

COLLECTIVE AGREEMENT

POLICY FOR PAID WORK PERFORMED OUTSIDE THE MUNICIPALITY'S SERVICE FOR EMPLOYEES IN THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY

Entered into by and between

THE SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION (SALGA)

Herein represented by Mr. V.B. Mothuloe of the

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

Duly authorized thereto and herein referred to as "CTMM or the Management"

AND

INDEPENDENT MUNICIPAL AND ALLIED TRADE UNION (IMATU)

(Tshwane Metro Region)

Herein represented by Mr. J. Wrogemann duly authorized thereto

and

SOUTH AFRICAN MUNICIPAL WORKERS UNION (SAMWU) (Greater Tshwane Region)

Herein represented by Mr. N. Madiba duly authorized thereto

As parties to the SALGBC, Tshwane Division

Agree as follows:

Handwritten signatures and initials of representatives from SALGA, IMATU, and SAMWU. The signatures include 'V.B. Mothuloe', 'J.K.W.', 'N.J.M.', 'R.', 'K.S.', and 'E.M.'.

1. POLICY STATEMENT

- (1) An employee may not without the Municipality's permission perform, render or undertake any remunerative work or service whatsoever, other than for the Municipality, or hold any remunerative position of office, other than with the Municipality;

2. PROCEDURE

- (1) A Committee consisting of the General Manger of Human Resources or his/her nominee, representative of the Legal Services Division and the relevant Strategic Executive Officer is constituted to consider all applications. Permanent Committee members will ensure continuity and that uniform evaluation of the applications is maintained.
- (2) The Committee can convene periodically to consider fresh applications. Additional conditions may also be imposed. Applicants' sick-leave record will be scrutinised by the Human Resources Department and should deviations in this regard become apparent, the Medical Officer of Health may also be co-opted. The Committee should also co-opt any other person, who it considers necessary for the consideration of an application.
- (3) The Committee will periodically (possibly quarterly) consider applications. All concessions will only be valid for 1 (one) year, where after they will have to be re-submitted to the Committee via the Strategic Executive Officer for confirmation.
- (4) The Strategic Executive Officer will still be primarily responsible for the necessary control and supervision in respect of part-time work of an official, after approval by the General Manager of Human Resources and the Committee.
- (5) In the event of the Strategic Executive Officer having reason to suspect that a concession is abused, he/she must summarily discuss it with the official concerned and stress the provisions of the agreement. In the event of an official continuing with this malpractice after having been warned, or if the contravention is a serious nature, it is immediately reported to the Committee. The Municipal Manager may discretionally be informed thereof. The Committee will evaluate the contravention of and if necessary discuss it with the official concerned and consider the withdrawal of the concession. Should withdrawal be deemed necessary the General Manager of Human Resources will follow the procedures in this regard.
- (6) Abuse of a concession must be addressed by means of the Municipality's disciplinary procedures.
- (7) If an official's concession to do part-time work is revoked owing to his/her action, he/she should not receive such concession in future.
- (8) A corporate register of all officials' concession be kept by the Human Resources Division.
- (9) Awareness of the problem occasioned by unethical part-time work must be communicated to all Municipal officials. In the light thereof, officials and the public should be encouraged to identify transgressions to enable steps to be taken.
- (10) The delegation for formal approval vests in the General Manager of Human Resources who will arrange the necessary administrative procedures in his/her department.

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APPLICATION FOR APPROVAL TO UNDERTAKE PART-TIME PRIVATE WORK

1. NAME 2. PAY NO
3. DESIGNATION
4. DEPARTMENT.....
5. DIVISION

6. FULL DETAILS OF WORK INTENDED

- 6.1 Full description of work
- 6.2 Nature of involvement in work
- 6.3 Physical occupation.....
- 6.4 Place where work will be carried out

7. UNDERTAKING

7.1 I HEREBY UNDERTAKE TO COMPLY WITH THE FOLLOWING CONDITIONS IF MY APPLICATION TO CARRY OUT PART-TIME PRIVATE WORK IS APPROVED:

- (a) I must do my private work after normal working hours.
- (b) My private work may not interfere with my official duties and normal hours of work. I may therefore not make or receive any enquiries, or make appointments or arrangements about my private work during working hours. (E.g. displaying official telephone numbers, fax numbers or e-mail addresses on private business card or advertisements).
- (c) My private work may not affect my productivity during working hours. I have noted in particular that my leave record will be checked for any discrepancies that may arise owing to my part-time work.
- (d) My private work may have no direct links with the subject matter/contents of my work programmes. I may therefore not use my official work to benefit my private work, myself or any family member or business in which I may have an interest. I may also not be involved with or influence any co-worker when the Municipality is required to pass a resolution on any private work in which I may have an interest.
- (e) I may not use Municipality's facilities, material or equipment in any way to carry out my private work.

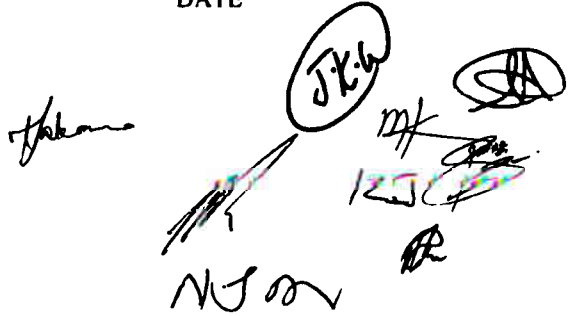
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SA

- (f) I may not at any stage expect my co-workers in the Municipality to check or approve my private work. I may not therefore create an opportunity to influence my co-workers or attempt to gain their favour to benefit my private work.
- (g) I may not use the services of another Municipality employee during his/her working hours for my private work, whether he/she is compensated for it or not.
- (h) I may not use official Municipality sources (records etc) that are inaccessible to the public in carrying out my private work.
- (i) I have noted that the Municipality is in no way responsible for the information I provide, the recommendations that I make or the actions or tasks that I carry out in my private capacity.
- (j) I understand that my Strategic Executive Officer may at any stage or on a regular basis request that I submit a report to him/her about my private work.
- (k) When carrying out private work, I undertake not to:
 - (i) Contravene any provisions of the Municipality's Conditions of Service;
 - (ii) Violate any conditions set out in this undertaking; or
 - (iii) Contravene the code of conduct that may apply to my profession.
- (l) I accept that I will not receive sick leave for any injury I may sustain while doing private work or for any complications arising from such injury.
- (m) I understand that the Head of Human Resources, in collaboration with or at the request of my departmental head and the Committee entrusted to consider applications, may at any time immediately or through advanced notice withdraw the approval to carry out private work if this is no longer in the Municipality's interest.
- (n) I am aware that approval to do private work is a concession and that it does not establish any right.
- (o) I understand that if I violate this undertaking, disciplinary steps may be instituted against me.
- (p) I am aware that this approval is valid for one year only from the date of approval.
- (q) I have noted that if this consent is withdrawn through my own fault, I understand that this could jeopardise the success of any future application.
- (r) I understand that if the contents of my work programme changes (e.g. owing to promotion or transfer) this approval falls away immediately. When this happens, I undertake to reapply to do private work in the prescribed way.

8. My current duty sheet is attached.

.....
EMPLOYEE

.....
DATE

thabane

 NJ on

I have considered the above employee's application and support/not support it.

Further conditions set by Strategic Executive Officer

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.....
STRATEGIC EXECUTIVE OFFICER

.....
DATE

The employee's application is hereby approved/not approved.

Further conditions set by the Committee

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.....
.....

.....
CHAIRPERSON OF THE COMMITTEE

.....
DATE

Adcenn
NJ on
JK
MA
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MA
MA

Signed at Pretoria on this day of 29/07/ 2004 on behalf of the **SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION (SALGA)**.

Signature: [Signature] Name in full: PETER MOLAPO

Capacity: ACTING GENERAL MANAGER: HUMAN RESOURCES

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

WITNESS:
1. [Signature] 2. [Signature]

Signed at Pretoria on this day of 2/8/ 2004 on behalf of the **INDEPENDENT MUNICIPAL AND ALLIED TRADE UNION (IMATU)**.

Signature: [Signature] Name in full: JACQUES KARL WREJEMANN

Capacity: CHAIR PERSON

INDEPENDENT MUNICIPAL AND ALLIED TRADE UNION (IMATU).

WITNESS

1. [Signature] 2. [Signature]

Signed at Pretoria on this day of 28/7/ 2004 on behalf of the **SOUTH AFRICAN MUNICIPAL WORKERS UNION (SAMWU)**.

Signature: [Signature] Name in full: NOEL MADIBA

Capacity: CHAIRPERSON

SOUTH AFRICAN MUNICIPAL WORKERS UNION (SAMWU).

WITNESS

1. [Signature] 2. [Signature]