MAKHADO MUNICIPALITY



POLICY DOCUMENT 2006

INDEX

- 1. Bursary Conditional Donation Policy
- 2. HIV/Aids Policy
- 3. In-Service-Training Policy
- 4. Official Times Policy
- 5. Promotions Policy
- 6. Standby Allowances Policy
- 7. Study Leave Policy

1. BURSARY CONDITIONAL DONATION POLICY (Employment Policy, Practice and Procedures)

1. Policy Statement

Due to the coming into effect of the MFMA, the policies pertaining to Bursary Loans need to be reviewed and a new policy must be created which will take into consideration the provisions of the MFMA which provides for the provision of a conditional donation for study purposes.

2. Definitions

For the purposes of this policy, concepts will take the form of meaning as defined in the applicable legislation without any conflicting interpretation.

3. General Conditions for the Conditional Donation

- (i) Conditional Donations must be linked to the needs of the employer to have employees in specific fields of application.
- (ii) This policy must be applied across the board without discrimination in the context of what fields of expertise the employer needs at any given time.
- (iii) Training vote funds can be used to capacitate officials to acquire skills and improve themselves.

4. **Responsibilities of the employee**

The employee will be obliged to annually submit satisfactory written proof of registration as student as well as study fees payable or already paid, as well as academic progress prior to the payment of any money by Council

5. **Responsibility of the employer**

Upon receipt of the written evidence stated in clause 3.1 above and after signing of the agreement, Council undertakes to pay the annual Bursary Conditional Donation to the educational institution which the employee registered to/ the Employee subject to the condition that the Employee at the end of the academic year :

- 5.1 Successfully complete all study courses, the Bursary Conditional Donation will not be payable to Council: Provided that the provisions stated in clause 5 hereafter be complied with;
- 5.2 Failure to pass in such a way that he/she will be able to continue with the prescribed study or course without financial assistance from Council within one (1) year after the suspension, Council in its exclusive discretion may restore the Bursary Conditional Donation for the remaining period.

6. Provisions in which the Bursary Conditional Donation will not be payable to Council by the employee:

The Employee undertakes to remain in the Council's service after the successful completion of each separate study course for a period of one (1) calender month for each R200-00 (two hundred rand) on part thereof, written off by Council in terms of clause 4.1.1 above. Provided that the period for which the employee binds himself/herself will commence two (2) months after the successful completion of the examination in question as amended by Council Resolution A.116.26.05.92.

As security for the proper fulfillment by the Employee of his/her obligation in terms of the provisions of this policy, the Employee cedes to the Council, any money due to the Employee, either upon termination of service or otherwise, in respect of salary, leave, and any bonus and the Employee hereby authorizes Council to take into account any such monies, by way of settlement of debt in respect of any outstanding amount in terms of this agreement, for which purpose the employee under takes to provide to Council a signed debit order in the form prescribed by Council: Provided the Employee will provide to Council any other additional security as determined by Council.

7. Withdrawal of the Bursary Conditional Donation

Council may at any time, and in its sole discretion, withdraw any Bursary Conditional Donation if Council is of the opinion that the Employee is guilty of misconduct, or fails to comply with any relevant By-Laws, or fails to comply with this agreement.

The Employee will be obliged to refund to the Council the full Bursary Conditional Donation, together with interest thereon, calculated at the maximum rate as proclaimed from time to time in terms of the provisions of section 2 of the Limitation of Finance Charges Act, 1968 (Act 73 of 1968), as amended or such lower interest rate as may be determined by Council in its sole discretion, and calculated from the date of payment in terms of clause 4.1.1 and 4.1.2, over a period equal to the period the conditional donation was taken up, if:

- 7.1 Council withdraw the Bursary Conditional Donation in terms of clause 6.
- 7.2 the Employee terminates his/her studies (in which instance he/she is compelled to inform the Council thereof in writing within 30 days), or
- 7.3 the Employee renounces the Bursary Conditional Donation (in which instance the Employee is compelled to inform the Council in writing within 30 days), or
- 7.4 the Employee changes his/her course of Bursary Conditional Donation during the academic year (in which instance he must inform the Council thereof in writing within 30 days.

