



STANDBY POLICY

Date
Approved: **25/08/2020**

Council
Resolution
(DC No): DC E9/08/2020

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1. Introduction

The Garden Route District Municipality acknowledges that from time to time, certain of its employees will need to be available on standby to work after normal working hours if required, and that whilst such employees might in fact not be required to work during the standby period, it is appropriate that they be compensated for the inconvenience of making themselves available during the standby period.

2. Legal Framework

- Basic Conditions of Employment Act 75 of 1997 updated 2005 (BCEA)
- Collective Agreement on Conditions of Service for the Western Cape Division of the SALGBC
- Labour Relations Act, 65 of 1995
- Local Government Regulation GG37245 for the Appointment and Conditions of Employment of Senior Managers.

3. Purpose of this Policy

The purpose of this policy is to:

- regulate the placing of employees on standby;
- provide a mechanism for the claiming and payment of standby allowances

4. Scope of this Policy

"To be on standby", in relation to any employee of the Garden Route District Municipality, shall mean that:

- such employee makes himself or herself available to perform work outside of his or her normal working hours; and
- to that end, such employee ensures that he or she shall respond immediately to any call to perform such work and shall immediately report for such work; and
- such employee shall, when required, forthwith perform such work, and
- "to place on standby" and "standby" shall have corresponding meanings.

INTERPRETATION

All words contained in this policy shall have an ordinary meaning attached thereto, unless the definition or context indicates otherwise.

Any dispute on interpretation of this policy shall be declared in writing by any party concerned.

The Municipal Manager shall give a final interpretation of this policy in case of a written dispute.

5. Policy

EMPLOYEES WHO MAY BE PLACED ON STANDBY

- Only those employees who are qualified to perform the work expected of them whilst on standby and whose job descriptions encompass such work may be placed on standby.
- Employees by virtue of their seniority or pay scales or by virtue of specific provisions of their employment contracts are in any event required to work after normal working hours without additional compensation shall not be placed on standby but shall perform their duties outside of normal working hours without additional compensation.
- Standby should be on a rotational basis within sections.

EMPLOYEES TO BE PLACED ON STANDBY ONLY BY AGREEMENT

An employee may be placed on standby only if he or she agrees thereto, either in his contract of employment or in any other agreement.

PROCEDURE FOR PLACING EMPLOYEES ON STANDBY

An employee is entitled to a standby allowance when he or she is requested by written instruction by the Municipal Manager or his superior to be available for the performance of duty outside his normal working hours.

The standby allowance shall be payable on the following conditions only:

- a) When the employee is required to be available for duty for a period of at least eight hours during a 24 hour period (based on a 40-hour working week) after normal working hours.
- b) Standby shall not exceed a calendar week provided that an employee shall not be on standby for more than two weeks per month, save where

operational requirements dictate otherwise.

A manager of a department providing emergency services shall, as far as possible in advance, and in accordance with the provisions of this policy, determine whether it is necessary to place any employees reporting to him or her on standby for any period.

Such manager shall accordingly, and subject to the employees concerned agreeing thereto as contemplated above, provisionally place such employees on standby for the period concerned.

Such manager shall notify the following persons in writing of the fact that any employees have been placed on standby, as well as the periods of such standby, not less than one month prior to the commencement of such standby:

- The Municipal Manager; and
- Accountant: Salaries; and
- Emergency Control Officer.

The persons referred to above shall make such entries in their records as may be necessary to ensure that standby allowances are paid and that a proper monitoring of the practice of standby is performed.

Notwithstanding anything to the contrary contained in this Section, a manager may not place any employee on standby, provisionally or otherwise:

- if that employee has been placed on standby for more than one week within any period of one month within the preceding two months or for more than thirteen weeks in the preceding 12 months; or
- unless the Municipal Manager approves of that employee being placed on standby.

If he or she is of the opinion that it is not necessary to place any employee on standby for any period, the Municipal Manager may, within seven days of being notified in terms of the above, overrule the decision of a manager to place any employee on standby, in which case such employee shall not be placed on standby.

Unless the Municipal Manager overrules his or her decision, the manager shall confirm in writing to the employees concerned that they have been placed on standby for the period concerned.

The manager shall keep a register of all periods in which every employee in his or her department has been placed on standby.

PERFORMANCE OF STANDBY DUTY

An employee who is placed on standby shall be on such standby for the period stated in the confirmation referred to in procedure for placing employees on standby.

An employee on standby shall:

- make him or herself available to perform work during the aforementioned period; and
- ensure that he or she shall respond immediately to any call to perform such work and shall immediately report for such work; and
- when required, forthwith perform such work.

An employee on standby shall:

- at all times ensure that he/she is contactable by telephone – if not reachable during the standby period, further actions will be taken;
- at all times not be outside the boundaries of the employee's stationed location, district area or residential address within the district area; and
- not perform any activity or do anything that will or may prevent him or her from responding immediately to any call to perform work or from actually performing such work.
- The employer must provide the transport and contact means for the employee required to perform standby duties.

6. Processes

PERIOD OF STANDBY

Employees may be placed on standby only during the following times;

- After normal working hours on normal week days;
- Weekends;
- Public holidays.

STANDBY PERMITTED ONLY WHEN NECESSARY

Employees may be placed on standby only when:

- There are no or insufficient other employees available whose conditions of employment require them ordinarily to work during the periods referred to in period of standby and
- There is reasonable apprehension that such employees who are to be placed on standby will be required to work during the period of standby.

REMUNERATION FOR STANDBY DUTY

An employee who performs standby duty shall be paid an hourly rate of his salary as a daily rate of standby allowance.

- The formula for determination of the standby allowance shall be as follows: Annual salary divided by number of working days divided by 8 times 15% = hourly standby allowance
($15/100(\text{annual salary} \div 249 \div 8) \times \text{actual number of hours on standby}$)
- Shall be paid in a proportionate manner according to the actual number of hours on standby.

All claims for remuneration must be made on a form prescribed by the Municipal Manager, which must be signed by both the claimant and the manager concerned, and be submitted to the Remuneration Section by no later than the 10th day of the month, failing which the claim shall lapse.

All properly made claims for remuneration shall be paid (after all deductions to which they are subject, such as income tax) to the claimant as part of the employee's monthly salary.

7. IMPLEMENTATION DATE

This Policy will be implemented upon approval by Council.