Strategic Support Services

Any person employed in a post assigned to any Councillor must be appointed in terms of a written fixed term contract entered into with the Municipal Manager. The term of an appointment in terms of this paragraph expires automatically when the councillor to whom the employee had been assigned,

ceases to be a councillor, political office-bearer or a fulltime councillor of the Breede Valley Municipality, whichever event happens first.

6.4.4 Appointment of replacement labour in the event of a strike

The Municipal Manager may, after consultation with the relevant Directors and the Director Financial Services, employ replacement labour during a strike in terms of, and consistent with, section 76 of the Labour Relations Act 1995.

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 Breede Valley Municipality return to work; and
- termination of any replacement labour employment shall not constitute a dismissal of the person concerned and that she/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 Breede Valley Municipality will come to an automatic end on expiry of the term and such termination shall not be construed as a termination based on the Breede Valley Municipality'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 a termination based on an employer's operational requirements.

6.4.5 Appointment to a permanent position

The Manager HR or his/her designated representative must present every newly appointed employee with a letter of appointment on the day which she/he starts working or alternatively as soon as reasonably possible.

Whenever any of the details contained in such a letter change the Manager Human Resource or his/her designated representative must inform the employee in writing of such changes.

In the event of an employee that cannot read the relevant Director or his/her designated representative must explain the content of such letter and any amendment thereof to every such employee in a language that she/he understands.

6.4.5.1. Probation

Any permanent employee who is newly appointed must be appointed on probation for as maximum period of six months. The appointing authority must determine the period of probation at the time of making the appointment having regard for the inherent requirements of the position concerned. Any appointment on probation must also comply with the relevant legal prescripts of the Labour Relations Act, Act 66 of 1995 and any Code of Good Practice published in terms of the aforementioned Act.

The Director concerned or his/her designated representative must evaluate the progress and performance of an employee appointed on probation on a monthly basis according to such factors, objectives and criteria as may be prescribed in terms of the Breede Valley Municipality's employee performance appraisal system.

6.4.5.2. Induction

On permanent appointments, the respective HR Manager or his/her designated representative will take full responsibility for induction:

- The new incumbent will be introduced to his / her immediate staff / colleagues by the HR Manager or his/her designated representative.
- The respective HR Manager or his/her designated representative shall ensure, in conjunction with the incumbent, that all appointment documentation has been completed and processed.
- The responsible HR Manager or his/her designated representative will arrange a tour / explanation for the new incumbent of the range of services.
- The HR Manager or his/her designated representative will explain and provide a copy of the job description relating to the new employee's specific position / job function (line management is expected to conduct a full job orientation).
- The HR Manager or his/her designated representative will also explain and provide a copy of the Council's Human Resources Policy and Procedure Manual.
- The Director or his/her designated representative is responsible for the induction of each employee in his/her department in order to familiarise the employee with the department in which he/she has been appointed.

6.5 Relocation of Newly Appointed Employees

The relocation of newly appointed employees will be dealt with in line with the approved Relocation Policy Breede Valley Municipality.

6.6 Confidentiality

By signing, the Contract of employment, all employees bind themselves to an undertaking of confidentiality, whereby they will not disclose any information pertaining to the operations of Council without the permission of Council and Municipal Manager, unless required within the course of their duties, whether this be during or after termination of employment.

7. IMPLEMENTATION AND MONITORING

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

8. COMMUNICATION

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

9. POLICY REVIEW

This policy will be reviewed annually and revised as necessary.

10. BUDGET AND RESOURCES

The financial and resource implication/s related to the implementation of this policy should be qualified and quantified.

11. ROLES AND RESPONSIBILITIES

Role	Responsibility
Municipal Manager (subject to its delegations if any)	Approves the establishment and all appointments other than section 57 posts
Council	Develops the strategy and approves recommendations of the selection panels in respect of appointments on job levels relating to the Municipal Manager and Section 57 Employees
Line Director	Reviews the operational needs for advertising the positions and appoints in

	terms of authority and delegations by the Municipal Manager
Selection Panels	Short-lists, conducts interviews and make recommendations on suitability of candidates.
Human Resources	Custodian of recruitment selection, placement and induction processes of the BVM and quality assurance
Labour Representatives	Ensures transparency and openness in the selection processes

12. RECORD KEEPING

Adequate records of the entire selection process need to be maintained, including selection and short listing criteria: reasons for inclusion/exclusion of candidates; structured interview guide; copies of all other assessments utilised; comprehensive notes on assessment of each candidate; assessment ratings; reference checks. As in the recruitment process, these records need to be maintained for the prescribed period.

