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## GREATER GIYANI MUNICIPALITY

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# CONDITIONS OF SERVICE POLICY

Council Resolution: CR118 – 27/05/22SP

### Object

The primary object of this policy is:-

- (a) to provide standard conditions of Service to Greater Giyani employees; and
- (b) to provide guidelines over terms and conditions for dealing with private work applications.

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## **1. PREAMBLE**

Greater Giyani Municipal employees are entitled for basic conditions of services as provided for by the Basic Condition of Employment Act and relevant statutory agreements and in accordance with the operational needs and requirements of the Municipality.

## **2. DEFINITIONS**

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

## **3. LEGAL FRAMEWORK**

Constitution of the Republic of South Africa, Act No. 108 of 1996  
Labour Relations Act 66 of 1995  
Basic Conditions of Employment Act 75 of 1997  
Main Collective Agreement 2015 – SALBC  
Limpopo Divisional Collective Agreement – SALGA  
Local Government: Municipal Systems Act, 2000  
Local Government: Municipal Structures Act, 1998

## **4. SCOPE AND APPLICATION**

This policy applies to Greater Giyani employees except section 54A and 56 employees.

## **5. OBJECTIVES OF POLICY**

- (a) The policy objective is to provide standard conditions of Service to Greater Giyani employees.
- (b) The Remuneration work outside the council policy refers to the terms and conditions for dealing with private work applications.

## **6. POLICY**

### **(1) Absence**

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

### **(2) Scheduled Absences**

- (a) Employees are to notify their supervisors as early as possible about scheduling time-off from work (e.g. Doctor's appointment, personal days etc) whether paid or unpaid;

- (b) Scheduled absences are arranged at the mutual convenience of the Directorate/Department and employees based on the operational needs of the Department; and
- (c) Absence can be considered scheduled if a 24 – hours advanced notice is given in advance, and the absence is approved by the supervisor.

**(3) Unscheduled Absences**

- (a) Excessive unscheduled absences may result in instituting disciplinary action up to and including dismissal.
- (b) Supervisors will notify an employee when patterns or concerns develop that may place them at risk of being reprimanded.
- (c) The following factors should be considered in determining if unscheduled absence is excessive:
  - (i) Patterns of absence: Patterns of absence demonstrates a predictable routine. For example, is the employee consistently absent the day after pay day, or a particular day, e.g. Monday to Friday, or always on the day before or after a holiday, etc.
  - (ii) Frequency of absence: How often does the employee have unscheduled absence? Repeated instances of unscheduled absences, such as call-ins, early departures, not reporting etc., should be considered.
  - (iii) Even though the absences may not constitute a predictable pattern, is the employee often absent.

**(4) Tardiness**

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

**(5) Attendance Register**

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

## 7. ANNUAL LEAVE

- (1) An employer shall grant an employee the following leave:
  - (a) Twenty – four (24) days for a five – (5) day worker, provided that leave for an employee that works less than a five (5) day week shall be calculated on pro rata basis; and
  - (b) Twenty – seven (27) working days for a six- (6) day worker.
- (2) An employer must grant annual leave not later than six (6) months after the end of the annual leave cycle.
- (3) An employee is required to take leave as following:
  - (a) A five – (5) day worker shall take a minimum of sixteen (16) working days leave, and
  - (b) Six- (6) day worker shall take a minimum of nineteen (19) working days leave.
- (4) An employee must take annual leave not later than six (6) months after the end of the annual leave cycle.
- (5) Annual leave shall only be accumulated to a maximum of forty –eight (48) working days.
- (6) Any leave in excess of forty –eight (48) working days may be encashed should the employee be unable to take such leave, despite applying and because the employer refused to grant him such leave, as a result of the employer's operational requirements.
- (7) If, despite being afforded an opportunity to take leave, an employee fails, refuses or neglects to take the remaining leave due to him during this period, such remaining leave shall fall away, provided that budget has been set aside.
- (8) Within six (6) months of the end of a leave cycle, an employee may not have more than forty –eight (48) days annual leave to his credit.
- (9) In the event of the termination of service, an employee shall be paid his/her leave entitlement in terms of this agreement, calculated in terms of the relevant provisions of the Basic Conditions of Employment Act 75 of 1997, as amended.

