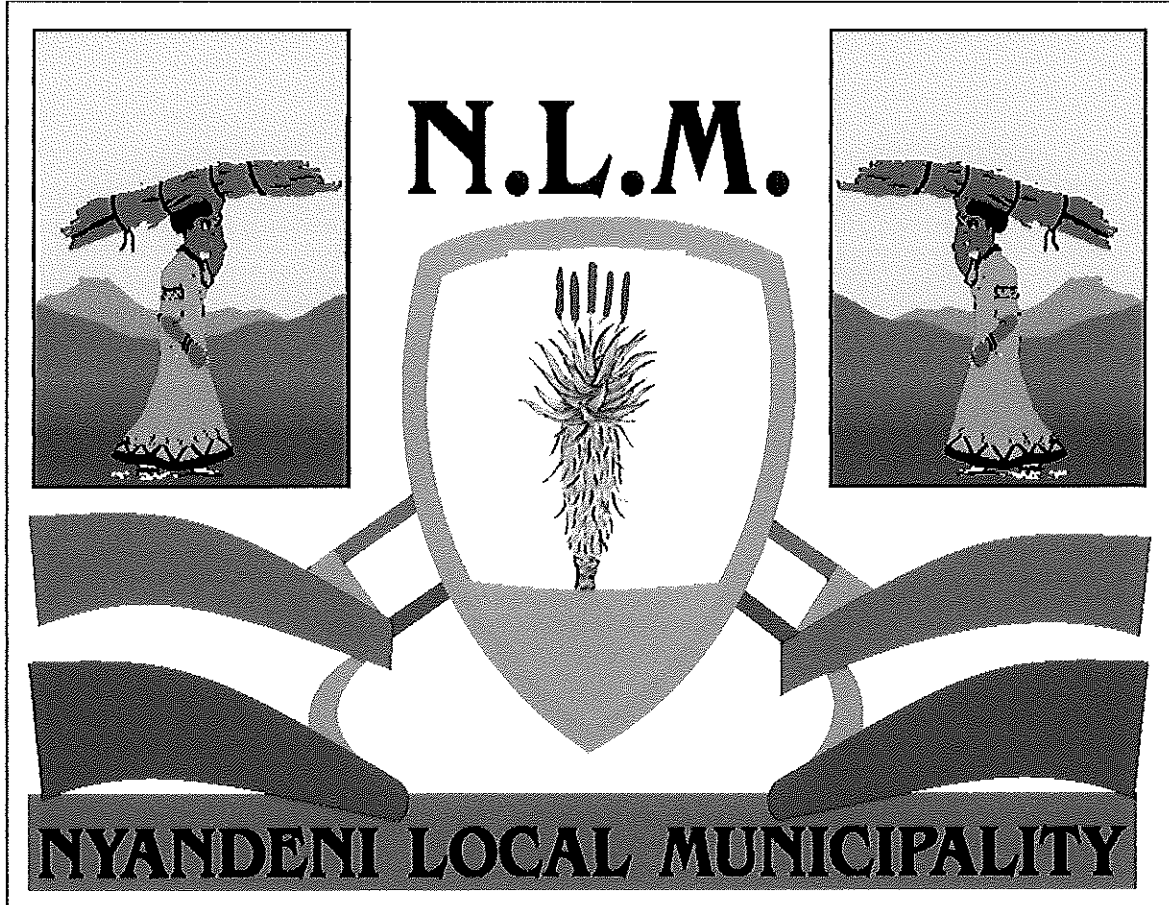


PERSONNEL REGULATIONS POLICY



APPROVED BY:


MRS. N. NOMANDELA
MUNICIPAL MANAGER

DATE: 29 July 2013

APPROVED BY:


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MAYOR

DATE: 29 July 2013

1. PREAMBLE

The intention policy to ensure, through summarising clearly the basic conditions of employment of Nyandeni Local Municipality, informed staff members in a working environment that is conducive to optimal productivity.

This policy will be complemented by other human resources and admin policies which will elaborate on specific conditions of service.

2. DEFINITIONS

In this policy the following definitions will apply:

- "Agreement" includes a collective agreement
- "Bargaining Council" means a bargaining council registered in terms of the Labour Relations Act, 1995.
- "Basic Conditions of Employment" means a provision of this Act or sectoral determination that stipulates a minimum term or condition of employment
- "CCMA" means the Commission for Conciliation Mediation and Arbitration

3. LEGISLATIVE FRAMEWORK

- 3.1 Basic Conditions of Employment Act, 1997.
- 3.2 Formal Gazetted Agreements with Trade Unions
- 3.3 The Unemployment Insurance Act, 1966 (Act No. 30 of 1966)
- 3.4 The Skills Development Act, 1998 (Act No. 97 of 1998)
- 3.5 The Employment Equity Act, 1998 (Act No.55 of 1998)
- 3.6 The Occupational Health & Safety Act, 1993 (Act No. 85 of 1993)
- 3.7 The Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 15 of 1993)
- 3.8 Labour Relations Act, 1995
- 3.9 Municipal Finance Management Act, 2003 (Act No 55 of 2003)
- 3.10 Municipal Systems Act, 1998 (Act No ... of 1998)
- 3.11 Municipal Systems Amendment Act
- 3.12 Various Human Resources and Admin Policies of Nyandeni Local Municipality

4. SCOPE

- 4.1 This policy covers all the employees of the Nyandeni Local Municipality, irrespective of level
- 4.2 However, certain sections, like benefits and allowances are not applicable to Senior Managers and Second Line Function Managers as they have the option to structure their remuneration package themselves.

5. DELIMITATIONS

- 5.1 This Policy excludes all Councillors as they are not employees of the Municipality
- 5.2 Contract Workers, other than Senior and Middle Management; contracted for specific projects/ Periods.
- 5.3 Seconded Staff, for whom the staff benefits will apply, but otherwise the other service conditions of the Institute to which they were seconded will apply.

6. OBJECTIVES

Objectives of this Policy are to:

- 6.1 To ensure the effective induction and orientation of newly appointed employees.
- 6.2 To ensure compliance to the occupational Health & Safety legislation.
- 6.3 To provide guidelines with regard to staff benefits and allowances for employees.
- 6.4 To provide guidelines regarding staff loans & advances.
- 6.5 To provide guidelines with regard to staff performance & Development.
- 6.6 To provide guidelines to ensure harmonious labour relation in the workplace.
- 6.7 To provide guidelines with regard to working hours & the payment of overtime and the expectations regarding office attire.
- 6.8 To provide guidelines with regard to entering into and termination of the employment contract.

7. CONTRACT OF EMPLOYMENT

- 7.1 Before commencement of service prospective employees will receive a letter of appointment, with all the relevant information regarding position, recruitment and conditions of employment included. The prospective employees need to respond within a determined period indicating his/her acceptance of the offer of employment.
- 7.2 Within two weeks of commencement of service new employees will be presented with a contract of employment and be given seven days to read & sign it. During this time employees will have the opportunity to clarify issues, after which they will have to submit it to Corporate Services.
- 7.3 The scope of this contract will include the remuneration as well as the conditions of service of the new employee. It will also spell out the responsibilities, duties and Job title of the municipality.
- 7.4 The Municipal Manager Services will sign the contract of employment on behalf of the municipality.
- 7.5 A copy of the contract of employment will be handed to the new employee and another will be filled on the SP file of the employee.
- 7.6 Any changes & or amendments to this contract will only be binding if signed by the affected employee, as well as the Manager: Corporate Services on behalf of the Municipality.

8. STAFF INDUCTION & ORIENTATION

8.1 Orientation

- 8.1.1 The employee will, on appointment, be orientated regarding the organization as a whole the mission, vision, strategic objectives and the different departments and programmes and also be supplied with a set of company policies and procedures.

8.2 Induction

- 8.2.1 After the initial orientation, the employee's supervisor will familiarise the employee with his/her working environment, working conditions and work content [duties & responsibilities]
- 8.2.2 The employee will also be introduced to the team with which he/she will work and other significant colleagues.

9. WORKING HOURS

9.1 Ordinary working

- 9.1.1 In line with the agreement reached with organised labour the normal work hours are:
 - (i) 40 hours in any week
 - (ii) 8 hours a day if a worker works 5 days or less a week, or
 - (iii) 7 hour a day if a worker works more than 5 days a week.

9.2 MEAL BREAKS & REST PERIODS

9.2.1 An employer must give an employee who works for more than five continuous hours a meal break of one continuous hour a day.

9.2.2 During a meal break an employee may be required or permitted to perform only duties that cannot be left unattended and cannot be performed by another employee.

9.3 SUNDAY WORK

9.3.1 A worker who sometimes works on a Sunday will get double pay. A worker who normally works on a Sunday will be paid at 1.5 times the normal wage. There may be an agreement for paid time off instead of overtime pay.

9.4 NIGHT WORK

9.4.1 night work allowance of 84.50 per hour shall be paid for night work performed. This amount will be increased annually in accordance with salary increases as agreed upon at national level. A

9.4.2 The provisions governing night work, as set out in the Basic Conditions of Employment Act (No 75 of 1997), will apply. T

9.5 SHIFT ALLOWANCE

9.5.1 The allowance is equal to 6% of the employees' annual basic salary and is payable monthly.

9.5.2 The allowance shall be increased annually in conjunction with the salary increases.

10. STAFF BENEFITS

10.1 Senior Managers

10.1.1 As Senior managers have the right to structure their remuneration packages, sections 11.5 to 11.6 do not apply to them.

10.2 Annual bonus [13th cheque]

10.2.1 An annual Bonus equal to one month's salary (a 13th cheque) shall be paid to employees on the end of their birthday month.

10.2.2 On termination of service pro-rata share bonus shall be paid after one year's uninterrupted service.

10.2.3 No bonus shall be paid on termination of service for misconduct.

10.2.4 Under no circumstances shall advances on a bonus be made or shall a bonus be paid before the due date.

10.2.5 Temporary employees, Contract employees & senior Managers are not entitled to the payment of Bonus.

10.2.6 Full annual Bonus will be calculated as follows:
Current Basic Annual Salary/12 = Annual Bonus.

10.2.7 Pro-rata share of Bonus will be calculated as follows:
Annual Bonus (per 2.3.6)/12 number of months worked.*

10.3 Medical aid scheme

10.3.1 Participation in a medical aid scheme is compulsory for all permanent employed staff members, provided a staff member produces proof of medical aid membership through a main member to that medical aid.

10.3.2 The employee will however have the freedom to choose a medical aid scheme of his/her choice from the medical schemes recognised by the bargaining council.

10.3.3 The Municipality will contribute to the monthly premiums to the fund according to the collective agreement reached with recognized worker's organisations.

10.3.4 The employee's contribution to the medical fund will be deducted from his /her salary.

10.4 PENSION/ PROVIDENT FUND

- 10.4.1 Contribution to a recognised pension/ provident fund is compulsory for all permanent employees.
- 10.4.2 The municipality will contribute a percentage to the pension/ provident fund according to the collective agreement reached with recognised worker's organisations.
- 10.4.3 The employee's contribution to the pension/ provident fund will be deducted from his/her salary.

11. STAFF ALLOWANCES

11.1 Senior managers

11.1.1 Senior Managers have the right to structure their own remuneration packages.

11.1.2 Senior Managers do not qualify for uniform allowances as set out in section 11.5.

11.2 Cell phone allowance

11.2.1 Employees qualifying for cell phones in accordance with the municipal Cell Phone Policy will be entitled to the prescribed allowance.

11.3 Home owner subsidy

11.3.1 Employees who are Home Owners are entitled to and will receive home owner subsidy as determined by the SALGA, based on agreements reached with organised Labour [SALGA].

11.4 Uniform allowance

11.4.1 In those occupational classes where employees are required to wear uniform/overall/protective clothing as listed in section 14.2.3, uniform and protective clothing will be supplied by the Municipality.

11.5 Acting allowance

11.6.1 When an employee is required to act in a more senior post for a period of not less than ten (10) consecutive days, an Acting Allowance to annual rate equal to the difference between an employee's salary and the commencing notch of the salary scale of the post in which he acts shall be paid to such employee in addition to his salary in respect of the period in which he acts provided that:

11.6.1.1 The employee has been duly appointed by the Municipal Manager (or his delegate) to act in the higher post

11.6.1.2 Any interruption of less than three working days in total shall be deemed to form part of the acting period if occasioned by any of the following circumstances:

- (i) Illness supported by medical certificate
- (ii) Family bereavement
- (iii) Attendance at court as a witness if subpoenaed.

11.6.2 Subject to existing operational requirements, acting appointments to vacant posts be reviewed within three months

11.6.3 Vacant posts on a Municipality's permanent staff establishment should be filled within six months unless there is a compelling reason not to do so

11.6.4 Unless operational requirements dictate otherwise, acting appointments should be confined to employees reporting directly to the applicable acting position.

11.6.5 The calculation of acting allowance/s paid to employees performing acting duties of Section 57 or other fixed term contractual posts shall be paid on 60% of remuneration package of the Section 57 or other contractual post.

11.6.6 In the event that an employee's salary is equal to or higher than the commencing notch of the salary scale of the post in which he is due to assume an acting position an acting allowance fixed at 2.5% of the employee's basic salary shall be paid.

12. STAFF LOAN & ADVANCES

12.1 In alignment with the Municipal Finance Management Act, any loans of employees are strictly forbidden under any circumstances.

12.2 When going away from the office of the municipality on official international business, employees are allowed to draw an advance to cover foreseen expenditure like accommodation and meals, on return the employee must submit the prescribed claim form accompanied with supportive invoices.

12.3 Should the advanced exceed the actual expenses; the employee must refund the deference within 30days of submission of the claim form. Upon failure to do so, the outstanding amount will be deducted from the employee's salary, unless special arrangements have been entered into with the accounting officer of the municipality.

13. OFFICE DRESS CODE

13.1 OFFICE ATTIRE

- 13.1.1 It is expected of all employees that their attire will be decent, professional and a reflection of the image that the municipality seeks to portray to its clients.

13.2 UNIFORM /OVERALLS/ OVERDRESSES

- 13.2.1 Provisioning will be made for employees in the occupational classes listed under section 13.2.4 to acquire or replace the required uniform/overalls as needed.

- 13.2.2 A contract with a suitable provider will be entered into through the tender process to supply the municipality annually with clothing with regard to uniform/overalls/overdresses

- 13.2.3 Employees are required to wear identification tags at all times during working hours

- 13.2.4 Categories of Occupational classes that necessitate the wearing of uniform/overalls are

- (a) Law enforcement Personnel
- (b) Labourers
- (c) Cleaners
- (d) Some Admin staff members as identified by senior management from time to time.

13. EMPLOYEE ASSISTANCE PROGRAMME

- 17.1 Victims of sexual harassment [and family] should, when necessary, be provided with counselling services at the expense of the municipality.
- 17.2 All employees living with HIV/AIDS will be provided at no cost with counselling services, which may also include (at the request of the employee) the immediate family members.
- 17.3 This service will be provided by a professional to be contracted by the municipality.
- 17.4 The municipality will from time to time (3-5years) enter into a contract with a professional service provider to provide professional counselling Services at the request of the Corporate Service Department.
- 17.5 The Municipality through the Corporate Services Manager will arrange professional counselling at the cost of the Municipality for employees with behavioural /and personal problems; should these problems adversely affect his/her performance.

18. GRIEVANCE &DISCIPLINARY PROCEDURE

18.1 GRIEVANCE

- 18.1.1 All employees have the right to lodge grievances, first with their respective supervisors, and failing to get satisfaction, to the management committee of the municipality.
- 18.1.2 The Management Committee of the Municipality will initiate an investigation and seek to resolve the grievance.
- 18.1.3 The employee has the right to appeal against the finding of the management committee and may even seek resolution at the CCMA.

18.2 DISCIPLINARY CODE

Employees found guilty of misconduct as defined in the Labour Relations Policy will be dealt with under the disciplinary Code as in set out in the municipal Labour relations Policy.