13. PENALTIES

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

14. DISPUTE RESOLUTION

Internal dispute resolution processes shall be followed in the event of any grievances and disputes arising out of the implementation of this policy. For all external candidates, the recognised labour relations mechanisms shall be applied.

15. AUTHORITY

Formulated by: PR ESAU

Date:

Consulted: LLF:

Date:

MM Approval:

Date:

MAYCO Approval: Date:

RECRUITMENT TIME FRAMES

The following times frames should serve as a guideline for turnaround on recruitments.

ACTIVITY	RESPONSIBILITY	TIME
VACANCY <ul style="list-style-type: none"> Through resignation Dismissal Retirement Incapacity Other 	Line manager to motivate filling of the post to Municipal Manager	Within 2 (two) weeks of occurrence of vacancy or as soon as reasonably possible
ADVERTISEMENT <ul style="list-style-type: none"> Internal External 	Human Resource Department to place advertisements	Internal advertisements (T4 –T7) for period of 7 calendar days All other Advertisements for minimum period of 14 calendar days
MASTER LIST	Human Resources Department to compile a master list of all applicants	Within 7 calendar days from the closing date of applications in terms of the advertisement
SCREENING <ul style="list-style-type: none"> Rejecting non complying applications Filling complying application 	Recruitment Office	Within 5 calendar days from the closing date of applications in terms of the advertisement
SHORTLISTING	Short listing Committee	Within 7 calendar days from the closing date of applications in terms of the advertisement Notice of the shortlisting meeting except in exceptional cases, shall be send to the members of the Shortlisting Panel two days before the shortlisting meeting. Unions have the right to view the master list at the HR department two days before shortlisting meeting.
INTERVIEW	Selection Panel	Within 7 calendar days from the final shortlisting
APPROVAL	Municipal Manager authority or Council	Within 7 calendar days from the recommendations submitted by the Selection Panel
APPOINTMENT	Line Director after approval by Municipal Manager or Council	Immediately after approval by the delegated authority or Council
		Average timeframe from the date of advertisement to appointment is 5 (five) weeks