- 8. If the service of an Employee of the Council is terminated as a result of his/her resignation or dismissal on account of misconduct prior to the period mentioned in clause 5 above then the Bursary Conditional Donation will automatically be suspended and he/she will be obliged to refund to Council an amount calculated on the basis that one calender month service will be equal to R200-00 (two hundred Rand) pro rata to the amount already paid to him/her in advance over a period equal to the period for which the conditional donation was taken up at that stage.
- 9. The amount owing to Council by the Employee at any given stage in terms hereof, including interest and the interest rate, will be determined by means of a certificate signed by the Municipal Manager, Director Finance, Chief Financial Officer or any other authorized official of the Council, without necessity of proof of appointment or authorization of the person who signed the certificate, and the Employee will be bound by such certificate and such certificate will serve as enough proof of the debt of the Employee in terms of this agreement.

2. POLICY ON HIV/AIDS

1. Introduction

The fact that HIV/AIDS affect a lot of people and also that those who are in employment are affected through aspects such as a decline in productivity/ performance, an increase in need for sick leave due to ill-health, stress due to being affected by the disease or having relatives that are infected by the virus. As an institution that strives to engage with society and be responsible to it, the Municipality is committed to play an active role in mitigating the impact of HIV/AIDS, both on its internal staff and on the community it serves as a whole.

2. Definitions

For the purposes of this policy, concepts will take the form of meaning as defined in the applicable legislation without any conflicting interpretation.

3. Values underlying the Policy

The following values guide this policy:

3.1 People living with HIV/AIDS will not be discriminated against in obtaining access to services and employment at the Municipality.

3.2 Employees living with HIV/AIDS have the right to dignity, respect, autonomy and privacy concerning their HIV/AIDS status, stigma and prejudice will be actively countered.

3.3 HIV/AIDS concerns all of us, an appropriate response to HIV/AIDS can be achieved only by ensuring that consideration of HIV/AIDS is part of every activity at the Municipality, the full range of stakeholders should be involved in defining and implementing the response to the HIV/AIDS at the Municipality.

3.4 HIV/AIDS has to be understood and addressed in its social context, this includes power relations between men and women and sexual violence against women, changing values and meaning around sexuality.

3.5 Appropriate strategies for caring for and treatment of persons living with HIV/AIDS are essential.

4. Components of the Policy

The policy has the following five components:

- 4.1 Rights and responsibilities of employees affected and living with HIV/AIDS
- 4.2 Integration of HIV/AIDS into service activities of the Municipality.
- 4.3 Provision of prevention, care and support services in the Council.
- 4.4 Implementation: structures, processes, monitoring, and evaluation.
- 4.5 A provision for policy review.

4.1 Rights of Employees

In accordance with the Constitution of South Africa, the Employment Equity Act (No 55 of 1998), the Labour Relations Act (No 66 of 1995), the Medical Schemes Act (No 131 of 1998) and the Government's Draft Code of Good Practice on key aspects of HIV/AIDS and employment

4.1.1 Generally, no employee or applicant for employment may be required by the Municipality to undergo an HIV test or disclose their HIV status.

4.1.2 If a person's HIV status becomes known to the Municipality, it shall not be the basis for refusing to enter or renew an employment contract.

4.1.3 HIV status shall not be a criterion for refusing to promote, train and develop a staff member.

4.1.4 An employee may not be dismissed simply because he or she is living with HIV/AIDS.

4.1.5 No employee shall have his/ her employment terminated on the basis of HIV status alone, nor shall HIV status alone influence decisions on retrenchment or retirement on the grounds of ill-health.

4.1.6 With regard to sick leave and continued employment, HIV- related illness will be treated no differently to other comparable chronic or life threatening conditions, if an employee, in the opinion of the Head of Department is unable to continue working because of ill-health, the usual conditions pertaining to disability or ill-health retirement will apply.

4.1.7 HIV status will not be reflected on any personnel files, and the HIV status of any employee will not be disclosed by another member of staff without the informed consent of the employee.

4.1.8 The Municipality requires that the trustees and administrators of retirement, provident and medical scheme funds may not disclose the identity of an employee living with HIV/AIDS to the Council without the member's written permission.

4.1.9 The Municipality believes that it is in the interest of all parties to prevent unfair discrimination against employees with HIV/AIDS with regard to access to employment benefits such as medical schemes, provident and pension funds. However the Municipality recognizes that the governance and rules of those funds are not entirely within its control.

