

CSS23 of 2018

PROGRESS ON IMPLEMENTATION OF SHIFT SYSTEM IN TERMS OF THE COLLECTIVE AGREEMENT FOR THE FREE STATE DIVISION OF THE SALGBC (ED: CSS) (5/2/2)

PURPOSE OF REPORT

To submit to the Section 80 Committee progress on verification of Shift Workers done by the Basic Conditions Sub Committee.

BACKGROUND

A Report was submitted to the Local Labour Forum on the implementation of a 42 Hour Work week (4 Shifts) system for discussion and to be agreed upon in order to comply with the Collective Agreement for the Free State Division of the South African Local Government Bargaining Council (SALGBC).

The Local Labour Forum at its meeting held on 26 January 2018 resolved as follows:-

1. That the matter **BE REFERRED BACK** to Basic Conditions Sub Committee for discussion.
2. That the matter **BE RESOLVED** within two weeks.

A Basic Conditions Sub-Committee meeting was arranged on 9 February where it was resolved that the lists of Shift Workers submitted by the relevant Departments be verified with the employees present. Verification sessions were scheduled on 15 February 2018, 22 February 2018, 26 February 2018, 6 March 2018, 15 March 2018 and 27 March 2018.

Most of the employees were verified at these Sessions by the Basic Conditions Sub Committee.

Another Basic Conditions Sub Committee meeting was held on 10 April 2018 where the Managers clarified certain points of contention and confirmed the names of the Shift Workers as well, as non-Shift Workers. 25 of the employees clarified by the Managers as being Shift workers have not reported and could therefore not be verified by the Basic Conditions Sub Committee.

Appointment letters have been prepared by Human Resources and will be distributed to all employees mentioned in the attached list after the process has been finalized.

PERSONNEL IMPLICATIONS

Should the 42 hour working week (4 Shifts) with a fixed shift allowance of 27% be accepted and implemented across the Municipality excessive claims of overtime will be minimized. However, if the actual filled positions are not sufficient, it will have an effect that overtime will still have to be worked.

LEGAL IMPLICATIONS

The change of the shift system must be subject of Local Labour Forum discussion and agreement.

The 2 shift system will only be allowed to assist Municipalities that were on the shift system for a period of twelve (12) months, from the signature of the agreement thereafter they must change to 3 or 4 shift system in terms of the Collective Agreement.

FINANCIAL IMPLICATIONS

It should be noted that any shift system adopted by Matjhabeng Local Municipality, such as the 42 hour system will be on all inclusive fixed monthly shift allowance.

In terms of the above, all inclusive monthly shift system will have the following effect:

20.1.2 This inclusive fixed monthly shift allowance will be paid at a rate of 27% of each of the concerned employee's basic salary, e.g. if an employee earns a basic annual salary of R120 000, 00 on a specific scale, he earns a basic monthly salary of R10 000.00 this employee will then be paid an additional R2 700.00 per month as a fixed allowance of 27%.

20.1.3 The inclusive fixed monthly shift allowance will be paid in consideration of and in lieu of the following:-

- Payment for the scheduled overtime (those hours exceeding the agreed upon 40 hours per week) worked by operational personnel as part of the 42 hour rotational 4 shift system (42 hour work week), i.e. the additional 2 hours per week (over and above the 40 hours which constitute these officials normal average weekly working hours);
- Payment for work performed on Sundays as prescribed by the BCEA 9 as part of scheduled shift);
- Payment for work performed during night hours between the hours of 18h00 and 06h00, as prescribed by the BCEA and the Divisional Collective Agreement;
- Payment for work performed during meal intervals as prescribed by the BCEA.
- Payment for any other form of shift allowance which may have been payable to any shift workers or which may have existed before the conclusion of this agreement.

20.1.4 This allowance is not in consideration of the following and therefore specifically excludes payments for the following:-

- Payment for work performed on Public Holidays as prescribed by the BCEA and Divisional Collective Agreement;

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- Any other allowances not related to working hours and which is currently the subject of existing collective agreements and / or conditions of service or which might in future form the basis of negotiations on conditions of services, e.g. standby;
- Payment for scheduled overtime, unscheduled overtime and emergency overtime, i.e. overtime not included in the 42 hours working week.