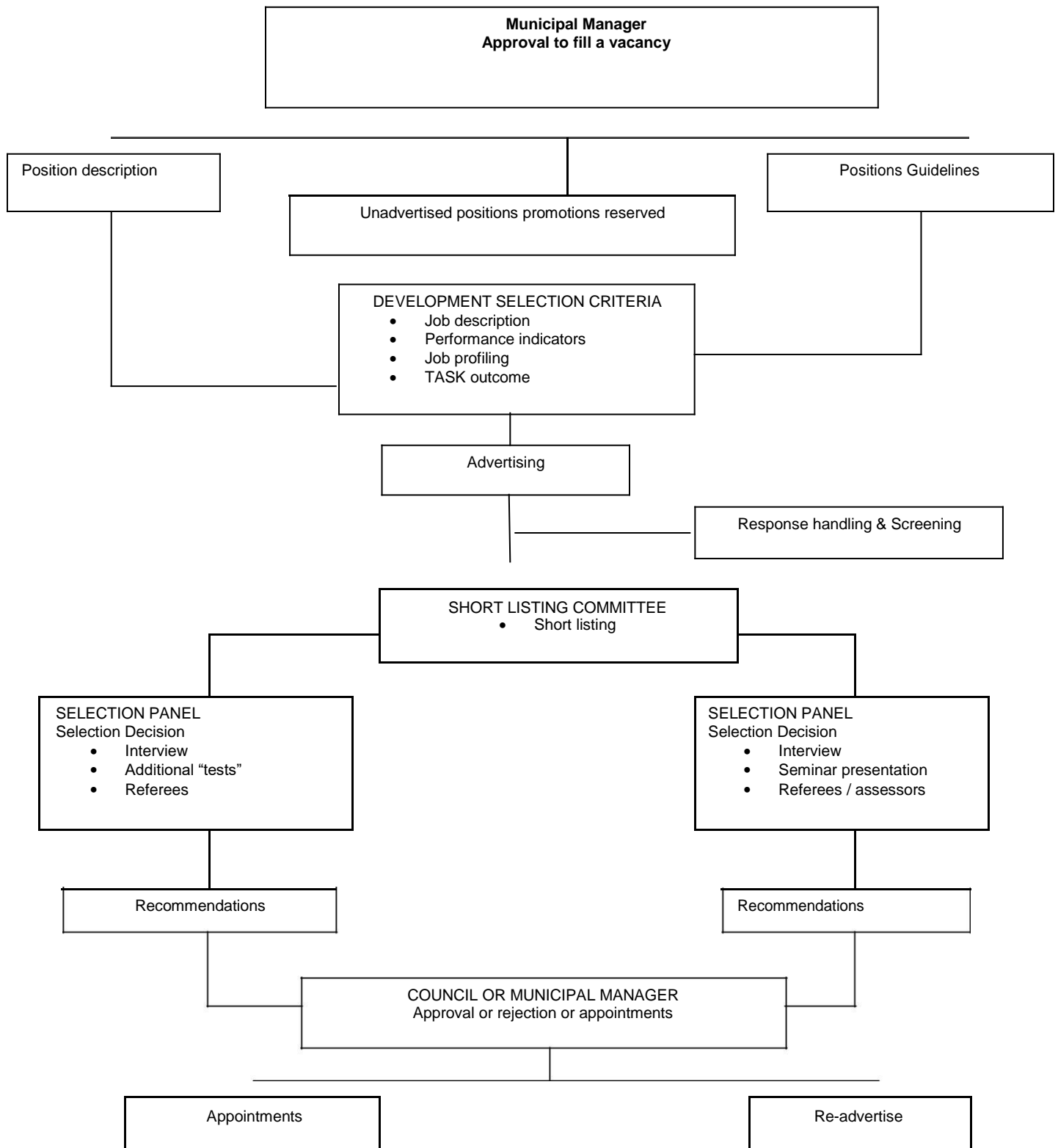
Same
Week

FLOW CHART: EMPLOYEE SELECTION PROCEDURES

The following flow chart should serve as a guideline on Employee Selection Procedures:

Non Section 57

Municipal Manager and Section 57



ANNEXURE C

Guidelines about Conducting Interviews

1. The Chairman will welcome the candidate, thank the candidate for attending and introduce the candidate to the members of the panel and the union and councillor observers.
2. The Chairman will inform the candidate regarding the interview format, and mention the opportunity for questions about his application at the conclusion of the interview.
3. The Chairman and the Panel members will ask all the candidates the same questions in order to gain as much information about the candidates as possible. The topics which must be covered in questioning will include but not limited to: interpersonal questions and technical job related questions.
4. Panel members will ask interview questions as pre-determined. HR will be responsible to compile the interpersonal questions and the relevant managers will compile the technical questions. All technical questions shall be submitted to the HR department at least 24 hours before the interviews so that HR can consolidate the interpersonal as well as the technical questions into one document.
5. Where a presentation on research or seminar is made by the candidate's questions relating to the presentation of the research or seminar should be asked to determine suitability of candidates to the job.
6. All the responses by the candidate should be recorded.
7. Candidates must be advised about any special conditions (leave period, overtime, transfers, and locations) that are applicable to the post. Candidates must be asked if they are comfortable with and can meet special conditions presented to them regarding the post.
8. After the interview is completed strictly within the timeframe provided the Chairman will thank the candidate and with one of the panel members, escort him out.



RELOCATION POLICY

Policy Number:	Approved Date:
Effective Date:	Review Date:

Notwithstanding the review date herein, this policy shall remain effective until such time approved otherwise by Council and may be reviewed on an earlier date if necessary.

Why Have a Policy?

The policy is aimed at facilitating the reimbursement of employees being transferred at the request of the Breede Valley Municipality to another locality, necessitating a residential change.

1. PREAMBLE

The policy is aimed at facilitating the reimbursement of employees being transferred at the request of the Breede Valley Municipality to another locality, necessitating a residential change.