4.1.10 The Municipality endeavours to provide a working environment in which employees with HIV/AIDS are accepted, and are free from prejudice and stigma.

4.1.11 Employees have a right to know of possible risks of occupational exposure to HIV in their working environment.

4.1.12 The Municipality endeavours to provide a working environment in which occupational exposure to HIV is minimized and will provide the necessary protective equipment.

4.2 Responsibilities of Employees

4.2.1 Employees have a responsibility to become informed about HIV/AIDS and to develop work approach/ lifestyle in which they will not put themselves or others at risk of infection.

4.2.2 Employees who are living with HIV/AIDS have a special obligation to ensure that they behave in such a way as to pose no threat of infection to any other person.

4.2.3 No discriminatory attitude or behaviour towards people living with HIV/AIDS will be tolerated.

4.2.4 No employee can refuse to work with other employees living with HIV/AIDS.

4.2.5 Employees who display discriminatory attitudes to colleagues living with HIV/AIDS will be counselled in the first instance, but if discriminatory behaviour persists, formal disciplinary procedures will be instituted.

4.2.6 Willfully undermining the privacy and dignity of an employee with HIV/AIDS will constitute a breach of discipline and appropriate disciplinary steps will be taken.

4.3 Provision of Prevention, Care and Support Services

4.3.1 Appropriate and sensitively presented information on all aspects of preventing and coping with HIV/AIDS will be made widely accessible to employees.

4.3.2 Employees will have access to confidential counselling at the workplace.

4.4. Implementation: Structure, Process, Monitoring and Evaluation

4.4.1 The HIV/AIDS policy will be supported by management and all the employees should be made aware of this policy, that is its contents and implementation.

4.4.2 Management must assess and support the implementation of this policy, establish and implement a monitoring and evaluation process which can track the impact of HIV/AIDS at the workplace as well as the impact of interventions.

4.5 Provision for Policy Review

The policy addressing the HIV/AIDS pandemic must be revised from time to time in order to:

- (i) evaluate its effectiveness;
- (ii) take cognizance of fresh initiatives around HIV/AIDS, whether these be from government, or any other institution that addresses impact of the HIV/AIDS pandemic.
- (iii) Consider appropriate amendments to the policy in light of the above.

3. POLICY ON IN-SERVICE TRAINING

1. Introduction

The Council receives numerous requests from students for in-service training at the Municipality as part of their requirement for the completion of qualifications they are doing in various institutions and for the Municipality to provide students with an opportunity to do in-service training requires a policy pertaining to in-service training.

2. Definitions

For the purposes of this policy, concepts will take the form of meaning as defined in the applicable legislation without any conflicting interpretation.

3. General Conditions for In-Service Training

- (i) the student must be registered with a tertiary educational institution.
- (ii) The practical exposure/training must be prescribed in the curriculum of the student concerned.
- (iii) Council must be in a position to give a student exposure in the desired direction as prescribed.
- (iv) Student must apply for in-service training at the Municipality.
- (v) There must be a proof in the application that it is compulsory to do in-service training in order to qualify for such a degree, diploma or certificate or for students from the universities where their institutions do not require them to do in-service training in order to qualify will be allowed to do internship subject to making an application for such an internship.
- (vi) There would be no remuneration for doing in-service training or internship at the Municipality i.e. the student will not be remunerated.
- (vii) The student will not be subjected to the Council's disciplinary procedures pertaining to its employees instead if misconduct is an element such a student will have to leave the municipality and the arrangement for in-service training will immediately be cancelled.
- (viii) The Council through the Head of Department where the student was based, at the end of the in-service training period will write a report to the institution in which the student is enrolled indicating the progress and the conduct of the student during the training at the Council.
- (ix) In-Service training will be limited to three trainees in a department at any point in a given time.
- (x) A lawful indemnification must be signed by the student to protect council in the case of damage as a result of injury or loss of life.

4. **Responsibilities of the applicant/student**

- (i) The student/applicant must apply to the Municipality for in-service training in writing while for an internship the student/applicant must apply for an internship in writing to the Municipality.
- (ii) Such an application must indicate the period in which such an in-service training can be completed at the Municipality which is six months while internships can be for three to six months.

(iii) The application must include a letter from the institution indicating that the employee must do in-service training as part of the qualification, as well as the scope of in-service training required while for an internship only an application from the student or applicant with the proof of qualifications is required.

5. Appointment Procedure

The student must submit the following documents to Council:

- (i) Completed application forms;
- (ii) Copy of identity Document;
- (iii) Proof of registration at the educational institution;
- (iv) Proof that the curriculum requires the specific practical exposure for inservice training.
- (v) Proof of specific skills needed for work to be performed by the student.

6. Responsibilities of Human Resources Department

- (i) it must receive all the applications for in-service training.
- (ii) It must refer applications to the relevant departments based on the qualification that the student is doing for consideration.
- (iii) It must keep all the records of in-service training or internship once they have been approved in the relevant department in which the student will or is doing in-service training or internship, including the period and inform the department when the period end.

7. Responsibilities of the Department where the student will do the in-service training

- (i) It should consider the applications from students and if there is a vacancy for a student to do in-service training, it should appoint one or more of the applicants to do in-service training, depending on how many students can be accommodated, bearing in mind that the maximum number of students in a section within a department can have at a given time for in-service training or internship is two.
- (ii) If there are more applicants and there is a space for one applicant, the concerned department must select from the applicants.

4. POLICY ON OFFICIAL TIMES

1. Introduction

As part of the employment conditions of services official times need to be clearly communicated to employees and it must be consistently applied the way it is officially known to all the employees.

2. Aim

The aim of this policy is to lay down the ground rules concerning official times, that is the commencing time, knock-off time and tea breaks while taking into consideration the provisions of the collective agreement on conditions of services in terms of hours of work which an employee is required to work per week.

3. Definitions

For the purposes of this policy, concepts will take the form of meaning as defined in the applicable legislation without any conflicting interpretation.

4. **Provisions on working hours**

- (i) The working hours is a 40-hour working week.
- (ii) The commencing time is 07:00 in the morning and the knock-off time is 16:00 in the afternoon.
- (iii) The provision for tea break is twenty minutes, i.e. ten minutes in the morning and ten minutes in the afternoon.
- (iv) The provision for meal-time or lunch period is one hour from 13:00 to 14:00 or as arranged departmentally where a continuous service to the public is required.
- (v) The Conditions of Employment Agreement, 1994 provides as follows:

"9.3 Sundays and free periods of 24 hours

9.3.1 If an employee who qualifies, excluding an employee working a six-day interrupted working week, works on Sunday, or if any employee works during his free period of 24 hours, he shall be compensated therefore in terms of the provisions of clause 9.3.2 or clause 9.3.3: Provided that such work shall be subject to the prior approval of the council.

9.3.2 Subject to the provisions of clause 9.3.1, an employee working on a Sunday or during his free period of 24 hours shall be compensated as follows:

9.3.2.1 If such employee so works for a period not exceeding four hours, an amount at least equal to the salary/wage payable in respect of the period usually worked by him on a working day.

9.3.2.2 If such employee so works for longer than four hours, an amount of double his hourly wage, calculated in terms of clause 7.5.4 in respect of the number of hours so worked, or an amount of double his daily wage, calculated in terms of clause 7.5.3, whichever is larger.

9.3.3 Subject to the provisions of clause 9.4.1 and notwithstanding the provisions of clause 9.4.2, the council may pay an employee an amount calculated at 1,33 times his hourly wage as determined in terms of clause 7.5.4 in respect of the number of hours worked on such Sunday or during such free period of 24 hours and may grant one day's special leave with full pay to such employee within one working week of such Sunday or free period of 24 hours.

9.3.4 A claim for compensation in respect of work performed in terms of clause 9.3.1 shall be submitted by an employee in a manner determined by the council.

9.4 Public holidays

9.4.1 If an employee, excluding an employee mentioned in clause 9.4.2, works on public holiday, he shall be compensated therefore in terms of the provisions of clause 9.4.3: Provided that such work shall be subject to the prior consent of the council.

9.4.2 Subject to the provisions of clause 9.4.1, the council shall compensate an employee working on a public holiday, where such public holiday falls on the employee's normal working day in terms of either clause 9.4.2.1 or clause 9.4.2.2, by-

9.4.2.1 paying an additional amount calculated in terms of his hourly wage as determined in terms of clause 7.5.4 in respect of the number of hours so worked, or an amount equal to his daily wage determined in terms of clause 7.5.3, whichever is the larger, to such employee;

9.4.2.2 granting such employee an additional working day's annual leave in addition to his annual leave in addition to his annual accrual and paying him an additional amount calculated at one-third times his hourly wage determined in terms of clause 7.5.4 in respect of the number of hours worked by him on such public holiday.

9.4.3 Subject to the provisions of clause 9.4.1, the council shall compensate an employee working on public holiday, where such a public holiday falls on a day which in not normally a working day for the employee, in terms of the provisions of clause 9.3 as it is applicable mutatis mutandis to him.

9.4.4 A claim for compensation in respect of work performed in terms of clauses 9.4.2 and 9.4.3 shall be submitted by an employee in a manner determine by the council."

5. Conclusion

It is very important for all the employees to respect the official times of the Municipality by adhering to the above provisions in order to meet the objectives of the organization and accelerate service delivery.

5. POLICY ON PROMOTIONS

1. Policy Statement

The promotion of employees is an important aspect for the Council and the employees since it have a bearing on job satisfaction, motivation and growth of employees and the well being of the Municipality due to the fact that it enhances productivity on the part of the employees which benefit the whole organization.

2. Aim

The aim of the policy is to afford employees the opportunity for growth and development while enhancing productivity which has a direct impact on service delivery for the Municipality.

3. Definitions

For the purposes of this policy, concepts will take the form of meaning as defined in the applicable legislation without any conflicting interpretation.

4. Conditions for Promotion

- (i) A vacancy for the post in question must exist before an official could be promoted to such a post.
- (ii) A vacant post must be advertised in terms of the recruitment policy.
- (iii) Notch increment must follow the same criteria, i.e. a vacancy for the post in question must exist (for example Traffic Officer Gr 3, Gr 2 etcetera)
- (iv) The expertise required will determine whether a vacant post be advertised internally or externally while the Employment Equity Plan covers all aspects of promotions.
- (v) The Skills Development Plan, Succession Plan and Capacity building plan must further determine processes of promotion.
- (vi) The Head of Department has the authority to recommend employees in his/her Department in writing to the Municipal Manager for promotion in such a department while taking considerations or recommendations from section heads or supervisors since at times they might be in a better position to know who should be promoted in their sections.
- (vii) The Municipal Manager approve such a request after receiving the request from the Head of Department and after looking at all considerations.
- (viii) No position for promotion will be advertised for applicants.
- (ix) Only employees or the recommended employee or employees can avail themselves in a position allocated for promotion.
- (x) The promotion can be effected by either appointing the employee to a higher vacant post or by adjusting his/her salary accordingly to a higher salary notch.
- (xi) The position must be on the approved fixed establishment i.e. it must be on the organogram and funds must be provided for in the budget.
- (xii) An employee regarded by the Municipality as the most eligible for promotion post and not necessarily the employee with the longest service, shall be promoted.

5. **Procedures on Promotions**

- (i) The Head of Department will request promotion to the Municipal Manager for an employee in his/her department who on the opinion of the Head of Department should be promoted.
- (ii) The Municipal Manager will approve such a request from the Head of Department for promotion of an employee.
- (iii) If more than one employee qualifies for such a promotional post, then such a promotional post must be advertised internally and the normal placement procedures will be followed.
- (iv) Automatic promotional posts must be approved by the Municipal Manager upon submission of proof that the employee qualifies for such automatic promotion i.e. traffic officials that are promoted from GR III to GR I through the obtaining of the prescribed qualification for each grade.
- (v) Unless the Council determines a prior date, the first day of the working month which follows the date on which he/she is promoted shall be deemed to be the new incremental date for such an employee.

6. **Practice on Promotions**

- (i) The department concerned request either to fill a vacant promotion post or request the promotion of an employee in his/her department to the salary notch or post level above the one currently occupying to the Municipal Manager.
- (ii) The Municipal Manager if he/she approve such a request will inform Human Resources to start the process in order to effect the promotion.
- (iii) Human Resources, once requested by the Municipal Manager will advertise the position internally if it have to be filled by an internal applicant if more than one applicant qualifies or if there is one applicant recommended then such an employee would be promoted.
- (iv) Human Resources will arrange for the filling of the vacant promotion post by following the necessary procedures.

6. POLICY ON STAND-BY ALLOWANCES

1. Introduction

Due to the shortage of staff in some sections of the Municipality and the high cost of actually hiring staff on a full-time bases, the Council has to resort to the use of staff on stand-by bases, hence the need for a Policy on Standby Allowances.

2. Definitions

For the purposes of this policy, concepts will take the form of meaning as defined in the applicable legislation without any conflicting interpretation.

3. Responsibilities of the Employer

3.1 The Conditions of Employment Agreement, 1994 determines as follows:

"9.6 Stand-by Service

When an employee, by resolution of the Council, makes himself available on stand-by for active overtime duty outside normal working hours, he shall be entitled to a stand-by allowance as determined by the Industrial Council from time to time: Provided that the allowance shall not be incorporated or written off against any remuneration for overtime worked."

It must be noted that the new Collective Agreement on Conditions of Services, 2004 is silent on stand-by allowances.

3.2 Council resolved on Standing allowances as follows:

"RESOLVED A.180 (a). 28.10.03-

THAT the stand-by allowance for all employees that are required to perform standby for active overtime duty outside normal working hours, be with effect of 1 September 2003 applied uniformly as follows:

Weekday	R43,00
Saturday	-R61,00
Sunday & Public Holiday	-R87,00
Remuneration for full week	-R363,00

And that the expenditure be set off against savings in the 2003/4 Salary Bill."

It is important to note that there is an increase of 7,83% at the beginning of each financial year due to the Bargaining Council agreement on annual wage increases which means that the above figures increases each financial year.

4. **Procedural practice**

- (i) The department concerned must submit the information on stand-by allowances on monthly bases to records section in the Municipal Secretariat Department.
- (ii) Records must file the information on the file for Stand-by Allowances
- (iii) Records must then send the file with the information on Stand-by Allowances to Finance Department.
- (iv) Finance Department, through the salary section must calculate the amounts due to each employee depending on the days or weeks in which such an employee worked on stand-by.
- (v) Thereafter Finance Department must pay the employee accordingly.
- (vi) That the employer buy basic food stuff for stand-by employees for circumstances where they are away from home and cannot interrupt the job for lunch/super- according to merits of the case.
- (vii) Transport should be provided for stand-by employees who do not have their own transport.

7. POLICY ON STUDY LEAVE

1. Introduction

The fact that the Municipality has employees who are studying at various institutions and often they request for time-off in order to prepare and write their examinations, there is a need for an employment policy on study leave.

2. Definitions

For the purposes of this policy, concepts will take the form of meaning as defined in the applicable legislation without any conflicting interpretation.

3. Provisions in terms of the collective agreements on conditions of services

The Conditions of Employment Agreement, 1994 determines as follows:

"16.17 Special Leave

16.17.1. Special leave on full salary or wage shall be granted to an employee when he-

16.17.1.1. sits for an examination prescribed or approved by the council;

16.17.2 Special leave on full pay may be granted to an employee in order to prepare him for an examination referred to in clause 16.17.1.1: Provided that the number of working days, leave granted for study purposes shall not exceed the number of days on which the employee is actually sitting for the examination."

The new Collective Agreement on Conditions of Services, 2004 is silent on special leave for the examination.

The Council will give leave to the employee for both the day in which he/she write the exam and the day before the exam date in order to allow the employee time for preparation and other than that the employee will have to take vacation leave in order to study.

4. **Responsibilities of the Employee**

- (i) At the beginning of each study year, the employee must submit the proof of the qualification he/she want to study for approval or disapproval by Council on the basis of its relevance to the Municipality and the career development of such an employee.
- (ii) Must submit his/her examination time-table from the institution where he/she will write the exams to Human Resources for the approval of the study leave.
- (iii) Can apply for leave to study which must be approved by the Municipal Manager in consultation with Head of department.

5. Responsibilities of Human Resources Department

- (i) at the beginning of each year of study, Human Resources must collect the information which employees submit as a proof of the qualifications for studies they intent to do.
- (ii) Assist the employee to complete the leave form and to refer the employee to his/her head of department for approval.
- (iii) Keep the record of that leave, including the copy of the exam time-table.

6. Conclusion

The education of the employees is of importance to the Council since the knowledge they acquire is applied at the Municipality which brings about improvement in performance and productivity, hence the Council will always makes provisions for study leave for its employees subject to following all the necessary procedures.