



EMPLOYEES LEAVING COUNCIL SERVICE

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Council Resolution: **E.4**

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1. INTRODUCTION

It is trite law that an employee employed in terms of a fixed-term contract should not be treated less favourably than an employee employed on a permanent basis performing the same or similar work. However employees whose employment contracts are linked to political office bearers do not always enjoy the same benefits enjoyed by permanent employees.

When you consider the above and the risk associated with these positions – the fact that the contract will terminate when the political office bearer leaves, some form of cushion should be provided to these employees.

The GRDM pays a gratuity to employees who have reached a certain number of years in the service of the municipality, and this is referred to as a long service payment. This same benefit is not extended to employees whose contracts are linked to a political offices, which becomes an unfair treatment. This coupled with the lack of job security in these positions supports the need to support these employees.

A similar gesture has been extended to Members of Parliament, Provincial Legislatures as well as to the Members of Municipal Councils post elections in order to allow these Councillors to adjust to circumstances where they are no longer in public offices and to assist them to meet already entered into commitments. At the end of elections, it is normally found that many Councillors lose their properties, while some are unable to service their debts, buy basic living requirements as well as pay school fees for their children. The same challenges are experienced by officials whose employment is linked to political offices.

In an effort to show appreciation to these employees for having served Council well, the Garden Route District Municipality has adopted this policy.

2. DEFINITION

Municipal Manager – means an employee appointed by council in terms of the Local Government: Municipal Systems Act 32 of 2000 and who is the head of administration and the accounting officer of the municipality.

Contract Employees – means an employee employed on a fixed term contract and whose term of employment is linked to a political office bearer and the Municipal Manager.

Municipality – means the Garden Route District Municipality and GRDM has the same meaning.

Termination of employment contract – means that the official leaves the municipality and is not accommodated in another position.

3. LEGISLATIVE FRAMEWORK

- Constitution of the Republic of South Africa, 1996;
- Code of Conduct for Staff members – schedule 2 of the Local
- Government: Local Government: Municipal Systems Act 32 of 2000;
- Local Government: Municipal Finance Management Act; 56 of 2003
- Local Government: Municipal Systems Act; 32 of 2000
- Local Government: Municipal Structures Act; 117 of 1998

4. OBJECTIVES

The objectives of this policy are to:

4.1 Establish guidelines to recognise contract employees whose contracts will terminate;

4.2 Establish guidelines for the consideration of ex-gratia payments to contract employees whose contracts are linked to a political office bearer and the Municipal Manager;

4.3 Ensure ex-gratia payments are in accordance with applicable legislation.

5. SCOPE OF THIS POLICY

The policy is applicable to contract employees whose term of employment is linked to a political office bearer and the Municipal Manager.

6. PRINCIPLES

6.1.1 Eligibility

The recognition of a departing employee does not apply to an employee who has resigned or been dismissed by the municipality for any reason.

6.1.2 Contract employees become automatically eligible for the payment of gratuity in terms of the policy.

6.2 Recognition for employees leaving

Number of years in service	Recognition
Each year of service	10 % of package annual remuneration

6.3 Ex-gratia Payments approvals

6.3.1 The Executive Mayor in the case of a Municipal Manager or the Municipal Manager in the case of other officials is responsible for administrative processes relating to this policy.

6.3.2 The payment of the gratuity shall be 10% for each completed year of service.

6.3.3 Notwithstanding 6.3.2, where an employee has worked for a shorter period than a year, a pro-rata basis will be used to calculate the payment.

6.4 Service

For the purpose of this policy, service shall be deemed to include:

6.4.1 Any period of absence from duty of annual leave, long service leave, accrued paid bereavement leave, accrued paid personal leave and public holidays.

6.4.2 Any period of authorised paid absence from duty necessitated by sickness of or injury to the employee.

6.4.3 Any period of absence that has been supported by an approved workers compensation claim up to a maximum absence of 1 year.

6.4.4 For the purpose of this policy, service shall not include:

6.4.4.1 Any period of unauthorised absence from duty unless the Executive Mayor determines otherwise.

6.4.4.2 Any period of unpaid leave unless the Council determines otherwise. Any period of absence from duty on Parental leave unless the Executive Mayor determines otherwise.

7. CONSEQUENCES

This policy represents the formal policy and expected standards of the GRDM. Appropriate approvals must be obtained prior to any deviation from the policy.

8. POLICY REVIEW

8.1 The policy becomes effective from the date of approval.

8.2 The policy will be reviewed every 12 months.

9. IMPLEMENTATION DATE

This policy shall come into effect on the date of approval by Council