2. DEFINITIONS

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

“ employee” – refers to a person in the employment of the Municipality and includes someone that received an offer of employment yet has not reported for duty

3. LEGAL FRAMEWORK

None.

4. SCOPE AND APPLICATION

This policy applies to all employees of Breede Valley Municipality and/or prospective employees

5. OBJECTIVES OF POLICY

The purpose of this policy is to outline provisions for removal expenses for employees. It will regulate internal transfers that may warrants relocation of furniture.

6. POLICY CONTENT

6.1 Removal Expenses

The Breede Valley Municipality will carry the cost of relocation, which will be payable after the appropriate supply chain management processes have been followed.

That the supply chain process be followed in order to get quotations for removal.

All relocation applications must be lodged within 3 months of appointment, and relocation must occur within 12 months of appointment.

6.2 Travel Expenses

The employee and/or his/her dependant family is not entitled to any travelling expenses for the acceptance of the offer of employment.

6.3 Internal Appointments

When an employee of Breede Valley Municipality voluntarily and at his/her own accord applies for a position within Breede Valley Municipality service, and is successful in a position warranting moving to a different location within the boundaries of the Breede Valley municipality, and removal costs will be at Breede Valley Municipality's cost.

6.4 Internal Transfer

Should Breede Valley Municipality transfer an employee for operational reasons within the boundaries of the municipality, and such post warranting moving to another area, Breede Valley Municipality shall bear the full costs of removal.

6.5 Exclusions

Breede Valley Municipality is not responsible for expenses associated with storage of employee's household goods. This is the sole responsibility of the employee.

6.6 Employee Obligations

Should any employee whose removal expenses have been covered by Breede Valley Municipality leave **or be dismissed** within a period of less than 12 calendar months, **after the relocation date, the total relocation expenses will be recovered by Breede Valley Municipality.**

6.7 Contractual obligations

An agreement must be signed between the Municipal Manager and the employee regarding the conditions of relocation in line with this policy.

No relocation processes shall occur prior to signing of the relocation agreement.

7. IMPLEMENTATION AND MONITORING

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

8. COMMUNICATION

This policy will be communicated to all Breede Valley Municipal employees using the full range of communication methods available to the Breede Valley municipality.

9. POLICY REVIEW

This policy will be reviewed annually and revised as necessary.

10. BUDGET AND RESOURCES

The financial and resource implication/s related to the implementation of this policy should be qualified and quantified.

11. ROLES AND RESPONSIBILITIES

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

12. PENALTIES

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

13. DISPUTE RESOLUTION

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

14. AUTHORITY

Formulated by:

Date:

Consulted: LLF:

Date:

MM Approval:

Date:

Council Approval:

Date:



**'n Unieke en sorgsame Vallei van uitmuntende dienslewering, geleenthede en groei.
Intlambo ekhethekileyo enenkathalo, egqwesayo kuniko-zinkonzo, ivulela amathuba
kwaye iphuhlise.
A unique and caring Valley of service excellence, opportunities and growth.**

AGREEMENT ENTERED INTO BY AND BETWEEN **IN TERMS OF RELOCATION COSTS.**

BREEDE VALLEY MUNICIPALITY

herein represented by the **Municipal Manager**, duly authorised thereto by virtue of the delegation of Powers and Duties (hereinafter referred to as the "Municipality").

AND

.....
(ID:)

WHEREAS the Municipality has carried the cost of relocation expenses in the amount of
R.....

THEREFORE IT IS HEREBY AGREED AS FOLLOWS:

1. That the employee will be liable for the repayment of the relocation costs, if the employee resigns within 12 months of relocation costs paid.
2. That the employee will be liable to repay costs pertaining to relocation, even if the employee do not report for duty after offer of employment was signed.

The employee chooses **domicilium citandi et executandi**, and for the purposes of any notices or the serving of any document arising from this agreement, the following residential address:

.....
.....
.....
.....

The employee agrees upon signing hereof to the jurisdiction of the Magistrate's Court in terms of sections 28 and 45 of the Magistrates' Courts Act, No 32 of 1944, in respect of any action arising from this agreement, the cancellation thereof or any related matter.