20.1.5 Irrespective of the threshold determined by the BCEA employees performing operational duties will be paid the above allowance.

If the 56 or 84 hour system is implemented the above will still apply.

*** Attached on page 1 to page 9 of the Annexures is Salary per month sequence.

*** Attached on page 10 to page 18 of the Annexures is the Back Pay amount sequence.

SUBMITTED FOR INFORMATION

CSS24 of 2018

AMENDED DRAFT HIV/AIDS WORKPLACE POLICY (ED: CSS) (20/1/3)

PURPOSE

To table the Amended Draft HIV/AIDS Workplace Policy to Corporate Support Services Section 80 Committee for adoption.

BACKGROUND

Matjhabeng Municipality does not have a Policy regarding HIV/AIDS in the Workplace. The Municipality has been using a Draft Policy as a working document.

*** The Amended Draft HIV AIDS Workplace Policy is **attached as SEPARATE COVER 1**.

THE SECTION 80: CORPORATE SUPPORT SERVICES RESOLVED TO RECOMMEND: (21 SEPTEMBER 2017) (CSS17/2017)

“3. That the Policy **BE REFERRED** to Legal Services for proper wording.”

LEGAL FRAMEWORK

- Labour Relation Act 1995 (Act No. 66 of 1995)
- Basic Conditions of Employment Act 1997 (Act No. 75 of 1997)
- Employee Equity Act No 55 of 1998
- Principles of Code of Good Practice
- Occupational Health and Safety Act no 85 of 1993
- Compensation for occupational Injuries and Diseases Act No 130 of 1993
- Medical Schemes Act No 75 of 1998
- Constitution of SA Act No 108 of 1996

FINANCIAL IMPLICATIONS

- Provision is already made on the 2017/18 Budget for subsidy on Medical Aids.

RECOMMENDATION

It is recommended that:

1. That the proposed Amended Draft HIV AIDS Workplace Policy be considered for adoption.

CSS25 of 2018

PROGRESS REPORT ON CUSTOMER CARE COMPLAINTS FROM JANUARY TO MAY 2018 (ED: CSS) (5/6/2/7)

PURPOSE

To submit a progress report to the Corporate Services Section 80 on complaints reported to Customer Care in the past five months for notification.

BACKGROUND

The Customer Care report is used as an internal introspection measure or mechanism for effective service delivery.

DISCUSSION

The report serves to cover five months of reporting, starting from January until May 2018. It serves to identify challenges and achievements on community interactions.

*** Attached on page 19 to page 41 of the Annexures is the five months Customer Care report.

LEGAL AND POLICY FRAMEWORK

Matjhabeng Customer Care Policy of 2017: sub- section 2.3.
Municipal Systems Act 32 of 2000

FINANCIAL IMPLICATIONS

None

LEGAL IMPLICATIONS

None

SUBMITTED FOR INFORMATION

CSS26 of 2018

PROGRESS REPORT: PROPOSED ORGANISATIONAL STRUCTURE (ED: CSS) (2/1)

PURPOSE

To provide SALGA's comments on the proposed Organisational Structure.

INTRODUCTION AND BACKGROUND

At its meeting held on 16 January 2018 **COUNCIL RESOLVED:**

- “1. That the item BE **NOTED AND REFERED BACK** for re-submission at the next Ordinary Council meeting.
2. That Municipal Manager **MUST IDENTIFY** all critical positions that Council should approve to be filled.
3. That the Whips of different political parties **MUST MEET** with the Municipal Manager to deliberate on the Organogram, clarify matters, agree and present their consensus and their disagreements to Council, to deal with disagreements.”

DISCUSSION

Council has recently agreed to review its organisational structure, with the aim to make it more cost –effective and enable the municipality to respond to the communities' needs. In addition the local Government : MSA (32/2000) : Local Regulations on appointment and conditions of employment of senior managers (Government Gazette No.37245 of 17 January 2014); requires the municipal manager to within 12 months of the promulgation of these regulations, review the municipality's staff establishment having regard to the principles set out in these regulations, the functions and powers listed in part B of Schedule 4 to the Constitution, part B of Schedule 5 to the Constitution, Chapter 5 of the Structures Act, and based on –

- a. A municipality's strategic objectives; and
- b. A municipality's core and support functions.

