

HUMAN RESOURCES MANUAL

UBUNTU MUNICIPALITY HR MANUAL

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PREFACE

Personnel Management is concerned with obtaining, developing and motivating of human resources required by the Municipality to achieve its objectives. This manual defines the philosophies and values of the Municipality with regard to how its people should be treated. From these, principle are derived to which management is expected to adhere when dealing with personnel matters, thus ensuring consistency and equity.

The! Ubuntu Municipality believes in the intelligence, integrity and ability of its people to produce and perform at an acceptable level. The Municipality's policies, processes and procedures enable this process to take flight and are necessary to ensure that employees perform and render a consistently good service. Where policies are implemented rigidly, they deprive employees of the authority to act promptly in difficult and varying situations. In additions , it implies a lack of confidence in the employee's ability to perform. There are, however, instances where policy statements should allow no latitude for independent action in order to maintain consistency. These are set out in detail within this manual.

It is of fundamental importance that the employees of the! Ubuntu Municipality understand that one cannot empower without first enabling. This means that you cannot spend without knowing how to manage a budget, you cannot but you cannot act without having the competencies necessary for action. Therefore, the Human Resource Manual has been compiled in an enabling spirit and sets out the policy.

The Human Resource Manual is compiled to provide information and guidance to Human Resource Head - practitioners, as well as line managers. Heads of Department and supervisors should ensure that all employees are familiar with the content and application of the policies contained in this document and that they act within its spirit.

This policy document is subject to change in order to remain in line with practice and changed legislation. Amendment pages will accordingly be issued in this regard from time to time, and human resource practitioners should ensure that copies are made available and the Manual kept updated.

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CHAPTER 1

HUMAN RESOURCE PLANNING

1.1 Introduction

The aim of Human Resource Planning is to optimally utilize current human resources, as well as obtain and retain the required quality and quantity of personnel. It also refers to the ability to accurately anticipate future personnel needs.

1.2 Human Resource Planning Process

The procedure of Human Resource Planning includes:

1.2.1 Development of a New Organgram following the Updating of the Integrated Development Plan and the Associated Departmental Business plans

It is imperative that the long-term human resource plan be linked, from its inception, to the IDP and Departmental Plans of the municipality. This linkage can be achieved by translating the business objective into human resource objectives. It should be a parallel process, allowing for changes in productivity, technology, product mix and relationships. Future human resource demands can be determined by taking into account the following variables as established from the IDP and Departmental Business Plans:

1. Current operational activities;
2. Future activities (internal or external) with regard to new customers and markets which will commence during the forecasting period and impact (directly or indirectly) on job requirements;
3. Strategic objectives and productivity parameters;
4. Customer demographics;
5. Legislation;
6. Technology (current and future);
7. Natural attrition: retirement, redundancy, resignation, relocation, death, etc.

A new Organogram for the ensuing financial year must then be drawn up to ensure that the objectives of the IDP and Departmental Business Plans will be effectively and efficiently undertaken by the municipal employees.

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Linking the IDP objectives with the Performance Management System and individual performance objectives also form part of this process.

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1.2.2 Analyze internal and external supply

The following factors should be analyzed for an internal supply forecast:

1. Age distribution, length of service, geographical distribution, health and productivity;
2. Labour turnover;
3. Movement in work force i.e. promotions, transfer;
4. Existing skills mix in relation to current and future job requirements;
5. Current race and gender mix.

An external supply forecast takes into account the following:

6. Current trends in the market - environmental scanning;
7. Student enrolment figures at tertiary institutions in relation to relevant study areas and business needs;
8. Technology skills available in the market.

1.2.3 Determine in the gap

Determining the gap entails close balancing act between demand and supply forecast. Interventions such as re-hiring of skilled staff, re-training of existing staff and the redeployment of staff from areas of over-supply could be considered.

This process provides inputs for the annual revision of the UBUNTU Municipality's Skills Development Plan.

CHAPTER 2

JOB ANALYSIS, JOB DESCRIPTION & JOB EVALUATION

2.1 Introduction

This chapter deals with the allocation of responsibilities, the grouping of activities and the definition of lines of communication and control. Within this structure, attention has to be paid to the design of individual jobs in order to make sense in terms of work that has to be carried out, and to provide motivation to the jobholders through opportunities for achievement, responsibility and career management.

2.2 Job Analysis

Job analysis is the process of collecting, analyzing and setting out the following information with regard to the relevant job:

1. **Job Content:** all task, duties and operations to be performed;
2. **Job Requirements:** all competencies (skills, knowledge, and attitudes) required to execute the job satisfactorily;
3. **Job Responsibilities:** the level of responsibility the job holder has to exercise in terms of the impact on end result, the amount of discretion allowed to make decisions, the complexities of the job, the difficulty and scale of the resources to be controlled (including people, money, plant and equipment);
4. **Job Features:** other features of the job, including promotion and career prospects, mobility, unsociable hours and general working conditions.

2.3 Job Description

A Job Description sets out clearly and succinctly, the job holder's holistic role and responsibilities, specific outputs (tasks) and reporting relationships. The content of the Job Description is based on a detailed Job Analysis and should be as brief and factual as possible. The Job Description should reflect the following information:

1. **Job Title:** should describe the nature of the functions performed by the jobholder, and should provide some indication of the hierarchical status of the job;
2. **Reporting Line:** should indicate to whom the job holder will directly report

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- as the job titles of all posts reporting directly to the job
3. **Key Performance Areas:** These should describe the main performance areas of the job as concisely as possible;
 4. **Key Performance Indicator:** should identify each task, broken down into sub-outputs or logical steps in order to achieve the relevant output.

The Job Description must be done in the T.A.S.K. Job Evaluation System format as indicated here:

SECTION A: JOB TITLE AND INFORMATION SECTION

A.1 POST IDENTIFICATION	
Municipality	
Post Title	
Number of Posts	
Job Grade	
Date Grade Authorized	
Post ID No/s	
Name of incumbents/s & Services Numbers	

A.2 LOCATION OF POSTS (The department or service units and sub-divisions within which the post or posts are located)	
Department	
Division or Section	
Branch or Sub-Section	

A.3 SURROUNDING POSTS	
Job Title	Post Identification No./s
Immediate Superior	
1	
Immediate Subordinates	
1.	
2.	

Colleagues who report to same Superior	
1.	
2.	
3.	

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B.1 JOB PURPOSE

B.2 DUTIES OF THE POST	
DUTIES/TASKS	FREQUENCY
1. 2. 3. 4.	

PERFORMANCE MANAGEMENT EXAMPLE

KPA	KPI	Weight	Current result	Target 30/6/04	Current Result × Weight	Target × Weight
1. Assistance to B-municipality re budgeting	Percentage of request acceded to within 5 working days of request. (Requests include also audit queries, technical assistance & requests for training)					
2. Internal budget control	Percentage of expenditure votes that exceeded the budget not provided with an early warning 30 days before its occurrence.					
3. Recording of financial transactions	Percentage of financial transactions correctly and timorously recorded					
4. Internal control measures	Percentage of new problem areas for which new control measures have been developed.					

B. 2 AUTHORITY OF THE POST	
1	

SECTION C: JOB SPECIFICATION

(Skills relevant to a job include education or experience, specialized training,

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personal characteristics or abilities.)

C.1 ESSENTIAL REQUIREMENTS OF THE POST (Minimum)	
Qualifications	
Reason for essential qualification	
Experience	

C.2 PREFERRED REQUIREMENTS OF THE POST	
Qualification	
Reason for preferred qualification	
Experience	

C.3 PHYSICAL REQUIREMENTS OF THE POSTS	
1	
2	

C.4 SPECIAL CONDITIONS ATTACHED TO THE POST (Specify)	
1	
2	

SECTION D: APPROVAL OF JOB DESCRIPTION

D. 1 CERTIFIED CORRECT				
We the undersigned confirm that we have consulted on the content contained in the Job Description and hereby confirm that we consider that the information contained is a correct reflection of the context of the post and its content.				
TITLE	NAME	SERVICE NO	SIGNATURE	DATE
Municipal Manager				
Head of Department				
Union Representative (SAMWU)				
Union Representative (IMATU)				
Incumbent				
Incumbent				

2.4 Job Evaluation

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Job Evaluation determines the relative complexity of jobs through a systematic assessment of job content and requirements, independently from remuneration and without regard to the current grading of the job and the qualities and performance of the incumbent of the job. Job Evaluation takes place when the job content has changed significantly. The following Job Evaluation principles should be complied with:

1. Evaluate the job as currently performed;
2. Only evaluate factors that are inherent to the job requirement;
3. Disregard events that are unlikely to occur in the normal performance of the job.

The assumption should be made that the incumbents of the particular job possess all the required competencies in order to perform at an acceptable level.

Job Evaluations are to be undertaken in terms of a ruling of Organized Local Government that currently accepted the T.A.S.K. Job Evaluation System for Local Government in South Africa. Job Evaluation must be undertaken regularly in terms of the provisions of the Municipal System Act.

CHAPTER 3

RECRUITMENT, SELECTION, APPOINTMENT, ORIENTATION AND INDUCTION

3.1 Introduction

The overall aim of the recruitment and selection process is to attract, obtain and retain people with required competencies at minimum cost in order to satisfy the manpower needs of the Municipality. Recruitment is also attuned to establishing a positive image of the Municipality as an employer in the labour market.

The Labor Relations Act, as amended, prohibits discrimination in recruitment and selection and derives its jurisprudence both from the Conventions and Recommendations of the International Labour Organizations, as well as from the new Constitution.

3.2 Fair and equitable recruitment

All posts on the establishment of the Municipality shall be equal opportunity positions. This includes, inter alia, the requirement that candidates be employed purely on the basis of job related requirements, personal attributes, competencies and abilities, and that individuals must be given equal opportunities to be recruited i.e. recruitment actions must be extended to all communities. However, Employment Equity Plan and targets must be taken into consideration when recruiting candidates.

The following components of the recruitment and selection process require careful attention:

Defining the job and its competencies

The municipality must first analyze the job's essential competencies in order to draw up a non-discriminatory job-specification at the beginning of the process: define the purpose of the job; identify how the job fits into the organization; decide on the key outputs required from the job; highlight the different levels of authority; and identify some of the activities performed to meet the required outputs. Decide what is essential and ensure that there

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are no arbitrary requirements.

3.3 Recruitment sources

Recruitment activities are dependent on the Municipality's human resource requirements as identified through human resource business plans. The choice of media for recruitment purposes should comply with the requirements of the Labor Relation Act, 1995 as amended from time to time.

Internal sources of recruitment (where possible) should be considered, since it is cost effective and serves as motivation for existing employees. External recruitment may be undertaken by means of advertisement.

3.4 Recruitment Procedure

3.4.1 Determine need to fill a vacancy

When a vacancy is identified, the following factors must be taken into consideration:

1. The provisions of current IDP requirements and current budget constraints;
2. Reservation of vacancy for a candidate still in training;
3. Redeployment possibilities.

3.4.2 Identify sources of recruitment

It must first be established (where possible) whether suitable candidates are available for internal advertisement. If suitable candidates are identified internally, clear consultation shall take place prior to any offers for employment being made.

3.4.3 Advertise position

When a vacancy occurs, it will be circulated internally, placed on the internal Notice Board and/or advertised externally in the press, and interested employees and applicants will be considered for appointment. Heads of Departments must ensure that circulated vacancies are brought to attention of the staff. To ensure a diverse pool of candidates, advertisements shall be placed in the appropriate media if no internal candidates could be identified. The means of attracting applicants or the wording of advertisements shall be compiled carefully, so as not to constitute direct or indirect discrimination. Heads of Departments shall request the Manager: Corporate Services or person in charge of this function, in writing, to advertise a vacant position.

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Personal canvassing for appointment or promotion to a vacancy on the Municipality's establishment is strictly prohibited and any proof of such shall disqualify an applicant.

Advertising

Advertisements may not indicate an intention to discriminate against members of a particular group.

Adverts should not be unjustifiably confined to areas or publications that exclude, or disproportionately reduce the numbers of applicants from any particular racial group.

The Municipality should not prescribe requirements that are superfluous to the job and that would have the effect of unjustifiably excluding members of particular groups.

Gender-neutral language must be used and the advert should include the phrase "equal opportunity employer".

Head hunting may be indirectly discriminatory and difficult to justify objectively.

Direct recruitment by Councilors of their friends and/or family members must be discouraged and such applicants must be disqualified as being a contravention of the Code of Conduct for Councilors as contained in Schedule 1 of the Municipal System Act, 2000 as amended.

3.5 Selection and appointment process

3.5.1 Gathering applicant data

Applicant information must include all relevant data, such as:

1. CV;
2. Certified copies of personal documentation;
3. Certified copies of educational qualifications and/or course attended;
4. References from previous employers. Even when supplied by an applicant, the Head of Department or HR Division must verify this information.

False information furnished by an applicant in his/her application for vacancy, shall disqualify him/her liable to summary dismissal, should he/she have been appointed and knowledge of the false information only be detected afterwards.

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Application forms should not include questions relating to any of the item mentioned in Section 2(1) (a) of Schedule 7 of the Labour Relations Act unless they are essential to an inherent requirement of the job.

3.5.2 Screening

When the nature of the work requires such, employees and applicants for vacant positions shall undergo any screening (relevant to the inherent job requirements) required by the Manager: Corporate Services and/or Head of the relevant Department. Applicants shall sign an indemnity form prior to any physical examination being undertaken. Those being screened take part at their own responsibility. The result of any screening is strictly confidential.

A person shall not be considered for appointment, unless he/she has reached sixteen (16) years and complies with the required qualifying requirements as stipulated in the advertisement. The appointment or retention of the services of any employee older than the compulsory retirement age of 65 shall be approved annually by the relevant Committee of the Council, subject to the submission of a satisfactory medical report and a recommendation by the Municipal Manager.

3.5.3 Short list

When compiling the short list, a healthy balance must be struck between the data provided by the applicant and the job requirements. In the absence of imperative documentation (e.g. Senior Certificate), careful consideration shall be given to the short- listing of such candidates. It is unethical to promise a job prior to the finalization of the recruitment and selection process. Under NO circumstances shall a job offer be made at this stage.

3.5.4 Undertake selection (assessment and panel interviews)

The assessment results shall not be the only tool used to decide on the best candidate for a position, but must form part of the selection process and be utilize during the final decision-making phase.

The relevant Committee of the Council will undertake the interview process with respect to those positions of which the appointments have been delegated to.

Impressions gained during the interview should be clearly documented and stored for future reference.

An interview format must be prepared and used for each position based

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on the following example:

INTERVIEW RECORD: CHIEF FINANCIAL OFFICER

Name of applicant:			
Interview date:		Councilor/Official	
Dimension			
		Rating	
General:Q1 & 2		Providing direction:Q10	
Management:Q3		Building & maintaining relationships: Q11	
Financial Management: Q4		Persuasiveness: Q12	
Concern for excellence:Q5		Planning, organizing & control: Q13	
Initiative: Q6		Specialist: Head of Finance: Q14	
Analytical skills: Q7		4.2: Package required	
Judgment: Q8		4.3: Starting date	
Resource utilization and development: Q9		4.4: Contractual obligations	
		Your overall assessment:	

Key:

1	=	Poor
2	=	Fair
3	=	Good
4	=	Very good
5	=	Excellent

OUTLINE FOR OPENING THE INTERVIEW

1. Greet the applicant and relax him/her - offer tea/coffee if available
2. Explain the purpose of the interview
3. Explain to the applicant that the interview panel will be taking notes during the interview
4. Explain that the interview will concentrate on:
 1. A short background review
 2. Behavior questions
 3. Questions on specialist skills
 4. Content of the job offer
 5. Questions by the applicant.

COUNCIL`S REQUIREMENTS:

1. Ability to speak Afrikaans, English and one of the local African Languages
2. Not less than 3 years tertiary education or equivalent experience
3. Local Government experience related to both Management and finance
4. Being a Team Leader of the Officials and between the Councilors
5. Being flexible and have a good understanding of the dynamics of

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- communities
- 6. Be able to communicate at all levels
- 7. Be a decision-maker
- 8. Be honest and loyal
- 9. Preferably comply with the requirements of the Employment Equity Plan.

Background Review

1.1 General

- Q1:** Please give us a brief overview of the your present position & responsibilities
- Q2:** What don't you like about current position?

1.2 Management

- Q3:** What Management responsibilities do you hold?

1.3 Financial Management

- Q4:** Please give us some background on your knowledge of financial Management responsibilities i.e. Revenue, Expenditure, Management Accounts and information and Stores?

2. Behavioral Questions

The questions that follow are based on eliciting **Behavioral** responses i.e. it is based on **Situation, Action** and **Result**. If the answer does not satisfy these requirements, ask the candidate to clarify his/her answer by explaining what action he/she took and the outcome/result of the action.

The questions consist of 6 dimensions and each is further divided into sub-dimensions as follows:

1. Dynamism
2. Concern for excellence
3. Initiative
4. Decision-making skills
5. Analytical skills
6. Judgment
7. Leadership skills
8. Resource utilization and development
9. Providing direction
10. Interpersonal skills
11. Building and maintaining relationships
12. Communication skills
13. Persuasiveness
14. Administrative skills
15. Planning, organizing and control

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1. Dynamism

<p>1.1 Concern for excellence. The drive to do one's best in everything undertaken, to set high standards of performance for oneself and subordinates with the underlying belief that reliance on one's own skills and abilities is decisive in achieving results.</p>	<p>Q5: Describe how you handled a situation where a subordinate did not perform according to the required standard and how did you determine that the work performance was poor?</p>
<p>1.2 Initiative Proactive, self-starting, seizes opportunities and acts upon them; actively influence events; ability and ingenuity to originate ideas and fresh approaches. Drives projects along and gets results.</p>	<p>Q6: Explain a situation where you made a suggestion to improve efficiency/save your Council money?</p>

2. Decision-making skills

<p>2.1 Analytical skills Examines issues prior to recommending or deciding on what course of action should be taken in order to minimize risk. It would include things like sourcing all relevant information, consulting, seeking root causes, analyzing financial data, identifying trends, weighing up alternative courses action and the consequences therefore.</p>	<p>Q7: What sources of information do you use to keep yourself updated on new developments in the Local Government arena?</p>
<p>2.2 Judgment The ability to make rational and sound decisions based on considerations of all the facts, available alternatives and possible consequences.</p>	<p>Q8: Your Secretary was instructed not to disturb you whilst you were busy preparing for an Excel meeting within the next hour. She however transferred a telephone call from a Councilor that insisted to talking to you regarding a non-work related problem, i.e. regarding the postal service in a particular area. How do you handle the Councilor and how do you deal with your Secretary afterwards?</p>

3. Leadership Skills

<p>3.1 Resource utilization and development Delegates responsibility to appropriate subordinates, actively seeks to improve subordinates skills and talents by providing constructive feedback, coaching, training and</p>	<p>Q9: Do you incorporate the input of your subordinates in your decision-making process? Your reason?</p>
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by extending subordinates responsibilities through job enrichment.	
3.2 Providing direction Provides subordinates with a clear sense of direction; takes charge; organizes resource, provides ideas or guidelines in order to steer others towards successful task completion.	Q10: We all have had to deal with individuals who do the bare minimum at work or get others to do their work. Describe how you have dealt with such a situation in the past?

4. Interpersonal skills

4.1 Building and maintaining relationships Ability to establish and maintain relationships to interact confidently with people at all levels of the organization/public. Displaying warmth, understanding and encouragement for people and consideration for the beliefs and feelings of others; promotes harmony through diplomatic handling of disagreements and potential conflict situations.	Q11: From time to time all of us are confronted by someone who wastes out time at work. Tell us about such a situation and what did you do about it?
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5. Communication skills

5.1 Persuasiveness. The ability to communicate in a clear, fluent, convincing and to the point manner. To think on one's feet in presenting logical and well though out arguments and counter-arguments. Note: This skills is best observed during the interview by nothing whether the applicant accurately interprets questions asked and the quality of verbal responses to the questions.	Q12: How would you go about to convince your Council to change its bank account to another bank taking into account that the account has been with the current bank for 10 years but that upon requesting new quotes another bank offered better rates? All the councilors are banking with the current bank and one of them is the Bank Manager of the current bank.
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6. Administrative skills

6.1 Planning, organizing and control Ability to plan in the short-term determines priorities; develops alternatives and chooses the best course of action; schedules activities to ensure optimum use of time and resources, monitors performance against objectives within the specified budget and time frame.	Q13: What controls would you implement to ensure your department's compliance with budget figures?
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7. Questions on specialist skills

1. As head of Financial Services	Q14: What steps would you take to ensure the formation and development of an
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	efficient, financially sound and performance driven administration for UBUNTU Municipality?
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4. Content of job offer.

- 4.1. The post of Chief Financial Officer is subject to entering into a performance contract with the Council. The council accepted the standard contract proposed by SALGA. Are you familiar with this contract? The Council accepted Option 3 regarding the annual increments i.e. to offer a guaranteed cost of living increase and then a performance bonus of 8.3% of the annual salary for outstanding performance according to suggested sliding scale.
- 4.2. What would be the all-inclusive remuneration package that you would be willing to accept should the Council offer you the position of the Executive Director: Financial Services?
- 4.3. When would you be able to start should your application be successful?
- 4.4. Do you have any contractual obligations towards your present employer?

5. Question by the applicant.

- 5.1. Do you have any questions?

6. Conclusion

- 6.1. Explain the next step in the selection process - when the applicant will be advised of the outcome.
- 6.2. Thank the applicant for a productive interview.

3.5.5 Competence for appointment

Prior to appointment, a successful applicant shall furnish satisfactory proof (certified copies) of his/her date of birth, marital status, academic or educational qualifications, identity, training, valid drivers license where applicable, and any other relevant documentation as may required.

Nobody shall be appointed to the service of the Municipality unless he/she complies with the legal requirements.

Sections 55 to 58 of the Municipal Systems Act provide details of the requirements for the positions of Municipal Manager and Managers reporting directly to him/her.

3.5.6 Appointment

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A written offer of employment (including conditions of service) must be made to the successful candidate and his/her formal (written) acceptance thereof, obtained, ensuring that all logistical arrangements regarding date, time and place of assumption of duty are clear.

An employee shall furnish his/her permanent residential address, as well that of his/her next of kin, to the Manager: Corporate Services and/or Head of Department in writing and of any change thereof.

3.5.7 Salary on appointment or promotion

Appointment shall be made according to the qualifications and experience of the applicant, at a notch within the prescribed salary scale, provided that, if a successful applicant claims a higher notch than the starting notch of a particular salary scale, the salary notches of the existing employees occupying similar positions in the relevant department, shall be taken into consideration.

If an existing employee is promoted, his/her salary shall be adjusted to the minimum notch of the salary scale, provided that such salary adjustment shall be equal in salary to at least one additional notch of scale applicable to him/her prior to the promotion.

3.5.9 Appointment notch of employees not complying with the minimum qualification requirements

Successful external employees appointed at the starting notch of the salary scale attached to a particular position, without any further advancement on the scale, until such applicant complies with the minimum qualification, shall be dealt with according to the same principles as above.

Once an employee complies with the approved qualification and/or experience requirements, but less than twelve (12) months have expired since the date of appointment to relevant post, the advancement on the salary scale shall occur after a period of twelve (12) months, calculated from the date of appointment to the relevant post.

In the instance where an employee complies with the approved qualification requirements, but more than twelve (12) months have expired after the date of appointment to such post, progression on the salary scale shall occur as from the first month following the date of the last paper the employee wrote, provided that the employee's incremental date shall change to the month in which the progression on the salary scale was implemented. Employees appointed or promoted to a position where they do not comply with the minimum qualification requirements, shall be subjected to a Mentorship programme in terms of these HR policies.

3.6 Mentoring (See Section 16 of this manual)

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3.7 Orientation 7 Induction

After appointment an employee shall follow an induction program. New employees shall receive full compensation during the induction period. Induction or orientation is the process of integrating a new recruit into the organization and the job. Induction may take many forms e.g. a formal program, informal introductions etc., but it is important that the recruit is welcomed into the workplace in some way.

3.7.1 Objectives of an induction programmed

Some of the more common reasons for implementation an induction programmed are:

1. Introducing the recruit to the organization;
2. Creating a favorable impression and realistic expectation with the recruit;
3. Reducing the anxiety and uncertainty of starting a new job;
4. Allowing the recruit to make a productive contribution as soon as possible;
5. Reducing labour turnover by developing positive attitudes and a feeling of identification with the organization;
6. Preventing grievances - recruits have been informed of the rules and regulations of the organization, so grievances as a result of ignorance can be prevented.

3.7.2 Contents of an Induction Program

The induction program should be design to include all the information that recruit will need to do his/her job effectively and to feel part of the organization. Do not try to cover everything in one session: the information can be divided into “need to know” and “nice to know” information. The first part to be provided at the outset whilst “nice to know” information can be gradually given as the recruit settles in.

The information a recruit will require falls into a number of categories:

1. **Pre-Induction** - this is the preparation of the new employee to adapt to the new work environment in general. Check on the following:
 - Contract and employment details have been communicated to the recruit.
 - The new employee knows the date, time and place of reporting the 1st day.
 - Remuneration has been communicated.
 - Hours of work are known to the new recruit.
 - The new recruit has been provided with full details of the

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pension/provident fund, medical aid scheme, leave regulations, housing policy/facilities, conditions of employment and details of transport/parking arrangements at the workplace.

2. Orientation - provides the new employee with an insight into specifics of the organization and his/her place in it. It also provides for the integration of organization and personal objectives.

On the first day of work the new employee must be met by his/her Supervisor who must then:

- Inform anyone else that needs to know of the recruit's arrival, e.g. Security, switchboard etc.
- Prepare the office/equipment and materials that the new recruit will need.
- Appoint a Mentor for the new recruit where appropriate.
- Show the new recruit the clocking in and out procedures and/or attendance register where applicable.
- Take the recruit on a tour of the premises and introduce him/her to immediate colleagues well as staff in other departments that he/she will be dealing with.
- Provide the new recruit with background information of the organization and his/her place in it.
- Provide the recruit with details on arrangements regarding fire and safety precautions; smoking on the premises; first aid arrangements; tea and lunch breaks; method of payment of salaries/allowances; various policies applicable to him/her; etc.
- Take the new employee to meet the HR Department and to complete any outstanding documentation.
- Introduce the new recruit to the shop steward/staff representative.

1. Induction - this refers to the transfer of the section and post specific information to enable the new employee to function effectively and efficiently. This may include a Mentorship Program.

2. Job-related information - this is the information that describes the job entails and how it is done, e.g. Tools required, how to work the machinery, safety procedures etc. It also includes details such as hours of work, basic conditions of employment and compensation.

- Allow the new employee as much time as possible to do the job
- Arrange regular interviews on progress
- Explain communication systems
- Fire drill
- Explain in more detail: grievance procedures, disciplinary

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procedures, other procedures and especially the performance management system.

The HR Department should also follow up the induction by providing further details on education, training, career path planning, and promotion and transfer possibilities as well as to monitor the progress of the recruit.

3.8 Probation

All permanent employees, with the exception of the Municipal Manager and the Managers reporting directly to him/her who are appointed in terms of a Performance Contract, shall be appointed on probation for six (6) consecutive months, except in cases of promotion. The induction process should be viewed as an integral part of an employee's probationary period. If, after the expiry of an employee's probation period, the Head of Department is convinced that the employee is suitable for the post he/she occupies, the appointment shall be confirmed by the Manager: Corporate Services.

If the confirmation of the permanent appointment of an employee appointed by the Manager: Corporate Services is not recommended, the Head of Department shall recommend in writing to the Manager: Corporate Services that either, he/she:

1. Extend the probationary period of the employee by the maximum of two (2) further periods, neither of which may exceed three (3) months;
2. Terminate the service of such employee, subject to the stipulations of paragraph 8 & 9 of Schedule 8 of the Labor Relations Act, (Act No 66 of 1995) as amended.

3.9 Promotion

The! Ubuntu Municipality's policy regarding promotions shall be based on the following principles:

1. Every vacancy that occur in the service of the Municipality must firstly be advertised internally to allow presents employees that may qualify for such position, whether directly or in terms of the Council's Employment Equity Plan, the opportunity to apply for it.
2. Promotions will however not be automatic but will still be subject to the normal procedures for the appointment of staff. Due cognizance must however be taken of any learnership, mentorship and/or career/succession planning of existing staff being prepared for the position involved.

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3. When a person is being promoted to a higher position, his/her new salary must be adjusted to be at least one notch higher than would be applicable to his/her existing post over the next 12 months. For example, if a person currently receives R 5000 per month and the current increment of R 200 per month is due within the next 12 months, the notch for the promotion post should be at least R 5400 per month. If the person received his/her increment on the same date as the promotion date, the promotion post should be at a minimum of R 5200 per month. A person being promoted is not subject to another probation period.

3.10 Transfer

Transfer of staff from one position to another is not regarded as a promotion and such a person will not receive an additional notch as a result of the transfer, but:

1. A person being transferred to another position must not be negatively affected financially as a result of the transfer. Fair compensation should be paid to the relevant employee, i.e. if the transfer results in a relocation of the person, fair relocation cost must be paid to him/her such as cost of transfer of personal belongings, additional cost of similar accommodation as that applicable to the previous position. A person being transferred must accept the transfer willingly and not be forced in any way whatsoever to accept the new position.
2. A person being transferred must already have acquired the necessary skills and qualifications required for the new position and should such a person not shape in the new position, he/she must be allowed the opportunity to revert back to their original position - in this case however the Council will not be liable for the second set of relocation cost.

3.11 Career/succession planning

Key positions in any organization must, by definition, be filled with suitably well-qualified employees. Comprehensive, qualification-oriented succession planning is a deciding factor in the success of any organization.

Career Planning would refer to the planning of the future career of an existing employee, his/her paths for advancement and the qualifications and experience that would that would be required to reach the goal.

Succession Planning on the other hand, is planning and grooming a person to take over the position of a senior person in the organization that will soon retire.

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The principles for both Career & Succession Planning are also related to what in this Manual is referred to as Mentoring.

We will focus on Career Planning in this Manual since the principles remain the same.

Career decisions dramatically impact on a person's life. The path they choose will determine where they live, their income, how much time they spend at home, their travels, and how they spend their leisure time. The more a person knows about him/herself, the more likely they will be able to identify occupations and training programs that fit their personal attributes and needs. The Career Path should include the following:

1. Analyze the person's current career planning status
2. Assess their work interests and values
3. Examine the person's educational preferences
4. Assess the person's personality and life values
5. Explore the person's leisure time preferences
6. Assess the person's skills
7. Create a Personal Development Needs Checklist

The actual Career Plan should contain and follow the same steps as with Mentoring. The only difference would be that the Career Path will cover a much longer period to achieve and progress is monitored over this whole period.

Start the Career Path with an interview with each staff member where as much as possible of the above are discussed. From the information received, draw an organization chart indicating the person's current positions higher up until the person's goal is reached. For example, a Committee Clerk sees himself as becoming the Head of the Department in 10 years time. Show the Career Path as follows:

The Career Path is then plotted in a table:

Job Title	Performance Criteria	Keys Skills Gained	Keys Skills Required	Planned Program
Head of Department	List all the performance criteria for each of these posts	List all the key skills for each of these post that the incumbent already possess	List all the key skills for each of these posts that the incumbent still require.	Follow the same methodology described under Mentoring to develop a program for the incumbent to acquire the skills still needed. This can include mentoring. The achievements must also be signed off.
Deputy Head	As above	As above	As above	As above
Asst. Head Admin	As above	As above	As above	As above
Snr. Admin	As above	As above	As above	As above

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Officer: Committees				
Committee Clerk	As above	As above	As above	As above

Succession planning follows the same principles except that it might need an accelerated learning process.

3.12 Remuneration

3.12.1 General

Salary adjustments due to a regarding would be automatic and part of the agreed new grading scheme.

Salary increases are considered annually on the anniversary of the employee's employment date.

3.12.2 Overtime

! Ubuntu Municipality accepts the position regarding Overtime as determined under Section 10 of the Basic Conditions of Employment Act, Act. 75 of 1997 as amended. The Act determines that an employer may not require or permit an employee to work:

1. Overtime except in accordance with an agreement;
2. More than three hours overtime a day or ten hours overtime a week.

An agreement in terms of the above may not require an employee to work more than 12 hours on any day but might increase the maximum permitted overtime to 15 hours per week.

3.12.3 Standby

Persons providing essential services will be required to do standby duty from time to time during which the person must be available should their services be needed.

The Council will pay such persons a Standby Allowance on the basis as determined by the Council from time to time.

3.12.4 13th Cheque / Bonus

It is the current policy of the Council to pay a 13th Cheque/Bonus on 25th of November. If a person did not complete a 12-month period of service by the 25th of November, a pro-rata payment will be made for the number of months' service completed on 25 November. This is not

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applicable to LGMSA Section 57 employees.

3.12.5. Banking details & deductions

It is the Council's policy that all remuneration owing to employees is to be paid directly into their bank accounts. No cash or cheque payments will be made. For this reason each employee must upon appointment, provide! Ubuntu Municipality with full details of their banking details.

Apart from the statutory deductions from an employee's salary, employees may also arrange for debit orders against their salary payments in respect of the premiums of insurance policies provided that the premiums do not exceed 25% of the person's basic salary.

The Council will not entertain debit orders from Cash Loan/Micro Lending companies or similar organizations.

CHAPTER 4

TRAINING

4.1 Introduction

Training helps employees to gain the required skills and knowledge to improve performance, productivity and overall efficiency. The aim is to shorten learning time in order to equip the new recruits to reach their peak of efficiency as quickly and economically as possible. Training programs furthermore assist staff to develop their capacities to enable the Municipality to meet most, if not all, of its future requirements for managers, supervisors and higher - grade professional staff from within the Municipality.

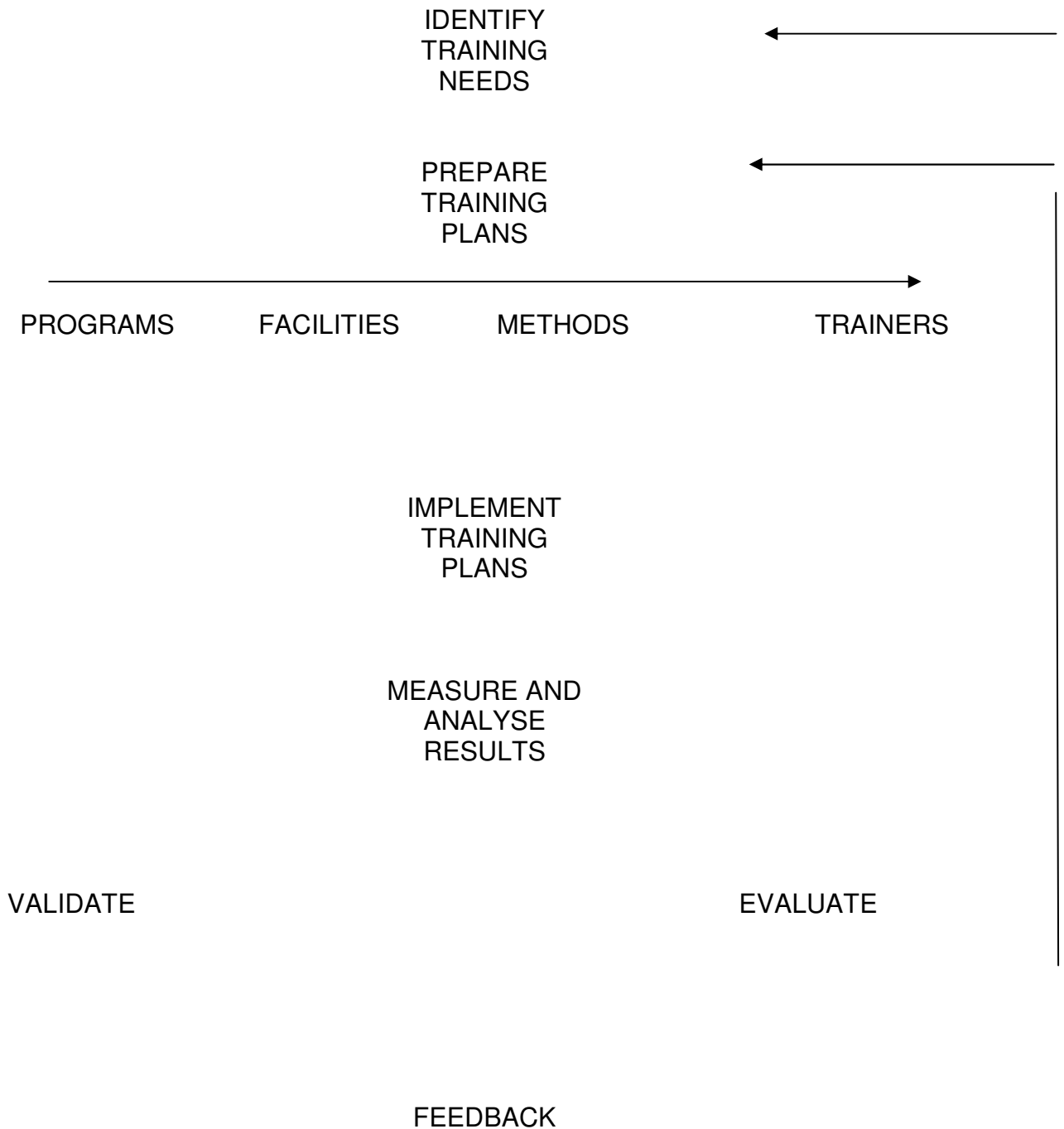
The UBUNTU Municipality Training Policy is based on the requirements of the Skills Development Levies Act and the Skills Development Act, as amended from time to time and includes the preparation of an Annual Skills Development Plan.

4.2 The process for systematic training

Training is regarded as a systematic development process of knowledge, skills and attitudes required by an individual to perform adequately a given task or job.

The program on the following page sets out the most essential components of training and development.

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4.2.1 Identify and analyze training needs

It is important that all training be directed towards the satisfaction of the defined needs of the Municipality as a whole, for specified functions or work phases (groups) as well as for individuals.

4.2.2 Preparation of training plans

Training objectives must aim to achieve measurable goals expressed in terms of improving performance and efficiency. Training plans should describe the holistic training scheme, as well as the cost and benefits. The training plans should provide for the development of training programs and facilities, the selection and utilization of appropriate training methods, and the selection and empowerment of trainers (facilitators).

4.2.3 Implementation of training plans

A roll-out schedule for training plan should be compiled with dedicated time-lines, trainers and venues. Training records must be updated and maintained for future reference.

4.2.4 Measurement and analysis of results

In order to determine successful implementation, the achievements of each training program should be validated against its objectives, and the effect of the entire training scheme on individual and organization performance evaluated. The feedback of the results of validation and evaluation is imperative to ensure optimal utilization and improvement of training schemes.

4.3 Conditions required for effective learning

Learning theory suggest that the presence of certain conditions will

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optimize the learning curve. These conditions are detailed hereunder.

4.3.1 The individual must be motivated to learn

They should be aware that their present level of knowledge or skills, or their existing attitude or behavior, need to be improved if they are to perform their work to required standard of satisfaction.

4.3.2 Standards of performance should be set for learners

Work targets and performance standards should be clearly defined, in order to judge personal performance.

4.3.3 Learners should receive guidance

Learners need a sense of direction and frequent feedback on their progress.
Actions to rectify non-compliance to the work norm should be instituted.

4.3.4 Learning must be an active and not a passive process

People are capable of learning under the most difficult circumstances, provided that the learning process satisfies one or more of their needs.

4.3.5 Learners should gain satisfaction from the learning process

People are capable of learning under the most difficult circumstances, provided that the learning process satisfies one or more of their needs.

4.3.6 Appropriate techniques should be varied

There is a large repository of training tools available. Training tools should be utilized in accordance with the training objectives and the competency level of the individual or group.

4.3.7 Appropriate techniques should be used

There is a large repository of training tools available. Training tools should be utilized with discrimination, in accordance with the training objectives and the competency level of the individual or group.

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4.3.8 Learning methods should be varied

The use of a variety of techniques, as long as they are equally appropriate, helps learning by maintaining and renewing the interest of the trainee.

4.3.9 Time should be allowed to absorb the learning

Learning requires time to assimilate, test and accept. Sufficient time should be allowed for this in the training programs.

4.3.10 The learner must receive reinforcement of correct behavior

Learners require prompt feedback to ensure that they are progressing at a satisfactory rate. In a prolonged training program, intermediate steps are required in which learning could be reinforced.

4.4 General Training Directives

4.4.1 Proficiency training (for example Peace Officers)

No binding conditions are laid down in respect of in-service training. Except in instances where the acquisition of specific qualifications during the period of service is stipulated as a prerequisite on acceptance of service and subject to:

"The service of an employee whose appointment is subject to the acquisition of a certificate in terms of section 334 of the Criminal Procedure Act, 1977, (Act No. 51 of 1977), but who does not succeed obtaining the said certificate during his/her probationary period of six months or such longer period as determined by the Manager Corporate Services, may be terminated, subject to his/her right to state his/her case and be assisted by a union or colleague."

4.4.2 Promotion and placement through training and development courses

Employees appointed to supervisory posts are expected to successfully complete the relevant supervisor's course(s) of the HR Department. Recognition of other similar courses shall be subject to the approval of the Manager: Corporate Services.

4.4.3 Training in occupational safety

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A newly appointed employee must attend a safety orientation program on assumption of duty. Further applicable safety training courses shall also have to be attended in the course of his/her service.

4.5 Training and development of employees

Employees are obliged to undergo specific training and development as may be required by the Municipality in terms of its Skills Development Plan. The Municipality is responsible for any expenditure related to such training and development.

4.5.1 Counter-performance for training and development at Municipality's expense

Employees attending training and development courses at the expense of the Municipality, are obliged to remain in the Municipality's service, failing which they shall be required to repay the Municipality its expenses on a pro rata basis.

CHAPTER 5

HEALTH & SAFETY

5.1 Introduction

Health and Safety policies and programs are concerned with the provision and maintenance of a working environment that is safe and without risks to the health of employees. Occupational health programs protect and ensure that the rights of employees are respected with regard to his/her health, safety and injury on duty. It provides the facilities within the Municipality where consultation, inspection of work environments, investigation of incidents, meetings, etc. can take place in order to provide a healthy and safe working environment.

5.2 Policy

The Municipality as employer recognizes and accepts the responsibility and accountability it is charged with under the Occupational Health and Safety Act, No. 85 of 1993 as amended. All activities will be assessed periodically to ensure compliance with the Act.

5.3 Responsibility

The Municipal Manager is responsible and accountable for ensuring that the duties of the employer, as contemplated by the Act, are adhered to. He/she also has the right to assign duties to any person under his/her control, who shall act subject to his/her control and directions.

The head of each department shall have duties assigned to assist the Municipal Manager to ensure compliance with the Act. Every employee shall take responsible care of his/her occupational health and safety, as well as that of other persons who may be affected by this Act or omissions, and co-operate in the interest of occupational health and safety.

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5.4 An employee shall be informed of safety measures

A Head of Department is required to inform an employee in his/her charge, or have such a person informed, relevant legislation and safety measures applying to the section in which he/she shall be working

5.5 Safe conduct

Both the Council and the employee's conduct must be such that he/she in no way endangers his/her health or that of a co-worker.

5.6 Wearing of protective clothing and equipment

Regulations governing the wearing of protective clothing and use of equipment as prescribe and issued by the Department, must be complied with by the employee.

5.7 Process

Ensure access to occupational health & safety system (forums)

Comply with minimum legal requirements

Provide and maintain safe working environment

Identity risk areas and people at risk

Establish inspections & audits

Take Preventative action

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CHAPTER 6

DRESS CODE, UNIFORMS AND PROTECTIVE CLOTHING

6.1 Policy

Uniforms and protective clothing shall be issued in terms of Municipality policy and the schedule for such issuing shall be approved by the Council and amended from time to time.

Staff not provided with uniforms and/or protective clothing will be expected to dress suitably for the environment in which they are executing their daily tasks.

6.2 Dress Code

Suitable dress will be regarded as clothing that is universally acceptable by the majority of people working in the particular environment. On Fridays staff wears the corporate golf T-shirt. (This does not apply to persons that will be doing field work on that particular day.)

Staff that is in contact with the general public as part of their normal duties is expected to wear attire not regarded as leisurewear.

Staff attending meetings of Council or any of its Committees and/or attending meetings anywhere on behalf of the Council are expected to dress in attire that is not regarded as leisurewear. The current practice is that gentlemen will wear a corporate tie and the ladies a corporate or traditional dress.

Staff should refrain from wearing clothing that could be regarded as sexually provocative by the opposite sex.

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CHAPTER 7

LABOUR RELATIONS

THIS DISCIPLINARY CODE IS BASED ON THE PRICIPLES SET OUT IN THE LABOUR RELATIONS ACT, ACT 66 OF 1995, AS AMENDED.

3.5 Policy and purpose of the disciplinary code

It is the policy of the Council to maintain order in its activities by means of the fair and just application of disciplinary procedures, so as to render service of a high-standing quality to the community. Through the consistent application of disciplinary measures, the Municipality wishes to teach its employees to distinguish between what is acceptable, so that employees can avoid problems and create security for themselves by means of their own actions.

The Municipality has a positive approach to discipline, and wishes, by means of corrective measures, to create a climate in which employees are encouraged to abide by the rules and regulations. The Municipality thus does not have a punitive approach to discipline, but wishes to motivate every employee who is capable of acceptable behavior to conduct him/her accordingly.

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

The code that is based on the provisions of Labour Relations Act as well as the “Disciplinary Code of Agreement” and “Grievance Procedure Agreement” entered into between SALGA, SAMWU & IMATU. The Code serves as a guideline to departmental heads and supervisors, and ensures fair and equal treatment of all employees.

The code encourages timely corrective action in the event of an employee’s behavior or performance proving to be unsatisfactory or

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unacceptable. The code ensures that all the principles of natural justice are applied before an employee is dismissed.

3.6 Principles

The code shall be equally applicable to all employees of the Municipality. It is the responsibility of all employees to maintain discipline at all times.

An employee subject to action in terms of the Disciplinary Code shall at all time:

- be informed of the charge against him/her;
- be disciplined within reasonable time;
- be supported at the inquiry by a co-employee, or by a representative of a Union (Legal representation will be governed by the Labour Relations Act, (Act No.66 of 1995);
- call witnesses ;
- examine any of the witnesses who have been called;
- have access to any testimonies, exhibits or relevant information;
- ask for an interpreter;
- be informed of the ruling and penalty of the disciplinary committee; and
- be informed of the reasons of any corrective disciplinary measure imposed and be reminded of his/her right to refer the matter to a Bargaining Council with jurisdiction or to the Commission for Conciliation, Mediation and Arbitration, or to a dispute resolution procedure established in terms of a collective agreement.

Discipline against a union representative or an employee who is an office-bearer, shall not be instituted without first informing and consulting the applicable union.

3.7 Transgression

It would be an impossible task to give a list of all transgressions within the employment relationship. Due regard should be given to the particular transgression, as every transgression which depicts unacceptable behavior in the employment relationship should be identified and be dealt with in terms of the disciplinary process.

Hereunder is a list of offences, which can generally be identified in the employment relationship, but should not be seen as an exhaustive list of transgressions. Furthermore, transgressions have been categorized as follows for easy reference.

- Absenteeism;

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- Incapacity: Poor work performance;
- Insubordination/Disrespect;
- Dishonesty;
- Disorderly/Irregular behavior;
- Alcohol/Drugs;
- Council vehicles;
- Negligent loss, damages or misuse of the Municipal property.

7.2 Independence of transgressions

When an employee is accused of more than one alleged transgression, the transgressions must be dealt with separately as regards disciplinary measures.

Transgressions which clearly have a substantive link with each other, may together contribute towards a specific disciplinary decisions. Disciplinary decisions are made with due consideration to previous similar warnings that have not yet expired, as well as the general disciplinary record of the employee in question. It is important that the employee's disciplinary record be considered when deciding on the most appropriate corrective disciplinary measure once an employee has been found guilty of the offence.

7.3 Disciplinary procedure

Disciplinary is a personal matter and the smallest possible number of people should be involved in disciplinary actions, therefore protecting the employee's privacy as far as possible.

No disciplinary decision or action shall occur unless a procedural and fair disciplinary hearing has taken place. However, it is not necessary to hold a disciplinary hearing has taken place. However, it is not necessary to hold a disciplinary hearing in the following instances:

- 1** In the case of absenteeism, if the corrective disciplinary measure does not exceed a final written warning; and
- 2** Where an employee admits guilt to a charge of misconduct in writing.

Disciplinary comprises of two actions:

- 1** An investigation during which facts and evidence are collected relative to the alleged offence; and
- 2** A hearing during which the facts and evidence are evaluated and disciplinary action is decided upon.

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Disciplinary action should only be taken if sufficient substantive evidence (proof) exists that a transgression of the Municipality's disciplinary code has indeed been committed.

Mitigating circumstances and evidence should in all cases be assessed and taken into account in the employee's interests.

A transgression by an employee must be dealt with in terms of the disciplinary procedure. Disciplinary action should be taken, even if the transgression is to be referred to a Court Law.

When an employee is dismissed, the employee should be given reasons for his/her dismissal and his/her right to refer to the matter to the Bargaining Council with jurisdiction of the Commission for Conciliation, Mediation and Arbitration.

The Disciplinary Procedures to be followed are out in the Disciplinary Code Agreement entered into between SALGA, SAMWU and IMATU.

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7.4 Independence of transgressions

When an employee is accused of more than one alleged transgression, the transgressions must be dealt with separately as regards discipline. Transgression may be combined for the purpose of imposing disciplinary measures.

Transgressions which clearly have a substantive link with each other, may together contribute towards a specific disciplinary decision. Disciplinary decisions are made with due consideration to previous similar warnings that have not yet expired, as well as the general disciplinary record of the employee in question. It is important that the employee's disciplinary record be considered when deciding on the most appropriate corrective disciplinary measure once an employee has been found guilty of the offence.

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Discipline is a personal matter and the smallest possible number of people should be involved in disciplinary actions, therefore protecting the employee's privacy as far as possible.

No disciplinary decision or action shall occur unless a procedural and fair disciplinary hearing has taken place. However, it is not necessary to hold a disciplinary hearing in the following instances:

- 1 In the case of absenteeism, if the corrective disciplinary measure does not exceed a final written warning; and
- 2 Where an employee admits guilt to a charge of misconduct in writing.

Discipline comprises of two actions:

- 1 An investigation during which facts and evidence are collected relative to the alleged offences ;and
- 2 A hearing during which the facts and evidence are evaluated and disciplinary action is decided upon.

Disciplinary action should only be taken if sufficient substances evidence

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(proof) exist that a transgressions of the Municipality's disciplinary code has indeed been committed.

Mitigating circumstances and evidence should in all cases and taken into account in the employee's interests.

A transgression by an employee must be dealt with in terms of the disciplinary procedure. Disciplinary action should be taken, even if the transgression is to be referred to a Court of Law. When an employee should be given reasons for his/her dismissal and his/her right to refer to the matter to the Bargaining Council with jurisdiction of the Commission for Conciliation, Mediation and Arbitration.

The Disciplinary Procedures to be followed are set out in the Disciplinary Code Agreement entered into between SALGA, SAMWU and IMATU.

7.6 Misconduct on the part of the Municipal Manager

Unless the Employee Contract of the Municipal stipulate otherwise, if the Municipal Manager has allegedly been involved in or suspected of misconduct, the Council elects a person or persons to obtain all relevant facts, exhibits, testimonies and statements in connection with the alleged misconduct, and report to the Council or ExCo, depending on the Delegated Powers.

Should the Council or ExCo be of the opinion that the Municipal Manager can be accused of misconduct, the Council elects a person to lay a charge against the Municipal Manager and appoints a committee to investigate and examine the charges, in which case, the terms of this chapter are applicable.

In the case of misconduct of the Municipal Manager, a committee will comprise of:

- 1 a Chairperson, namely any Council Member designated by the Council;
- 2 an investigating officer, namely a person who undertook the inquiry, or any other employee designated by the Council;
- 3 a advisor, namely any employee designated by the Chairperson;
- 4 a secretary, namely any employee designated by the Chairperson;
- 5 any Council Member(s) or employee(s) who is co-opted by the Chairperson.

Once a person has been designated and a Committee has been appointed to enquire into and examine the charge of misconduct:

- 1 the person elected arranges for a hearing o be held;

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- 2 the person elected informs the Municipal Manager in writing of the charge. If pleaded "not guilty" to the accusation, the Municipal Manager must be notified of such a hearing.

Until such time as a separate set of disciplinary procedures for the Municipal Manager and Managers reporting directly to him/her has been agreed to on a National basis, the Disciplinary Procedures to be followed are set out in the Disciplinary Code Agreement entered into between SALGA, SAMWU and IMATU.

7.7 Misconduct by the Head of a Department

Unless the Employment Contract of the Manager reporting directly to the Municipal Manager stipulate otherwise, if a departmental head/manager has allegedly been guilty of misconduct, the Municipal Manager obtains all relevant facts, exhibits, testimonies and statements in connections with the

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7.8 Misconduct by the head of a Department

Unless the Employment Contract of the Manager reporting directly to the Municipal Manager stipulate otherwise, if a department head/manager has allegedly been guilty of misconduct, the Municipal Manager obtains all relevant facts, exhibits, testimonies and statements in connections with the alleged misconduct.

If, after consultation with the Chairperson of the Council or Executive Committee (depending on the Delegations), the Municipal Manager is of the opinion that the departmental head/manager can accuse of misconduct:

- 1 a Committee is appointed to enquire into, and examine, the charge of misconduct; and
- 2 in the case of the Chief Financial Officer, a charge is laid before the Board for Municipal Accountants, instituted in terms of the Municipal Accountants Act, 1988 (Act No.21 of 1988) as amended, in which case the terms of the aforementioned Act are applicable, with the provision that a charge in terms of the said Act does not preclude steps being taken in terms of the specifications of this chapter.

A Committee in the case of a departmental head/manager will comprise:

- 1 a Chairperson, namely any Council Member designated by the Council or Executive Committee;
- 2 the Municipal Manager or any employee designated in his/her place;
- 3 an advisor, namely the Manager: Corporate Services and/or another employee designated by the Municipal Manager;
- 4 a secretary, namely any employee designated by the Municipal Manager;
- 5 any other Council Member or employee co-opted by the Chairperson.

Once a Committee has been appointed to hold a hearing into a charge of misconduct:

- 1 the Municipal Manager arranges for the hearing to be held;
- 2 the Municipal Manager informs the departmental head/manager in writing

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of the charge. If pleaded “not guilty” to the accusation, the departmental head/manager must be notified of such a hearing.

Until such time as a separate set of disciplinary procedures for the Municipal Manager and Managers reporting directly to him/her has been agreed to on a National basis, the Disciplinary Procedures to be followed are set out in the Disciplinary Code Agreement entered into between SALGA, SAMWU and IMATU.

7.9 Misconduct on the part of an employee other than the Municipal Manager or a departmental head

If an employee has been accused of misconduct, the head of his/her department obtains all relevant facts, exhibits, testimonies and statements in connection with the alleged misconduct, or elects a person to obtain it.

If, after consideration of the facts, testimonies, evidence and/or declarations of witnesses, the departmental head is of the opinion that the employee is guilty of misconduct, he/she obtains a statement or explanation from the employee.

If, after consideration of the explanation or statement of the employee, the departmental head is still of the opinion that the employee can be accused of misconduct, the departmental head informs the employee in writing of the misdemeanors (misconduct) of which he/she is accused. The employee is requested to admit or deny guilt of the accusations in writing, with the exception that, in the case of absenteeism, the employee does not have to admit or deny guilt. A copy of the notification for misconduct, accompanied by particulars in connection with the facts, evidence, statements and the admission or denial of the accused employee, is furnished to the Manager: Corporate Services and, to the relevant union, by the departmental head.

If the employee admits guilt:

- 1 in the case of absence, where the corrective disciplinary measure is not supposed to exceed a final written warning, and if the employee admits guilt to a charge of misconduct;
- 2 the employee in the presence of his/her representative, including advisors from the Corporate Services Department, but excluding co-opted members, will have the opportunity to plead any mitigating and/or aggravating circumstances;
- 3 after hearing pleas for mitigating/aggravating circumstances by all parties, excluding co-opted members but including advisors from the

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Corporate Services Department and the employee himself/herself, the employee is given leave to absent himself/herself, after which the chairperson consults all parties with regard to the imposition of a penalty; and

- 4 the penalty and reasons therefore are conveyed by the Chairperson to the accused employee.

If the employee denies guilt:

- 1 the offences committed by the employee will be examined and heard by a committee instituted in terms of this chapter. In the case of such a hearing, the departmental head arranges for the hearing to be held by a committee and informs the employee in writing of the date, time and venue of the hearing.
- 2 In the case of any employee being found guilty of an infringement of the stipulations of an Act, code of conduct and/or ethical principles applicable to his/her profession, or occupation, the matter may be referred to the relevant professional institution.

In the case of an employee other than the Municipal Manager or departmental head, a Committee will comprise of:

- 1 a Chairperson, namely any employee designated by the Municipal Manager;
- 2 a representative of the department of the accused employee, namely the departmental head;
- 3 an advisor or advisors, namely the Manager: Corporate Services and/or any employee or employees designated by the Manager: Corporate Services;
- 4 a Secretary, namely any person designated by the departmental head from his/her own department;
- 5 any other employee who is co-opted by the Chairperson.

7.9 Notification of misconduct and the hearing

The notification of misconduct and the hearing is delivered to employee, or handed to him/her. The contents must be read or interpreted to him/her if this is requested.

After receipt of the notification of misconduct, an employee may admit or deny guilt of the charge in writing, with the provision that, in the case of absence, the employee may furnish a written explanation.

Copies of the notification of the hearing are sent to the Manager: Corporate Services, and if applicable, to the relevant Union.

The accused employee and the representative who is assisting him/her

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must report for injury and hearing at the set time, date and venue.

Neglect on the part of an employee or his/her representative to attend a hearing for the second time does not invalidate the proceedings, so as proof can be furnished that the employee received notification thereof. The neglect on the part of an employee to turn up for a hearing shall be regarded as the refusal of a legal directive, and makes the employee guilty of further misconduct.

A case in which the employee refuses to receive the notification, or the delivery thereof in the presence of two (2) or more employees, or by means of registered post delivered to the employee's last known address, shall be regarded as receipt of the notification.

7.10 Hearing by a Committee

Only charges of misconduct with regard to which the employee denies guilt, are examined and heard by a Committee.

A Committee examines and hears a charge of misconduct at a set time, date and venue.

In the case of a charge of misconduct to which the employee pleads guilty before, or during, the hearing by Committee shall be limited to hearing extenuating circumstances in the process of determining a corrective disciplinary measure.

The Chairperson of a Committee that has been appointed to conduct has a hearing of a charge of misconduct has the powers to give directives for the imposition of any of the punitive corrective disciplinary measure, subject to the stipulations of this chapter.

The language medium during the hearing shall be English. An interpreter shall be appointed, if requested. The departmental head will be responsible for providing such an interpreter from his/her own department or from an external source.

An employee elected by the departmental head from his/her own department or from an external source for this purpose keeps the minutes of the hearing that must be recorded by means of a mechanical device..

A copy of the minutes is supplied by the Head of Department to the Manager: Corporate Services as well as the employee's representative Union within ten (10) working days after the hearing.

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7.11 Procedure of inquiry and hearing

The procedures to be followed are set out in the Disciplinary Code of Agreement and Grievance Procedure Agreement entered into between SALGA, SAMWU and IMATU.

7.12 Corrective disciplinary measures

An employee who is guilty of incapacity or misconduct may be subjected to one or more of the following corrective disciplinary measures:

- 1 A verbal warning;
- 2 A First written warning;
- 3 A Second written warning;
- 4 A Final written warning;
- 5 A fine to a maximum equivalent to the damage caused (only in cases of negligent loss, damage or misuse of Municipal property);
- 1 A decrease in salary and/of status to the level/position decided on, with or without a transfer to another post;
- 2 Suspension without pay not exceeding one (1) month;
- 3 Dismissal with or without notification;
- 4 A suspension of any penalty for a period of time, and on such conditions as is deemed desirable and applicable.

The imposition of a penalty or any disciplinary action against a trainee is subject to the terms of the Manpower Training Act, 1981, (Section 23).

Any dismissal decision is subject to the provisions of Schedule 8, Code of Good Practice: Dismissal of the Labour Relations Act.

Annexure 1 provides a number of case examples that can be used as guidelines.

7.13 Term of validity of warnings

In general, the term of validity of disciplinary warnings will be as follows:

- 1 A verbal warning - 3 months;
- 2 A First written warning - 6 months;
- 3 A Second written warning - 9 months;
- 4 A Final written warning - 12 months.

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The validity periods will commence on the date the disciplinary decision was made known to the transgressor.

7.14 Delegation of authority

Line Management is directly responsible for disciplinary.

The following represents a schematic representation of the authoritative level:

Authoritative level	Verbal reprimand	First written Warning or fine	Second Written Warning	Final Written Warning	Suspension/ Demotion/ Withholding of salary increment	Dismissal
Supervisors	X	x	X			
Head of Division	X	x	x	X		
Head of Department Chairperson/ Disciplinary Hearing	X	x	x	x	x	x

7.15 Resignation in the place of dismissal

An employee who receives a Notice of Misconduct shall be entitled to resign from employment or to retire, if eligible, in terms of the retirement fund rules, provided that:

- 1 The employee does so prior to the handing down of a determination;
- 2 The employee consents in writing to the deductions of all and any amounts owing by him/her to the employer from any monies payable to him/her by the employer (including but not limited to retirement fund monies) arising out of or in connection with his/her resignation or retirement.

In such an event the disciplinary enquiry shall not proceed.

7.16 Assistance with the procurement of facts, testimonies, exhibits and statements

Any employee may be designated by the Council, the Municipal Manager or the Manager: Corporate Services, as the case may be, to assist in the gathering of facts, particulars, exhibits and statements in the case of an injury into misconduct or incapacity.

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7.17 Explanation/statement by employee

An employee may, if requested to do so, supply an explanation or statement during any injury to obtain the facts, exhibits and statements.

If an employee is unable to write, the explanation or statement must be taken down from him/her in the presence of two (2) or more witnesses.

An employee who is requested to supply an explanation or statement must be offered the opportunity to be represented by a fellow employee or Union.

7.18 Burden of proof

Proof of an employee's misconduct, under-performance or accountability takes place in accordance with the principle of a balance of probabilities.

7.19 Liability for expenses in connection with witnesses or representatives

The Municipality accepts no liability for any costs or expenses incurred in connection with the calling of witnesses or appointment of any representative by an employee, with the provision that, when witness or representatives are employees of the Municipality, the said employees should be given permission to testify on behalf of the accused employee, or to represent him/her.

7.20 Arrangements for a representative

An employee is personally responsible for making the necessary arrangements to be supported by a representative. No deferment shall be granted when a representative does not turn up.

7.21 Employees held in detention and criminal offences

In the case of an alleged infringement of the stipulations of this chapter, an employee may be guilty of misconduct, irrespective of whether a competent court finds him/her guilty or not guilty.

7.22 Rights in accordance with the Labour Relations Act

The rights to which any employee is entitled in accordance with the

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Labour Relations Act 1995 (Act No. 66 of 1995) as amended, do not fall away as a result of a final ruling by the Executive Committee, ExCo or the Council, with the provision that no discrepancy should arise by virtue of the Labour Relations Act, 1995 (Act No.66 of 1995), before the remedial steps for an employee in terms of chapter have been depleted.

7.23 Suspension

The Council, in the case of the Municipal Manager; the Chairperson of the Executive Committee or ExCo on the recommendation of the Municipal Manager, in the case of a departmental head; and the departmental head in consultation with the Manager: Corporate Services and the Municipal Manager in the case of another employee, may suspend an employee in writing at any time before, or during, an inquiry if they are of the opinion that the interest of the council shall be compromised by the employee's continuing to work during this period. Reasons for the opinion that the interests of the Council shall be compromised will be included in the notification to the employee.

An employee, who is suspended, receives his/her normal salary or wages during the period of his/her suspension, with the provision that the suspended employee remains entitled to a hearing and that the suspension period may not exceed 10 consecutive working days. This period can be extended up to a maximum of 12 working days.

An employee who fails to report for work at the stipulated or prescribed time after the expiry of his/her suspension, or when he/she fails for the second time, to report for the hearing, is guilty of the refusal of an order and is summarily dismissed.

7.24 Employees under the influence of alcohol or of narcotic or addictive substances

If it is suspected that an employee is under the influence of intoxicating liquor, or of narcotic or addictive substances, the matter should be immediately reported to the Manager: Corporate Services for investigation. The employee who is thus, allegedly under the influence, may with the consent of the employee, undergo a breath analyzer test, the results of which will be used in a disciplinary hearing.

Failure on the part of an employee to undergo a breath analyzer test could be taken into consideration in determining the verdict at the disciplinary hearing. An employee is considered to be under the influence of alcohol or drugs if this is corroborated by reliable evidence. Medical evidence or tests in connection with the alcohol content of an employee's blood are not

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a prerequisite.

7.25 Desertion

An employee, who fails to report for duty for a period of seven (7) consecutive calendar days calculated from the first day of absence, faces the possibility of dismissal due to desertion.

If it becomes known, or when desertion is suspected, the departmental head must, after three (3) consecutive calendar days, determine what happened to such an employee by:

- 1 sending a letter by registered mail, or if possible, delivered by hand to such an employee's last known address informing him/her that if he/she fails to report for duty on the eight (8) consecutive calendar day calculated from the first day of absence he/she will then be dismissed due to desertion; and
- 2 making enquiries amongst his/her colleagues, friends, neighbors and family as to where such an employee might be found.

If the attempts by the departmental head are fruitless and the employee fails to report for duty on the eight (8) consecutive calendar day, the departmental head must then inform the Manager: Corporate Services in writing of such desertion, as well as furnish documentary proof such as letters and statements delivered by hand, of attempts to determine such an employee's whereabouts.

After receiving the documents, the Manager: Corporate Services will send a registered letter, or if possible, deliver a letter by hand to such an employee's last known address informing him/her that he/she has been accused of misconduct due to desertion and should appear before a disciplinary committee at a set time, date and venue and that, failing to do so will result in his/her dismissal due to desertion.

Such a disciplinary committee will comprise the following:

- 1 The departmental head who will be the chairperson;
- 2 A representative from the employee's department, preferable the supervisor who will be prosecutor ;
- 3 The Manager: Corporate Services in an advisory capacity;
- 4 The employee himself/herself;
- 5 The Union representative;
- 6 A secretary, provided by the departmental head who will minute the events; and

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- 7 An interpreter provided by the departmental head.

If an employee fails to appear before the disciplinary hearing, the hearing will be held in such an employee's absence and the employee will be informed by registered mail that his/her services have been terminated due to desertion and that he/she has the right to refer this matter to a Bargaining Council with jurisdiction, or to the Commission for Conciliation, Mediation and Arbitration.

If an employee should report for duty after the scheduled disciplinary hearing, but not later than thirty (30) consecutive calendar days, calculated from the first day of absence, the disciplinary committee will meet as soon as possible to give the employee the opportunity to give reasons for his conduct. Such an employee must not be allowed to begin working again pending the outcome of the disciplinary hearing.

If an employee reports for duty after thirty (30) consecutive calendar days, calculated from the first day of absence, he/she will forfeit his/her right to be heard again and the Council will regard such desertion as finalized. The employee can then seek recourse by referring the dispute to the Bargaining with jurisdiction, or to the Commission for Conciliation, Mediation and Arbitration.

Unauthorized absence for seven (7) consecutive calendar days or less will be dealt with in accordance with the disciplinary code.

If an employee absents himself/herself from his/her duties and accepts other employment, he/she shall be deemed to have unilaterally terminated his/her employment contract with the Municipality, as from the first day of absence.

Departmental heads must inform the Chief Financial Officer telephonically of all cases of desertion and also, when desertion is suspected.

7.26 Incapacity due to poor work performance

Incapacity due to poor work performance is regarded as conduct or behavior of an employee which indicates that the employee is not capable or competent enough to carry out the duties attached to his/her post in an efficient manner.

Incapacity due to poor work performance will be dealt with in terms of this agreement, as well as the stipulated of the Labour Relations Act 1995 (Act No.66 of 1995) as amended (Schedule 8, Section 8).

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7.27 Private and/or personal affairs

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

7.28 Council property

An employee must protect the property of the Municipality as far as this is possible.

An employee who is issued with property, equipment, implements, machinery, vehicles or other items belonging to the Municipality, is responsible for such items. This includes the safekeeping, purposeful usage and supervision thereof.

An employee may not allow, or give permission for any property, utensils, equipment, machinery, vehicle or other item belonging to the Municipality to be used without authorization, and may not himself/herself make unauthorized use of any property, utensils, equipment, machinery, vehicle or any other item belonging to the Municipality, to be removed from any Municipality, to the Municipal premises without authorization, and neither may he/she himself/herself remove them.

It is the duty and responsibility of every employee to report at once to his immediate superior, any defect in and/or damage to any property, utensils, equipment, machinery, vehicle or any item belonging to the Municipality, after it has come to his attention. An employee may not repair or restore such property himself/herself, unless authorized to do so.

7.30 Financial responsibility

An employee who, in the course of his duties in the service of the Municipality, is responsible for the reception, handling, custody, depositing and supervision of money, or the handling of stocks or equipment or other material belonging to the Municipality, as well as any form of bookkeeping or any other administrative procedures in connection with financial affairs, must have access to, and keep abreast of, the relevant financial prescriptions, with the provision that the application of the relevant Act, Ordinance, Auditing Regulations, Financial Regulations and particular procedures, is still the responsibility of the specific supervisor in charge, and ultimately, that of the Head of the Department.

7.31 Individual accountability

If it is applicable, an employee receives, on commencement of service, a

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document from the head of his/her department, in which the employee's individual accountability with regard to the Municipality funds under his/her control is explained in detail.

7.32 Elections and nominations

An employee may not, except in his/her official capacity, take an active part in the election of Council Members. However, no employee is thereby precluded from exercising his/her vote.

When an employee is elected as a member of a Local Government Body, Parliament or any other legislative institution, or is appointed by State President in a permanent capacity, he/she is considered to have terminated his/her service with the Municipality as from the date of such appointment.

A Municipality refers to an institution or body envisaged in section 155 of the Constitution of the Republic of South Africa, Act 117 of 1996 and as defined in the Local Government Municipal Structures Act, Act 117 of 1998 as amended.

7.33 Participation in and attendance of Council and Executive Committee/Exco meetings

No employee may take part in, or be present during a discussion by the Council or the Executive/ExCo of a matter in which he/she has a direct or indirect pecuniary interest, with the exception, however, of the revision of salaries or salary rulings, unless:

- 1 it is a matter in which he/she, as a taxpayer or member of the public, has only a joint interest together with other parties;
- 2 He/she has stated his/her interest and the nature thereof to the Council or Executive/ExCo, and the Council or the Executive/ExCo has declared this interest to be indirect and slight.

7.34 Heads of Departments- Power and Duties

Departmental heads are responsible to the Municipal Manager for the proper administration of their departments.

7.35 Personnel records and achievement records

The Manager: Corporate Services keeps a complete and confidential work record of employees. Reports, according to which it is evident that an employee's attention before they are put on his work record. This includes the records of the approved Performance Management System introduced

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in terms of the provisions of the Local Government Municipal System Act, Act 32 of 2000.

Due regard must be taken of the provision in the Municipal System Act that the results of the performance measurement should be non-punitive and be regarded as an early-warning indicator of under performance. Reasons for such under performance must be established and could be result of insufficient mentoring and/or training etc.

7.36 Legal aid to employees and cession of action

The Municipality indemnifies all its employees against any claim which should arise against an employee as a result of the performance of a statutory or contractual duty in the course of his services with the Municipality, on condition that such duties were carried out in good faith and without negligence, as well as any legal costs or other expenses which are imposed on such a employee, or which are of necessity proceedings.

All employees, when requested to do so, must sign a cession of action in favor of the Municipality, in order to enable the Municipality to take legal steps to recover sums paid by it to the employees concerned with regard to injury on duty, and for the recovery of medical and other expenses. The employee's claim for any pain or loss suffered, if applicable, is included in the action.

7.37 Confidentiality

All enquiries into misconduct are handled confidentially.

7.38 Scope of applicability

The stipulations of this chapter are applicable to all employees, irrespective of their dates of commencement of service.

7.39 Reparability and distinctiveness

Each of the stipulations contained in this document is separate and distinct from every other stipulation and should it be found that any stipulation is unenforceable, this does not affect the legal validity of any other stipulation; and the unenforceable stipulation in question is treated as *pro non scripto*.

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CHAPTER 8

BASIC CONDITIONS OF EMPLOYMENT

With the implementation of service conditions, the Municipality should bear in mind the provisions contained in the Basic Conditions of Employment Act, 1997 as amended;

BASIC CONDITIONS OF EMPLOYMENT ACT, 1997 SUMMARY TO BE AN EMPLOYER IN TERMS OF SECTION 30
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The following is a summary or extract of the provisions of the most important sections of the Basic Conditions of Employment Act, 1997.

APPLICATION OF THE ACT: SECTION 3

- 1) This act applies to all employees and employers except-
 - a) members of the National Defence Force, the National Intelligence Agency, the South African National Academy of Intelligence; and
 - b) unpaid volunteers working for an organization serving a charitable purpose.
- 2) This Act applies to the persons undergoing vocational training except to the extent that any term or condition of their employment is regulated by the provisions of any other law.

REGULATION OF WORKING TIME: CHAPTER TWO

Application

This chapter does not apply to senior managerial employees, employees engaged as sales staff who travel, and those employees who work less than 24 hours a month.

Senior Management shall be those employees employed as a Municipal Manager, Deputy Municipal Manager or such post as determined by the relevant Division of the council

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Ordinary hours of work: Section 9

- 1) Subject to this Chapter, an employer may not require or permit an employee to work more than
 - a) 45 hours in any week; and
 - b) nine hours in any day if the employee works for five days or fewer in a week;
 - c) eight hours in any day if the employee works on more than five days in a week.
- 2) An employee's ordinary hours of work in terms of subsection (1) may by agreement be extended by up to 15 minutes in a day but not more than 60 minutes in a week to enable an employee whose duties include serving members of the public to continue performing those duties after the completion of ordinary hours of work.
- 3) Schedule 1 establishes procedures for the progressive reduction of the maximum ordinary hours of work to a maximum of 40 ordinary hours of work per week and eight ordinary hours of work per day.

Overtime: Section 10

1. Subject to this Chapter, an employer may not require or permit an employee to work -
 - a) Overtime except in accordance with an agreement;
 - b) More than ten hours` overtime a week.
- 1A) An agreement in terms of subsection (1) may not require or permit an employee to work more than 12 hours on any day.
- 2) An employer must pay an employee at least one-half times the employee's wage for overtime worked.
- 3) Despite subsection (2), an agreement may provide for an employer to-
 - d) pay an employee not less than the employee's ordinary wage for overtime worked and grant the employee at least 30 minute ` time off on full pay for every hour of overtime worked; or
 - e) Grant an employee at least 90 minutes` paid time off for each hour of overtime worked.
- 4)
 - a) An employer must grant paid time off in terms of subsection (3) within one month of the employee becoming entitled to it.
 - b) An agreement in writing may increase the period contemplated by

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paragraph (a) to 12 months.

- 5) An agreement concluded in terms of subsection (1) with an employee when the employees commence employment or during the first three months of employment, lapses after one year.
- 6) a) A collective agreement may increase the maximum permitted overtime to 15 hours a week.
b) A collective agreement contemplated in paragraph (a) may not apply for more than two months in any 12 months.

Compressed working week: Section 11

- 1) An agreement in writing may require or permit an employee to work up to twelve hours a day, inclusive of the meal intervals required in terms of section 14, without receiving overtime pay.
- 2) An agreement in terms of subsection (1) may not require or permit an employee to work-
 - a) more than 40 ordinary hours of work in any week;
 - b) more than ten hours` overtime in any week; or
 - c) on more than five days in any week.

Averaging of hours of work; Section 12

A collective agreement may permit the hours of work to be averaged over a period of up to four months

An employee who is bound by collective agreement may not work more than:

- a) an average of 40 ordinary hours in a week over the agreed period;
- b) an average of five hours overtimes in a week over the agreed period.

Meal intervals: Section 14

- 1) An employer must give an employee who works continuously for more than five hours a meal interval of at least one continuous hour.
- 2) During a meal interval the employee may be required or permitted to perform only duties that cannot be performed by another employee.
- 3) An employee must be remunerated-
 - a) for a meal interval in which the employee is required to work or is required to be available for work; and
 - b) for any portion of a meal interval that is in excess of 75 minutes,

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unless the employee lives on the premises at which the workplace is situated.

- 4) For the purpose of subsection (1), work is continuous unless it is interrupted by an interval of at least 60 minutes.
- 5) An agreement in writing may-
 - c) reduce the meal interval to not less than 30 minutes;
 - d) dispense with a meal interval for an employee who works fewer than six hours on a day.

Daily and weekly rest period: Section 15

An employee must have a daily rest period of 12 consecutive hours and a weekly rest period of 36 consecutive hours, which unless otherwise agreed in writing, must include Sunday.

Pay for work on a Sundays: Section 16

An employee who occasionally works on a Sunday must receive double pay. An employee who ordinarily works on a Sunday must be paid at 1.5 times the normal wage. Paid time off in return for working on a Sunday may agreed upon.

Night work: Section 17

Employees who work at night between 18:00 and 06:00 must be compensated by payment of an allowance or by a reduction of working hours. In addition, transport must be available.

Employees who work regularly after 23:00 and before 06:00 the next day, must be informed:

- a) on any health and safety hazards; and
- b) the right to undergo medical examination.

Public Holidays: Section 18

Employees must be paid for any public holiday that falls on a working day. Work on a public holiday is by agreement and paid at double the rate. A public holiday is exchangeable by agreement.

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LEAVE: CHAPTER THREE

Application

The chapter on leave does not apply to an employee who works less than 24 hours a month for an employer and if an agreement provides for leave in excess of the leave entitlement under this chapter.

Annual leave: Sections 20 & 21

An employer shall grant an employee the following annual leave in a leave cycle:

- a) Employees are entitled to twenty-four (24) days for a five- (5) day worker; and
- b) Twenty-seven (27) days for a six-(6) day worker

An employee is required to take leave within each leave within each leave cycle as follows:

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

Sick leave: Sections 22-24

- 1) An employee is entitled to eighty (80) days sick leave in a period of 36 months leave cycle. During the first six (6) months, an employee is entitled to one days sick leave for every twenty-six (26) days worked. An employer may require a medical certificate to diagnose and treat patients and who is registered with a professional council established by an Act of Parliament, before paying an employee who is absent for more than two consecutive days, or on more than two occasions during an eight-week period.
- 2) The employer is not required to pay an employee if he/she is absent on more than two occasions during an eight-week period, if he/she does not produce a medical certificate stating that the employee was unable to work for the duration of the employee's absence on account of sickness or injury, after having been requested to do so by the employer.

Maternity leave: Sections 25 & 26

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- 1) An employee shall be entitled to receive three (3) months paid maternity leave, with no limit to the number of confinements. A pregnant employee, or an employee nursing her child, is not allowed to perform work that is hazardous to her or her child.
- 2) To qualify for paid maternity leave, an employee must have one (1) year's service with the employer.

Family responsibility leave: Section 27

- 1) An employer shall grant an employee during each annual leave cycle, at the request of an employee, a total of five (5) days paid leave.
- 2) Family responsibility leave applies to an employee who has been in employment for longer than four (4) months.
 - a) When the employee's child is born
 - b) The employee's child is sick
 - c) The employee's spouse or life partner is sick
 - d) In the event of death of the employee's spouse or life partner

Or

 - (e) The employee's parent, adoptive parent, grandparent, child, adopted child or sibling.

An employer may require an employee to give reasonable proof.

PARTICULARS OF EMPLOYMENT AND REMUNIERATION: CHAPTER FOUR

Application

This chapter does not apply to an employee who works less than 24 hours a month for an employer.

Written particulars of employment: Section 29

- 1) An employer must supply an employee, when the employee commences employment, with the following particulars in writing-

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- a) the full name and address of the employer;
- b) the name and occupation of the employee, or a brief description of the work for which the employee is employed;
- c) the place of work, and, where the employee is required or permitted to work at various places, an indication of this;
- d) the date on which the employment began;
- e) the employee's ordinary hours of work and days of work;
- f) the employee's wage or the rate and the method of calculating wages;
- g) the rate of pay for overtime work;
- h) any other cash payments that the employee is entitled to;
- i) any payment in kind that the employee is entitled to and the value of the payment in kind;
- j) how frequently remuneration will be paid;
- k) any deductions to be made from the employee's remuneration;
- l) the leave to which the employee is entitled;
- m) the period of notice required to terminate employment, or if employment is specified period, the date when employment is to terminate;
- n) a description of any council or sectoral determination which covers the employer's business;
- o) any period of employment with a previous employer that counts towards the employee's period of employment;
- p) a list of any other documents that form part of the contract of employment, indicating a place that is reasonable accessible to the employee where a copy of each be obtained.

Particulars must be revised if the terms of employment change.

Informing employees of their rights: Section 30

A statement of employees' rights must be displayed at the workplace in official languages used at the workplace.

Keeping of records: Section 31

Every employer must keep a record containing the following information:

- a) Employee's name and occupation;
- b) Time worked;
- c) Remuneration paid;
- d) Date of birth if under 18 years of age; and
- e) Any other prescribed information.

Information about remuneration: Section 33

The following information must be given in writing when the employee is paid;

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- a) Employer's name and address;
- b) Employee's name and occupation;
- c) Period for which payment is made;
- d) Remuneration in money;
- e) Amount and purpose of any deduction made from the remuneration;
- f) The actual amount paid; and
- g) If relevant to the calculation of that employee's remuneration:
 - ii) employee's rate of remuneration and overtime rate;
 - iii) number of ordinary and overtime hours worked during the period of payment;
 - iv) number of hours worked on a Sunday or public holiday during that period; and
 - v) if an agreement to average working time has been concluded, the total number of ordinary and overtime hours worked in period of averaging.

Deductions and other acts concerning and wages: Section 35

No deductions may be made unless agreed to in writing or made in terms of a law, collective agreement, court order or arbitration award.

Calculation of remuneration and wages: Section 36

Wages are calculated by the number of hours ordinarily worked. Monthly remuneration or wage is four and one-third times weekly wages. If calculated on a basis other time, or if the employee's remuneration or wage fluctuates significantly from period to period, any payment must be calculated by reference to remuneration or wage during:

- a) the preceding 13 weeks; or
- b) if employed for a shorter period, that period.

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TERMINATION OF EMPLOYMENT: CHAPTER FIVE

Application

This chapter does not apply to an employee who works less than 24 hours in a month for an employer.

Notice of termination of employment: Section 37

A contract of employment may be terminated only on notice of not less than:

- a) one week, if employed for six months or less;
- b) two weeks, if employed for more than six months but not more than one year;
- c) four weeks, if employed for one year or more, or in the case of a farm worker or a domestic worker who has been employed for more than six months

Notice must be given in writing, except when it is given by an illiterate employee. The notice of termination of employer in terms of the Act does not prevent the employee challenging the fairness or lawfulness of the dismissal in terms of the Labour Relations Act, 1995 or any other law.

Employees in accommodation provided by employers: Section 39

If an employer terminates, the service of an employee who resides in accommodation that is supplied by the employer, the employer is required to provide the employee with accommodation for a period of one month.

Severance pay: Section 41

An employee, dismissed as a result of the employer's operational requirements, is entitled to severance pay of three (3) weeks remuneration for each completed year of service.

Certificate of service: Section 42

On termination of employment, an employee is entitled to a certificate of service.

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PROHIBITION OF EMPLOYMENT OF CHILDREN AND FORCED LABOUR: SECTION 43-48

It is a criminal offence to employ a child less than 15 years of age. Children under 18 may not be employed to do work inappropriate for their age, or that places them at risk. Forced labour is a criminal offence.

VARIATION OF BASIC CONDITIONS OF EMPLOYMENT: SECTIONS 49-50

A collective agreement concluded by a bargaining council may alter, replace or exclude any basic condition of employment except the following:

- a) reduce the protection afforded to employees by sections 7,9 and 13;
- b) reduce the protection afforded to employees who perform night work in terms of section 17(3) and (4);
- c) reduce an employee's annual leave in terms section 20 to less than two weeks;
- d) reduce an employee's entitlement to maternity leave in terms of section 25;
- e) reduce an employee's entitlement to sick leave in terms of sections 22, 23 and 24;
- f) conflict with the provisions of Chapter Six.

Collective agreements and individual agreements may only replace or exclude basic conditions of employment to the extent permitted by the Act of a sector determination (S.49).

The Minister of Labour may make a determination vary or exclude a basic condition of employment. This can also be done on application by an employer or employer's organization (S.50).

A determination may not be granted unless a trade union representing the employees has consented to the variation, or has had the opportunity to make representations to the Minister. A copy of any determination must be displayed by the employer at work place and must be made available to employees (S. 50).

SECTORAL DETERMINATIONS: SECTION 51

Sectional determinations may be made to establish basic conditions for employees in sector and area.

MONITORING, ENFORCEMENT AND LEGAL PROCEEDINGS:SECTIONS 63-

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Labour inspectors must advise employees and employers on their rights and obligations in terms of employment laws.

They conduct inspections, investigate complaints and may question persons and inspect, copy and remove records and other relevant documents (S.64-66).

An inspector may serve a compliance order on a employer who is not complying with a provision of the Act. The employer may object against the order to the Director-General of, who after receiving representations, may confirm, modify or set aside an order. This decision is subject to appeal to the Labour court (S. 68-73).

Employees may not be discriminated against for exercising their rights in terms of the Act (S. 78-81).

GENERAL

It is an offence to:

- a) obstruct or attempt to influence improperly a person who is performing a function in terms of this Act;
- b) obtain, or attempt to obtain, any prescribed document by means of fraud, false pretences, or by presenting or submitting false or forged document;
- c) pretend to be a labour inspector or any other person performing a function in terms of this Act;
- d) refuse or fail to answer fully question put by a labour inspector or any other person performing a function in terms of this Act;
- e) refuse or fail to comply with any lawful request of, or lawful order by, a labour inspector or any other person performing a function in terms of this act;
- f) hinder or obstruct a labour inspector or any other person performing a function in terms of this Act.(S. 92).

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CHAPTER 9

LEAVE

9.1 General

Leave is granted in terms of the Council's approved Leave Regulations as may be amended from time to time. This Leave Policy deals with the handling of leave applications only.

An employee must apply for leave of absence on the prescribed form. An application for leave of absence must be approved by the Head of Department in the instance of an employee, and an application by the Head of a Department by the Municipal Manager, while the Municipal Manager takes leave in consultation with the Mayor. Leave of absence, with the exception of sick leave, is subject to the requirements of the service and shall only be valid after having been approved. The onus is on the employee to ensure that he/she has sufficient leave available.

If the employee so requests, his/her leave that has been approved may be cancelled at any time before such leave commences, by the Manager: Corporate Services, following a written recommendation by the Head of Department, Municipal Manager or Mayor, depending on the case. An employee is credited with the cancelled leave.

Supervisors are responsible to ensure that an appropriate leave form covers all absence. Where applicable, attendance registers should be scrutinized regularly to ensure that a leave form is submitted for every absence. Outstanding leave forms should be followed up immediately.

Leave reports should be properly reviewed and scrutinized and any deviations or irregularities rectified immediately, failing which, employees who are charged with these responsibilities should be disciplined.

9.2 Leave record

All leave of absence due, granted and taken, is recorded in a leave

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register entrusted to the HR Officer, and an employee shall have access to his/her leave record at all reasonable times during office hours.

9.2.1 Cancellation of leave

Leave of absence granted to an employee, with the exception of sick-leave, may be cancelled, postponed or interrupted at any time by the Manager, Corporate Services on the recommendation of the Head of Department concerned, should this be deemed necessary in the interests of the Municipality, and such employee shall be compensated by the Municipality for irrecoverable expenses or obligations entered into by him/her before he/she was notified of the postponement, cancellation or interruption. Proof of any such irrecoverable expenses is the responsibility of the employee:

If an employee's application for leave of absence is cancelled, postponed or interrupted, the reasons for this must be placed on record and the employee must be credited with the leave that has been cancelled, postponed or interrupted, on condition that should such leave credit arise from the postponement or interruption of an employee's compulsory leave, it is placed to the credit of the employee on the same basis, and the period for which such compulsory leave is valid is extended by a maximum of one year.

If an employee, whose leave of absence is interrupted, has to travel in order to resume duty, the Municipality shall pay his/her expenses for the traveling from there and back and such a person shall be deemed to be doing service while traveling. Postponement or interruption of leave of absence is confirmed in writing.

9.3 Leave Credit In The Event Of An Employee's Death

Should an employee die after leave has been granted to him/her, any unused leave shall be placed to his/her credit

9.4 Resumption Of Service

An employee absent on approved leave, may not voluntarily resume duty before the full period of such leave has expired, unless he/she receives permission to do so beforehand after his/her departmental head has submitted an application in this regard to the Manager: Corporate Services. In the case of a Departmental Head, such permission must be obtained beforehand from the Municipal Manager, and the case of the Municipal Manager, the Mayor must provide the necessary approval beforehand.

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9.5 Administrative Rectification of Leave

When an employee is accidentally granted more leave than is due to him/her and takes more leave than that allowed in terms of the Leave Regulations, the amount of leave granted in excess may be deducted from leave due to him/her later, or the value thereof may be recovered from him/her on his/her termination of service. Faulty leave (positive or negative) allocation will be rectified administratively.

9.6 Pro-rata Leave within the first year

Annual leave, with full pay, may be granted to an employee on a pro-rata basis in the first year of service, on condition that such annual leave granted on the written request of an employee, must be subtracted during the period of twelve months service applying to the leave period, from such leave period

9.7 Promotion, transfer or demotion

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

9.8 Progression scale

In the instance of salary scales that the cover more than one group and which allow an employee to be promoted to the maximum of the highest group without limitations, the leave applying to the highest group shall apply.

9.9 Re-grading

Where the adjustment of notches as a result of re-grading causes employees` leave benefits to which they were previously entitled.

9.10 Division of leave

Leave of absence is divided into the following groups:

- 1 Holiday leave;
- 2 Sick-leave;
- 3 Special leave.

9.11 Taking of leave

9.11.1 Compulsory leave

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An employee is obliged to take his/her compulsory leave year. This is to ensure that employees do receive a rest period away from their daily tasks.

9.12 Absence as a result of sickness or injury while on duty

Should an employee be unable to take his/her compulsory leave before the validity thereof expires as a result of sickness or an injury while on duty, he/she may apply for the validity period to be extended by not more than 6 months, subject to approval of the Manager: Corporate Services.

9.13 Paying out of leave

On the termination of service or death of an employee, the Municipality shall pay out an amount equivalent to the value of the leave due to such a person at the time of such termination of services or death, calculated to include *prorate rata* payment for holiday leave due in respect of a section of an incomplete year of service, and compulsory leave of which the validity was extended, with such an employee at the based salary, including pensionable allowances of such an employee at the time such termination of service or death, on condition that no paying out is done in respect of any leave exceeding the number of working days set out in the Leave Regulations, which leave shall be forfeited *ipso facto*.

On the death of an employee, an amount equivalent to the value of the leave due to such an employee at the date of his/her death, must be paid out to the person nominated by the deceased.

In calculating such amount, the *pro rata* payment for leave due in respect of sections of an incomplete year of service or leave of which the validity has been extended, is included; such amount being based on the salary earned at the date of the employee's death.

If an employee has failed to nominate a beneficiary, the amount due is paid over into the deceased's estate by the Municipality or to someone appointed by the Master of the Supreme Court.

9.14 Granting of sick-leave

Sick-leave will be granted by the Head of Department, provided that the applicant is able to support the application with the relevant medical documentation.

9.15 Accumulation of sick-leave

Sick leave may be accumulated to the maximum provided that the Leave Regulations, but no payment shall be made in respect thereof on retirement, resignation from service or death of an employee.

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9.16 Reasons for granting sick-leave

Sick leave is only granted in respect of absence from duty as a result of illness, indisposition or injury, which is not the consequence of an employee's own willfulness and/or misconduct. Sick leave is not granted for operations/treatment of a cosmetic nature, unless the physician thereof certifies the necessity.

9.17 Medical certificate

Any sick leave must be supported by a medical certificate from the third calendar day, provided that should it become apparent that an employee is abusing sick leave, such an employee may be required by the Manager: Corporate Services, in collaboration with the Head of Department or division of the employee concerned, to submit a medical certificate in respect of any period shorter than three days. In the case of uncertified sick leave, the employee must indicate on the form what the nature of the indisposition was and whether a physician was consulted or not.

9.18 Abuse of sick-leave

Should it become apparent to a Departmental Head or the Manager: Corporate Services that an employee is abusing the privilege of sick leave, he/she in consultation with a representative of the employee, may decide to grant unpaid sick leave for the period of absence concerned.

9.19 Notification of absence

Absence from duty as a result of illness must be reported within 4 hours after commencement of the employee's daily duty to his Head of Department or division.

9.20 Period within which application for sick-leave must be made

An official application for sick-leave, accompanied by a medical certificate, if required, must be submitted by the employee concerned before or on the third calendar day after absence from duty has started, to such a person's Head of Department or division. Failure to comply with this rule may result in the refusal of paid sick-leave.

9.21 Sick-leave before holiday leave

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An application for sick-leave, supported by a medical certificate requested prior to the commencement of approved holiday leave, may be granted on condition that such approved holiday leave may be reconsidered at the request of the employee concerned.

9.22 Medical disability

If an employee is absent from duty as a result of illness for a continuous period of more than six months and the full recovery of the employee is questionable according to medical reports, the Manager: Corporate Services arranges either for the appointment of a Medical Council in accordance with the statute of the Pension Fund/ Provident Fund with a view to retirement owing to lasting medical disability of the employee concerned, or that sick-leave be granted for at most two further periods of not more than three months each, following which a Medical Council shall be appointed on condition that, if the physician is of the opinion at the matter shall be referred (without further delay) to the relevant Pension Fund/Provident Fund.

9.23 Home confinement

An employee absent as a result of illness and confined to his home may not leave his place of residence without the written permission of residence without the written permission of the physician concerned.

9.24 Indisposition in the course of a working day

Should an employee take ill and leave his/her work at any stage during a working day, he/she shall be compensated in full for that day. No sick-leave application form is required in this regard.

9.25 Special leave

9.25.1 Leave without pay

Regarding leave for urgent private matters, the Manager: Corporate Services may grant leave without pay to an employee for periods of not more than one month, provided that satisfactory arrangements can be made for the execution of the duties of such an employee during his/her absence and with the provision that the employee concerned will first take all accumulated leave which may have accrued to him/her before leave without pay may be taken. Leave without pay for periods of more than one month in exceptional cases, is subject to the Municipal Manager's approval.

9.25.2 Official business

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The Municipal Manager may grant leave with full salary to an employee when he/she has to attend a meeting or conference concerning municipal or related affairs, or is out of town on official business.

9.25.3 Quarantine

Special leave of a maximum of 6 months (180 calendar days) with full pay may granted by Head of Department to an employee when such a person is placed under quarantine by a physician with the authority to do so. Longer periods will be considered on merit by the Manager: Corporate Services.

9.25.4 Court cases

Special leave with full pay be granted by the Head of the Department to an employee when the latter acts as an assessor, or is summoned by the State to give evidence as a witness in a court case, on condition that the necessary proof hereof is submitted together with the application for leave.

9.26 Examination and study leave

Applications for special leave for examinations must be accompanied by written notification by the institution concerned of the specific day on which the examination shall be written. Special leave shall be granted as follows: One day per subject as study leave plus one day for each paper that must be submitted simultaneously with the application for examination leave. Study leave shall be granted in terms of the Leave Regulations.

After the examination, applicants must submit written proof of the result of the examination that has been written. If an applicant fails to do so, the days concerned will be debited against the applicant's own holiday leave or be converted into leave without pay where no holiday leave is available.

In terms of the Collective Agreement on Conditions of Service this benefit will be terminated on 31 December 2006.

9.27 Leave related to injury while on duty

When an employee is unable to perform his/her duties owing to an accident to which the stipulations of the Compensation for Occupational Injuries and Diseases Act (Act No. 130 of 1993) as amended apply, leave shall be granted as determined in the relevant Act and the Leave Regulations.

However, special leave with full pay shall be granted should the accident be related to natural disasters, stone throwing, civil unrest, strikes, labour

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riots, political rioting and acts of terrorism, with the exception of war, and provided the injury can be confirmed as such by the specific Head of the Department. The stipulation of the Workmen's Compensation Act shall, however, apply in the event of medical costs and permanent disability grants, except that any monthly pension in such a case shall only come into effect once an employee's service is terminated.

Should it become apparent to a Department Head or the Manager: Corporate Services that an employee is abusing the benefits related to injury while on duty, he/she may in consultation with the relevant Union decide to compensate such employee in accordance such employee in accordance with the stipulation of the Compensation for Occupational Injuries and Diseases Act (Act No. 130 of 1993).

In the event of injury while on duty for which first aid treatment is thought to be sufficient, such treatment is given by the Municipality's physician with the permission of the employee.

9.28 Maternity Leave

Paid maternity leave shall be granted to an employee, subject to the following conditions:

- 1 An employee with more than 12 months service shall qualify for such leave ;
- 2 The leave period shall be in terms of the stipulations of the Basic Conditions of Service Act or to the Leave Regulations, whichever is the more beneficial to the employee.
- 3 A medical certificate indicating the expected date of delivery must be submitted with the application form for such leave.
- 4 An employee shall retain her usual leave benefits, as well as her normal increment date;
- 5 An employee is responsible for paying her own contributions to the group insurance scheme, medical and pension funds/provident funds for any period of unpaid maternity leave, while the Municipality shall remain responsible for its contributions;
- 6 Sick leave shall be granted in respect of absence from her own duty as a result of a miscarriage, a stillborn infant or termination of pregnancy on medical advice before a period of special leave commences. Sick leave is granted for absence from duty from the date of the miscarriage, stillbirth or termination of pregnancy on medical advice.

9.29 Adoption leave

In the event of an employee legally adopting a child less than 2 years old, the following stipulations in the Leave Regulations regulates otherwise:

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- 1 Adoption leave shall commence from the date on which the child is received;
- 2 The leave period is limited to a maximum of three months, of which paid adoption leave shall be granted for eight weeks from the date on which the child was received;
- 3 In cases in which an employee legally adopts a child who is older than two years, the leave period is limited to maximum of one month from the date the child was received, of which paid adoption leave shall be granted for no more than one week;
- 4 To confirm the adoption, a copy of the court order issued to the parents in terms of the Child Welfare Act, together with the leave form must be submitted to the office of the Manager: Corporate Services;
- 5 Paid adoption leave shall be granted only for the first two adoptions, after which unpaid adoption leave shall apply for further adoptions;
- 6 An employee who takes adoption leave is obliged to remain in the Municipality's service for at least one year after resuming service, failing which, the employee shall reimburse the Municipality on a *pro rata* basis with an amount equal to the value of the paid adoption leave which was paid out, as well as the leave earned during such a period of adoption leave;
- 7 An employee shall retain his/her normal leave benefits as well as his/her normal increment date;
- 8 During any period of unpaid adoption leave, an employee is responsible for payment of his/her own contributions to the medical and pension funds, while the Municipality remains responsible for its contributions.

In terms of the collective Agreement on Conditions of Service this benefit will be terminated on 31 December 2006.

9.30 Paternity leave

Paternity leave of three working days with full pay per annual leave cycle may be granted to a male employee in the event of the birth of his biological child or the legal adoption of a child who is under the age of six years as at the date of adoption, provide he has completed at least one year's continuous service.

In terms of the Collective Agreement on Conditions of Service this benefit will be terminated on December 2006

9.31 Over-granting of vacation leave

An employee may not be granted vacation leave with full pay in excess of that which stands to his/her credit. If, due to a bona fide error, an employee has been granted vacation leave with full pay in excess of that

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which stood to his/her credit at that time, such over-grant must be deducted from vacation leave that subsequently accrues to him.

Should an employee who has been over-granted vacation leave with full pay, leave the employ of the company before sufficient vacation leave has been accrued to him/her for the purpose of deduction, that portion of over-grant which exceeds his/her day of service, is regarded as an overpayment of salary which must be recovered from him/her.

9.32 Compassionate leave

Unless the leave Regulation stipulate otherwise, Compassionate leave with full pay of five working days per annual leave cycle may be granted to an employee to attend to the funeral or serious illness of an immediate family member or next of kin who is hospitalized. For the purpose of compassionate leave, "immediate family member or next of kin " is regarded as an employee's spouse/life partner, children (including legally adopted children), own parents, parents-in-law, grandparents, grandchildren and siblings. The employee concerned may be required to produce, in due course, death certificate or medical certificate in support of his application for compassionate leave. An employee's unused entitlement to compassionate leave lapses at the end of the annual leave cycle in which it accrued.

9.33 Child care leave

unless regulated otherwise by the Law regulations, an employee is entitled, during each annual leave cycle, to five working days child care leave with full pay when his/her child-who should be under the age of 18 years- is sick and has to be looked after at home. The Council may require reasonable proof of the child's illness for which the leave was required. An employee's unused entitlements to child care leave lapses at the end of the annual leave cycle in which it accrued.

9.34 Leave on official transfer

An employee who is officially transferred may be granted any number of days between two and four working days special leave with full pay for domestic purposes per official transfer.

In terms of the Collective Agreement on Conditions of Service this benefit will be terminated on the 31 December 2006.

9.35 Religious and public holidays

Employees are entitled to take vacation leave to observe their religious

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occasion. Any official public holiday that falls on a day that would otherwise have been a normal working day, may be exchanged for any other day, provided agreement to this effect has been reached between the employee and his supervisor and the arrangement will not disrupt customer service or operational activities.

9.36 Work concessions

Depending on operational requirements, employees may be allowed time off from 12:00 on the last working day preceding Christmas Day and New Year's Day. However, a skeleton staff component has to remain on duty to provide essential services on these days, with the proviso that they will be granted time off at a later date by arrangement with their supervisor. Employees may also be allowed time off in other deserving cases at the discretion of management. Concessions may be granted in lieu of time worked in, by agreement between the employee and his supervisor.

9.37 Leave for medical treatment in larger centers

An employee may be granted up to two days special leave per family member (including himself/herself) per year to enable them to undergo medical examination or medical treatment in larger centers.

The measure is subject to the following provisions:

- A written recommendation by a medical practitioner must be furnished;
- The recommended medical examinations or treatment is not available at the employees headquarters;
- The employee has to travel a distance of 200 kilometers or more per single journey;
- The granting of a concession to cover the absence is impractical.

The special leave is not transferable between family members, nor may it be accumulated.

In terms of the Collective Agreement on Conditions of Service this benefit will be terminated on 31 December 2006.

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CHAPTER 10

TERMINATION OF SERVICE

10.1 Normal resignation

Unless otherwise provided for in the contract of employment, an employee must give one month's written notice of his/her intention to resign. A shorter period of notice may be accepted if exceptional circumstances exist, or if such a step is in the Municipality's interest.

If an employee resigns and gives notice not later than the first working day of the month to terminate his/her services at the end of that month, may end on a day of rest, provided he/she performs his/her receives salary and allowances in respect of the full month, in spite of the fact that the fact that the month may end on a day of rest, provided he/she performs his/her duty up to, and including, the last working day of that month. In all other instances, salary and allowances are paid only up to, and including, an employee's actual last day of service.

Unless approved by the Municipal Manager, which approval may not be unreasonably withheld, a period of notice may not run concurrently with an employee's absence on leave or sick leave will only come into effect after the person's return to office.

10.2 Reason for termination of service:

The service of an employee may be terminated for the following reasons:

- Retirement on pension in accordance with the stipulations of the Statute of the Pension Fund/Provident or the Municipality's gratuity scheme and/or the attainment of the normal retirement age;
- Continuing ill health or occupational disability, subject to the stipulations of the Statute of the Pension fund/Provident Fund where applicable;
- The abolition of his/her post, reduction of personnel or reorganization or readjustment of function, subject to the stipulations of the Statute of the

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- Pension Fund, where applicable;
- Misconduct;
- Inability to execute the duties related to his/her post for whichever reason (which includes the failure to obtain any qualification which has been set as a prerequisite for appointment, or to execute duties related to the post within the period of time which has been stipulated for an appointment, or to execute duties related to the post within the period of time which has been stipulated for this purpose);
- The non-ratification of an appointment;
- The death of the employee;
- Mutual notification in writing of termination of service; and
- Desertion.

10.3 Notification of termination of service

The termination of the services of an employee is subject to the acceptance thereof by the departmental head and the administrative handling thereof by the departmental head and the administrative handling thereof by the Manager Corporate Services.

The service of an employee who notification of termination of service has been accepted, but who has failed to report for service thereafter, shall be terminated on the last working day that the employee actually worked.

10.4 Notification to or by permanent employees

The service of a permanent employee at the Municipality may be terminated on mutual notification in writing, of at least one calendar month in the case of skilled posts, and two weeks in case of unskilled posts, which implies a period commencing on the first day of any month and lasting to the last day of such a month in the first case, and 14 consecutive calendar days in the second case.

10.5 Notification to or by permanent employees

The service of a temporary employee runs *ipso facto* to an end when his/her specific period of appointment or re-appointment expires, or when the prescribed period of notification of service that has been given or received expires, on condition that the latter period is not shorter than 24 hours.

10.6 Notification of termination of service during probationary period

The service of an employee whose probationary period is extended and whose services continue to be unsatisfactory thereafter shall be terminated.

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10.7 Notification related to medical reasons

An employee whose continued disability prevents him/her from performing his/her duties satisfactorily, may submit a written request to be retired on account of such disability for consideration. The emphasis is placed on **continued and permanent disability**. All evidence must point to the fact that the work performance of employee has deteriorated to such an extent as a result of irrecoverable disability, that it will be in the Municipality's interest to retire him/her.

In case of the termination of service for medical reasons in compliance with the stipulations of the Statute of the relevant Pension Fund/Provident Fund, or the Municipality's gratuity scheme, such an employee's service shall end on a date stipulated by the Pension Fund/Provident Fund. If an employee is not found to be permanently medically unfit by the Pension Fund/ Provident Fund, or if an employee who is not a member of the Pension Fund/ Provident Fund becomes medically unfit, the services of employees permanent posts shall be terminated in collaboration with the Union concerned, with one calendar months written notification.

10.8 Resignation on short notification

The Manager: Corporate Services may approve a resignation with a shorter period of notification than that prescribed, provided that the requirements of the service allow for this and the Departmental Head recommends such resignation.

Although salary and allowances will be payable up to, and including, the employee's actual last day of duty, the Municipality will recover all outstanding monies from him/her breach of contract of employment.

10.9 Exercising of authority to terminate service

The authority to dismiss someone from a post is exercised subject to the stipulations of the Conditions of Service and statutory prescriptions as may be applicable to such employees.

10.10 Unemployment insurance number

An unemployment insurance number must be requested by the HR Officer and be kept on such an employee's personnel file.

10.11 Termination of service interview

The aim of conducting exit interviews is to obtain information- in a

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structured manner – from all employees who resign. This information will be used to identify and monitor staff turnover trends, possible problem areas and reasons why employees resign. This feedback will also assist in doing future HR planning, recruitment campaigns, looking at employee benefits, improving working conditions and other aspects related to staff satisfaction and motivation. Conducting exit interviews will assist in the development of a strategy to control staff turnover and to improve staff retention.

All employees are required to attend a termination of service interview at the HR Office prior to leaving the service of the Municipality. Such an interview is arranged by the Personnel Department during the employee's notification month.

Information obtained during exit interviews must be treated in a professional, confidential and sensitive manner and employees are to be protected against victimization based on information offered during exit interviews. It should also be pointed out to employees that any reference made to race in the interview, is exclusively for research purposes and not meant to offend any pay.

10.12 Termination of service certificates and returning of municipal property

Any employee who leaves the service of the Municipality, for whatever reason, is required to return all property belonging to the Municipality to his/her Departmental Head immediately after the termination of his service. No money owed to such employee shall be paid to him/her unless the Departmental Head submits a termination of his service. No money owed to such employee shall be paid to him/her unless the Departmental Head submits a termination of service certified that the employee has complied with all the obligations in respect of his/her service with the Municipality.

10.13 Service certificate

Upon termination of his/her contract of employment, an employee is entitled to a certificate of service containing the following information:

- Full name of employee;
- Name and address of Municipality;
- Employee's job title or brief work description at date of termination of employment;
- Date of commencement of the contract;
- Date of termination of contract;
- Wage of employee so request, the reason for termination of employment.

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A service certificate should be signed by the Manager: Corporate Services. Testimonials are not given, except in extraordinary circumstances and then only by means of a special Council's decision.

10.14 Leave during notification period:

No leave shall be taken by an employee during the prescribed notification period.

10.15 Termination of contract without notice (absconding)

An employee who leaves the Municipality without giving notice of his/her intention to resign, may be paid salary and allowances up to his/her actual last day of duty. However, the Municipality will recover all monies from him/her relating to his/her absconding.

10.16 Retirement after reaching the statutory retirement age

All employees will retire at the age of 65. Unless the contract of employment provides otherwise, an employee must give written notice of at least three months, of his/her intention to retire.

10.17 Discharge

Unless stipulated otherwise in an employee's contract of employment, the Municipality may terminate his/her services with one months written notice, provided that such period of notice may be shortened by mutual agreement. Discharge can be effected on account of:

- actions taken against an employee in terms of the Disciplinary Code (notice of discharge need not be given in this instance);
- staff reductions as a result of rationalization and/or economic factors; or
- medical disability.

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CHAPTER 11

UNEMPLOYMENT BENEFITS

11.1 Unemployment insurance fund

Employees are compelled to contribute to the Unemployment Insurance Fund. The contributions are as promulgated from time to time in terms of the Unemployment Insurance Act, 1996.

The main objective of the Fund is to provide for the payment of benefits to persons who are able and willing to work, but who cannot find employment, as well as to assist employees who are unable to earn their normal remuneration owing to illness or pregnancy.

Contributions to the fund are deducted monthly from employee's salaries.

CHAPTER 12

SMOKING

12.1 Background

The Minister of Health has, in terms of Section 2 of the Tobacco Products Control Act, Act 83 of 1993 declared that smoking in certain areas in public places would be permissible but in all other areas in public places it will be forbidden.

All employees have the right to work in a healthy environment. Medical evidence clearly shows that the shows that the smoking of tobacco is harmful to health. Smoke from cigarettes, cigars and pipes are also an irritant to many non-smokers and can worsen allergic conditions.

Research has shown that non-smokers with chronic heart and lung disease can experience severe distress when exposed to sufficient concentration of second-hand smoke. The exposure of non-smokers to second-hand smoke is referred to as passive smoking, involuntary smoking or second-hand smoking and entails the inhalation of other people's smoke. Furthermore, recent medical studies have revealed that long-term exposure to involuntary smoking may increase non-smokers' risks of developing severe lung diseases.

12.2 Objective

The objective of prohibition of smoking in certain areas of in public places is to protect the health of employees who do not smoke and to encourage and assist employees who smoke to give up smoking and where possible, give practical help to do so, if they so request. To accommodate the needs of both smokers, based on mutual tolerance, respect and common courtesy.

12.3 Policy

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In terms of the Act and the Regulations published under notice R 975 of 29 September 2000, the Council may set aside a designated smoking area(s) in the municipal buildings provided that:

- such area does not exceed 25% of the total floor area of these buildings;
- The designated smoking area is separated from the rest of the buildings by a solid partition with an entrance door on which the sign "Smoking Area" is displayed;
- The ventilation of the designated smoking area is such that air from the smoking area is directly exhausted and not re-circulated to any other area within the public place;
- The message: "SMOKING OF TOBACCO PRODUCTS IS HARMFUL TO YOUR HEALTH AND TO THE HEALTH OF CHILDREN, PREGNANT OF BREASTFEEDING WOMEN AND NON-SMOKERS". is displayed at the entrance to the designated smoking area; and
- Notices and signs indicating where smoking is permitted and is not permitted must be displayed permanently and at places where smoking is not permitted a further notice should be displayed that: "ANY PERSON WHO FAILS TO COMPLY WITH THIS NOTICE, SHALL BE PROSECUTED AND MAY BE LIABLE TO A FINE."

It is the responsibility of the Council, the Municipal Manager and all Managers to ensure that no person smokes anywhere other than in the designated smoking area(s).

The Council must ensure that:

- Employees who do not want to be exposed to tobacco smoke in workplace are protected from it, and that
- Employees may object to tobacco smoke in the workplace without retaliation of any kind.

12.4 Responsibilities

Managers and supervisors are responsible for communicating the policy to all employees within their areas of responsibility. It is also expected that they should be familiar with the policy. Furthermore, each manager and supervisor is responsible for ensuring that appropriate steps are taken to apply and maintain the policy in their departments/sections.

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CHAPTER 13

AIDS

13.1 Philosophy

The Municipality is committed to creating and maintaining a safe working environment for all employees. The Municipality undertakes to deal with an HIV infected employee and/or employees with AIDS in the same manner as with employees suffering from any other life-threatening disease, with due consideration for the interests of fellow employees. All seriously ill patients will be monitored in order to ensure appropriate and adequate medical care. No exception will be made in the case of AIDS sufferers.

No employee will be removed from his/her position at work for as long as medical opinion indicates that he/she can still fulfill his/her job requirements. If alternative employment and/or job modification become necessary, this will only be provided on medical or legal grounds. Confidentiality will be maintained and no information regarding his/her state of health divulged without the employee's consent.

In this the Municipality:

- Acknowledges the seriousness of the HIV/AIDS epidemic;
- Seeks to minimize the social, economic and developmental consequences to the UBUNTU Municipality and its staff;
- Commits itself to providing resources and leadership to implement the HIV/AIDS program; and
- Commits itself to create a supportive and non-discriminatory working environment through dispelling of myths and stereotypes and offering counseling and education services to affected and infected employees

13.2 Objectives of this Policy

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- To promote health awareness and the provision of information on AIDS to all levels of employment.
- To reduce unrealistic fears about contracting HIV/AIDS at the workplace.
- To protect the legal rights of employees at work who have HIV/AIDS.
- To provide guidelines on managing employees or situations, when question on AIDS are raised.
- To encourage managers, employees and employee representatives to convey sensitivity and understanding to employees affected with HIV/AIDS.
- To monitor, at corporate level, the process of the awareness program, evaluate its effectiveness and efficiency and to ensure that qualitative standards of service are maintained throughout.

Principles

Top Management is committed to safety and health of all employees, as well as to ensuring that they are fully aware of HIV/AIDS and that these matters become every employee's responsibility. Suitably qualified staff will conduct awareness programs. HIV/AIDS infected employees will be handled in strict confidentiality and with the necessary sensitivity. Awareness programs will be evaluated, monitored and updated when necessary. The elimination of discriminatory behavior will be pro-actively pursued. All employees will be treated equally.

Policy

The Municipality is committed to protecting its employees, creating awareness, changing behavior and treating all employees with the necessary dignity, fairness and equality, adhering to labor legislation in this regard and providing preventative and awareness programs.

The ! Ubuntu Municipality's Policy is that:

- Employees living with HIV/AIDS have the same rights and obligations as all other employees
- An employee cannot be fired, retrenched or refused a job simply because they are HIV positive.
- Employees living with HIV/AIDS shall not be discriminated against on the basis of their medical status and shall be protected against such discrimination.
- HIV positive employees are also entitled to the same training, development and promotion opportunities as any other employee.

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- HIV/AIDS status shall not constitute a reason to preclude any person from employment and the disclosure of HIV status shall not under any circumstances be used to discriminate against an employee on any grounds.
- No employee or job applicant shall be required to undergo HIV/AIDS testing. Where testing is done at the request of the employee, this will be with her/his informed consent and accompanied by counseling.
- Confidentiality regarding the HIV/AIDS status of another employee without their consent shall be a disciplinary offence.

Program Coordinator and Working Group

The UBUNTU Municipality shall appoint an HIV/AIDS Program Coordinator and Working Group to -

- Communicate the policy to all employees.
- Implement, monitor and evaluate the HIV/AIDS programs
- Advise Management regarding program implementation and progress.
- Liaise with local AIDS service organizations and other resources in the community.
- Create a supportive and non-discriminatory working environment.
- Provide information on support and counseling to infected and affected employees.
- Ensure the availability and accessibility of personal protective gear to all employees who may potentially be in contact with blood.

13.3 HIV/AIDS Program

The HIV/AIDS program of the UBUNTU Municipality shall provide all employees access to –

- Information, education and communication activities, including media materials and peer education
- Barrier methods, i.e. male condoms.
- Health services for the appropriate management of HIV/AIDS.
- Treatment of opportunistic infections for infected staff.
- Testing and counseling services
- Personal protective equipment for staff that may potentially be exposed to blood or blood products.
- Support for both infected and affected staff and their immediate family members.
- There is a small risk that HIV can be transmitted accidentally through contact with infected blood.

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It is important:

- that all blood is treated as possibly infected
- that first aid kits which include protective gloves and other devices are available in the workplace
- that employees are trained to prevent HIV transmission when helping an injured person

13.4 Application of the Policy and Communication thereof

Application

This policy applies to all employees of the! Ubuntu Municipality

Interaction with Civil Society

! Ubuntu Municipality shall endeavor to utilize all opportunities to interact with civil society to contribute to the mission and objectives of the National HIV/AIDS program

Interaction with Government

! Ubuntu Municipality shall interact with all Central and Provincial Government Departments regarding the epidemic.

Interaction with Stakeholders

! Ubuntu Municipality shall establish partnership with its stakeholders in order to coordinate and combine efforts in addressing all issues around HIV/AIDS with the community.

13.5 Responsibility for Implementation

All Employees

All employees will be held responsible and accountable for complying with this policy. HIV/AIDS programs will take place during working hours and employees will be encouraged to attend such programs.

Management

All Managers are responsible for the implementation of this policy, ensuring compliance with and knowledge of its terms and for taking

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immediate and appropriate corrective action where warranted. Managers must open and maintain communication channels to allow employees to raise concerns concerning HIV/AIDS. Managers are encouraged to attend the program to give visible support to the program.

The administration of the HIV/AIDS program is assigned to the program Coordinator and the HIV/AIDS Working Group.

The Manager, Corporate Services is responsible to ensure that enough resources are available at all times to drive projects and that this policy is properly distributed in! Ubuntu Municipality (Every employee must personally receive a copy of the policy). New employees will receive a copy during their Induction Program. The Director Corporate Services takes full responsibility for budgeting related to HIV/AIDS matters in order to maintain sustainability of HIV/AIDS projects and program in UBUNTU Municipality.

Being a responsibility assigned to him/her it is expected of the Manager Corporate Services to report back on HIV/AIDS projects to Senior Management and to ensure that all Senior Managers support UBUNTU Municipality's efforts.

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CHAPTER 14

SEXUAL HARASSMENT

14.1 Background

All employees have the right to work in a pleasant and productive work environment where the individual rights and dignity of each employee are respected. This includes the right to work in an environment that is free from conduct of harassing or abusive nature. In order to maintain an atmosphere of mutual respect, conduct characterized as sexual harassment will not be condoned or tolerated.

14.2 Definition of Sexual Harassment

- a) Sexual harassment is any unwanted conduct of a sexual nature. The unwanted nature of sexual harassment distinguishes it from behavior that is welcome and mutual.
- b) Sexual attention becomes sexual harassment if
 - The behavior is persisted in, although a single incident of harassment can constitute sexual harassment; and/or
 - The recipient has made it clear that the behavior is considered offensive; and/or
 - The perpetrator should have known that the behavior is regarded as unacceptable.

14.3 Forms of Sexual Harassment

- a) Sexual Harassment may include unwelcome physical, verbal or non-verbal conduct, but is not limited to examples listed as follows:

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- Physical conduct of sexual nature includes all unwanted physical contact, ranging from touching to sexual assault and rape, and includes a strip search by or in the presence of the opposite sex.
- Verbal forms of sexual harassment include unwelcome suggestions and hints, sexual advances, comments with sexual overtones, sex-related jokes or insults or unwelcome graphic comments about a person's body made in their presence or directed towards them, unwelcome and inappropriate enquiries about a person's sex life, and unwelcome whistling directed at a person or group of persons.
- Non-verbal forms of sexual harassment include unwelcome gestures, indecent exposure, and the unwelcome display of sexually explicit pictures and objects.
- Sexual favoritism exists where person who is in a position of authority rewards only those who respond to his/her sexual advances, whilst other deserving employees who do not submit themselves to any sexual advances are denied promotions, merit rating or salary increases.

14.4 Guiding Principles

Council, Management and employees must create and maintain a working environment in which the dignity of employees is respected. A climate in the workplace should also be created and maintained in which victims of sexual harassment will not feel that their grievances are ignored or trivialized, or fear reprisals. The following guidelines can assist in achieving these ends:

- Councilors, managers and employees are required to refrain from committing acts of sexual harassment.
- All Councilors, Managers and employees have a role to play in contributing towards creating and maintaining a working environment in which sexual harassment is unacceptable. They should ensure that their standards of conduct do not cause offence and they should discourage unacceptable behavior on the part of others.
- Councilors and Managers should attempt to ensure that the Councilors or the municipal employees do not subject persons such as the general public, suppliers, job applicants and others who have dealings with the municipality, to sexual harassment.
- Councilors and Managers are required to take appropriate action in accordance with this code, when instances of sexual harassment, which occur within the workplace, are brought to their attention.

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14.5 Policy Statements

- All employees, job applicants and other persons who have dealings with! Ubuntu Municipality has the right to be treated with dignity.
- Sexual harassment in the workplace will not be permitted or condoned.
- Persons who have been subjected to sexual harassment in the workplace have a right to raise a grievance about it, should it occur, and appropriate action will be taken by the Council and/or Managers.
- Councilors, Managers and Employees who do not comply with the policy shall be subjected to disciplinary action.

14.6 Procedures

Allegations of sexual harassment will be dealt with seriously, expeditiously, sensitively and confidentially. Employees will be protected against victimization, retaliation for lodging grievances and from false accusations.

Employees who have complains about sexual harassment should report it to their Manager or Supervisor. The discussion should be treated as private and strictly confidential and should not result in a formal complaint, unless the employee wishes to pursue the matter through a formal investigation. In this case, only those people necessary to the investigation will be informed. Immediate follow-up by the Municipality is necessary to establish its concern for prevention.

There should, however, be no immediate judgment that sexual harassment has or has not occurred. Careful and deliberate consideration must be given to protect both the person bringing the allegation, and the person accused.

14.6.1 Advice and Assistance

Sexual harassment is a sensitive issue and a victim may feel unable to approach the perpetrator, lodge a formal grievance or turn to colleagues for support. The Council shall designate a person outside of line management whom victims may approach for confidential advice. Such a person:

- Could include persons employed by the municipality to perform inter alia such a function, a trade union representative or co-employee, or an outside professional.
- Should have the appropriate skills and experience or be properly trained and given adequate resources.
- Could be required to have Counseling and relevant labor relations skills and be able to provide support and advice on a confidential basis.

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14.6.2 Options To Resolve a Problem

- Employees should be advised that there are two options to resolve a problem relating to sexual harassment. Either an attempt can be made to resolve the problem in an informal way or a formal procedure can be embarked upon.
- The employee should be under no duress to accept one or the other option.

14.6.2.1 Informal Procedure

The employee should furnish a description of the incident and discussions should be conducted along the following lines:

- It may be sufficient for the employee concerned to have an opportunity where she/he can explain to the person engaging in the unwanted conduct that the behavior in question is not welcome, that it offends them or makes them uncomfortable, and that it interferes with their work. A verbal/written request to the harasser from the complainant to stop the harassment could also be an alternative.
- If the informal approach has not provided a satisfactory outcome, if the case is severe or if the conduct continues, it may be more appropriate to embark upon a formal procedure. Severe cases may include: sexual assault, rape, and a strip search.

14.6.2.2 Formal Procedure

These handled in an official capacity, using the following procedure to resolve the problem:

The aggrieved person must lodge the grievance with his/her Departmental Head and/or with the Shop Steward of his/her Union.

A sexual harassment grievance once lodged must be dealt with expeditiously and procedures must commence within 24 working hours from the time it was lodged.

The complainant should be interviewed to determine details such as:

- The identity of the alleged perpetrator;
 - When the incident(s) occurred;
 - The circumstances, behavior, conversations resulting in the complaint; and;
 - The identity of witnesses.
- The complainant makes a written, signed statement.

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The complainant is advised of how the complaint has been handled and is asked for a reaction. Further information is requested from the complainant if problems develop due to the complaint. An informal 30-day follow-up is recommended.

If there is insufficient evidence to reach a judgment, an investigation must be conducted to determine why the complaint was laid.

If the case is not resolved satisfactorily, the issue must be dealt with in terms of the dispute procedures contained in item 14.6.5 hereof.

14.6.3 Investigation and Disciplinary Action

Care should be taken during any investigation of grievance of sexual harassment that the aggrieved person is not disadvantaged, and that the position of other parties is not prejudiced if the grievance is found to be unwarranted.

The Code of Good Practice regulating dismissal contained in Schedule 8 of the Labor Relations Act reinforces the provisions of Chapter VIII of this Act and provides that an employee may be dismissed for serious misconduct or repeated offences. Serious incidents of sexual harassment or continued harassment after warnings are dismissible offences.

Once the investigation has been completed, Management shall decide whether or not to institute formal disciplinary action. Disciplinary action can take one of two forms:

14.6.3.1 Positive Discipline

This aims at the prevention of a recurrence of unacceptable conduct. Management should point out the unacceptable conduct to the accused and together with him/her; explore alternatives to ensure the prevention of a recurrence. No formal disciplinary record is kept. An apology by the accused to the complainant would be appropriate.

14.6.3.2 Disciplinary Hearing

In cases of serious sexual harassment, it would be necessary to hold a disciplinary hearing in terms of the Municipality's Disciplinary Procedure.

Should the employee be found guilty of sexual harassment, an appropriate disciplinary sanction, up to and including, summary dismissal, a warning, or the attendance of corrective workshops, could be imposed.

Where the complainant has reported the matter to the appropriate Manager/Supervisor and he/she is of the opinion that no action or

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inappropriate action has been taken, he/she should make use of the Municipality's grievance procedure to bring the matter to the attention of the next level of Management. If this procedure fails and the complainant is still dissatisfied, he/she may resort to the dispute mechanism provided for the Labor Relations Act. Such action could culminate in the Industrial Court and payment of compensation to the complainant could well be awarded.

- 14.6.3.3** It will be a disciplinary offence to victimize or retaliate against an employee who in good faith lodges a grievance of sexual harassment.

14.6.4 Criminal and Civil Charges

A victim of sexual assault has the right to press separate criminal and/or civil charges against an alleged perpetrator, and the legal rights of the victim are in no way limited by this code.

14.6.5 Dispute Resolution

Should a complaint of alleged sexual harassment not be satisfactorily resolved by the internal procedures as set out above, either party may within 30 days of the dispute having arisen, refer the matter to the CCMA for conciliation in accordance with the provisions of section 135 of the Labor Relations Act. Should the dispute remain unresolved, either party may refer the dispute to the Labor Court within 30 days of receipt of the certificate issued by the Commissioner in terms of section 135(5).

14.6.6 Confidentiality

- 1) The Council, Management and employees must ensure that grievances about sexual harassment are investigated and handled in a manner that ensures that the identities of the persons involved are kept confidential.
- 2) In cases of sexual harassment, Management, employees and the parties concerned must endeavor to ensure confidentiality in the disciplinary enquiry. Only appropriate members of Management as well as the aggrieved person, representative, alleged perpetrator, witnesses and interpreter if required, must be present in the disciplinary enquiry.
- 3) The Council is required to disclose to either party or to their representatives, such information as may be reasonably necessary to enable the parties to prepare for any proceedings in terms of this code.
- 4) The relevant provisions of section 16 of the Labor Relations Act will apply to the disclosure of information in terms of this code.

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14.6.7 Additional Sick Leave

Where an employee's existing sick leave entitlement has been exhausted, the Council shall give due consideration to the granting of additional sick leave in cases of serious sexual harassment where the employee on medical advice requires trauma counseling.

14.7 Responsibility

Each Head of Department is responsible for communicating the formal policy to employees within their area of responsibility. It is expected that Manager/Supervisors should familiarize themselves with this policy. Furthermore, each Manager/supervisor is responsible for ensuring that corrective and appropriate action is taken when improper behavior is observed or reported.

Failure on the part of Management to timorously take the necessary steps to deal with sexual harassment could result in legal proceeding being instituted against the employer.

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CHAPTER 15

EMPLOYEE ASSISTANCE

15.1 The Purpose of Employee Assistance is, inter alia:

- 15.1.1 To render preventative, supportive, uplifting and rehabilitative services and programs to employees and their families who experience psychosocial problems. To monitor, evaluate and co-ordinate the process and outcomes of the various employees' assistance programs (EAP). Effectiveness, efficiency and qualitative standards must be ensured and maintained throughout.
- 15.1.2 To provide for further assistance to employees in the workplace in areas such as bursaries to study, Municipal housing and/or schemes, use of internet and e-mail, collections for people leaving the service, motor vehicle allowances, use of official transport in certain circumstances, etc.

5.2 General Support Policy

The Municipality is committed to employee assistance programs aimed at providing assistance to employees and their families with any psychosocial or personal problems by means of preventative, supportive, uplifting and rehabilitative services and programs. Only registered psychologists and social workers may be used for EAP support. Confidentiality will be strictly observed.

Employees are encouraged to seek voluntary, confidential assistance by utilizing EAP services. On no account shall participation in the EAP jeopardize promotional opportunities or job security or result in penalization by supervisors as a result of such participation. The programs do not negate contractual rights and obligations, nor is it intended to replace disciplinary procedures.

15.2 General Support Procedure

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15.3.1 Identify Behavior That Needs To Be Addressed

If there is a drop in performance levels of an employee and a parallel change in behavior, this may be due to personal circumstances. This should be a signal to line Management of an underlying psychosocial problem, which requires an EAP intervention.

15.3.2 Documentation

Ensure confidentiality. Information may not be released without the consent of the employee.

15.3.3 Constructive Consultation

Ensure privacy. Create a non-threatening environment. Address the behavior and not the person. Line Management should not get involved in counseling. Once a need for counseling has been established, the necessary referral should be done.

15.3.4 Referral

Explore, diagnose and consult.

15.3.5 Feedback

Give feedback to ensure support to the individual during the re-entry into work, in terms of the rate of the re-integration

15.3.6 Evaluation

Ascertain the degree of benefit derived by the individual after the intervention. Determine how much time is still required to fully integrate the individual. If progress has not been made, or the individual has had unforeseen setbacks, or is not willing to continue to participate, further corrective actions may need to be taken.

15.3.7 Consult

Determine whether the person is doing well and also whether there is anything else that line Management requires in order maximizing support.

15.3.8 Reintegration

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Once the employee has been reintegrated, every effort should be made to support him/her.

15.4 Study Aid/Bursary Scheme

The Council may, on application by an employee that wishes to study, grant him/her a bursary to cover the enrolment, tuition and examination fees payable by such employee to the relevant university or institution registered in terms of an Act of the South African Parliament on the following conditions:

- The course must be approved by the Municipal Manager who will take into account that the course should preferably be one that will be an advantage for the employee in the work situation and one that would link up with the Council's Skills Development Plan.
- Applications for bursaries are approved by the Municipal Manager and by the Mayor should the Municipal Manager be the applicant.
- The employee must sign an Agreement with the Council that contain all the items set out above.

15.5 Relocation Allowances

Please see the section under "3.10 Transfer" in respect of relocation costs in the case of transfer of staff.

The Council will pay for accommodation, at a venue to be approved by the Municipal Manager, for the three months of employment if accommodation is not immediately available. These amounts shall be fully repaid to the Council should the successful applicant leave the Council's service within one year.

15.6 Municipal Housing Schemes/Assistance

The Council may provide to its employees Municipal housing and/or assistance to hire, lease or purchase private housing in terms of schemes that are applicable from time to time.

The Council also acknowledges that such schemes may be developed for universal use by all Municipalities in South Africa and that such schemes will then be made available and applicable to its staff.

The following schemes are currently available to staff on the conditions as approved and that are available separately:

- A subsidy in respect of a housing loan in accordance with the provisions of the approved scheme.

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- A housing allowance in respect of the monthly rental of privately leased accommodation.
- Official accommodation at a monthly rental of 10% of the employee's gross monthly salary in certain cases.
- A housing loan guarantee scheme.

15.7 Use of Official Internet and E-mail For Private Purposes

Staff members will only be allowed to use the official internet for browsing the Internet or for private e-mail during their lunch break provided that the Council subscribed to a 24 hour internet availability scheme. No private browsing or private e-mail may be done or used during official working hours.

Should the Council not have subscribed to a 24 hour Internet availability system private use of the Internet will not be allowed?

15.8 Collections for Staff Leaving/Retiring

As a general rule! Ubuntu Municipality will allow staff to collect funds to buy a farewell gift to staff leaving the service or retiring. This rule however does not bind any staff member to make contribution or to feel obliged to do so. A person that does not wish to contribute may not be discriminated against and any proof thereof will be regarded as an offence against the provisions of the Condition of Service.

15.9 Motor Vehicle Scheme

The Council shall make car loans available to the Municipal Manager and all the Managers reporting directly to him/her on conditions and rules as may exist at present and as may be amended from time to time. The Council may also make car loans available to other employees who utilize a private vehicle in the execution of official duties.

The vehicle scheme shall contain details of the following:

- Ownership of the vehicle and arrangements that will be applicable when an employee that received a car loan, leaves the Council's services.
- Official distances that are allocated to each post for which an allowance will be paid.
- The maximum cost of vehicles that may be purchased by the various staff members.
- The type of vehicle that may be purchased.
- The requirements regarding any additions to the car i.e. radio, canopy, tow bar etc.

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- The maximum repayment period of the loan.
- The maximum monthly fixed and variable allowances that will be paid.
- Insurance requirements for such vehicles.
- Requirements regarding the regular servicing and maintenance of such vehicles.
- Private use of the vehicle.
- Replacement of vehicles.
- Arrangements when a person is promoted or transferred.

Staff that had, with the approval of their Departmental Head, to use their private vehicle on official business on certain occasions, will be remunerated for such use in terms of the then applicable AA-rate for the vehicle used.

15.10 Use of Official Transport for Private Purposes

The private use of official vehicles will only be allowed in the following circumstances and subject to the Council's Fleet Management Policy:

- If the person has been allocated an official vehicle for exclusive use and if no garaging facilities for such vehicle is available at the Municipal facilities, such a person will be allowed to take the vehicle home and use it to travel between home and work provided that the person does have a lock-up garage for the vehicle available. The vehicle may however not be used for other private purposes. This will not exclude a person stopping at a shop etc. on his/her way back to his/her home provided that it does not result in more than 1 additional kilometer to the distance between home and office.
- In an emergency approved by the Head of the Department.
- In special circumstances such as using official transport to attend a funeral of a fellow employee provided that the trip is authorized by both the Municipal Manager and the Mayor.

15.11 Use of Official Cell Phones

When official cell phones have been allocated to Councilors and staff these are intended for official use. Councilors and staff will however be allowed to use these cell phones for private purposes. The following conditions will apply to the use of the cell phones and payments, that exclude the monthly rental, made for its use by the Council:

- Mayor: R 1000.00 p/m to be paid by Council
- Councilors: R 400.00 p/m to be paid by Council
- Heads of Departments: R 400.00 p/m to be paid by Council
- Other staff: R 400.00 p/m to be paid by Council.

The Council must be reimbursed with the cost of all calls made on cell phones for private purposes.

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15.12 Advertisement by Staff on Municipal Notice Board

Private advertisements by staff on the Official Notice Board of the Council will not be allowed.

If departmental Notice Boards have been provided, private advertisements by staff may be placed on these notice boards provided the Head of the department has approved it-his/her signature must appear on the advert as proof of approval. No such advert may however remain on the departmental notice board for a period longer than 6weeks.

15.13 Micro Lending

No new agreements to deduct installments on Micro Lending or similar organizations will be entertained by the Council.

Any existing contractual agreements that might have been entered into shall be terminated giving the required notice in terms of the agreement to the relevant companies.

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CHAPTER 16

MONITORING AND COACHING

16.1 INTRODUCTION

The Municipality recognizes the need for all employees to have access to coaching and mentoring for development, in order to promote individual success. Employees have the responsibility to fully utilize this opportunity.

Mentorship is a total concept, the sharing of life experiences, the identification of values and norms for exploration and acceptance through an accelerated process of self-discovery, career growth, personal maturity and job competence. The mentor becomes the role model, the developer of talent, opener of doors, protector, sponsor and leader of the protégé.

Mentorship at! Ubuntu Municipality will be compulsory in the following cases:

- Situations where the job involves a large financial investment in the learner.
- When serious issues of customer (people) relations are at stake.
- When there is a definite need for staff continuity in the area and when the superior is near retirement or reassignment and should be grooming a particular understudy.
- When an appointment in terms of the Employment Equity Act was made of a person not totally qualified for the job.

16.2 Mentor Selection

Mentors shall be selected using the following principles:

- Use people who previously held mentoring positions to help select others to be trained as mentors.
- Use people in the organization that can be turned into on-site “people developers”.
- Use former employees recently retrenched or given a severance package.

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- People who are to be trained as mentors have to be “winners”.
 - They have to be good at their job
 - They have to be respected in the organization,
 - They have to be the embodiment of the skills, beliefs and values to be instilled in the learners.
- They should like teaching, guiding and training. Evidence of this attitude can be found by looking at what potential mentors do off the job. For example, scoutmasters, church schoolteachers and league coaches are often people who are powerfully motivated to train and guide others.
- They will themselves have had a mentor to put them on the right track in their own careers. These people have developed a strong positive attitude towards the mentor concept.
- Mentors should be appointed on a contract that will expire at the end of the agreed training period of the learner in question.

16.3 Determining the Learning Content

- Make a careful diagnosis of what the learner’s job really is now and what it is like to become. This should describe the actual day-in, day-out job.
- Make a real assessment of what the learner has yet to learn. Lay out the processes, courses, special assignments, job assignments and other experiences that will bring the learner up to standard.
- Develop a set of “behavioral milestones” that will signal to them that learning is taking place or has taken place. These will be things the learner can do as a result of the mentor relationship that he or she could not do before.
- Monitor this whole process by a central training section or mentor manager.

16.4 Measuring the Progress of the Learner (protégé)

To ensure the optimization of the mentor protégé interface, a measurement mechanism for tracking the development of the protégé must be introduced.

- Agree the key areas of development
- Use a set of measurement scales to quantify the present status quo in these areas.
- As the mentoring process advances, reassess the protégé and give feedback at fixed intervals
- Emphasis on correcting unacceptable behavior.

To guide and equip a protégé with the necessary competencies during the formative stages of a job and to enhance attitude, behavior and performance.

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CHAPTER 17

CORPORATE SOCIAL RESPONSIBILITY

17.1 Philosophy

The Municipality recognizes the need to provide opportunities for all its employees to secure and enhance their quality of life. Disadvantaged groups will be proactively advanced by means of social responsibility. A long and short-term approach will be adopted to reach certain goals.

All social responsibility programs should relate to the Municipality's business interests and form part of its mission. Management must be seen to be committed to the programs and projects.

17.2 Objective

To implement, evaluate and monitor all social responsibility programs action and projects at corporate level. To ensure that all programs and projects benefit both the Municipality and the employee. To provide guidelines and information regarding the implementation of projects and programs. To keep employees informed of all programs and projects for example housing, bursaries etc.

Constant research to ensure that the current and future needs of the Municipality, as well as that of its employees, is established.

17.3 Policy

The Municipality is committed to ensuring a healthy investment on a fair basis to all its employees by means of long and short-term social responsibility projects, programs and actions thereby enhancing the quality of life of all employees.

17.4 Principles

Top Management is committed to the social upliftment and enhancement of the quality of life of all the employees. All programs and projects will be in the interest of the Municipality and the individual, and indirect as well as direct mileage should be achieved. Social responsibility programs and projects are linked to Integrated Development Planning, strategic and business planning. The upliftment of all employees will be achieved and it

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will create goodwill and better relations. The elimination of discriminatory behavior will be proactively pursued.

17.5 Responsibility

Line Management will be responsible for meeting goals with regard to the upliftment and enhancement of employees' quality of life. Professional staff and experts will be involved in the planning, implementation and evaluation of all social responsibility programs, action and projects.

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CHAPTER 18

EMPLOYEE ORGANISATIONS

18.1 Membership

Employees may obtain membership of any staff association or trade union of their choice. Membership of such organizations is voluntary.

The Council will provide facilities to deduct the monthly levies owed by a staff member to such staff association or trade union from the employee's salary provided that a proper debit order form is completed and signed by the employee.

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CHAPTER 19

SERVICE IN ORGANISATIONS AND PUBLIC BODIES

19.1 Background

An employee may serve in organizations and public bodies, on condition that an employee does not undertake any activities resulting from such service during official working hours.

Should it be in the interest of the Municipality for an employee to attend meetings and other specified activities of an organization or public body of which he/she is a member during official working hours, the Municipal Manager shall give permission to do so and such an employee shall take special leave.

When the Municipal Manager seconds an employee to participate in the activities of an organization or public body during official working hours, the employee shall take leave for official business.

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CHAPTER 20

WELFARE OF EMPLOYEES

20.1 Policy

The Municipality views its employees as an important Human Resource that should be retained, utilized and developed.

The Municipality accepts that employees may experience social problems that, if dealt with in good time, can lead to better job performance.

20.2 Alcoholism and drug addiction

Alcoholism and drug addiction are considered to be pathological conditions and employees with problems of this nature may be referred for treatment.

A physician must certify the pathological condition.

The employee must voluntarily agree to undergo treatment.

Employees receiving treatment for the pathological condition shall receive sick leave for the duration of the treatment and shall not be penalized with regard to their promotion in the service.

Employees are only granted sick leave to undergo full-time treatment for the pathological condition on one occasion, and any further sick leave for treatment shall be considered on merit (job performance, duration of time and period of service).

20.3 Other Social Problems

The Manager Corporate Services: shall deal with other social problems on merit, in consultation with the departmental Head and in compliance with the stipulations of the Conditions of Service.

20.4 Social Problems Shall Not Prevent Action From Being Taken In The Event Of Misconduct

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The stipulations of this chapter do not prevent action from being taken against an employee in terms of the Conditions of Service in cases of misconduct, incompetence or poor performance.

CHAPTER 21

PERFORMANCE MANAGEMENT

21.1 Introduction

Chapter 6 of the Local Government Municipal Systems Act, Act 32 of 2000, introduced Performance Management as a new permanent feature in the activities of Municipalities in South Africa

21.2 Who/What Must be Measured

Section 41: of the Act states that Municipal Councils must measure its performance including the outcomes and impacts with regard to its development priorities and objectives as set out in its integrated development plan. *Section 26(i)* states that the IDP must reflect the key performance indicators and performance targets as well.

Section 6: of the Act states that a Municipality's administration must inter alia provide the community with full and accurate information about the level and standard of municipal services that they are entitled to receive. This implies a form of measurement.

Section 8(1): Indicates that Municipalities have the right to do anything reasonably necessary for the effective performance of its functions. One of the most effective measures would be performance measurement at all levels.

Section 11(3)(j) and (k): States that the Municipality may monitor the impact and effectiveness of any of its services, policies, programs or plans and establish and implement performance Management systems.

Section 38(b): States that the Municipality must promote a culture of Performance Management among its political structures, political office bearers and Councilors and in its administration.

Section 51(c): States that the administration must be performance oriented.

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In terms of Section 55: Municipal Managers are responsible and accountable for operating the municipality in accordance with its Performance Management system.

Section 57: States that the Municipal Manger and all managers directly accountable to the Municipal Manager must enter into Performance agreements that indicate objectives, targets and timeframes within which targets must be met.

Section 67(1)(d): States that a Municipality must inter alia develop a system to monitor, measure and evaluate the performance of staff.

In summary, the Act stipulates that the performance with regard to developmental objectives set out in the integrated development plan and Municipal services delivered and received need to be measured.

The performance of Municipal Manager & each manager directly accountable to the Municipal Manager as well as the performance of each staff member should also be measured.

21.3 Performance Management System

The Council's Performance Management System is being developed as a separate system.

ANNEXURE 1

DISCIPLINARY PROCEDURES

NOTE:

In this schedule the offences and possible penalties printed in italics are those that form part of the Disciplinary Code Agreement entered into on 26 March 2003 between SALG, SAMWU & IMATU.

The schedule contains a number of additional offences not covered by the above Agreement.

The Agreement also states that the schedule of offences and possible penalties are only guidelines and should be treated as such. The special circumstances of each case should be taken into account.

The purpose of these guidelines is to try and get more consistency amongst Chairpersons of disciplinary enquiries as it is a requirement in terms of the industrial court that the sanction to be imposed on the employee be consistent with treatment of other employees who committed the same or an equal offence.

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DISCIPLINARY CODE

SECTION ONE

ABSENTEEISM:

The maximum disciplinary measure applicable in each column should be used as a guideline and should not automatically be imposed but rather the nature and circumstances of each individual case should be taken into consideration, prior to make a decision.

The purpose of the explanatory notes is to assist the supervisor to identify the specific transgressions to charge an employee in accordance with the alleged misconduct. They are not definitions, but guidelines and should not be applied rigidly.

TRANSGRESSION	EXPLANATORY NOTES	FIRST OFFENCE	SECONT OFFENCE	THIRD OFFENCE	FOURTH OFFENCE	FIFTH OFFENCE
A. Lack of punctuality (habitual late coming).	Commencing service after agreed starting time without a valid reason. Make sure that the employee was aware of the working hours	Warning	Warning	Final written warning	Dismissal	
B. Unauthorized absence from work or leaving work place without explicit permission.	Leaving the work place without the consent of the supervisor without a valid reason.	Verbal reprimand	Formal written warning	Serious written warning	Final written warning	dismissal
C. Abuse of sick leave (excluding the policy on misuse of sick leave)	Where an employee uses sick leave for purposes other than illness	Serious written warning	Final written warning	Dismissal		

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TRANSGRESSION	EXPLANATORY NOTES	FIRST OFFENCE	SECONT OFFENCE	THIRD OFFENCE	FOURTH OFFENCE	FIFTH OFFENCE
D. Unauthorized absence for longer than two days without a reasonable excuse of doctor's certificate		Warning	Final	Dismissal		
E. Habitual absence of 1 to 2 days without a reasonable excuse or producing a doctor's certificate for occasions (exceeding twice in any 6 week period)		Warning	Warning	Final	Dismissal	
F. Desertion - Unauthorized and/or Un-communicated absence from work for a period of more than 7 days	Employee may state his/her case by means of a letter to the Council or, if possible, a disciplinary hearing even if held in detention.	Dismissal				

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UNAUTHORISED ABSENCE: FORFEITURE OF SALARY

An employee who is absent from his work without leave or valid reason shall not be entitled to any salary for the period of his absence. The deduction is calculated pro-rata according to the length of his absence.

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DISCIPLINARY CODE: SECTION TWO

INCAPACITY: POOR WORK PERFORMANCE

The maximum disciplinary measure applicable in each column should be used as a guideline and should not automatically be imposed, but rather the nature and circumstances of each individual case should be taken into consideration, prior to making a decision.

The purpose of the explanatory notes is to assist the supervisor to identify the specific transgressions to charge an employee in accordance with the alleged misconduct. They are not definitions, but guidelines and should not be applied rigidly.

TRANSGRESSION	EXPLANATORY NOTES	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE	FIFTH OFFENCE
A. Incompetence (failure to Maintain set/work standards) Incapacity: Poor work performance (Refer to Schedule 8 of the Labor Relations Act, Act no 66 of 1995)	<p><i>Make sure that together with the warnings the employee received some sort of counseling in regard to his/her shortcomings and that he/she had sufficient opportunity to improve before imposing the decision to dismiss.</i></p> <p>Failure to meet known standards and/or the negligent performing of duties e.g.:</p> <ul style="list-style-type: none"> - not attending to prescribed duties - Non-adherence to deadlines - Poor time Management - Laziness 	Warning	Serious written warning	Final written warning	Dismissal	
B. Sleeping on duty (Security Guard or a related job)		Final Warning	Dismissal			
C. Sleeping during working hours and leaving the workplace		Warning	Final	Dismissal		
D. Dereliction of duty			Warning	Final	Dismissal	
E. Loafing		Warning	Warning	Final	dismissal	

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DISCIPLINARY CODE: SECTION THREE

INSUBORDINATION/DISRESPECT

The maximum disciplinary measure applicable in each column should be used as a guideline and should not automatically be imposed, but rather the nature and circumstances of each individual case should be taken into consideration, prior to making a decision.

The purpose of the explanatory notes is to assist the supervisor to identify the specific transgressions to charge an employee in accordance with the alleged misconduct. They are not definitions, but guidelines and should not be applied rigidly.

TRANSGRESSION	EXPLANATORY NOTES	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE	FIFTH OFFENCE
A. Insubordination Disrespect	Insubordination is viewed in a serious light. The following are examples: - Refusal to obey instructions - Rudeness - Insolence - Provocation - Use of foul language towards supervisor - Making of disparaging remarks - Making indecent gestures	Final warning	Dismissal			
B. Refusal to carry out an authorized instruction in respect of normal work practice not involving abnormal physical risk and also not in conflict with any other Instruction received.		Warning	Final	dismissal		
C. Swearing or using abusive language		Warning	Warning	Final	Dismissal	

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DISCIPLINARY CODE: SECTION FOUR

DISHONESTY

The maximum disciplinary measure applicable in each column should be used as a guideline and should not automatically be imposed, but rather the nature and circumstances of each individual case should be taken into consideration, prior to making a decision.

The purpose of the explanatory notes is to assist the supervisor to identify the specific transgressions to charge an employee in accordance with the alleged misconduct. They are not definitions, but guidelines and should not be applied rigidly.

TRANSGRESSION	EXPLANATORY NOTES	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE	FIFTH OFFENCE
A. Theft, Bribery, Forgery, Giving false personal Information		Dismissal				
B. Discloses or uses otherwise than in execution of his/her duties, information acquired in the course thereof, without prior consent of the Council		Dismissal				
C. Dishonest clocking procedure		Warning	Final warning	Dismissal		
D. Engages in remunerative work outside the Council's service or commits him/herself thereto without first requesting and receiving the Council's permission- or contravenes any condition upon which such permission was granted		Dismissal				

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DISCIPLINARY CODE: SECTION FIVE

DISORDERLY/IRREGULAR BEHAVIOR

The maximum disciplinary measure applicable in each column should be used as a guideline and should not automatically be imposed, but rather the nature and circumstances of each individual case should be taken into consideration, prior to making a decision.

The purpose of the explanatory notes is to assist the supervisor to identify the specific transgressions to charge an employee in accordance with the alleged misconduct. They are not definitions, but guidelines and should not be applied rigidly.

TRANSGRESSION	EXPLANATORY NOTES	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE	FIFTH OFFENCE
A. Threatening and/or inciting other employees to participate in violence or serious disruption. Assault. Unauthorized use of dangerous weapons in the workplace.		Dismissal				
B. Threatening to do physical injury, fighting and assault.	Physical attack by one party on another or by two parties on each other. Circumstances where self defense is involved must be taken into consideration.	Final written warning	Dismissal			
C. Grossly offensive behavior		Warning	Warning	Final	Dismissal	
D. Calling and conducting unauthorized meetings on council premises during or after working hours	All meetings to be conducted on the premises must have the prior permission of the Municipal Manager.	Final written warning	Dismissal			

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TRANSGRESSION	EXPLANATORY NOTES	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE	FIFTH OFFENCE
E. Intimidation or inciting any person to carry out any act calculated to be detrimental to the Council within or outside the work situation, for example inciting co-employees to strike	Examples of intimidation would be: a) Compelling other workers by threats to partake in any actions against their will; b) Threats to kill, including neck lacing, and c) Shredding of victim's clothes and damaging of belongings		Warning	Final	Dismissal	
F. Sabotage	Damage done secretly to Council's property, equipment, machinery and vehicles.	Dismissal				
G. Being in possession of liquor or dangerous weapons in the Workplace		Warning	Final	Dismissal		
H. Damaging the public image of the Council	Engaging in disorderly behavior in the performance of one's duties within a public area or discourtesy in the execution of one's duties or other actions that may blemish the public image of the Council	Serious written warning	Final written warning	Dismissal		
I. Sexual harassment	Conduct of a sexual nature, or conduct based on sex affecting the dignity of women or men at work, whether carried out by colleagues or supervisors, constitutes an intolerable violation of employees' dignity. Such behavior is unacceptable if it is unwanted, unreasonable and offensive to the recipient. Disciplinary action may also be taken against anyone who lodges a false complaint.	Final written warning	Dismissal			

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TRANSGRESSION	EXPLANATORY NOTES	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE	FIFTH OFFENCE
J. Behavior or action that endangers the safety of a person himself		Final written warning or dismissal	Dismissal			
K. Gambling during working hours	Partaking in any form of illegal activity for gain. Some forms of gambling are innocuous and departmental Heads' discretion should be appropriately exercised	Serious written warning	Final written warning	Dismissal		
L. Failure to carry out the policy of the Council and/or to fulfill any requirement of the Conditions of service and/or to adhere to any of the stipulations of the conditions of Service.		Any penalties referred to in paragraph 13 of this chapter.				
M. Being found guilty of committing a criminal offence that has a direct bearing on the Council/employees contractual relationship	A certified copy of the conviction by the Court is considered to be conclusive evidence of being found guilty.	Final written warning	Dismissal			
N. Violation of internal security arrangements that endangers the safety and health of personnel and/or interest of council		Final written warning	Dismissal			

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TRANSGRESSION	EXPLANATORY NOTES	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE	FIFTH OFFENCE
O. The deliberate, reckless or negligent damage, destruction, abuse or theft of equipment or items there for the purpose of, or used in compliance with the Occupational Health and Safety Act (Act no 85 of 1993, as amended)		Final written warning	Dismissal			
P. The non-compliance with Health and Safety rules, regulations, prescriptions, etc., in terms of the Occupational Health and Safety Act (Act No 85 of 1993, as amended)		Final written warning	Dismissal			
Q. In the case of any employee, being found guilty of an infringement of the stipulations of an Act, code of conduct and/or ethical principles applicable to his profession, or occupation.		Any penalties referred to in paragraph 13 of this chapter				
R. Unprotected strikes and Un-procedural industrial action.	Un-procedural strikes and un-procedural industrial actions will be dealt with on a collective basis.	Dismissal				

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DISCIPLINARY CODE: SECTION SIX

ALCOHOL / DRUGS

The maximum disciplinary measure applicable in each column should be used as a guideline and should not automatically be imposed, but rather the nature and circumstances of each individual case should be taken into consideration, prior to making a decision.

The purpose of the explanatory notes is to assist the supervisor to identify the specific transgressions to charge an employee in accordance with the alleged misconduct. They are not definitions, but guidelines and should not be applied rigidly.

TRANSGRESSION	EXPLANATORY NOTES	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE	FIFTH OFFENCE
A. Incapable of performing duties adequately and/or reporting for duty whilst under the influence of alcohol and/or drugs	Make employees aware of employee assistance program.	Sent home without pay	Final written warning	Dismissal		
B. Being in possession of liquor or illegal drugs in the workplace	This is seen in an extremely serious light due to potentially serious consequences.	Warning	Final written warning	Dismissal		
C. Being under the influence of liquor with a concentration of alcohol of less than 0.8gm per ml.	The use of alcohol excluding cases where permission is granted by the Departmental Head or Municipal Manager for official events	Warning	Final	Dismissal		
D. Being under the influence of liquor with a concentration of alcohol of 0.8gm per ml. Or more in the blood		Final warning	Dismissal			
E. Driving under the influence of alcohol/drugs	Driving a council vehicle or using machinery whilst intoxicated	Dismissal				

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DISCIPLINARY CODE: SECTION SEVEN

COUNCIL VEHICLES

The maximum disciplinary measure applicable in each column should be used as a guideline and should not automatically be imposed, but rather the nature and circumstances of each individual case should be taken into consideration, prior to making a decision.

The purpose of the explanatory notes is to assist the supervisor to identify the specific transgressions to charge an employee in accordance with the alleged misconduct. They are not definitions, but guidelines and should not be applied rigidly.

TRANSGRESSION	EXPLANATORY NOTES	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE	FIFTH OFFENCE
A. Unauthorized use of Council vehicles or driving a Council vehicle without a valid Drivers License.	Only employees who have authorization and a valid driver license may drive a council vehicle.	dismissal				
B. Permitting and unauthorized driver to drive a council vehicle.	The official driver of a vehicle does not have the right to allow an unauthorized driver to take control of the council vehicle. This is viewed in a serious light	Serious written warning	Final written warning	Dismissal		
C. Misuse of council vehicles or machinery	e.g. Use of council vehicles or machinery for private purpose	Serious written warning	Final written warning	Dismissal		
D. Reckless or negligent driving		Final written warning	Dismissal			
E. Failure to comply with Council policy with regard to the use of vehicles.	e.g. Neglecting service of vehicle, general condition of vehicle, keeping accurate records, etc.	Verbal reprimand	Final written warning	Serious written warning	Final written warning	Dismissal

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DISCIPLINARY CODE: SECTION EIGHT

NEGLIGENT LOSS, DAMAGE OR MISUSE OF COUNCIL PROPERTY

The maximum disciplinary measure applicable in each column should be used as a guideline and should not automatically be imposed, but rather the nature and circumstances of each individual case should be taken into consideration, prior to making a decision.

The purpose of the explanatory notes is to assist the supervisor to identify the specific transgressions to charge an employee in accordance with the alleged misconduct. They are not definitions, but guidelines and should not be applied rigidly.

TRANSGRESSION	EXPLANATORY NOTES	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE	FIFTH OFFENCE
A. Negligent loss or damage of council property due to negligence	Through carelessness or negligence, council property of property hired by the Council is lost, or Unable to be accounted for.	Serious written warning	Final written warning	Dismissal		
B. Misuse of council property to drive a council vehicle	Using or allowing the use of council property for a purpose or purposes other than that/those intended.	Formal written warning	Serious written warning	Final written warning	Dismissal	
C. Damage to Council property and/or property hired or in possession of the council		Final written warning or Dismissal				
D. Unauthorized possession of Council property		Dismissal				
E. Unauthorized use of Council property or Equipment		Dismissal				
F. Loss of protective clothing. Wastage of material. Poor maintenance standard		Warning	Warning	Final	Dismissal	

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Develop a process plan

Critical Reports for council

Actual Training of employees in the HR Department