SIGNED by the employee at Worcester on this day of 20....

.....
SIGNATURE OF EMPLOYEE

.....
(PRINT NAME IN FULL)

STAFF NUMBER:

WITNESSES:

1.

2.....

SIGNED on behalf of the Breede Valley Municipality on this day of
.....20....

.....
MUNICIPAL MANAGER

WITNESSES:

1. Manager: Human Resources:

2. Recruitment officer :



TELECOMMUNICATION POLICY

Policy Number:	Approved Date:
Effective Date:	Review Date:

1. DEFINITIONS

For the purpose of this policy unless the context otherwise indicates –

- 1.1 **“Council”** means the Council of the municipality, any committee or person to which or to whom an instruction has been given or any power has been delegated or sub-delegated in terms of, or as contemplated in, section 59 of the Local Government: Municipal Systems Act, 2000 or a service provider in respect of any power, function or duty of the Council.
- 1.2 **“Councillor”** shall mean a member of the municipal Council of the Breedee Valley Municipality.
- 1.3 **“Municipal Manager”** means the person appointed by the Municipal Council as the Municipal Manager for the Breedee Valley Municipality in terms of section 82 of the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998) and includes any person to whom the Municipal Manager has delegated a power, function or duty in respect of such a delegated power, function or duty.
- 1.4 **“Official”** shall mean all persons in the employment of the Breedee Valley Municipality.
- 1.5 **“Official Calls”** shall mean all calls made during office hours and after hours for the purpose of conducting official Council Business and includes after-hour calls to family members or housemates, calls on arrivals to national and international destinations and in emergencies.
- 1.6 **“HOD’s”** shall mean all Section 57 appointees and Directors of the Breedee Valley Municipality

2. SCOPE OF THE POLICY

The Policy includes the following

Land Lines

Use of Fax machines

Cellular Phones

3. APPLICATION OF THE POLICY

This Policy shall apply to all Councillors and officials of the Breede Valley Municipality, regardless of their designation.

4. POLICY OBJECTIVES

- 4.1 To provide guidelines on the management and use of cellular phones;
- 4.2 To implement a uniform Telecommunications Policy for officials and Councillors respectively;
- 4.3 To provide fair criteria for the allocation of cellular phone reimbursements;
- 4.4 To ensure the effective and efficient use of municipal telephones;
- 4.5 To ensure the recovery of all costs for the unofficial (private) use of cell phones, land lines and fax machines;
- 4.6 To implement the necessary control measures and reduce costs;
- 4.7 To ensure that only authorised persons use Council's telephones and facsimile machines in the performance of their duties;
- 4.8 To prevent the misuse of the above-mentioned facilities by Councillors and officials of the Breede Valley Municipality.

5. THE RIGHT TO USE TELEPHONES, FAX MACHINES AND CELLULAR PHONE FACILITIES

- 5.1 Council provides its employees with the above-mentioned facilities primarily for official purposes only.
- 5.2 No Councillor or official of the Breede Valley Municipality has the right to use the above-mentioned facilities for private purposes without approval by the speaker or Municipal Manager or delegate.

6. DELEGATED POWERS

6.1 The Municipal Manager or delegate inter alia has the following powers:

- To authorise the installation of telephones and other similar equipment on Council premises.
- To authorise the allocation of cellular phones

6.2 Powers of the Chief Financial Officer:

- The CFO inter alia has the power to make all payments and deductions in accordance with the policies of Council and appropriate legislation.

7. TELEPHONE POLICY

It shall be the responsibility of the Council to provide municipal offices or a combination of municipal offices with reliable telephone and facsimile service.