Having gone through the process to review the organogram, Council has since referred back the proposed organogram citing affordability for the municipality. SALGA has been requested to provide comments on the process and design of the new organisational structure.

*** **Attached as Separate Cover 2** are the comments received from SALGA regarding the proposed Organisational Structure.

LEGAL FRAMEWORK

- Constitution of the RSA, Act 108 of 1996 (156 & 229)
- Local Government Municipal Structures Act, Act 117 of 1998
- Local Government Municipal Systems Act, Act 32 of 2000, as amended by Act No. 7 of 2011
- Municipal Finance Management Act, Act 56 of 2003 IDP of the Municipality

SUBMITTED FOR INFORMATION

CSS27 of 2018

PROGRESS ON RECRUITMENT OF PLUMBERS (ED: CSS) (5/3/2/4)

PURPOSE

The purpose of this item is to submit to the Section 80 Corporate Services Committee Meeting, the progress made on the recruitment of plumbers.

BACKGROUND

It was requested that a report be submitted to the Section 80 Committee with regard to progress made on the recruitment of plumbers.

The positions of 28 Plumbers were advertised internally with the closing date 29 March 2018.

Two hundred and nine (209) application forms were received.

Short-Listings of these position is scheduled to take place on the 11th July 2018.

PERSONNEL IMPLICATIONS

The Municipality is faced with high levels of difficulties which are affecting Service Delivery due to lack of plumbers, should the appointment of plumbers be finalised there will be stability at infrastructure and reduce backlogs.

FINANCIAL IMPLICATIONS

The positions do not appear on the structure and Council resolved that they need to be budgeted for.

POLICY POSITION

Recruitment and Selection Policy

SUBMITTED FOR INFORMATION

CSS28 of 2018

SCHEDULE OF CORPORATE SERVICES SECTION 80 COMMITTEE MEETINGS
(ED: CSS) (3/1/3/1)

PURPOSE

To submit the proposed schedule of Corporate Services Section 80 Committee meetings from July 2018 to June 2019, for noting.

BACKGROUND

Section 32 (1) of the Municipal Structures Act stipulates that:

“A municipal council must develop a system that will maximize administrative and operational efficiency and provide for adequate checks and balances and in accordance with that system may-

- (a) delegate appropriate powers, excluding a power mentioned in section 160 (2) 30 of the Constitution and the power to approve its integrated development plan to-
 - (v) other committees or elected office-bearers; and
- (b) instruct any such committee or functional to perform any of the Council’s duties.”

Section 80 Committees are required to meet regularly in order to ensure that the Municipal obligations are fulfilled and also play an advisory role to the Mayoral Committee and Council.

LEGISLATIVE FRAMEWORK

Municipal Structures Act 117 of 1998

DISCUSSION

The proposed schedule for the Corporate Services Section 80 Committee meetings from July 2018 to June 2019 is as follows:

YEAR	MONTH	DATE	DAY	TIME
2018	July	13	Friday	10h00
2018	August	10	Friday	10h00
2018	September	14	Friday	10h00
2018	October	12	Friday	10h00
2018	November	16	Friday	10h00

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2019	January	11	Friday	10h00
2019	February	15	Friday	10h00
2019	March	15	Friday	10h00
2019	April	12	Friday	10h00
2019	May	10	Friday	10h00
2019	June	14	Friday	10h00

SUBMITTED FOR INFORMATION

CSS29 of 2018

PROGRESS REPORT ON SECTION 80 COMMITTEE RESOLUTIONS (ED: CSS) (2/2/2)

PURPOSE

To submit a progress report to the Section 80 Committee on resolutions taken, for noting.

BACKGROUND

In Local Government practices and processes, submission of written reports to the Section 80 Committee is fundamental as a tool for measuring the performance of the Municipality and to enable the Committee to effectively perform its role of playing oversight over the Administration components of the Municipality.

