

## **CHAPTER 5**

### **GENERAL STIPULATIONS.**

#### **INTERPRETATION OF REGULATIONS:**

1. All questions regarding the interpretation of these regulations shall be decided by the Council.

#### **APPLICATIONS OF STAFF REGULATIONS:**

2. These regulations shall apply to every employee of the Council, and may be amended from time to time. Any employee who enters the employ of the Council or remains in such employ after the approval of these regulations or of any amendment thereof, shall deemed to have agreed thereto and shall be bound by such Regulations and amendments.

#### **TERMS OF APPOINTMENT:**

3. Subject to the provisions of these Regulations as provided for under section 2 above And any fixed term contract and of any other law, each employee shall hold office in accordance with the terms laid down by the Council or by the Municipal Manager, as the case may be, when making the appointment, including any variation of such terms that may be made from time to time.

#### **GROUP LIFE ASSURANCE SCHEME:**

4. Every employee of the Council shall become a member of the Council's Group Life Assurance Scheme unless the Municipal Manager has granted exemption.
5. The Council shall defray on behalf of every employee who is a member of the Group Life Assurance Scheme.

#### **PENSION FUND:**

6. Every employee of the Council shall become a member of one of the following funds:
  - 6.1. The Natal Joint Municipal Pension Fund (Retirement)
  - 6.2. The Natal Joint Municipal Pension Fund (Pension)
  - 6.3. The Natal Joint Municipal Pension Fund (Annuity)
  - 6.4. Any other fund that may be approved by the Council.
7. The Council shall defray on behalf of every employee who is a member of any of the funds mentioned in section 6 above, such contribution as determined by that Fund from time to time.

**MEDICAL AID:**

8. Every employee shall, if eligible to do so in terms of the Regulations of the Medical Aid Funds available to employees of local government, become a member of such fund.
9. The Council shall defray on behalf of every employee who is a member of such Medical Aid Fund an amount as may be determined by the Fund from time to time.

**ACTING APPOINTMENTS:**

10. Every employee shall be liable and may be required to act without any increase of pay in an office as high as or higher than that which he normally occupies, during the absence for any reason of the employee who ordinarily fills such office, or during a temporary vacancy in such office.
11. Notwithstanding the provisions of section 10:
  - 11.1. Where an employee is required to so act for a continuous period in excess of one month, he shall, for the whole of the of the period during which he so acts, be paid an allowance at a rate equal to the difference between his basic salary and the higher basic salary being paid, or which was last paid, to the employee in whose stead he acts.
12. Any allowance paid in terms of sections of sections 10 and 11 above shall be non-pensionable.

**ATTENTION TO DUTY**

13. An employee shall be responsible for the proper and efficient discharge of his duties and, during the hours of attendance, shall devote himself to the discharge of his duties and shall not allow his attention to be engaged on private affairs.
14. An employee shall not leave his office on private business during working hours except with the permission of the head of his office.
15. Failure to comply with the provision of section 13 and 14 above shall constitute a contravention of these regulations.

**OBEDIANCE TO INSTRUCTIONS:**

16. Every employee shall obey implicitly any lawful instructions given by his senior. If such employee has ground for complaint arising out of such instruction, he may , after having complied therewith, ask his senior to repeat the instruction in writing and thereafter report his complaint to the head of his office, who shall thereupon submit the matter for decision to the Municipal Manager.

17. No councillor, unless specifically so directed by the Council, or a committee/subcommittee of the Council, may give instructions to an employee and when this happens the employee must immediately report the matter to the head of his office who shall report it to his superior and await further directives.
18. The superior, if he is not the Municipal Manager, must report the matter to the Municipal Manager who shall take up the matter with the councillor concerned, or with the Speaker, if satisfaction is not obtained after discussions with the councillor.
19. An employee not obeying an instruction from a councillor who has not obtained authorisation from the council or a committee /sub-committee of the council to give such an instruction, shall not be deemed to have disobeyed an instruction.

#### **OBSERVANCE OF OFFICIAL CHANNELS OF COMMUNICATION**

20. All official communication from employees intended for the councillor the municipal Manager shall be directed through his immediate senior.
21. Any employee is entitled to have representation made by him submitted to the Municipal Manager.
22. NO employee may discuss any work related or personal work related matter with any councillor .Any grievance or request by an employee meant for the council must be handled in terms of section 8 above.
23. Failure to comply with sections 20, 21 and 22 above shall constitute a contravention of these regulations.

#### **ACCEPTANCE OF GIFTS:**

24. No employee shall, except with the consent of the Municipal Manager in writing of which a copy must be filed on his personal file, accept from any member or members of the public any gift of money or of any other article, which it is proposed to present to him by reasons of his having occupied a particular office or post in the municipality. In the event of the employee being the Municipal Manager such consent must be obtained from the Executive Committee.
25. Failure to comply with the provisions of section 24 above shall constitute a contravention of these regulations.

#### **EMPLOYEES TO REPLY TO QUESTIONS:**

26. Where evidence is available that an employee is in debt to an unreasonable extent, having regard to his salary and other circumstances, or where an officer or employee becomes insolvent or assigns his estate for the benefit of, or compromises with his creditors, or where a judgement for a debt or a decree of civil imprisonment has

been obtained against an employee in any court of law, he may be called upon by the Municipal Manager to furnish a detailed and complete statement of his liabilities to state how they were incurred and how he proposes to liquidate them. Failure to submit such a statement or submission of any inaccurate information knowing it to be incorrect shall constitute a contravention of these regulations.

**ACCEPTANCE OF NOMINATION OR REQUISITION FOR NATIONAL OR PROVINCIAL PARLIAMENT OR LOCAL COUNCIL, ETC:**

27. If an employee accepts a nomination or requisition as a candidate for election as a member of the national Parliament, any Provincial Parliament or any Local or District Council, he shall be deemed to have voluntarily retired from the municipal service with effect from the date he accepted such nomination or requisition.
28. Any contravention of section 27 above shall be deemed to be a contravention of these regulations.

**PAID WORK PERFORMED OUTSIDE THE COUNCIL'S SERVICE:**

29. Any employee may perform paid work or carry on any calling or business, whether in his own name or that of his spouse or under any other name or style, outside the Council's service or commit himself thereto with the Municipal Manager's permission (in the case of the Municipal Manager as is prescribed in his contract of employment) on the conditions as are detailed in section 30 below.
30. **CONDITIONS OF APPROVAL**
  - 30.1. That the outside paid work or business shall not have any detrimental effect or influence whatsoever on the employee's work performance or attendance.
  - 30.2. That the employee shall not use any of the Municipal's property for the conduct or furtherance of his outside work or business.
  - 30.3. That the employee shall not spend any official time on any aspect of his outside work or business.
31. If any employee applying for the permission described in section 29 cannot give an unequivocal commitment that the conditions stipulated in section 30 above, will be adhered to or if the Municipal Manager has any doubt about the employee's compliance with the conditions, permission shall not be granted.
32. If an employee to whom the permission described in section 29 has been given, contravenes any of the conditions stipulated in section 30 above, such permission shall be withdrawn in terms of section 32, shall be deemed to have contravened these regulations.

33. Any employee who performs outside paid work or conducts a business without the permission of the Municipal Manager, or whose permission has been withdrawn in terms of section 32, shall be deemed to have contravened these regulations.
34. The consent prescribed above must be renewed annually.

**FURNISHING OF INFORMATION:**

35. An employee shall notify the Municipal Manager without delay of his residential address, home telephone number, cell phone number and any information that may affect his continued service or the conditions of his continued service with the Council, as well as of any changes thereto.
36. Failure to comply with section 35 above shall constitute a contravention of these regulations.

**USE OF COUNCIL'S EMPLOYEES OR PROPERTY:**

37. An employee shall not use or permit any employee to be used during his working hours for purposes other than those of the Council without the prior consent of the Municipal Manager being obtained.
38. Except for the performance of his official duties no employee shall use the property or goods of the Council or remove them from the municipal premises or allow them to be used or removed without the prior consent of the Municipal Manager be obtained by the employee.
39. Failure to comply with section 37 and 38 above shall constitute a contravention of these regulations.

**CONFIDENTIALITY OF THE WORK OF THE COUNCIL:**

40. No employee other than the Municipal Manager ( or any other employee duly authorised by the Municipal Manager ) may, unless he had the prior written authority of the Speaker or Municipal Manager, publicly comment in the media, or publish communications or articles in the press, or in any other publication concerning the work or policies of the Council.
41. No employee may, without the Speaker's or the Municipal Manager's prior written consent, use for any purpose, other than the discharge of his official duties, information gained by or conveyed to him through his connection with the Council 's service.
42. Failure to comply with sections 40 and 41 above shall constitute a contravention of these Regulations.

**ACCOMODATION:**

43. Where an employee is provided by the Council with accommodation, there shall be deducted from his salary such rental as determined from time to time .

**CLOTHING:**

44. Clothing regulations for employees shall be as determined by the Municipal Manager from time to time.
45. The Municipal Manager shall determine which of the employees shall be issued with clothing in order to present a reasonably neat and tidy appearance in the execution of their duties or protective clothing where necessary.
46. Any uniforms, standard clothing and protective clothing an employee is obliged to wear in the execution of his duties prescribed by law or by the Municipal Manager, shall be provided free of charge by the Council, subject to the following conditions:
- 46.1. Any item issued to an employee:
- 46.1.1. shall remain the property of the municipality;
- 46.1.2. shall not be used for any other purpose than that for which it has been issued;
- 46.1.3. shall be returned to the Council by the employee on the termination of the employee's service unless the Municipal Manager should decide otherwise.
47. Notwithstanding the provisions of section 46 above, the Council may pay an allowance to an employee belonging to a class as determined by the Municipal Manager, in a manner determined by the Municipal Manager in respect of the purchase of uniform and/or protective clothing by such employee.
48. If an employee fails to comply with the provisions of section 46.1.3. the prorated portion of the most recent price if the issue shall be recovered in respect of the unexpired portion of the terms of the issue, as determined by Municipal Manager, from any monies owing to the employee by the Council or in any other way determined by the Municipal Manager.
49. An employee who receives a uniform and/or protective clothing from the Council in terms of section 46, or who is paid an allowance for the purchase thereof in terms of section 47, shall at all time when reporting for duty be clean and neatly clad.
50. The stipulation regarding the cleanliness and neatness described in section 49 above also applied to those employees who do not receive free clothing or a clothing allowance.
51. An employee shall not receive a new issue before the expiry of the term of an issue as determined by the Municipal Manager unless such employee has refunded the Council for the pro rata portion of the most recent price of the issue in respect of the

unexpired portion of such term, or the Municipal Manager is of the opinion that the loss of or damage to the issue cannot be ascribed to such employee.

52. Failure to comply with any of the stipulations set out above shall constitute a contravention of these regulations.

**REMOVAL EXPENSES:**

53. When engaging an employee who is not resident at the seat of the Council at the time of his appointment, the Municipal Manager may approve, subject to the terms of sections 54 to 56 below:
- 53.1. Where the appointment is made from within the Republic of South Africa:
- 53.1.1. pay at AA tariffs transport costs of a maximum of two vehicles of the appointee from his previous place of residence to his new place of residence; and
- 53.1.2. similarly pay for the packing and transportation by road of the appointee's household furniture and effects as the Municipal Manager may consider appropriate after three quotations has been obtained for such packing and transportation, and
- 53.1.3. any reasonable subsistence costs as the Municipal Manager may deem appropriate while the appointee and his wife and any minor children is moving from his previous place of residence to his new place of residence.
- 53.2. Where the appointment is made from outside the Republic:
- 53.2.1. pay in respect of the appointee and his wife and any minor children Economy class single air fares from the international airport nearest to the appointee's previous place of residence or employment to the Pietermaritzburg airport and for reasonable road transport costs from the Pietermaritzburg airport to his new place of residence; or
- 53.2.2. as an alternative, where the appointee chooses some other means of Transport, contribute an equivalent sum towards the costs of other transport, and
- 53.2.3. similarly pay for the packing and transport by the most appropriate Service of the appointee's household furniture and effects to an agreed destination in or near the municipal area, including any customs charges payable at the point of entry into the Republic, an amount as the Municipal Manager may consider appropriate.
54. Should any employee assisted in terms of section 53 above, resign from the Council's employ within 36 months after entering such employ, he shall, in respect of each month or part thereof from the date of termination of such service to the date when the 36 months would have expired, refund one thirty-sixth of the total cost of the assistance so granted: Provided that, in special circumstances, the Municipal Manager may reduce or waive any amount so refundable.
55. Should the services of an employee assisted in terms of section 53 above be terminated by the Council through no fault of his own, no refund shall be due by him, notwithstanding that he may have been in the Council's employ for less than 36 months.

56. In the application of sections 53 to 55 above:
- 56.1. Assistance may be extended to include bona fide dependants of the appointee other than his wife and minor children.
  - 56.2. The term "wife" shall include any relative of the appointee or other person who is acting in loco matris to his family.

#### **UNEMPLOYMENT BENEFITS**

57. Employees who qualify in terms of the **Unemployment Insurance Act, 1966, asamended**, are compelled to contribute to the Unemployment Insurance Fund.
58. Contributions to the Fund are deducted monthly from employee' salaries.

#### **EFFECTIVE DATE:**

59. The Staff Regulation shall come into force on the date that the Council determines.