7.1 Restrictions

- 7.1.1 It is the policy of the Breede Valley Municipality that telephones and facsimiles are to be used primarily for official purposes.
- 7.1.2 The Speaker shall determine which Councilors may have access to telephones in their offices for use in the performance of their official duties.
- 7.1.3 The Municipal Manager (or his/her delegate) shall determine which officials may have access to telephones in their offices for use in the performance of their official duties.
- 7.1.4 Provision is made for the allocation of a PIN-code to all Councillors and officials within the Breede Valley Municipality. This is to ensure that only Council employees and Councillors utilize official instruments appropriately and to manage the usage of telephones.
- 7.1.5 Councillors and officials are expected to exercise reasonable discretion in using telephones for personal use. Excessive incoming or outgoing personal calls during the workday can interfere with employee productivity and be distracting to others.
- 7.1.6 Personal calls should be kept to a minimum in terms of the number of calls made as well as the duration of calls.
- 7.1.7 Councillors as well as officials are expected to reimburse the Breede Valley Municipality for any personal calls made in accordance with the control measures as set out below.
- 7.1.8 The Speaker shall have the discretion to determine which Councilors shall be allowed to make international, national, provincial and cell phone calls only and telephone lines shall be suitably barred on the basis of this classification.
- 7.1.9 The Municipal Manager or his delegate shall have the discretion to determine which officials shall be allowed to make international, national, provincial and cell phone calls only and telephone lines shall be suitably barred on the basis of this classification.
- 7.1.10 The Breede Valley Municipality has the right to monitor telephone bills and the usage to determine if misuse or abuse exists.

- 7.1.11 Subject thereto that telephone records be regarded as confidential information and not disclosed to third parties to alleviate liability as regard to the violation of the privacy of individual employees.
- 7.1.12 Councillors and officials should use their land lines as far as possible, to minimise the use of Cellular Phones. This applies also to Councillors and officials within the main centres who should be contacted via the dialled extensions (refer to telephone list) in order to reduce costs.
- 7.1.13 Councilors and officials shall only be entitled to make international calls with the specific approval of the Speaker and Executive Management.
- 7.1.14 The Municipal Manager, his or her delegate, after considerations of all *bona fide* operational requirements, may deviate from the provisions of this policy.

7.2 Telephone Usage Control Measures

- 7.2.1 The main centres are linked via dialled extensions (refer to telephone list). Telephone calls made between these centres are regarded as internal.
- 7.2.2 At the end of each month, the Switchboard Operator in the main centre shall provide the CFO with a complete list of Councilors and officials who have made telephone calls during the month in question, the destination of such call, the cost incurred and its duration.
- 7.2.3 A detailed statement (printout) of all calls made and the total cost thereof would be provided to all Councillors and officials by the Department Financial Services within seven (7) days after the end of the month.
- 7.2.4 All Councillors and officials must identify private calls made and calculate the respective amounts due, including VAT. The Councillor or official concerned shall be obliged to certify (sign) the printout. The printouts must also be signed and noted by the CFO or a person authorized to do so.
- 7.2.5 Signed printouts should be handed to the Creditors and Salaries before the 15th of the month. The costs in respect of private calls will be deducted monthly from staff members' salaries.
- 7.2.6 The CFO (or his/her delegate) must approve all late submissions.
- 7.2.7 Where no signed printout or approval for late submission has been received, it will be investigated and if necessary disciplinary action will be instituted.
- 7.2.8 The Breede Valley Municipality, in compliance with the BCEA, shall deduct any amount due, from an employee in question.
- 7.2.9 All queries regarding landline telephones must be directed to the Municipal Manager or his/her delegate.

7.3 Facsimile Access

- 7.3.1 The nature of fax transmissions makes information sent particularly vulnerable to unintended and unauthorized users. As with other communications related to

safeguarding confidential information, the Breede Valley Municipality must reasonably safeguard information sent by fax.

- 7.3.2 All official faxes must contain an official cover sheet.
- 7.3.3 All facsimile facilities are provided in all buildings for the purpose of conducting Council business only.
- 7.3.4 Facsimile machines may have the ability to dial national numbers. Only those facilities in secure locations may have international access as determined by the Municipal Manager or his assignee.

8.1 PROCEDURE

- 8.1.1 All Councillors and officials should take reasonable safeguards to protect facsimile communications by:
 - 8.1.1.1 Ensuring that facsimile machines are located in an area that is not high in personnel or public traffic and is not within view or accessible to visitors.
 - 8.1.1.2 Ensuring that access for certain officials is limited to preserve the protection of confidential information.
- 8.1.2 Take reasonable steps to ensure that the fax transmissions/communications are sent to the intended contacts and destinations by:
 - 8.1.2.1 Refraining from sending highly confidential information via fax.
 - 8.1.2.2 Double-checking fax numbers before sending.
 - 8.1.2.3 Ensuring that copies of all faxes must be sent to registry for filing.