DISCUSSION

This report on audit of Corporate Services Section 80 Committee resolutions covers the month of March 2018.

*** Attached on page 42 to page 52 of the Annexures is the Corporate Services Section 80 Committee Resolution Audit.

POLICY POSITION

Section 80 Committee Resolutions

FINANCIAL IMPLICATION

None

LEGAL IMPLICATIONS

None

SUBMITTED FOR INFORMATION

CSS30 of 2018

IMPLEMENTED SKILLS DEVELOPMENT INTERVENTIONS (ED: CSS) (5/6/1)

PURPOSE OF REPORT

To submit to the Section 80 Committee (Corporate Services) implemented training interventions for the year 2017/18.

BACKGROUND

Apart from providing strategic and operational direction to training initiatives and reporting on such initiatives, the respective submission of the annual Workplace Skills Plan (WSP) and Implementation Report to the Local Government Sector Education & Training Authority (LGSETA) enables the Municipality to access recovery against levy payments by way of mandatory skills grants.

This grant, based on the skills levy paid by the Matjhabeng Local Municipality, is in essence a statutory fund designated for skills development.

*** **Attached on page 53 to page 57 of the Annexures** is the implemented training report costs for 2017.

LEGISLATIVE MANDATE AND POLICIES

The following legislation and policies provide the broader framework and imperatives:

Legislation

- Constitution of the RSA (108/1996)
- Employment Equity Act (55/1998) and regulations
- Skills Development Act (97/1998) and regulations
- Skills Development Levies Act (9/1999) and regulations
- South African Qualifications Authority Act (58/1995)

Policies / Procedures:

- Employment Equity Policy and Plan
- Skills Development Policy
- Study Assistance Scheme
- Control Measures: Attendance of External Training Events
- Annual Workplace Skills Plan (WSP)

TRAINING INTERVENTIONS

Training interventions required to achieve priorities in terms of individual and departmental needs were requested through a Training Need Analysis form, which was sent to all Directorates.

Considering the year under review, training interventions covering various occupational categories have been attended by a total of two hundred and one (201) delegates at a total cost of R 3.4 million rand (Annexure A).

These PIVOTAL (Professional; Vocational, Technical and Academic) learning areas included Municipal Finance Management, Customer Care, Labour Relations, Infrastructure (Water and Waste Water Treatment Process Control), Information Technology, Compliance management, Risk Management, and formal studies via Study Assistance.

Workplace Integrated Learning (WIL) initiatives included Water and Waste Water Treatment Process Control Learnership, Internships for Finance, Information Technology, PMU and Electrical Engineering.

SUBMITTED FOR INFORMATION

CSS31 of 2018

BRANCH WELLNESS PROGRAMME ANNUAL REPORT JULY 2017 – JUNE 2018 (ED: CSS)

PURPOSE

The purpose of this item is to submit to the Section 80 Corporate Support Services Committee Meeting the progress made by the Branch Wellness Programme (Annual Report July 2017 to June 2018).

BACKGROUND

It was requested that an Annual Report be submitted to the Section 80 Corporate Support Services Committee Meeting with regard to progress made by the Branch according to the KPI's.

*** Attached on page 58 to page 62 of the Annexures is the Annual Report.

LEGAL FRAMEWORK

The following Legislations and Policies are used as a baseline in performing the duties:

- Labour Relation Act 1995 (Act No. 66 of 1995)
- Basic Conditions of Employment Act 1997 (Act No. 75 of 1997)
- Employee Equity Act No 55 of 1998
- Principles of Code of Good Practice
- Occupational Health and Safety Act no 85 of 1993
- Compensation for occupational Injuries and Diseases Act No 130 of 1993
- Medical Schemes Act No 75 of 1998
- Constitution of SA Act No 108 of 1996
- HIV AIDS Workplace Policy
- EAP Policy (Employee Assistance Programme Policy)
- Draft Pauper Indigent And Unknown Burials Policy

FINANCIAL IMPLICATIONS

The financial implications for Pauper Indigent and unknown Burials are according to Tender Contracts.

RECOMMENDATION

It is recommended that:

1. That the Branch Wellness Programme' Annual Report for July 2017 – June 2018 be noted.