## 8. SICK LEAVE

- (a) With effect from the new sick leave cycle, an employer shall grant an employee eighty (80) days sick leave in a three (3) year leave cycle, provided that in respect of new appointments an employee may not take more than 30 days sick leave in the first year of employment.
- (b) The employee shall be required to submit a medical certificate from a registered medical practitioner or any other person who is certified to diagnose and treat patients and who is registered with a professions council established by an Act of Parliament, if more than two (2) consecutive days are taken as sick leave, provided that the employer may request a sick leave certificate for every day of sick leave where there is evidence of abuse of sick leave.
- (c) The employer is not required to pay an employee if an employee is absent on more than two (2) occasions during an eight- week period, and on request by the employer, 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.

## 9. MATERNITY AND ADOPTION LEAVE

- (a) Employee, including an employee adopting a child under three (3) months, shall be entitled to receive three (3) months paid maternity or adoption leave with no limit to the number of confinements or adoptions. This leave provision shall also apply to an employee whose child is still-born.
- (b) Maternity leave may commence four (4) weeks before confinement.
- (c) To qualify for paid maternity leave, an employee must have one (1) year's continuous service with the employer.

## 10. FAMILY RESPONSIBILITY LEAVE

- (1) Family responsibility leave applies to an employee who has been in employment with employer for longer than four (4) months.
- (2) An employer, upon receipt of reasonable proof, shall grant an employee during each annual leave cycle at the request of an employee, a total of five (5) working days paid leave, which the employee is entitled to take, either when:
  - (a) 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:
    - (i) The employee's spouse or life partner, or
    - (ii) The employee's parent, adoptive parent-in-law, grandparent, child, adopted child, grandchild or sibling.

## 11. ADDITIONAL SICK LEAVE

- (1) An employee is entitled to a further eighty (80) working days on half pay per sick leave cycle of 36 months commencing on the date of appointment.
- (2) If during the cycle not more than twenty (20) working days sick leave are granted to an employee, there shall at the end of a cycle be added 33 1/3 per cent (%) of the sick leave up to a maximum of thirty (30) working days on full pay and thirty (30) working days on half pay to the sick leave to which the employee is entitled during the ensuing cycle: Provided that in respect of any sick leave cycle no employee shall become entitled to more than 106 working days sick leave on full pay and 106 working days on half pay.
- (3) If the maximum period of sick leave to which an employee is entitled has been granted to him/her and, owing to reasons of health, he/she is not able to resume, the employer may:
  - (a) On submission of a satisfactory (medical) certificate from a registered medical practitioner or dentist, or a traditional healer registered with a recognised professional council in terms of legislation;
  - (b) It is satisfied that the employee is at that moment not permanent incapacitated to resume his/her duties; and
  - (c) If the employee has no vacation leave credit, grant to such employee further sick leave on half pay for not more than 66 working days in any cycle.

- (d) Such grand may be made in respect of separate periods of absence and in respect of indispositions of different kinds.
- (4) On written application by an employee, who has exhausted his/her full paid sick leave, vacation leave which he/she has to his/her credit may be granted to him/her instead of sick leave on half-pay or no pay. If the vacation leave is converted to sick leave, it can be utilized to supplement half –pay sick leave.
- (5) If an employee to whom vacation leave has been granted is certified hospital or bed bound by a registered medical practitioner or dentist, or a traditional healer registered with a recognised professional council in terms of legislation due to illness after his/her vacation leave has commenced, that part of his/her vacation leave during which he/she was thus certified hospital or bed bound shall be converted into sick leave on submission of the prescribe certificate by such registered medical practitioner or dentist, or a traditional healer registered with a recognised professional council in terms of legislation.
- (6) If, due to illness, an employee is unable to take vacation leave already deducted he/she shall be credited with an equal number of vacation leave.
- (7) An employee may not during any period of sick leave approved in terms of these conditions, resumes services without the approval of a registered medical practitioner.
- (8) An employee who is absent from work due to illness must take all reasonable step to notify the employer, departmental head or supervisor as soon as possible.

## **12. GRANTING OF SICK LEAVE**

- (1) Sick leave shall be granted only in connection with an employee's absence from duty owing to illness, indisposition or injury.
- (2) In the case of nervous disorders, insomnia, debility or a similar less well – defined illness or indisposition, sick leave shall be granted only if the municipality's reasonable satisfied that the employee's state of health:
  - (a) Renders him/her unfit for work; and
  - (b) Does not arise from his/her failure to make use of vacation leave.
- (3) An employer may at any time require an employee to submit himself/herself to an examination by a registered medical practitioner or dentist appointed by the employer and cost of such examination shall be borne by the employer.

## **13. SPECIAL SICK LEAVE FOR INJURY ON DUTY CASES AND OCCUPATIONAL DISEASES**

- (a) An employee who is absent from duty to an injury arising out of his/her duties and occurring in the course thereof or owing to an illness contracted in the course of and as a result of his/her duties, shall be granted special sick leave on full pay for the period during he/she is to perform his/her duties.
- (b) If the case falls within the ambit of the Compensation for Occupational injuries and Diseases Act, 1993 (Act 230 of 1993), the amount payable to him/her in terms of an Act by means of periodic payments of his/her monthly earnings, shall be paid over to the municipality, provided that the employer has already advanced amount to the employee.

- (c) Special leave may only be granted, if the Employer was notified of an accident or diseases as required in terms of section 38 and 68 of the Compensation for Occupational Injuries and Diseases (Act 230 of 1993), and that a satisfactory medical certificate from a registered medical practitioner is submitted to the Employer.

#### 14. MATERNITY LEAVE

- (a) An employee, including an employee adopting a child under three (3) months, shall be entitled to receive three (3) months paid maternity leave, with no limit to the number of confinements or adoptions. This leave provision shall also apply to an employee whose child is still- born.
- (b) To qualify for paid maternity leave, an employee must have one (1) years' service with the employer.

#### 15. SPECIAL LEAVE FOR STUDY PURPOSES

(1) **Leave for examination purpose**

- (a) Special leave may be granted to an employee for the working day on which he/she sits for an examination by an educational institution in order to qualify for a formal qualification.
- (b) Special leave equal to the number of papers (examinations) or which an employee sites for an examination may be granted to enable him/her to prepare for the examination.

(2) **Additional leave for post Graduate Studies**

Special leave for dissertation or thesis will be granted with full pay to a maximum of five (5) working days leave per qualification.

(3) **Attending of classes during office hours**

- (a) An employee who study part- time or by means of correspondence in a field applicable to the employer and who, as the result of his /her studies, is required to be absent from his/her place of work, will be granted vacation leave and special leave on 50:50 basis for the time he/she is released from duty, subject to the exigencies of the service.
- (b) If he/she does not have leave credit, unpaid vacation leave will be granted.

#### 16. SPECIAL LEAVE FOR AD HOC INSTANCES

- (1) Special leave with full pay may be granted to an employee when the employee:
- (a) After the Council has given permission the employee may become a member of the reserve police, performs police duties in terms of Section 48 of the South African Policy Act, 1995 (Act 68 of 1995).
- (b) Partake in a bona fide sport activity at provincial and higher level in which case the special leave with full pay will not exceed three (3) working days per event and these three (3) days may include travelling time.
- (2) Special leave on full pay will be granted to an employee who has been arrested or has to appear in court on a criminal; charges and is later acquitted or has the charges withdrawn.
- (3) Gives evidence in a court case after a subpoena and/or summons has been served on him/her.



## 17. REMUNERATION WORK OUTSIDE THE COUNCIL

- (a) No employee is allowed to perform private work that is in direct conflict with his profession and does not interfere with his/her normal official duties unless officially approved by council.
- (b) Any request to perform private work must be stated in writing and accompanied by sound motivations, according to the following criteria:
  - i. the capacity of the employee;
  - ii. the nature of the official duties of the employee to the municipality; and
  - iii. the nature and extent of the proposed remunerated work outside the municipality, as well as the time (hours) estimated to be spent on it and the possible conflict thereof with normal duties within the employment contract.
- (c) The following conditions must be taken into account when an application is considered and will, if such application is approved, apply as conditions for approval.
- (d) The proposed remunerated work may not interfere with the employee's normal official duties and/or cause a conflict of interests of whatever nature to arise.
- (e) The proposed remunerated work must take place entirely outside the employee's prescribed hours of work.
- (f) The proposed remunerated work may not be of such a nature that it is detrimental to the relationship between the employer and employee or causes the employee to violate the Code of Conduct.
- (g) Municipal resources may under no circumstances be used in the performance of the envisaged remunerated work.
- (h) Permission to perform the envisaged remunerated work is valid for a period remunerated work of one year only, provided that if the employee wishes to continue performing the outside work after said one year has passed, he/she must renew the application to do so for the following one year at least thirty days prior to the expiry of the first year, in which case the stipulations of paragraph 4.1 will apply mutatis mutandis.
- (i) The above mentioned procedure is repeated each and every following year for as long as the employee concerned wishes to continue with his/her outside work.
- (j) Disciplinary action will be taken against an employee:
  - i. Who performs remunerated work outside his/her official duties to the municipality without written permission, or
  - ii. Who, after permission has been given to perform private work, in the opinion of the employer breaks or does not comply with any stipulation or conditions as stated in this policy.
- (k) The employer retains the right at any time to withdraw permission given in terms of the stipulations of this policy to an employee, on condition that the reasons given are justified and reasonable.
- (l) Ex post facto permission may not be granted to an employee to perform remunerated work outside his/her official; duties to the municipality.

## **18. DECLARATION OF INTEREST/S**

- (a) Should the employee has a business interest in any number of companies or close corporations he/she shall declare such business interest/s as required in terms of the Municipal Systems Act (Act 32 of 2000) under Section 4 of Schedule 2: Code of conduct for municipal members.
- (b) It is to be noted that where a staff member who or whose spouse, partner or business associate or close family member acquired any direct benefit from a contract concluded with the municipality, he/she must disclose in writing , full particulars of the benefit to Council as required by the Municipal Systems Act.
- (c) Interests to be declared, which may give rise to a conflict or interests with the employee's relationship with Council, include:
  - (i) Shares and securities in any company;
  - (ii) Membership of any close corporation;
  - (iii) Interest in any trust;
  - (iv) Directorship;
  - (v) Partnerships;
  - (vi) Consultancies and retainerships;
  - (vii) Other financial interests in any business undertaking;
  - (viii) Other employment and remuneration;
  - (ix) Interest in property, pension, and
  - (x) Subsidies, grants and sponsorships by any organisation.

## **19. APPLICATION FOR AND APPROVAL OF PRIVATE WORK OR DECLARING A BUSINESS INTEREST.**

- (a) An application to do private work or have a business interest by the Municipal Manager and Managers accountable to the municipal manager must be approved or refused by the Executive Committee of Council.
- (b) An application to do private work or have a business interest by any other member of staff must be approved by the Municipal Manager.
- (c) An application for private work or declaring a business interest must be submitted in writing on the prescribed form for consideration.
- (d) A copy of the application with the competent authority must be filed on the employee's personal record.
- (e) Personnel Services will be the custodian of the administrative infrastructure and processes to safeguard the relevant documentation and files.

## **20. IMPLEMENTATION AND MONITORING**

- (a) All employees are to apply afresh (annually), even if current approvals are in place, and such applications to be submitted to the relevant Director.
- (b) Individual approvals will be granted for twelve (12) months which cycle will run from date of approval by the relevant competent authority where after the approval will automatically lapse.

- (c) Employee will on their own accord after the expiry of the original approval have to reapply for further approval.
- (d) All applications to do private work or have a business interest will only be considered if the prescribed application form has been duly completed as is only valid when authorised.
- (e) In the event of an application not being approved, the complete authority to provide reasons for the decision.

## 21. OVERTIME

- (a) Senior Management as defined in the Basic Conditions of Employment Act 75 of 1997 as amended will not be covered by this policy in respect of overtime payment.
- (b) Employees earning less than the overtime threshold provided for in the above Act will be remunerated for overtime worked.
- (c) Employees earning more than the overtime earnings threshold in terms of the Basic Conditions of Employment Act 75 of 1997 as amended will be paid in terms of the threshold, i.e. no employee will be paid with a salary scale that is above the threshold.
- (d) In the event of any inconsistency between this policy and any National and other Local Government related legislation, such legislation prevails.

## 22. LIMITATIONS

- (1) Overtime shall be payable in terms of the Basic Conditions of Employment Act.
- (2) The Greater Giyani Municipality shall pay overtime prior recommendation by the Heads of the divisions and approval by the Head of Departments.
- (3) The Greater Giyani Municipality may not require or permit an employee—
  - (a) to work overtime except by an agreement;
  - (b) to work overtime for more than three (3) hours per day; and
  - (c) to work more than ten (10) hours overtime per week.
- (4) No employee will be remunerated for overtime worked unless such overtime has been budgeted for, authorized by the Municipal Manager or his/her delegate if required in terms of an emergency situation.
- (5) Overtime only commences after completion of ordinary daily working hours
- (6) Overtime can only be claimed for actual hours worked, and exclude travelling time.
- (7) Overtime claimed should not exceed 30% of basic salary per month.
- (8) Delegations to meetings, conferences, workshops or any other gathering even during weekends shall not be deemed to constitute overtime for the purpose of this policy.
- (9) No overtime will be paid for attendance of functions/prize giving etc. by personal invitation except in the cases of compulsory attendance as official representative of Greater Giyani Municipality and provided that such overtime is authorized in advance by the Municipal Manager.
- (10) In accordance with the Basic Conditions of Employment Act 75 of 1997, all employees who work overtime are eligible to be remunerated for such overtime worked unless agreement is reached contrary to the above.

## 23. CRITERIA FOR PAYMENTS

### (1) Overtime

- (a) If an employee works overtime, the Council shall compensate such employee 1.5 times the hourly wage in respect of the number of hours worked for week days and Saturdays.
- (b) An employee shall be remunerated at double the hourly wage in respect of hours worked on Sundays and Public holidays. This is per the Basic Conditions of Employment Act 75 of 1997.
- (c) Other factors need to be considered with regard to the payment of overtime, namely financial restrictions on the part of the Employer.

### (2) Determination earnings threshold

- (a) Should the need arise for an employee within the above levels to work overtime, such an employee will be paid overtime at a salary notch determine by determination of threshold issued by Minister of the Department of Labour) which increase in 1<sup>st</sup> July every year.

### (3) Procedure

- (a) Should it become apparent that overtime is required in order for business objectives to be achieved the following needs to be adhered to:
  - (i) Written request to the relevant Manager or Supervisor,
  - (ii) Director to check if budget is available and recommend request, and
  - (iii) Municipal Manager or delegate to approve overtime request prior to overtime work commencing except in cases of emergency where approval will be signed post facto.

## 24. ACTING ALLOWANCE

### (1) Acting On Vacant And Senior Positions

- (a) When an employee is required by written approval of the Accounting Officer to act in a more senior position for a period of not less than ten consecutive days an acting allowance shall be paid to such employee in addition to his salary in respect of the period which he acts.
- (b) When an employee acts in higher post such employee shall accept full duties and responsibilities of the higher position in addition to the full duties and responsibilities of his/her normal position.
- (c) Any interruption of less than three working days in total during a period of acting occasioned by:
  - (i) Illness supported by a medical certificate
  - (ii) Family bereavement

- (iii) Attendance at court as a witness (if subpoenaed) shall be regarded as continuous period provided that no acting will be paid for the period of absence.
- (d) Only employees in the next line of supervision may act in higher positions, except where none of same 'next-in-line' of supervision is available, then acting may be delegated to the following incumbents within the line of supervision.
- (e) Acting in a higher position does not leave the employees normal position vacant and therefore no ladder effect may happen when acting allowance is paid to a second and / or a third employee.
- (f) Acting period in which an employee acts in a higher position should not exceed four calendar months.
- (g) The Executive Committee must approve acting for a period longer than four months.
- (h) The acting allowance benefit should not be abused. The following criteria will be considered prior to an acting status being approved:
  - (i) The employee who fills the acting position must be competent and suitably qualified for the position;
  - (ii) Acting is predominantly reserved for key positions where the tasks; and
  - (iii) Accountability does not allow for delegation to other incumbents.
- (i) Where positions are vacant and the tasks and responsibilities could be distributed to other jobs, then this action must take precedence before an application for acting is made.
- (j) Acting allowance will only be paid where a formal appointment letter was issued.
- (k) Payment will be done at least on the starting or minimum notch of the position in which an employee is acting, in the case where the starting or minimum notch or position in which an employee is acting, is equal or less than the current notch of the employee, the employee will receive an acting allowance on the next higher notch of the position in which an employee is acting.

**(2) Acting on section 54A and 56 positions**

- (a) Acting on sections 54A and 56 Managers position will be based on the following:
  - (i) That the appointment to act for the period of maximum of ten days must be approved by the Accounting officer.
  - (ii) The period that exceeds ten days must be approved by the council and must not exceed three months: Provided that a Municipal Council may in special circumstances and in good cause shown, apply in writing to the MEC for Local Government to extend the period of acting appointment for further period that does not exceed three months.
- (b) For an employee acting on section 54A and 56 managers position will be paid the difference between his/her current basic salary and the basic salary of section 54A/56 managers.

**25. STANDBY ALLOWANCE TO THE DRIVER OF THE MAYOR AND SPEAKER**

The drivers in the office of the Mayor and Office of the Speaker will not be paid overtime but paid a standby allowance of R3 050 per month which will annually increase by the percentage agreed on salary negotiations between parties in the bargaining council.

**26. ADMINISTRATION OF THE POLICY**

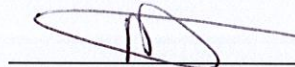
All Directors will be delegated to administer and enforce the policy in respective departments.

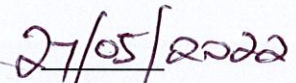
**27. IMPLEMENTATION AND REVIEW**

This policy will take effect by Council Resolution after it shall have been reviewed and amended as the need arises.

Signed by

**The Mayor  
Cllr Zitha T**

  
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**Signature**

  
**Date**

Council Resolution: CR118 – 27/05/22SP

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