9. CELLULAR PHONE POLICY FOR MUNICIPAL COUNCILLORS

9.1 Cellular Phone Allowance

- 9.1.1 Cellular phone allowances, for Municipal Councillors are as determined by the Minister of Provincial and Local Government in terms of the official Government Notice as published annually and of the *Remuneration of Public Office Bearers Act (Act no. 20 of 1998)*.

10. CELLULAR PHONE POLICY FOR MUNICIPAL OFFICIALS

10.1 Employees Qualifying for Cellular Phones

- 10.1.1 The Municipal Manager will authorise the allocation of cellular phones to officials, according to the operational requirements and the approved policy.
- 10.1.2 The cellphone allowances are determined within this policy will be applicable to newly appointed employees.

10.1.3 The employees already in the employment of Breede Valley Municipality will retain their current cellphone allowances. However, this will phase out as employees terminate their services with Breede Valley Municipality.

10.1.4 **All employees who were granted a cellphone allowance in terms of the previously approved cellphone policy, will be capped as per Council resolution C05/2018 dated 22 January 2018.**

10.1.5 **All employees currently receiving a cellphone allowance, who as a result of the normal recruitment and selection processes are appointed to a different position, will have to accept the position with the new cellphone allowance applicable to the position as determined by this policy.**

10.1.6 Terms and conditions

The allocation of cellular phone allowances are linked to a position and job content based on operational requirements, taking into account the following factors, amongst others on the:

- (a) Need for immediate contact with councillors and the public;
- (b) Need for constant and immediate contact with the employee;
- (c) Job content, including roles, responsibilities and KPA's;
- (d) Time spent outside of the office by the employee;
- (e) Improvement of the operational efficiency of the employee; and
- (f) Employee must be contactable at all times during work and after official working hours.

10.1.7 Various cellphone allowances applicable:

CATEGORIES OF EMPLOYEES	CELLPHONE ALLOWANCE PER MONTH
a) Municipal Manager and Directors	<i>In line with the Upper limits of Remuneration of Public Office Bearers Act (Act no. 20 of 1998) published annually</i>
b) Senior Management reporting directly to Municipal Manager/ Director	R900.00
c) Managerial levels reporting directly to Municipal Manager/ Director and/or Senior Manager	R690.00
d) Any other official who due to operational requirements must be contactable during work and after working hours	R450.00

10.1.8 Any increases of the abovementioned allowances will be considered by the Municipal Manager and/or Director upon motivation **with supporting**

documentation provided by the official why the applicable cellphone allowance is not sufficient.

10.1.9 Applications for electronic data allowances will be considered and evaluated separately by the Municipal Manager.

10.1.10 Cellphone allowances do not preclude the employer from buying cellphones for better packages.

10.1.11 The applicable cellphone allowance will be reviewed annually.

11. Use of Own / Private Cellular Phones

The Municipal Manager or his assignee may consent to an official using his/her own private cellular phone for Council purposes. Only official calls will be paid for. No petty cash payments will be made. Approved accounts must reach the Finance Division before the 15th of each month. Payment will be made together with payment of the monthly salary on the 25th of the month.

12. General

The purchase of cellular phones will be done by the Procurement Officer.

A register for cellular phone must be kept and all details with regard to issuing must be recorded therein. As soon as a cell phone is issued the old cell phone must be handed in.

Old cellular phones are the property of the Breede Valley Municipality and may under no circumstances be utilised for private use.

Any person who at present is in possession of a Council cellphone and who does not qualify to do so in terms of this policy, must return it immediately.

13. Availability of this Policy

Every Councilor upon being elected to serve on the Council and staff member that has access to a Council phone, facsimile or Cellular Phone, upon assuming appointment in the service of the Breede Valley Municipality, shall be supplied with a copy of this policy and must sign the attached conditions.

14. Consequence of non-compliance

Failure to comply with this policy will be viewed as a serious disciplinary transgression of the Code of Conduct of the Employees.

15. Authority

Formulated by:

Date:

Consulted: LLF:

Date:

MM Approval:

Date:

Council Approval:

Date: